

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

IN THE MATTER OF APPROVING A)
NEW CONTAMINANT SOURCE FOR) **ORDER No. PROPOSED**
CENTRAL WASHINGTON ASPHALT, INC.)

To: **Central Washington Asphalt, Inc.**
PO Box 939
Moses Lake, WA 98837

1.0 PROJECT SUMMARY

On April 14, 2009, Central Washington Asphalt, Inc. (“Central Washington Asphalt”) submitted a Notice of Construction application to the Department of Ecology (“Ecology”) to install and operate a stationary hot mix asphaltic concrete production plant (“Barber-Greene asphalt plant”) at 580 Howard Flats Road, near the city of Chelan, in Chelan County, Washington. The Notice of Construction application was revised on September 15, 2009 and October 28, 2009. The Barber-Greene asphalt plant previously operated as a portable and temporary plant at multiple locations, under temporary authorizations by Ecology and other agencies. Central Washington Asphalt is proposing to locate the Barber-Greene asphalt plant permanently at 580 Howard Flats Road, Chelan, Washington. Occasionally, the plant will also operate temporarily at other locations within the following Washington counties: Chelan, Douglas, Kittitas, Klickitat, Okanogan, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, San Juan, Stevens, Walla Walla, and Whitman.

The Barber-Greene asphalt plant includes a parallel flow drum-mix dryer powered by No.2 diesel fuel, two asphalt cement oil tanks with associated electric heaters, and one asphalt cement silo. Other emissions-generating activities include stockpiles of aggregate, vehicular travel on paved and unpaved roads, screens, conveyor transfer points and wind erosion of disturbed surfaces. While operating as a temporary source, non-road engines as defined at Washington Administrative Code (WAC) 173-400-030(55) will not be used. A fabric filter control device (“baghouse”) will provide emissions control for the drum-mix dryer and silo during all operations.

The Department of Ecology PROPOSES to APPROVE Central Washington Asphalt’s proposal by issuing this ORDER. The stationary Barber-Greene asphalt plant will be located at Howard Flats Pit within Section 34, Township 28 North, Range 23 East, Willamette Meridian, approximately 4 miles northeast of Chelan, in Chelan County, Washington, and defined by parcel number 282334330000.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

2.0 FINDINGS

In relation to the project description above, the Department of Ecology, State of Washington, pursuant to Revised Code of Washington (RCW) 70.94.152, makes the following determinations:

- 2.1 The proposed source qualifies as a new source of air contaminants under WAC 173-400-110 and a new source of toxic air pollutants under WAC 173-460-040.
- 2.2 The proposed source is subject to Title 40 Code of Federal Regulations (40 CFR) Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.
- 2.3 The proposed source is not a new major stationary source or major modification to a major stationary source that is subject to the Prevention of Significant Deterioration permitting requirements of WAC 173-400-700 through 750.
- 2.4 The proposed source will be located in an area which is in attainment or unclassifiable for all criteria pollutants.
- 2.5 The proposed source, if constructed and operated as herein required, will not delay the attainment date for an area not in attainment, nor cause or contribute to a violation of any ambient air quality standard.
- 2.6 The proposed source, if constructed and operated as herein required, will be in accordance with applicable rules and regulations, as set forth in Chapter 173-400 WAC and Chapter 173-460 WAC, and the operation thereof, at the location proposed, will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, and emission standards adopted under Chapter 70.94 RCW.
- 2.7 The proposed source, if constructed and operated as herein required, will employ Best Available Control Technology (BACT) to control emission of criteria pollutants, and Best Available Control Technology for Toxics (tBACT) to control emission of toxic air pollutants.
- 2.8 Operation of the Barber-Greene asphalt plant as a stationary source at Howard Flats Pit has satisfied the environmental review requirements of the State Environmental Policy Act (SEPA). A *Determination of Nonsignificance* (DNS) was issued by Chelan County Department of Community Development, acting as lead agency, on January 25, 2007.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

3.0 ALLOWABLE EMISSIONS

Under the ordered physical and operational conditions, maximum emissions from the project will be:

