

YAKIMA REGIONAL CLEAN AIR AUTHORITY

Six So. Second St., Suite 1016 Larson Bldg

Yakima, WA 98901

IN THE MATTER OF COMPLIANCE BY
THE J.M. SMUCKER'S COMPANY with
Section 70.94.161 RCW, Operating Permits
for Air Contaminant Sources, and the rules
and Regulation of the Yakima Regional
Clean Air Authority (YRCAA).

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Regulatory Order Number :
SM. 97-003
Final Version

To: The J.M. Smucker's Company
100 Forsell Road.
P.O. Box 608
Grandview, WA 98930
Attn: Mr. Randy Hecker
Plant Manager

**I.
Jurisdiction**

This order is issued pursuant to the authority of Revised Code of Washington (RCW) RCW 70.94.141 (effective 1970), Washington Administrative Code (WAC) WAC 173-400-091 (effective 9/20/93) and WAC 173-401-300 (effective 11/4/93).

**II.
Legal Authority**

II.1 WAC 173-401-300(7) (effective 11/4/93), Federally Enforceable Limits, states in part:

"Any Source which is defined as a chapter 401 source solely because its potential to emit exceeds the annual tonnage thresholds defined in WAC 173-401-200(18) (effective 11/4/93) shall be exempt from the requirements to obtain an operating permit when federally enforceable conditions which limit that source's potential to emit to levels below the relevant tonnage thresholds have been established for that source.

"In applying for an exemption under this subsection, the owner or operator of the source shall demonstrate to the permitting authority that the source's potential to emit, taking into account any federally enforceable restrictions assumed by the source, does not exceed the tonnage thresholds defined in WAC 173-401-200(18) (effective 11/4/93). Such demonstrations shall be in accordance with WAC 173-401-520 (effective 11/4/93) and shall contain emissions measurement and monitoring data, location of monitoring records, and other information necessary to support the source's emission calculations.

"Permitting authorities may use the following approaches to establish federally

enforceable limitations: (i) Regulatory orders... WAC 173-400-091 (effective 9/20/93)..., (ii) Notice of Construction approvals... (iii) General permits..."

II.2 WAC 173-400-091(1) states:

"Upon request by the owner or operator of a source, ecology or the authority with jurisdiction over the source shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and ecology or the authority with jurisdiction over the source."

II.3 By limiting the potential to emit to levels below the tonnage thresholds defined in WAC 173-401-200(18) by following the provisions of this order, The J.M. Smucker's Company will not be required to obtain an Operating Permit in accordance with WAC 173-401, Operating Permit Regulation.

II.4 YRCAA Restated Regulation I, Article VIII (effective 11/18/93), Penalty and severability, section 8.02 states in parts:

"Any person who fails to take action as specified by an order issued pursuant to this Chapter shall be liable for a civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of continued noncompliance".

III.
Findings of Fact

The Yakima Regional Clean Air Authority (YRCAA) makes the following Findings of Fact:

- III.1** The J.M. Smucker's Company is the owner and operator of a food processing plant located at Grandview, Washington, Yakima county. The plant uses two boilers to provide the steam requirements in their operation. The boilers consist of one 90,000 pounds per hour of steam and one 3,000 pounds of steam per hour. Both boilers use natural gas in the combustion process.
- III.2** The 90,000 pounds per hour of steam boiler is capable of burning diesel #2 fuel oil, however, it is not hooked up (not connected) . As a result, The J.M. Smucker's Company **cannot and must not use** diesel #2 fuel oil in this boiler to produce steam as a back up fuel at the Grandview site.
- III.3** The boilers have the potential to emit Nitrogen Oxides pollutant that exceed the threshold given in WAC 173-401-300, applicability. Therefore, The J.M. Smucker's Company is required to obtain an Operating Permit in accordance with WAC 173-401, Operating Permit Regulation.
- III.4** The J.M. Smucker's Company has requested that YRCAA limit the above described boilers' potential to emit nitrogen oxides to a level agreed to by The J.M. Smucker's

Company and YRCAA.

THEREFORE, IT IS ORDERED BY the Yakima Regional Clean Air Authority in relation to the above that the operation of the boilers by The J.M. Smucker's Company be subject to the following conditions:

