BEFORE THE ADMINISTRATOR
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

IN THE MATTER OF	)	PETITION NO. X-1999-1
FORT JAMES CAMAS MILL	)	ORDER RESPONDING TO PETITIONER'S
	)	REQUEST THAT THE ADMINISTRATOR
AIR OPERATING PERMIT	)	OBJECT TO ISSUANCE OF A STATE
No. 000025-6	)	OPERATING PERMIT
Issued by the Washington	)	
Department of Ecology,	)	
Industrial Section	)	
_____	)	

ORDER DENYING IN PART AND GRANTING IN PART PETITION FOR OBJECTION TO PERMIT

On October 20, 1999, the State of Washington Department of Ecology, Industrial Section, ("Ecology") issued a State air operating permit to Fort James Camas Mill, Camas, Washington, ("Fort James Camas Mill Permit"), pursuant to Title V of the Clean Air Act ("CAA" or "the Act"), 42 U.S.C. §§ 7661-7661f, CAA §§ 501-507. On November 24, 1999, the Environmental Protection Agency ("EPA") received a petition from Mr. Carl D. Larkins ("Petitioner") requesting that EPA object to the issuance of this permit pursuant to Title V of the Act, the federal implementing regulations, 40 C.F.R. Part 70, and the State of Washington implementing regulations, Washington Administrative Code ("WAC") Chapter 173-401.

The petition alleges that the Fort James Camas Mill Permit fails to:

(1) provide sufficient basis for assuring compliance with Permit Conditions J.2. and J.4 and specifically list the particular continuous emissions monitor (CEM) and associated calibration, source testing method and frequency, reporting requirements, and maintenance requirements and criteria for the

CEMs;

(2) provide sufficient basis for assuring compliance with Permit Condition M.1, by requiring only a once per permit term source test, and failing to provide in the permit record any supporting data for the validity of the selected parameter range;

(3) provide sufficient basis for assuring compliance with each Permit Condition which refers to "previous stack tests" as a basis for demonstrating compliance. Specifically, Petitioner asserts that compliance should be demonstrated via current source tests, performed at appropriate intervals, that reflect the current condition and operation of pollution control and production equipment, and are representative of the range or ranges over which the systems are operated;

(4) identify any information or results which relate surrogate parameters to regulated parameters for Permit Sections A, B, D, G, and H, where there is continuous monitoring of scrubber parameters as surrogates to infer compliance with opacity and grain-loading limits[1]; Petitioner further asserts that the permit fails to identify any information or results which relate surrogate parameters to regulated parameters for Permit Section I, where opacity is monitored to infer compliance with a grain-loading limit; and

(5) substantiate a relationship between opacity and grain-loading limits for Permit Section I.1; Petitioner further asserts that such a relationship is unlikely.

The Petitioner has requested that EPA object to the issuance of the Fort James Camas Mill Permit pursuant to Section 505(b)(2) of the Act for the five reasons identified above.

Based on a review of all the information, including the Fort James Camas Mill Permit; the Support Document; additional

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[1] A grain-loading standard is a concentration standard for particulate matter.

information provided by the permitting authority in response to inquiries; and the information provided by the Petitioner in the petition, EPA grants the petitioner's request in part and denies the petition with respect to the remaining issues.

I. STATUTORY AND REGULATORY FRAMEWORK

Section 502(d)(1) of the Act, 42 U.S.C. § 7661a(d)(1), requires each state to develop and submit to EPA an operating permit program to meet the requirements of Title V. EPA granted interim approval to the Title V operating permit program submitted by the State of Washington effective December 9, 1994. 59 Fed. Reg. 55813 (Nov. 9, 1994); see also 60 Fed. Reg. 62992 (Dec. 8, 1995) (final interim approval after remand on unrelated issue); 40 C.F.R. Part 70, Appendix A. Major stationary sources of air pollution and other sources covered by Title V are required to obtain an operating permit that includes emission limitations and such other conditions as are necessary to assure compliance with applicable requirements of the Act. See CAA §§ 502(a) and 504(a).

The Title V operating permit program does not generally impose new substantive air quality control requirements (which are referred to as "applicable requirements"), but does require that permits contain monitoring, recordkeeping, reporting and other compliance measures in order to assure compliance with the terms of the permit. 57 Fed. Reg. 32250, 32251 (July 21, 1992). One purpose of the Title V program is to enable the source, EPA, states, and the public to better understand the applicable requirements to which the source is subject and whether the source is meeting those requirements. Thus, the Title V operating permits program is a vehicle for ensuring that existing air quality control requirements are appropriately applied to facility emission units in a single document and better assure

compliance with these requirements.

Under Section 505(b) of the Act and 40 C.F.R. § 70.8(c), states are required to submit all proposed Title V operating permits to EPA for review and EPA will object to permits determined by the Agency not to be in compliance with applicable requirements or the requirements of 40 C.F.R. Part 70. If EPA does not object to a permit on its own initiative, Section 505(b)(2) of the Act and 40 C.F.R. § 70.8(d) provide that any person may petition the Administrator, within 60 days of the expiration of EPA's 45-day review period, to object to the permit. To justify exercise of an objection by EPA to a Title V permit pursuant to Section 505(b)(2), a petitioner must demonstrate that the permit is not in compliance with the requirements of the Act, including the requirements of Part 70.

Petitions must, in general, be based on objections to the permit that were raised with reasonable specificity during the public comment period. A petition for review does not stay the effectiveness of the permit or its requirements if the permit was issued after the expiration of EPA's 45-day review period and before receipt of the objection. If EPA objects to a permit in response to a petition and the permit has been issued, EPA or the permitting authority will modify, terminate, or revoke and reissue such a permit consistent with the procedures in 40 C.F.R. §§ 70.7(g) for reopening a permit for cause. The permitting authority has 90 days from receipt of EPA's objection letter to propose a determination of termination, modification, or revocation and reissuance, as appropriate. See 40 C.F.R. § 70.7(g)(2). Following a 90 day review by EPA of the submitted proposal, the permitting authority has another 90 days to resolve any objection that EPA makes and to terminate, modify, or revoke and reissue the permit in accordance with EPA's objections. See 40 C.F.R. § 70.7(g)(4). If the permitting authority fails to resolve EPA's objection, EPA will terminate, modify, or revoke

and reissue the permit after providing at least 30 days' notice to the permittee. See 40 C.F.R. § 70.7(g)(5)(i).

