

# YAKIMA REGIONAL CLEAN AIR AUTHORITY

Six So. Second St., Suite 1016 Larson Bldg

Yakima, WA 98901

IN THE MATTER OF COMPLIANCE BY  
WELCH FOOD INCORPORATED 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. 2002-001

**To:** Welch Food Inc.  
504 Birch Street  
P.O.Box 38  
Grandview, WA 98930  
Attn: Mr. Art Ortega / Mr. Tom Brooke

## I. Jurisdiction

This order is issued pursuant to the authority of Revised Code of Washington (RCW) RCW 70.94.141, Washington Administrative Code (WAC) WAC 173-400-091 and WAC 173-401-300.

## II. Legal Authority

**II.1** WAC 173-401-300(7), 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) 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). Such demonstrations shall be in accordance with WAC

173-401-520 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..., (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, Welch Food Inc. will not be required to obtain an Air Operating Permit in accordance with WAC 173-401, Operating Permit Regulation.
- II.4** YRCAA Regulation 1, Article 5 (effective 5/1/2000), Penalties, section 5.02(D)(2) states in parts:

"Any person who fails to take action as specified by an order issued under this this article shall be liable for a civil penalty of not more than Twelve Thousand Dollars (\$12,000) 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** This new regulatory order is issued because Welch Food Inc. is a Synthetic Minor Source of a food processing plant who bought an adjacent company called Yakima Valley Grape Producers and referred to by Welch Food Inc. as plant number 2. Combining the two plants under one ownership increases the emissions potential to emit. Hence, this new regulatory order becomes necessary to include the emission limits of the two plants in one regulatory order which should reduce the fuel consumption combined.
- III.2** Welch Food Inc. is the owner and operator of a food processing plant that uses five boilers to provide the steam requirements in their operation. The first two

boilers consist of a 26,000 and 80,000 pounds of steam per hour units, that in the combustion process uses Natural gas and #6 fuel oil (Bunker C) as a backup source of fuel. The other three boilers consist of two 750 Horse Power (HP) and one 250 HP units. These boilers uses Natural gas and distillate oil number 2 as a backup fuel, except for the 250 HP which uses natural gas only. In addition, a small boiler of 50 HP used as a water heater and uses only natural gas. This boiler is considered as Insignificant Unit (IU) in accordance with WAC 173-401-533(e). The plant is located at Grandview, Washington, Yakima County.

- III.3** The boilers have the potential to emit Oxides Sulfur and Nitrogen pollutants that exceed the threshold given in WAC 173-401-300, applicability. Therefore, Welch Food, Inc. would be required to obtain an Operating Permit in accordance with WAC 173-401, Operating Permit Regulation. However, Welch Food Inc. has requested that YRCAA limit the above described boilers potential to emit Oxides of Sulfur and Nitrogen to a level less than 100 tons per year as agreed to by Welch Food Inc. 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 Welch Food Inc. be subject to the following conditions:

#### **IV. Emission Limits and Conditions**

- IV.1** For the boilers described above, the combined usage of natural gas, #6 and #2 fuel oil shall be limited to keep each pollutant below the threshold limit of 100 tons per year. The two main pollutants of concern for these fuels are oxides of sulfur and oxides of nitrogen. Welch Food Inc. shall keep a month by month running tally of sulfur oxide emissions and nitrogen oxide emissions for all fuels burned. A month by month running tally record means Welch Food, Inc. must log and keep record in site on a daily basis which must be based on the daily operation. This record must include quantities of fuel used, sulfur content, name of fuel supplier, number of hours the boiler run and the date.
- IV.2** Based on above record the monthly oxides of sulfur and 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 a semi annual report and must be available at any time to YRCAA personal when requested and during inspection. For all fuel used Welch Food Inc. shall use the Environmental Protection Agency's AP-42 emission factors for calculating sulfur oxide and nitrogen oxide emissions.

