

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. 97-001
Final Version

To: Welch Food Inc.
504 Birch Street
P.O.Box 38
Grandview, WA 98930
Attn: Mr. Robert Wahl
Senior Utility Engineer

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 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 (VIII) 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** Welch Food Inc. is the owner and operator of a food processing plant that uses two boilers to provide the steam requirements in their operation. The boilers consist of a 26,000 #/hr and an 80,000 #/hr units that in the combustion process use Natural gas or #6 fuel oil (Bunker C). The plant is located at Grandview, Washington, Yakima County.
- III.2** The boilers have the potential to emit Sulfur Oxides and Nitrogen Oxides pollutants that exceed the threshold given in WAC 173-401-300, applicability. Therefore would be required to obtain an Operating Permit in accordance with WAC 173-401, Operating Permit Regulation.
- III.3** Welch Food Inc. has requested that YRCAA limit the above described boilers potential to emit Sulfur Oxide and Nitrogen Oxide to a level 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 and #6 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 which must be based on their daily operation. Quantities of fuel used, sulfur content, 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 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 the quarterly report and must be available at any time to YRCAA personal when requested and during inspection. For all fuel oil, Welch Food Inc. shall use the Environmental Protection Agency's AP-42 emission factors for calculating sulfur oxide and nitrogen oxide emissions. For natural gas fuel, Welch Food Inc. shall use the Environmental Protection Agency's AP-42 emission factors for calculating sulfur oxide and nitrogen oxide emissions.
- IV.2** The quantities of the natural gas 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. 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 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). The quantity of #6 fuel oil consumed by either or both boilers shall not exceed 805,000 gallons per year. The sulfur content of #6 fuel oil shall not exceed any recorded value of 2.0 % and shall not exceed an annual average of 1.55 %. Total combustion of natural gas fuel shall not exceed 4 million therms per year. The annual report shall be submitted within thirty (30) days of the calendar year. If the quantity of #6 fuel oil or the 100 ton per year of pollution emission limit 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 Welch Food Inc. to ensure that the quantities of 805,000 gallons per year of #6 fuel oil, 4 million therms per year of natural gas and the emissions threshold limit of 100 tons per year are not exceeded.
- IV.3** The 805,000 gallons per year of #6 fuel oil and 4 million therms per year of natural gas consumption limits are based upon maximum quantity of fuel that can be used without exceeding the pollutants 100 tons per year threshold 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 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 the Notice of Construction in accordance with WAC 173-400-110 and/or Section 4.02 of the YRCAA Regulation I.

- IV.4** 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.5** 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.6** 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 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