

**YAKIMA REGIONAL CLEAN AIR AUTHORITY**

**Six So. Second St., Suite 1016 Larson Bldg  
Yakima, WA 98901**

IN THE MATTER OF COMPLIANCE BY  
YAKIMA VALLEY GRAPE PRODUCERS  
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. 97-004  
Final Revision

**To:** Yakima Valley Grape Producers  
401 Avenue B.  
P.O. Box 520  
Grandview, WA 98930  
Attn: Mr. Robert Wahl  
Utility Engineer

**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, Yakima Valley Grape Producers 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** Yakima Valley Grape Producers is the owner and operator of a food processing plant located at Grandview, Washington, Yakima County. The plant uses three boilers to provide the steam requirements in their operation. The boilers consist of two 725 HP and one 250 HP units. The 250 HP unit uses natural gas in the combustion process. However, the two 725 HP units boilers use natural gas or diesel #2 fuel oil in the combustion process.
- III.2** The boilers have the potential to emit Sulfur Oxides pollutant that exceed the threshold given in WAC 173-401-300 applicability. Therefore Yakima Valley Grape Producers is required to obtain an Operating Permit in accordance with WAC 173-401, Operating Permit Regulation.
- III.3** Yakima Valley Grape Producers has requested that YRCAA limit the above described boilers' potential to emit Sulfur Oxide to a level agreed to by Yakima Valley Grape Producers 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 Yakima Valley Grape Producers be subject to the following conditions:

**IV.  
Emission Limits and Conditions**

- IV.1** For the boilers described above, the usage of #2 fuel oil shall be limited to keep each pollutant below the threshold limit of 90.2 tons per year. The main pollutant of concern for these fuels are oxides of sulfur and nitrogen. Yakima Valley Grape Producers shall keep a month by month running tally of sulfur oxide emissions for all fuels burned. A month by month running tally record means Yakima Valley Grape Producers 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, Yakima Valley Grape Producers shall use the Environmental Protection Agency's AP-42 emission factors for calculating sulfur oxide and nitrogen oxide emissions. For natural gas fuel, Yakima Valley Grape Producers 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 #2 fuel oil and natural gas used shall be totaled 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 #2 fuel oil consumed by either or both boilers shall not exceed 2.5 million gallons per year. The sulfur content of #2 fuel oil shall not exceed an annual average of 0.50 %. 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 end of each calendar year. If the quantity limit of #2 fuel oil or the 90.2 ton per year emission limit 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 Yakima Valley Grape Producers to ensure that the quantities of 2.5 million gallons per year of #2 fuel oil, 4 million therms per year of natural gas and the emissions threshold limit of 90.2 tons per year are not exceeded.
- IV.3** The 2.5 million gallons per year of #2 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 90.2 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 Yakima Valley Grape Producers. 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 by evidence presented to the YRCAA that assures the 90.2 tons per year emissions threshold will not be exceeded. In the event that Yakima Valley Grape Producers 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** A 90.2 tons per year emission cap was used instead of the operation permit emission threshold of 100 tons per year based on the request by Yakima Valley Grape Producers. Moreover, there is 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 9.8 tons per year are used as a buffer so as not to exceed the 100 tons per year threshold limit.
- IV.5** If Yakima Valley Grape Producers determines that limit emissions below the 90.2 tons per year threshold are no longer desired in their plant operation, Yakima Valley Grape Producers must submit an Air Operating Permit Application in accordance with WAC 173-401. Until an Air Operating Permit is issued, Yakima Valley Grape Producers 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 Yakima Valley Grape Producers. application for, receipt of, and compliance with this order exempts Yakima Valley Grape Producers 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 30<sup>th</sup> day of December, 1997.

APPROVED BY:

PREPARED BY:

  
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APCO- Director  
Yakima Regional Clean Air Authority  
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