- IV.3** The quantities of the natural gas, #2 and the #6 fuel oil used shall be totalled monthly. The sulfur content of the fuel oil shall be averaged during the same monthly period if deferent batches are used. The consumption quantities, sulfur content, and emissions calculations may be based upon purchase and inventory records, supplier documents and tank readings. From this data, the resulting emissions for all pollutants including the sulfur oxide and the nitrogen oxide and supporting documentation shall be reported to YRCAA on semi annual and annual bases. The semi annual report shall be submitted to YRCAA within 30 working days of the last day of the month of each semi annual period (i.e., within 30 working days from the June and December).
- IV.4** The quantity of consumed fuel oil #6 and #2 by either or all boilers must not exceed 525,000 and 876,000 gallons per year, respectively. The sulfur content of #6 fuel oil must not exceed any recorded value of 2.0 % and must not exceed an annual average of 1.55 %. The sulfur content of #2 fuel oil must not exceed any recorded value of 0.05 %. Total combustion of natural gas fuel shall not exceed 10.9 million therm per year. The annual report shall be submitted within thirty (30) days of the calendar year. If the quantity of the fuel oil #6, #2 and the natural gas or the 100 ton per year of pollution emission limit is exceeded during the calendar year, this must be reported within ten (10) working days of the calculation, or discovery, or fuel order, whichever is sooner. It must be the responsibility of Welch Food Inc. to ensure that the above quantities and limits are not exceeded.
- IV.5** For Oil #2 the sulfur content must not exceed 0.05%. Welch Food Incorporation, can burn any remaining inventory of fuel #2 in the tanks with sulfur content of 0.5%. However, any new purchases of oil #2 the sulfur content must not exceed 0.05%.
- IV.6** The 525,600 gallons per year of #6 fuel oil, the 876,000 gallons per year of #2 fuel oil, and 10.9 million therms per year of natural gas consumption limits are based upon maximum quantity of fuel that can be used without exceeding the criteria pollutants of 100 tons per year threshold taking into account variations in data gathering and calculation using AP42 emissions factor. However, at NO TIME Sulfur dioxide (SO<sub>2</sub>) must not exceed 1000 ppm (parts per million) on a dry basis and corrected to 7% oxygen, based on an average of any sixty consecutive minutes. It shall be the responsibility of Welch Food Inc. to insure that the above limit is not exceeded.
- IV.7** A 95 tons per year emission cap was used instead of the operation permit emission threshold of 100 tons per year based on the fact that a discrepancy in

figures between the plates on the front of the boilers and the data supplied by the manufacturer. In addition, the emission from the space heaters is not included in the emission inventory. This is because the exact heat input of the space heaters is not known. Hence, the 5 tons per year are used as a buffer so as not to exceed the 100 tons per year threshold limit.

- IV. 8** Adjustments to the above limits may be made by issuing a separate order as provided in WAC 173 400-091 after a formal written request from Welch Food Inc. 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 100 tons per year emissions threshold will not be exceeded. In the event that Welch Food Inc. 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 New Source Review (NSR) in accordance with WAC 173-400-110 and/or Section 4.02 of the YRCAA Regulation 1.
- IV.9** If Welch Food Inc. determines that limit emissions below the 100 tons per year threshold are no longer desired in their plant operation, Welch Food Inc. must submit an air operating permit application in accordance with WAC 173-401. Until an operating permit is issued, Welch Food Inc. will continue to be bound by this Order.
- IV.10** 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.11** A New Source Review must be submitted to YRCAA for any modification or construction or changes to the boilers aside from normal maintenance prior to the commencement of construction or modification in accordance with WAC 173-400-110 and Section 4.02 of the YRCAA Regulation 1.
- IV.12** This Order is valid only after payment of appropriate fee(s) required pursuant to WAC 173-400-104 (4).

Nothing in this order alters the facility's obligation to comply with other laws, including air laws and regulations, except that Welch Food Inc. application for, receipt of, and compliance with this order exempts Welch Food Inc. from the requirement to obtain an

Operating Permit.

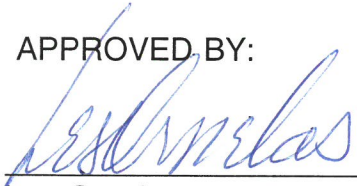
Any violation of such rules and regulations or of the terms of this approval, including, but not limited to, exceedances of emission limits demonstrated by source testing or emissions calculations, shall be subject to the sanctions provided in Chapter 70.94 RCW.

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.

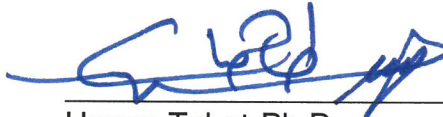
DATED at Yakima, Washington this 27<sup>th</sup> day of July, 2002.

APPROVED BY:



Les Ornelas  
APCO- Director  
Yakima Regional Clean Air Authority

PREPARED BY:



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Air Pollution Engineer  
Yakima Regional Clean Air Authority