Criteria Pollutants	Pounds per Day	Tons per Year
Total Suspended Particulate (TSP)	98.6	6.5
Particulate Matter (PM ₁₀)	29.0	1.9
Particulate Matter (PM _{2.5})	15.5	0.9
Carbon Monoxide (CO)	7.2	0.4
Nitrogen Oxides (NO _x)	57.6	3.1
Sulfur Dioxide (SO ₂)	15.4	0.8
Volatile Organic Compounds (VOC)	138.1	7.5
Lead (Pb)	0.02	0.001
Toxic Air Pollutants	Pounds Per Day	Pounds Per Year
Arsenic	0.0008	0.084
Benzene	0.55	58.7
Benzo(a)pyrene	0.00002	0.0021
Cadmium	0.0006	0.062
Dioxins and Furans	0.00000004	0.000004
Formaldehyde	4.4	466.8
Hexavalent Chromium	0.0006	0.068
Phosphorus	0.04	4.2
Polycyclic Aromatic Hydrocarbons (PAH)	0.0020	0.17
Other toxic air pollutants*	7.0	753.8

*All of these toxic air pollutants are estimated to be emitted at rates less than their corresponding small quantity emission rate, per WAC 173-460-080(2)(e). Quantified pollutants in this category include: bromomethane, 2-butanone (MEK), carbon disulfide, chloroethane, chloromethane, cobalt, copper, ethylbenzene, hexanes, manganese, mercury, methyl chloroform, methylene chloride, naphthalene, selenium, styrene, tetrachloroethene, toluene, and xylenes (m-, p-, o- isomers).

4.0 BEST AVAILABLE CONTROL TECHNOLOGY (BACT)

As required by WAC 173-400-113(2), this project will employ BACT to control emission of particulate matter, sulfur dioxide, nitrogen oxides, carbon monoxide, lead and volatile organic compounds. The following control technologies and limitations are determined to satisfy the BACT requirement:

Notice of Construction ORDER No. PROPOSED

December 21, 2009

- 4.1 The use of a properly maintained and operated fabric filter control device (“baghouse”) to control emissions from the drum-mix dryer. Total particulate emissions at the baghouse exhaust shall not exceed 0.025 grains per dry standard cubic foot (gr/dscf), corrected to 15% oxygen in the exhaust gas.
 - 4.2 The use of natural gas, liquefied petroleum gas, or No. 2 distillate fuel oil with a sulfur content of 0.05% or less, by weight, to fire the drum-mix dryer.
 - 4.3 Burner design, periodic evaluation of burner operation and effective maintenance of the burner.
 - 4.4 The use of ducting with a scavenger fan to collect volatile organic compounds (VOC) and asphalt fumes from the asphalt storage silo and routing the collected emissions to the burner to be consumed (i.e., “re-injection”).
 - 4.5 Paving, chemical treatment with approved binders, or water application on all areas of vehicular travel within the source. Good housekeeping and maintenance of all paved roads.
 - 4.6 The exclusive conveying, transfer and screening of aggregate containing a moisture content of at least 4%.
- 5.0 **BEST AVAILABLE CONTROL TECHNOLOGY FOR TOXICS (tBACT)**
As required by WAC 173-460-040(3)(a), this project will employ tBACT to control emission of toxic air pollutants. tBACT for this project is determined to be the same as BACT described in 4.0 above.
- 6.0 **AMBIENT IMPACTS ANALYSIS**
Ambient impacts of the stationary source were modeled using SCREEN3, a screening dispersion model recommended by EPA. Modeling results show that all potential criteria and toxic air pollutant emissions, after the application of BACT and tBACT, will comply with the ambient air quality standards and the requirements of Chapter 173-460 WAC, New Sources of Toxic Air Pollutants, respectively.

THEREFORE, IT IS ORDERED that the project as described in the Notice of Construction application submitted by Central Washington Asphalt, and more specifically detailed in plans, specifications and other information submitted to the Department of Ecology in reference thereto, is approved for construction, installation and operation, provided the following conditions are met:

Notice of Construction ORDER No. PROPOSED

December 21, 2009

7.0 APPROVAL CONDITIONS

Unless otherwise specified, the following conditions apply to the proposed source while operating as either a stationary source or a portable and temporary source at locations within Ecology’s jurisdiction.