IV. Emission Limits and Conditions

- IV.1** For the boilers described above, the usage of natural gas shall be limited to keep each pollutant below the threshold limit of 98 tons per year. The main pollutant of concern from natural gas is the oxides of nitrogen. The J.M. Smucker's Company shall keep a month by month running tally of nitrogen oxide emissions for all natural gas burned. A month by month running tally record means The J.M. Smucker's Company must log and keep record in site which must be based on their daily operation. Quantities of fuel used, name of fuel supplier, number of hours the boiler run and date must be logged and recorded on site daily. Based on this record the monthly oxides of nitrogen as well as other air pollutants must be calculated and quantified. A copy of this record must be submitted to YRCAA with the quarterly report and must be available at any time to YRCAA personal when requested and during inspection. For natural gas fuel, The J.M. Smucker's Company shall use the Environmental Protection Agency's AP-42 emission factors for calculating nitrogen oxide emissions.
- IV.2** The quantities of natural gas used shall be totaled monthly. The consumption quantities and emissions calculations may be based upon purchase and inventory records, supplier documents and tank or gauge readings. From this data, the resulting emissions for all pollutants including the nitrogen oxide and supporting documentation shall be reported to YRCAA on quarterly and annual bases. The quarterly report shall be submitted to YRCAA within 10 working days of the last day of the month of each quarterly period (i.e., within 10 working days from the end of March; June; September; December). Total combustion of natural gas fuel shall not exceed **4.03389** million therms per year. For the 90,000 pounds of steam per hour boiler, the annual consumption of natural gas shall not exceed **3.6792** million therms. For the 3,000 pounds of steam per hour boiler, the annual consumption of natural gas shall not exceed **0.35478** million therms. The annual report shall be submitted within thirty (30) days of the end of each calendar year. If the quantity of natural gas for any of the boilers or the 98 ton per year of pollution is exceeded during the calendar year, this shall be reported within ten (10) working days of the calculation, or discovery, or fuel order, whichever is sooner. It shall be the responsibility of The J.M. Smucker's Company to ensure that the quantities of **4.03389** million therms per year of natural gas and the emissions threshold limit of 98 tons per year are not exceeded.
- IV.3** The **4.03389** million therms per year of natural gas consumption limits are based upon maximum quantity of fuel that can be used without exceeding the pollutants 98

tons per year limit taking into account variations in data gathering and calculation. Adjustments to the above limits may be made by issuing a separate order, as provided in WAC 173 400-091, after receipt by YRCAA of a formal written request from The J.M. Smucker's Company. Issuance of a new separate Order per WAC 173 400-091 may be done if more refined calculations or testing are conducted or if justified evidence is presented to the YRCAA that assures the 98 tons per year emissions threshold will not be exceeded. In the event that The J.M. Smucker's Company assures that the emissions threshold limits will not be exceeded through a process change or fuel change, the change/s shall be reviewed through a Notice of Construction in accordance with WAC 173-400-110 and/or Section 4.02 of the YRCAA Regulation I.

- IV.4** The emissions from the space heaters are not included in the emission inventory. This is because the exact heat input of the space heaters is not known. Thus, a 98 tons per year emission cap was used instead of the operation permit emission threshold of 100 tons per year.
- IV.5** If The J.M. Smucker's Company determines that limit emissions below the 98 tons per year threshold are no longer desired in their plant operation, The J.M. Smucker's Company must submit an Air Operating Permit Application in accordance with WAC 173-401. Until an Air Operating Permit is issued, The J.M. Smucker's Company will continue to be bound by this Order.
- IV.6** Any application form, report, or compliance certification, including the annual consumption report, submitted pursuant to this Order shall contain certification by a responsible official of truth, accuracy, and completeness. The certification shall state that, based on information and belief formed after reasonable inquiry, the statements and information in the document are true, accurate, and complete.
- IV.7** This Order is valid only after payment of appropriate fee(s) required pursuant to WAC 173-400-104.

Nothing in this Order alters the facility's obligation to comply with other laws, including air laws and regulations, except that The J.M. Smucker's Company application for, receipt of, and compliance with this order exempts The J.M. Smucker's Company from the requirement to obtain an Operating Permit.

Any violation of such rules and regulations or of the terms of this approval, including, but not limited to, exceedances of emission limits demonstrated by source testing or emissions calculations, shall be subject to the sanctions provided in Chapter 70.94 RCW.

The provisions of this authorization are severable and, if any provision of this authorization, or application of any provisions of this authorization to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this authorization, shall not be affected thereby.

Any person feeling aggrieved by this ORDER may obtain review thereof by application, within thirty (30) days of receipt of this ORDER to the Pollution Control Hearings Board, P.O. Box 40903, Olympia, WA 98504-0903. Concurrently, a copy of the application must be sent to Yakima Regional Clean Air Authority, Six So. Second St., Suite 1016, Yakima, WA 98901. These procedures are consistent with the provisions of Chapter 43.21B RCW and the rules and regulations adopted thereunder.

DATED at Yakima, Washington this 30th day of December, 1997.

APPROVED BY:

PREPARED BY:



Les Ornelas
APCO- Director
Yakima Regional Clean Air Authority



Hasan Tahat
Air Quality Specialist
Yakima Regional Clean Air Authority