II. BACKGROUND

The Fort James Camas Mill facility is a pulp and paper mill that produces a variety of paper products. It uses both kraft and magnesium bisulfite processes to convert wood chips and saw dust into kraft. The brown pulp is then bleached in one of three bleach plants. Most processes operate 24 hours a day, seven days a week, and 52 weeks per year.

Fort James Camas Mill submitted a Title V permit application to Ecology on June 5, 1995. An updated and revised application was submitted by the facility to Ecology on August 29, 1997. After responding to comments received on the draft permit, including comments from EPA, Ecology sent the proposed Title V permit to EPA for review on September 16, 1999. After notification from EPA that it had completed its review of the proposed permit, Ecology issued the final permit on October 20, 1999.

EPA's 45-day review period for the proposed Fort James Camas Mill permit ended on October 30, 1999; the 60th day following that date was December 29, 1999. The instant petition, dated November 23, 1999, and postmarked on November 23, 1999, was received by EPA Region 10 on November 26, 1999. Accordingly, EPA finds that this petition was timely filed.

Most of the issues raised by the Petitioner address the adequacy of the monitoring in the Fort James Camas Mill Permit. Section 504 of the Act makes it clear that each Title V permit must include "conditions as are necessary to assure compliance with applicable requirements of [the Act], including the requirements of the applicable implementation plan" and "inspection, entry, monitoring, compliance certification, and

reporting requirements to assure compliance with the permit terms and conditions." 42 U.S.C. § 7661c(a) and (c).

In addition, Section 114(a) of the Act requires "enhanced monitoring" at major stationary sources, and authorizes EPA to establish periodic monitoring, recordkeeping, and reporting requirements at such sources. 42 U.S.C. § 7414(a). The regulations at 40 C.F.R. § 70.6(a)(3) specifically require that each permit contain "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit" where the applicable requirement does not require periodic testing or instrumental or noninstrumental monitoring (which may consist of recordkeeping designed to serve as monitoring). In addition, 40 C.F.R. § 70.6(c)(1) requires that all Part 70 permits contain, consistent with 40 C.F.R. § 70.6(a)(3), "compliance certification, testing, monitoring, reporting, and recordkeeping requirements sufficient to assure compliance with the terms and conditions of the permit." These requirements are also incorporated into State of Washington regulations at WAC 173-401-615(1)(b) and -630(1).

Recent decisions by the U.S. Court of Appeals for the District of Columbia Circuit shed light on the proper interpretation of these requirements. Specifically, the court addressed EPA's compliance assurance monitoring ("CAM") rulemaking (62 Fed. Reg. 54940 (1997)) (promulgating, inter alia, 40 C.F.R. Part 64) in Natural Resources Defense Council v. EPA, 194 F.3d 130 (D.C. Cir. 1999), and reviewed EPA's periodic monitoring guidance under Title V in Appalachian Power Co. v. EPA, 208 F.3d 1015 (D.C. Cir. 2000).

In a recent order responding to a petition requesting that the Administrator object to the issuance of a permit in the state of Wyoming, see In re Pacificorp's Jim Bridger and Naughton

Electric Utility Steam Generating Plants, Petition No. VIII-00-1, Nov. 24, 2000)[2] ("Pacificorp"), EPA summarized the relationship between Natural Resources Defense Council and Appalachian Power and described their impact on monitoring provisions under the Clean Air Act. Please see pages 16-19 of the Pacificorp order for EPA's complete discussion of these issues. In brief, EPA concluded in Pacificorp that in accordance with the D.C. Circuit decisions, where the applicable requirement does not require any periodic testing or monitoring, section 70.6(c)(1)'s requirement that monitoring be sufficient to assure compliance will be satisfied by establishing in the permit "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit." See 40 C.F.R. § 70.6(a)(3)(i)(B). EPA also pointed out that where the applicable requirement already requires periodic testing or instrumental or non-instrumental monitoring, the court of appeals has ruled that the periodic monitoring rule in section 70.6(a)(3) does not apply even if that monitoring is not sufficient to assure compliance. In such circumstances, EPA found, the separate regulatory standard at section 70.6(c)(1) applies instead. The factual circumstances of Pacificorp are analogous to this case. Accordingly, the reasoning of Pacificorp is being followed in this case as well.

The Washington operating permits program contains the provisions of both 40 C.F.R. §§ 70.6(a)(3)(i)(B)and 70.6(c)(1). See 173-401-615(1)(b) and -630(1). In addition, the Washington program requires that permits contain "As necessary, requirements concerning the use, maintenance, and where appropriate,

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[2] For a copy of the Pacificorp Final Order please visit the "Title V Policy and Guidance Database" on EPA Region 7's Air Program web page: http://www.epa.gov/region07/programs/artd/air/title5/titlevhp.htm

installation of monitoring equipment or methods." See 173-401-615(1)(c).

Finally, the rationale for the selected monitoring method must be clear and documented in the permit record. This is incorporated in the requirement at 40 C.F.R. § 70.7(a)(5) that the permitting authority "shall provide a statement that sets forth the legal and factual basis for the draft permit conditions." This requirement is also incorporated into State of Washington regulations at WAC 173-401-700(8).