7.1 LAWS AND REGULATIONS

- 7.1.1 Central Washington Asphalt shall comply with all current state laws and regulations, including Chapter 70.94 RCW, Washington Clean Air Act; Chapter 173-400 WAC, General Regulations for Air Pollution Sources; and Chapter 173-460 WAC, Controls for New Sources of Toxic Air Pollutants.
- 7.1.2 Central Washington Asphalt shall comply with all applicable provisions of 40 CFR Part 60, Subpart I, Standards of Performance for Hot Mix Asphalt Facilities.

7.2 PRODUCTION AND EQUIPMENT RESTRICTIONS

- 7.2.1 Asphalt production shall not exceed 150 tons per hour and 1,400 tons in any one (1) calendar day. Total asphalt production shall not exceed 150,000 tons in any consecutive 12-month period, rolled monthly. At no time shall asphalt production exceed 110% of the asphalt production rate during source testing required in Section 7.6 below.
- 7.2.2 The asphalt cement oil tanks are limited to maximum throughputs of 1,080,000 and 720,000 gallons per year of asphalt cement oil for Tanks 1 and 2, respectively.
- 7.2.3 As currently permitted, the project shall be limited to the installation and operation of the following emission units and activities:

Emission Unit or Activity	Description
Drum-Mix Dryer	Barber-Greene DM60 parallel flow drum mixer; fuel-oil fired.
Fabric filter (Baghouse)	Flex-Kleen pulsejet system; 20,000 actual cubic feet per minute (acfm) with a filter area of 4,914 square feet.
Asphalt Cement Storage Tanks	Tanks 1 and 2 with capacities of 15,000 and 10,000 gallons, respectively.
Hot Mix Asphalt Storage Silo	Unspecified type. Capacity is limited by Condition 7.2.1
Asphalt Cement Heater	Unspecified type. Heater will be powered by line power.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

Emission Unit or Activity	Description
Miscellaneous Processing Activities	Aggregate handling, conveying, storage piles, and vehicular traffic on paved and unpaved roads

- 7.2.4 Central Washington Asphalt shall install and operate a differential pressure gauge across the baghouse bags, and a reverse air pressure gauge for the baghouse cleaning air.
- 7.2.5 Installation of more emission units than specified in 7.2.3 above, production rates greater than the specified rates, or any modifications to the specified units or activities that increase emissions of any regulated air pollutant, may require approval by Ecology of separate Notice of Construction applications.
- 7.2.6 Recycled Asphalt Pavement (RAP) shall be processed at the facility only under all of the following conditions:
 - 7.2.5.1 The proportion of RAP in the feed material while the plant is producing asphalt shall not exceed the percentage of RAP during the most recent Ecology-approved performance test that demonstrates the asphalt plant is capable of achieving all emission limits contained in this Order with that amount of RAP as part of the feed. The performance test results used for this purpose shall not be more than five years (5) old, and will not have been contradicted by a more recent source test. RAP usage is not restricted during source testing for the purpose of demonstrating compliance.
 - 7.2.5.2 No RAP shall enter the drum mixer in the primary or radiation zone. The point at which RAP is introduced shall be no closer to the aggregate feed end of the drum mixer than the midpoint of the drum mixer.
- 7.2.7 All fuel used to fire the drum-mix dryer shall be natural gas, liquefied petroleum gas (LPG), or No.2 diesel fuel oil with a sulfur content of 0.05% or less, by weight. Oil blends that meet ASTM D975 specifications for No.2 diesel fuel oil, or ASTM D6751 specifications for biodiesel blends, and the used oil specifications of RCW 70.94.610 may be used only if no emission limit contained in this Order will be violated.
- 7.2.8 Exhaust stack dimensions and operating parameters for the baghouse exhaust shall be in accordance with plans and specifications submitted as part of the Notice of Construction application. The discharge point for the baghouse exhaust shall be at least **25 feet** above ground level.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

7.2.9 Except as allowed under Condition 7.8.4 below, the minimum distance from the property boundary to any emission unit, including the drum-mix dryer, storage silo, baghouse, asphalt cement oil storage tanks, load-out operations and storage piles, shall be **700 feet** (213 meters).

7.3 EMISSION LIMITS

7.3.1 Annual and daily emissions shall not exceed the quantities in section 3.0 above. Annual and daily emissions shall be calculated using the procedures specified in 7.3.5 below.