For many of the issues raised by the Petitioner, the underlying applicable requirement does not contain any periodic testing or monitoring. This is the case for Permit Conditions A.4, B.4, G.5, G.6, G.7, G.8, H.6, H.9, I.4, I.6, I.7, and J.4. As noted above, where the applicable requirement does not require any periodic testing or monitoring, section 70.6(c)(1)'s requirement that monitoring be sufficient to assure compliance will be satisfied by establishing in the permit "periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source's compliance with the permit." See 40 C.F.R. § 70.6(a)(3)(i)(B). Accordingly, in reviewing whether the permit meets the requirements of Part 70 for the permit conditions listed above, EPA considered whether the permit satisfies section 70.6(a)(3)(i)(B). In each such case where EPA is granting the petition with respect to one of these conditions, EPA has determined that the permit has failed to meet the requirements of 40 C.F.R. § 70.6(a)(3)(i)(B). Conversely, for those Permit Conditions where there is no periodic monitoring or testing in the underlying applicable requirement and where EPA is denying the petition, EPA has determined that the testing and monitoring in the permit meets the requirements of 40 C.F.R. § 70.6(a)(3)(i)(B).

With respect to most of the other permit conditions challenged by the Petitioner, the underlying applicable requirement does appear to contain periodic monitoring or testing. This is the case for Permit Conditions A.1, A.2, B.1, B.2, D.1, D.2, G.1, G.2, G.3, H.1, H.2, H.3, H.7, I.1, I.2, I.3, and J.2. In reviewing the issues raised by the petitioner with respect to these permit conditions, EPA has considered whether the permit contains sufficient testing, monitoring, recordkeeping, and reporting to assure compliance with the terms and conditions of the permit, as required by 40 C.F.R. § 70.6(c)(1).

For Permit Conditions M.1, N.2, and O.2, EPA was not able to determine with certainty whether the underlying applicable requirement contains periodic monitoring or testing. In reviewing whether the permit meets the requirements of Part 70 with respect to monitoring for these permit conditions, EPA has reviewed the permit in light of the requirements of both 40 C.F.R. §§ 70.6(a)(3)(i)(B)and 70.6(c)(1). In the case of Permit Condition M.1 (where, as discussed in more detail below, EPA is denying the petition) EPA has determined that the permit meets the requirement of 40 C.F.R. §§ 70.6(a)(3)(i)(B). In the case of Permit Conditions N.2 and O.2 (where, as discussed in more detail below, EPA is granting the petition) EPA has determined that the permit has failed to meet either 40 C.F.R. §§ 70.6(a)(3)(i)(B) or 70.6(a)(3)(i)(B) with respect to the permit condition at issue.

Each of the issues raised by the Petitioner is discussed in more detail below.

III. ISSUES RAISED BY THE PETITIONER

A. Permit Conditions J2 and J4.

Petitioner first alleges that the Fort James Camas Mill Permit fails to provide a sufficient basis for providing

compliance assurance for Permit Conditions J.2 and J.4 and should specifically list the particular continuous emissions monitor (CEM) and associated calibration, source testing method and frequency, reporting requirements, and maintenance requirements and criteria for the CEMs.

Permit Condition J.2 applies to the Fort James Camas Mill No. 4 Power Boiler and requires that the boiler meet an opacity limit of 20%. As monitoring for that condition, the permit issued by Ecology requires the use of a continuous opacity monitor that conforms to both 40 C.F.R. Part 60, Appendix B, Specification 1, and 40 C.F.R. Part 60, Appendix F.[3] Condition J.4 requires the use of good operation and maintenance procedures and also requires the use of a continuous opacity monitor that conforms to both 40 C.F.R. Part 60, Appendix B, Specification 1, and 40 C.F.R. Part 60, Appendix F to ensure opacity is less than 20%.

The requirement that the opacity monitor conform to Appendix F appears to be erroneous because it prescribes quality control and quality assurance requirements for gas continuous emission monitors, not for opacity monitors. Moreover, Appendix B, Specification 1, is not by itself sufficient for quality assurance of the data from the monitor because it does not prescribe a frequency for verifying the quality of that data.

Ecology, in letters to EPA Region 10 dated February 24, 2000, and March 14, 2000,[4] agreed with EPA's assessment regarding the quality assurance requirements for the continuous

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[3] Although the permit requires that the opacity monitor meet the requirements of the performance specifications in the New Source Performance Standard, there is no indication that the emission unit in question is subject to the New Source Performance Standards.

[4] EPA forwarded copies of these letters to the Petitioner.

opacity monitor and committed to immediately revising the monitoring for Permit Conditions J.2 and J.4 of the Fort James Camas Mill permit through an administrative permit amendment under WAC 173-401-720. In a letter dated April 3, 2000, Ecology verified that Permit Condition J.2 had been administratively changed to the following:

> EPA Method 9 as prescribed in 40 CFR Part 60 (July 1, 1998) is the reference method of a test method approved in writing by Ecology. Monitor continuously using an approved CEM that conforms to 40 CFR Part 60 (September 15, 1994), App. B, Perf. Spec. 1, and 40 CFR 60.13(d). Report corrective actions and opacity excursions in the monthly report.

40 C.F.R. § 60.13(d) incorporates specific quality assurance requirements, including the requirement to conduct daily zero and span checks for the continuous opacity monitor. Ecology made a similar change to Condition J.4. EPA believes that this permit revision addresses Petitioner's objection. In light of Ecology's revision of the permit through an administrative amendment to address Petitioner's concerns regarding the quality assurance of data from the continuous opacity monitor, EPA believes there is no basis to grant the petition on this issue.

B. Permit Condition M.1

Petitioner's second claim alleges that the Fort James Camas Mill Permit fails to provide a sufficient basis for assuring compliance with Permit Condition M.1., a grain-loading standard for the Will II Sheeter. Petitioner contends that the monitoring is inadequate in that it only requires a source test once every five years and does not provide in the permit record any supporting data to show that remaining within the selected parameter range will assure compliance with the grain-loading standard.

EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide sufficient information to justify the selected periodic monitoring, as required by 40 C.F.R. § 70.7(a)(5). However, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided additional information from two previous source tests which document to EPA's satisfaction that when the baghouse pressure drop is maintained within 0.2 to 6.0 inches of water, as required by permit condition M.4., the grain-loading standard will easily be met.

The source test in 1993 indicated a grain-loading at 12% of the standard. The 1996 source test indicated a grain-loading at less than 4% of the standard. The permit requires continuous monitoring of the pressure drop and contains, in Permit Condition M.4, a requirement to take corrective action within 24 hours whenever the scrubber pressure drop goes outside the limits prescribed in Permit Condition M.4. Based on the additional information provided by Ecology to explain the basis for the monitoring, EPA is satisfied that maintenance of the pressure drop within the prescribed range and conducting a once per permit term source test provides a reasonable assurance of compliance with the grain-loading standard over all anticipated operating conditions. Therefore, EPA believes there is no basis for objecting to the permit for reasons cited in Petitioner's second claim.

C. Reliance on Previous Stack Tests for Demonstrating Compliance

Petitioner's third claim alleges that: (1) throughout the Fort James Camas Mill Permit and for every emission unit, the permit refers to "previous stack tests" as a basis for demonstrating compliance; (2) previous stack tests cannot be a

basis for demonstrating compliance; (3) compliance should be demonstrated by current source tests, performed at appropriate intervals that reflect the current condition and operation of pollution control and production equipment, and are representative of the range or ranges over which the systems are operated; and (4) operating conditions during each source test should be recorded and submitted with the test results.

Petitioner did not specifically identify the permit conditions that rely on “previous stack test” results as part of the monitoring requirement. EPA Region 10 has identified the following permit conditions as relying on previous stack test results: Permit Conditions A.4, B.4, G.2, G.5, G.6, G.7, G.8, H.6, H.7, H.9, I.2, I.4, I.6, I.7, N.2, and O.2. EPA assumes in acting on the petition, that Petitioner raises this objection with respect to these permit conditions.

C. (1) Permit Condition A.4(a NO_x standard for the No. 3 Kraft Recovery Furnace)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition A.4. The lack of any periodic monitoring for this condition is in clear conflict with the requirement of 40 C.F.R. § 70.6(a)(3) that each permit shall contain periodic monitoring sufficient to yield reliable data from the relevant time period that are representative of the source’s compliance with the permit where the applicable requirement does not require periodic testing or monitoring. EPA recognizes that there may be limited cases in which the establishment of a regular program of monitoring would not significantly enhance the ability of the permit to reasonably assure compliance with the applicable requirement and where the status quo (i.e., no instrumental monitoring) could meet the requirements of 40 C.F.R. § 70.6(a)(3). For example, where a prior stack test showed that emissions were only a small

percentage of the applicable emission limit, and the source owner or operator periodically certifies that relevant production information (e.g., fuels, materials, processes operations) remain substantially unchanged, ongoing compliance could be assured without any additional monitoring beyond the periodic certification of operating conditions. This is not the case here.

The Support Document submitted with the Fort James Camas Mill Permit did not explain the basis for Ecology's decision that no monitoring was appropriate. In a letter to EPA dated February 24, 2000, Ecology submitted additional information regarding the results of three source tests, conducted on August 3, 1990, February 6, 1995, and December 10, 1997. Although these results do not indicate exceedances of the standard (1.2 lb NO_x/ton of black liquor solids fired), the results range from 68% to 79% of the standard. This margin of compliance alone is not sufficient to support a decision that no monitoring is needed to assure compliance with the NO_x standard. At a minimum, monitoring for this condition should include either periodic source testing or the identification and monitoring of parametric ranges which, if maintained, would provide a reasonable assurance of compliance with the NO_x standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Condition A.4.

C. (2) Permit Condition B.4 (a NO_x standard for the No. 4 Kraft Recovery Furnace)

Likewise, there is no periodic monitoring in the underlying applicable requirement for Permit Condition B.4. The lack of any periodic monitoring for this condition is in clear conflict with the requirement of 40 C.F.R. § 70.6(a)(3) that each permit shall contain periodic monitoring sufficient to yield reliable data

from the relevant time period that are representative of the source's compliance with the permit where the applicable requirement does not require periodic testing or monitoring. As noted above, EPA recognizes that there may be limited cases in which the establishment of a regular program of monitoring would not significantly enhance the ability of the permit to assure compliance with the applicable requirement and where the status quo (*i.e.,* no instrumental monitoring) could meet the requirements of 40 C.F.R. § 70.6(a)(3). This is not the case here.

The Support Document submitted with the Fort James Camas Mill Permit did not explain the basis for Ecology's decision that no monitoring was appropriate. In a letter to EPA dated February 24, 2000, Ecology submitted additional information regarding the results of two source tests, conducted on September 25, 1990, and February 8, 1995. Although these results do not indicate exceedances of the standard (1.5 lb NO_x/ton of black liquor solid fired), results range from 74% to 94% of the standard. This margin of compliance is not sufficient to support a decision that no monitoring is needed to assure compliance with the NO_x standard. At a minimum, monitoring for this condition should include either periodic source testing or the identification and monitoring of parametric ranges which, if maintained, would provide a reasonable assurance of compliance with the NO_x standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Condition B.4.

C. (3) Permit Condition G.2 (an annual PM_{10} standard for the No. 4 Lime Kiln)

As dictated by the underlying applicable requirement, Permit Condition G.1 requires monthly EPA Method 5 source tests for

particulate matter emissions. Thus, the calculations used to determine annual particulate matter emissions under Permit Condition G.2 will always rely upon very recent source test data representing emissions from the No. 4 Lime Kiln. In addition, Condition G.10 requires that the facility maintain pressure drop and flow rates at specified levels and take corrective action when the parameters fall outside the specified ranges. This provision helps ensure that the control device is being properly operated and maintained between the monthly source tests. EPA therefore concludes that Petitioner has failed to demonstrate that the Fort James Camas Mill Permit does not provide a reasonable assurance of compliance with Permit Condition G.2 over all anticipated operating conditions. Accordingly, Petitioner's request with respect to this claim is denied.[5]

C. (4) Permit Condition G.5 (an annual SO_2 standard for the No. 4 Lime Kiln)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition G.5. However, Condition G.4 requires the use of a CEM (continuous emissions monitor) to measure SO_2 from the No. 4 Lime Kiln. The Support Document makes clear that the reference in Condition G.5 to "previous stack test results" refers to the most recent CEM results from the CEM required in Condition G.4. Thus, calculations used to determine SO_2 emissions will be made using recent emissions data derived from the CEM, which is required to have quarterly and annual accuracy audits. EPA therefore concludes that Petitioner has failed to demonstrate that the Fort James Camas Mill Permit does not provide a reasonable assurance

[5] EPA does not mean to imply that monthly source tests would necessarily be adequate monitoring for grain-loading standards in all cases. Monitoring decisions must be evaluated on a case-by-case basis.

of compliance with Permit Condition G.5 over all anticipated operating conditions. Accordingly, Petitioner's request with respect to this claim is denied.

C. (5) Permit Condition G.6 (an annual NO_x standard for the No. 4 Lime Kiln)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition G.6. Furthermore, EPA agrees with the Petitioner that the record does not support Ecology's decision that annual reporting of NO_x emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition G.6.

In a letter dated February 24, 2000, Ecology provided EPA with additional information to support its decision on monitoring for this condition. This information included actual emissions calculated for 1994 through 1998 from data collected from a CEM which was in place during this time period, and which showed that actual NO_x emissions for each of these years were consistently well below the standard, and in no instance greater than 49% of the standard.

This margin of compliance alone, however, does not provide a sufficient basis for determining that NO_x emissions per unit of production will not change over the life of the permit. Absent additional information supporting Ecology's decision that no further testing or monitoring is required, monitoring for this condition should include, at a minimum, either periodic source testing to determine the emission factor or the identification and monitoring of parametric ranges in addition to current production information which, if maintained, would provide a reasonable assurance of compliance with the NO_x standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill

Permit as the request pertains to monitoring for Permit Condition G.6.

C. (6) Permit Condition G.7 (an annual CO standard for the No. 4 Lime Kiln)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition G.7. Furthermore, EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide adequate information justifying Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition G.7.

However, in a letter dated February 24, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support its decision. This information included annual emissions summaries for CO, based on 1995 emission factors developed by the National Council for Air and Stream Improvement (NCASI), showing annual CO emissions just slightly more than 1% of the standard and actual source test data for CO from 1995 showing actual CO emissions even less than those projected using the NCASI emission factors. The record also shows that these low emission levels are achieved without add-on controls for CO.

In this case, there is an extremely low likelihood that a violation of the standard will occur based on past source test data. In addition, because add-on controls are not used at the unit to comply with the emission limit, there is no need for monitoring of control device performance in order to assure compliance. For these reasons, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior

source tests, is sufficient to assure compliance with Permit Condition G.7 over all reasonably anticipated operating scenarios.[6] Accordingly, this claim seeking objection to the permit is denied.

C. (7) Permit Condition G.8 (an annual VOC standard for the No. 4 Lime Kiln)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition G.8. Furthermore, EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide adequate information justifying Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition G.8.

However, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support its decision. This information included annual emission summaries based on emission factors developed by NCASI which showed annual VOC emissions consistently 25% or less of the VOC standard in Permit Condition G.8. In addition, a 1995 source test showed actual annual VOC emissions, based on the emission factor developed in that source test, were less than 10% of the annual VOC limit in Permit Condition G.8. The record also shows that these low emission levels are achieved without add-on controls for VOCs.

In this case, there is an very low likelihood that violation of the standard will occur based on past source test data. In addition, because add-on controls are not used at the unit to comply with the emission limit, there is no need for monitoring

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[6] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

of control device performance to assure compliance. Therefore, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition G.8 over all reasonably anticipated operating scenarios.[7] Accordingly, this claim seeking objection to the permit is denied.

C. (8) Permit Condition H.6 (an annual NO_x standard for the Magnefite Recovery Furnace and Acid Plant)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition H.6. Furthermore, EPA agrees with the Petitioner that the record does not support Ecology's decision that annual reporting of NO_x emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition H.6. In a letter dated February 24, 2000, Ecology provided EPA with additional information to support its monitoring decision for this condition. This information included previous source tests conducted in 1995, 1997, and 1999, and showed that the estimated emissions of NO_x for 1995, based on a February 15, 1995, source test, were 328 tons per year. This is greater than 97% of the standard. Estimated emissions of NO_x for 1997 and 1999, based on source tests during those years, were 84% and 88% of the standard, respectively.

This margin of compliance does not provide a sufficient basis for determining that emissions of NO_x per unit of production will not change over the life of the permit. Absent additional information supporting Ecology's decision that no

[7] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

further testing or monitoring is required, at a minimum, monitoring for this condition should include either periodic source testing to determine the emission factor or the identification and monitoring of parametric ranges in addition to current production information which, if maintained, would provide a reasonable assurance of compliance with the NO_x standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Condition H.6.

C. (9) Permit Condition H.7 (an annual CO standard for the Magnefite Recovery Furnace and Acid Plant)

The Petitioner contends that the permit record does not provide adequate information justifying Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition H.7. This annual reporting of emissions is not the only monitoring required for this annual CO standard. Permit Condition H.8, which is also part of the underlying applicable requirement, requires that the permittee maintain a minimum excess oxygen level, monitor the level with a CEM, and take corrective action when the minimum oxygen level is exceeded. See Permit Conditions H.7 and H.8.

Additionally, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support the monitoring requirements for Permit Condition H.7. This information included results from three source tests conducted in 1995, 1997, and 1999, which showed each time that annual CO emissions, calculated based on emissions during the source test, were less than 2% of the CO standard. The record also shows that

these low emission levels are achieved without add-on controls for CO.

In this case, there is an extremely low likelihood that violation of the standard will occur based on past source test data. In addition, because add-on controls are not necessary for the unit to comply with the emission limit, there is no need for monitoring of control device performance. Moreover, the facility is required to monitor and maintain minimum excess oxygen levels. Therefore, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior source tests, along with the monitoring and maintenance of minimum excess oxygen levels, are sufficient to assure compliance with Permit Condition H.7 over all reasonably anticipated operating scenarios.[8] Accordingly, this claim seeking objection to the permit is denied.

C. (10) Permit Condition H.9 (an annual VOC standard for the Magnefite Recovery Furnace and Acid Plant)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition H.9. Furthermore, EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide adequate information justifying Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition H.9. However, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support its decision.

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[8] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

This information included results from three source tests conducted in 1995, 1997, and 1999, which showed each time that annual VOC emissions, calculated based on VOC emissions during the source tests, were less than 6% of the annual VOC standard. The record also shows that these low emission levels are achieved without add-on controls for VOCs.

In this case, there is an extremely low likelihood that violation of the standard will occur based on past source test data. In addition, because add-on controls are not used at the unit to comply with the emission limit, there is no need for monitoring of control device performance in order to assure compliance. Therefore, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition H.9. over all reasonably anticipated operating scenarios.[9] Accordingly, this claim seeking objection to the permit is denied.

C. (11) Permit Condition I.2 (an annual PM_{10} standard for the No. 3 Power Boiler)

Permit Condition I.2 requires a monthly EPA Method 5 source test for particulate matter emissions, as required by the underlying applicable requirement. The calculations used to determine the annual particulate matter emissions from the No. 3 Power Boiler will thus be made using current source test data. In addition, Condition I.9 requires the facility to monitor opacity with a continuous emission monitor as an indicator that the control device is operating properly and to take corrective action when the opacity exceeds the action level. EPA therefore

[9] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

concludes that Petitioner has failed to demonstrate that the Fort James Camas Mill Permit does not provide a reasonable assurance of compliance with permit condition I.2. over all anticipated operating conditions. Accordingly, this claim seeking objection to the permit is denied.[10]

C. (12) Permit Condition I.4 (an annual SO_2 standard for the No. 3 Power Boiler)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition I.4. Furthermore, EPA agrees with the Petitioner that the record does not support Ecology's decision that annual reporting of SO_2 emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition I.4.

In a letter dated February 24, 2000, Ecology provided EPA with additional information to support its decision on monitoring for this condition. This information included calculations of annual SO_2 emissions from the No. 3 Power Boiler for 1994, 1995, 1996, and 1997, based on emission factors from EPA's Compilation of Air Pollution Emission Factors (AP-42), and showing that annual SO_2 emissions from the No. 3 Power Boiler were less than 53% of the standard. It also included source test data from 1998 which verified that the emission factor that had been used to calculate annual SO_2 emissions for 1994 though 1997 was representative of SO_2 emissions from the No. 3 Power Boiler and showed that annual SO_2 emissions for 1998 were less than 53% of the standard.

This margin of compliance alone does not provides a

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[10] EPA does not mean to imply that monthly source tests would necessarily be adequate periodic monitoring for particulate matter standards under other circumstances not presented here. Monitoring decisions must be evaluated on a case-by-case situation.

sufficient basis for determining that SO_2 emissions per unit of production will not change over the life of the permit. Absent additional information supporting Ecology's decision that no further testing or monitoring is required, monitoring for this condition should include, at a minimum, either periodic source testing to determine the emission factor or the identification and monitoring of parametric ranges in addition to current production information which, if maintained, would provide a reasonable assurance of compliance with the SO_2 standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Condition I.4.

C. (13) Permit Condition I.6 (an annual CO standard for the No. 3 Power Boiler)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition I.6. Furthermore, EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide adequate information justifying Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition I.6.

In a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support its decision. This information included annual emission inventory figures for 1994, 1996, and 1997, which were calculated using emission factors from AP-42, and all of which were less than 44% of the CO standard. The 1998 annual emission calculation for CO, however, was based on source test data and was less than 3% of the CO standard for the No. 3 Power Boiler. The record also shows that these low

emission levels are achieved without add-on controls for CO.

In this case, there is an extremely low likelihood that violation of the standard will occur based on past source test data. In addition, because add-on controls are not necessary for the unit to comply with the emission limit, there is no need for monitoring of control device performance. Therefore, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of CO emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition I.6 over all reasonably anticipated operating scenarios.[11] Accordingly, this claim seeking objection to the permit is denied.

C. (14) Permit Condition I.7 (an annual VOC standard for the No. 3 Power Boiler)

There is no periodic monitoring in the underlying applicable requirement for Permit Condition I.7. Furthermore, EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit fails to provide adequate information justifying Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition I.7.

In a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology provided EPA with additional information to support its decision. This information included annual emission inventory figures for 1994, 1995, 1996, and 1997, which were calculated using emission factors from AP-42, all of which showed annual VOC emissions less

[11] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

than 43% of the VOC standard. The 1998 annual emission calculation for VOC, however, was based on source test data and was less than 1% of the VOC standard for the No. 3 Power Boiler. The record also shows that these low emission levels are achieved without add-on controls for VOC.

In this case, there is an extremely low likelihood that violation of the standard will occur based on past source test data. In addition, because add-on controls are not used at the unit to comply with the emission limit, there is no need for monitoring of control device performance in order to assure compliance. Therefore, EPA finds there is adequate support in the record for Ecology's decision that annual reporting of VOC emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with Permit Condition I.7. over all reasonably anticipated operating scenarios.[12] Accordingly, this claim seeking objection to the permit is denied.

C. (15) Permit Condition N.2 (an annual particulate standard for the Screen Fines Truck Bin Cyclone) and O.2 (an annual particulate standard for the Chip Packing Cyclone)

As explained above in Section III, EPA was unable to determine with certainty whether the underlying applicable requirement of Conditions N.2 and O.2 contains periodic monitoring or testing. EPA agrees, however, with the Petitioner that the record does not support Ecology's decision that annual reporting of particulate matter emissions using an equation that uses current production information, but emission factors based on prior source tests, is sufficient to assure compliance with

[12] Should operational conditions change, the permitting authority should reconsider if additional testing or monitoring should be required.

these conditions.

In a letter dated February 24, 2000, Ecology provided EPA with additional information to support its decision on monitoring for Conditions N.2. and O.2. Specifically, Ecology stated in its letter that source testing of particulate emissions from the Screen Fines Truck Bin Cyclone had indicated that actual emissions were less than 1 ton per year (*i.e.*, less than 39% of the standard, which is 2.6 tons per year). Ecology also stated in its letter that source testing of particulate emissions indicated that actual emissions from the Chip Packing Cyclone were less than 1 ton per year (*i.e.*, less than 72% of the standard, which is 1.4 tons per year).

This margin of compliance alone does not provide a sufficient basis for determining that particulate matter emissions per unit of production will not change over the life of the permit. Although Ecology has added monthly visual checks of the cyclone, there is no explanation provided in the Support Document how these checks provide sufficient assurance of compliance with the annual particulate matter standard. Absent additional information supporting Ecology's decision that no further testing or monitoring is required, at a minimum, monitoring for these conditions should include either periodic source testing to determine the emission factor or the identification and monitoring of parametric ranges in addition to current production information which, if maintained, would provide a reasonable assurance of compliance with the particulate matter standard during the anticipated range of operations. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Conditions N.2 and O.2.

D. Use of surrogate parameters to indicate compliance with opacity and grain-loading limits.

Petitioner's fourth claim alleges that: (1) for Permit Sections A, B, D, G, and H, where there is continuous monitoring of scrubber parameters as surrogates to indicate compliance with opacity and grain-loading limits, Appendix D lists no information or results that relate surrogate parameters to regulated parameters; and, (2) for Permit Section I, where opacity is monitored to indicate compliance with a grain-loading limit, Appendix D lists no information or results that relate surrogate parameters to regulated parameters.

As an initial matter, EPA notes that the Fort James permit does not rely on surrogate parameters alone for ensuring compliance with the underlying grain-loading standards. As provided in the underlying applicable requirements, the title V permit also requires monthly Method 5 source tests as monitoring for these grain-loading standards.

D. (1) Permit Section A, No. 3 Kraft Recovery

As indicated above, the Petitioner alleges that there is insufficient information linking surrogate parameters to compliance with the opacity and grain-loading standards. In the Support Document submitted with the Fort James Camas Mill Permit, Ecology discussed its review of information obtained from a study conducted by Crown Zellerbach (former owner of this source), and information obtained from a year-long study conducted by Fort James, both of which identified scrubber pressure drops and scrubber flow rates associated with compliance with the grain-loading standard (see discussion in next paragraph). Ecology incorporated these ranges as requirements in a State Regulatory Order in March 1999, and maintenance of these parametric ranges has resulted, based on available information, in consistent compliance with the grain-loading standard, based on source tests conducted since 1993. Thus, EPA believes there is adequate support in the record to show that maintenance of the scrubber

pressure drop and flow rate within the prescribed ranges and the use of the electrostatic precipitator (ESP) provides a reasonable assurance of compliance with the grain-loading standard over all anticipated operating conditions. Appendix D is irrelevant to this issue as it is simply a chart identifying where similar requirements were consolidated into single conditions in this permit.

EPA agrees with the Petitioner that, the Support Document which was submitted with the Fort James Camas Mill Permit, does not adequately explain the "factual" basis for the selected opacity monitoring, as required by 40 C.F.R. § 70.7(a)(5), (*i.e.*, why maintenance of the scrubber pressure within the ranges identified in Permit Condition A.6 develops data representative of compliance with the opacity standard). However, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology indicated that a year-long study conducted by the Fort James Camas Mill verified that maintenance of the pressure drop within the range identified in Permit Condition A.6 is expected to assure compliance with the opacity standards in Permit Condition A.2 over all anticipated operating conditions.

Therefore, EPA finds that with the additional information provided by the State of Washington, there is no basis for an objection related to the use of scrubber parameters to indicate compliance with the opacity and grain-loading standards for the No. 3 Kraft Recovery Furnace. Accordingly, Petitioner's request is denied.

D. (2) Permit Section B, No. 4 Kraft Recovery

Petitioner raises the same issue with respect to Permit Section B. Ecology asserted in the Support Document and in its letter of February 24, 2000, that the additional parametric monitoring incorporated into the permit (maintenance of specific

scrubber pressure drop and scrubber flow rate ranges) will provide adequate assurance of compliance with the grain-loading standard. EPA, however, does not agree that Ecology has established the sufficiency of the parametric monitoring for ensuring compliance with the opacity and grain-loading standards for this source.

Ecology's February 24, 2000, letter to EPA provided information regarding a year-long study conducted by Fort James Camas Mill which purported to show that the parametric ranges identified in Permit Condition B.6 indicated compliance with the opacity and grain-loading standards for the No. 4 Kraft Recovery Furnace. Ecology notes in the Statement of Basis that, of the monthly source tests conducted since 1993, one has shown noncompliance with the grain-loading standard. Nowhere in the permit record, however, is there a discussion of the conditions under which the past violation occurred and whether the violation occurred when the scrubber pressure drop and scrubber flow rate were within the parameters specified in the permit. Under these circumstances, EPA does not believe that Ecology has satisfactorily established that maintaining pressure drop and flow rate within the specified parameters, along with monthly source tests for grain-loading, is sufficient to assure compliance with Permit Conditions B.1 and B.2. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Conditions B.1 and B.2.

D. (3) Permit Section D, No. 3 Smelt Dissolver Furnace

The Petitioner raises the same issue with respect to Permit Section D. EPA agrees with the Petitioner that the Support Document submitted with the Fort James Camas Mill Permit did not adequately explain the "factual" basis for the selected monitoring, as required by 40 C.F.R. § 70.7(a)(5), (*i.e.*, how the

scrubber pressure drop and the scrubber flow rate identified in Permit Condition D.4 develop data representative of compliance with either the grain-loading or opacity standards for the No. 3 Smelt Dissolver). However, in a letter dated February 24, 2000, as well as a revised Support Document submitted in April 2000, Ecology showed to EPA's satisfaction that the parametric ranges identified in Permit Condition D.4 were developed based on Ecology's analysis of several years of test data, and its conclusion that those parametric ranges were indicators of compliance with both the grain-loading and opacity standards.

Therefore, EPA finds that with the additional information provided by Ecology, there is no basis for an objection related to the use of the identified scrubber parameters to indicate compliance with the opacity and grain-loading standards for the No. 3 Smelt Dissolver. Accordingly, Petitioner's request is denied.

D. (4) Permit Section G, No. 4 Lime Kiln Furnace

The Petitioner raises the same issue with respect to Permit Section G. In the Support Document submitted with the Fort James Camas Mill Permit, the State of Washington, Department of Ecology, Industrial Section, stated that they were satisfied, based on previous source tests, that the source would be expected to be in compliance with the grain-loading and opacity standards when flow and pressure drop are maintained within the specified parameter ranges and that if the prescribed parametric ranges are not adequate to indicate compliance, this will show up in the monthly source tests. In addition, Ecology, in its letter of February 24, 2000, as well as a revised Support Document submitted in April 2000, submitted extensive additional data showing that, when scrubber pressure drop is maintained at above 24 inches, the grain-loading remains significantly below the standard identified in Permit Condition G.1. Therefore, EPA

finds that there is no basis for an objection related to the use of the identified scrubber parameters to indicate compliance with the grain-loading and opacity standards for the No. 4 Lime Kiln.

D. (5) Permit Section H, Magnefite Recovery Furnace/Acid Plant Furnace

Again, the Petitioner alleges that there is insufficient information linking surrogate parameters to compliance with the opacity and grain-loading standards for Permit Section H. Ecology has asserted in the Support Document and in its letter of February 24, 2000, that the additional parametric monitoring incorporated into the permit (maintenance of specific scrubber pressure drop and scrubber flow rate ranges) will provide adequate assurance of compliance with the grain-loading standard.

The record does not support Ecology's position. In Ecology's February 24, 2000 letter and the revised Support Document, Ecology asserts that, based on its analysis of several years of test data, the parametric ranges identified in Permit Condition H.10, were indicators of continued compliance with both the grain-loading and opacity standards. Ecology also provided EPA, in its letter of February 24, 2000, with extensive data (all of the monthly source tests from May 1997 through January 2000) showing a general relationship between pressure drop and scrubber flow and grain-loading, and further showing general compliance with the grain-loading standard when pressure drop is above 0.2 inches (lowest pressure drop was 0.4 inches) and when scrubber flow is at least 1800 gallons per minute (minimum flow rate was 2619 gallons per minute). Three of the source tests, however, documented exceedances of the standard and these exceedances occurred while the pressure drop and scrubber flow were within the thresholds identified in the permit. In addition, the pressure drop threshold identified in the permit is lower than the lowest pressure drop identified in the 1997-2000

source tests, and the scrubber flow threshold identified in the permit is significantly lower than the lowest scrubber flow identified in the 1997-2000 source tests. There is no specific discussion of how the parameters relate to opacity or the annual particulate matter standard.

For these reasons, EPA does not believe that the selected parametric monitoring is sufficient to assure compliance with the grain-loading and opacity standards for the Magnefite Recovery Furnace/Acid Plant Furnace. Therefore, EPA is granting the Petitioner's request to reopen the Fort James Camas Mill Permit as the request pertains to monitoring for Permit Conditions H.1, H.2. and H.3.

D. (6) Permit Section I, No. 3 Power Boiler

With respect to Permit Condition I.2 and I.4, see discussion regarding Petitioner's fifth claim below in Section E. EPA believes these issues are the same.

E. Use of surrogate parameters to indicate compliance with opacity and grain-loading limits (Permit Section I).

Petitioner's fifth claim alleges that the permit and permit record fail to substantiate a relationship between opacity and grain-loading limits for Permit Section I.1 and that such a relationship is unlikely.

EPA finds no basis for this objection. The primary monitoring for Condition I.1 is monthly source tests, which directly determine compliance with the grain-loading standard. To ensure proper operation and maintenance of the control device between source tests, Permit Condition I.9 requires that opacity be continuously monitored with a CEM and corrective action be taken if opacity at any time exceeds 20%. In addition, Permit Condition I.8 requires continuous monitoring of the temperature of the gases entering the control device and requires corrective action within 24 hours if the temperature is greater than 500° F

(hourly average). Thus, opacity and temperature are used to indicate that the control device, which is essential to achieving compliance with the grain-loading standard, is being properly operated and maintained, and not as surrogate parameters for compliance with the grain-loading standard. EPA finds no basis for objecting to the permit for reasons cited in Petitioner's fifth objection issue, and therefore, denies Petitioner's request.

III. CONCLUSION

For the reasons set forth above and pursuant to Section 505(b)(2) of the Clean Air Act, EPA is granting Mr. Carl D. Larkins' petition requesting the Administrator to object to the issuance of the Fort James Camas Mill Permit with respect to the issues specified above and is denying the petition with respect to the remaining issues.

Dec. 22, 2000 _/s/_____

Dated Carol M. Browner, Administrator