7.3.2 Visible emissions from any emission unit or fugitive source shall not exceed ten (10) percent opacity.

7.3.3 No particulate matter from the project shall be deposited beyond the property boundary in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

7.3.4 In addition to the emission limits specified in 7.3.1, 7.3.2 and 7.3.3 above, the following emission limits shall not be exceeded at the baghouse outlet:

Pollutant	Emission limit	Demonstrate compliance by:*
Total particulate matter (filterable plus condensable fractions)	0.025 gr/dscf @ 15% Oxygen 2.53 lb/hr	Source testing according to Condition 7.6 below.
Carbon Monoxide (CO)	0.57 lb/hr	Source testing according to Condition 7.6 below.
Oxides of Nitrogen (NO _x)	6.18 lb/hr	Source testing according to Condition 7.6 below.
Sulfur Dioxide (SO ₂)	1.65 lb/hr	Using emission factors consistent with Condition 7.3.5.
Total Organic Compounds (TOC)	14.3 lb/hr	Source testing according to Condition 7.6 below.
Formaldehyde	0.47 lb/hr	Using emission factors consistent with Condition 7.3.5.
Polycyclic Aromatic Hydrocarbons (PAH)	0.00008 lb/hr	Using emission factors consistent with Condition 7.3.5.
Arsenic	0.00008 lb/hr	Using emission factors consistent with Condition 7.3.5.
Benzene	0.06 lb/hr	Using emission factors consistent

Notice of Construction ORDER No. PROPOSED

December 21, 2009

Pollutant	Emission limit	Demonstrate compliance by:*
		with Condition 7.3.5.
Cadmium	0.00006 lb/hr	Using emission factors consistent with Condition 7.3.5.
Hexavalent Chromium	0.00007 lb/hr	Using emission factors consistent with Condition 7.3.5.
Opacity	10 %	Source testing according to Condition 7.6 below.

*For the purpose of establishing violations or certifying compliance, the permittee shall not preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether the source would have been in compliance with applicable requirements if the appropriate performance or compliance test or procedure had been performed.

7.3.5 To demonstrate compliance with any emission limit identified in this Order, the permittee shall use the most recent site-specific performance test results, if available, to calculate emissions. In the absence of site-specific performance test data, the maximum emissions tabulated in 3.0 and 7.3.4 above, will be calculated as follows: (**Note:** Ecology may approve the use of alternate emissions estimation procedures if the applicant demonstrates in writing that the proposed alternate methods are more accurate in estimating the facility’s actual emissions.)

Emissions Unit	Use emission factors from:
Drum-mix dryer	Tables 1.3-1, 11.1-7, 11.1-10, and 11.1-12 of AP-42*, United States Environmental Protection Agency.
Asphalt cement oil storage tank	TANKS Emissions Estimation Software*, United States Environmental Protection Agency.
Load-out and silo filling	Tables 11.1-14, 11.1-15 and 11.1-16 of AP-42, United States Environmental Protection Agency.
Fugitive emissions from vehicular traffic, material handling, conveyor transfer points, and the scalp screen	Sections 13.2.2-4, 13.2.4 and 11.19.2 of AP-42*, United States Environmental Protection Agency.

*The most recent published version shall be used.

7.4 FUGITIVE DUST CONTROL

7.4.1 Fugitive dust will be controlled in accordance with a site-specific Fugitive Dust Control Plan, to be prepared by the permittee. A Fugitive Dust Control Plan shall be prepared prior to beginning construction. All measures undertaken to mitigate dust generation shall be outlined in the Fugitive Dust Control Plan, and must be available for inspection by Ecology personnel upon request.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

- 7.4.2 Measures shall be taken to mitigate dust generation from storage piles, and during aggregate handling, conveying, and vehicle travel. Stockpiles shall be located to minimize exposure to wind.
- 7.4.3 The Fugitive Dust Control Plan shall include measures to ensure there is no vehicle track-out onto off-site roads. Plant speed limit shall not exceed ten (10) miles per hour for all vehicles, including asphalt trucks and front end loaders.

7.5 OPERATION AND MAINTENANCE

- 7.5.1 The Barber-Greene asphalt plant and associated emissions-generating activities shall not be operated unless the emission controls identified in sections 4.0 and 5.0 above are in place. An interlock or other fail-safe device will prevent the drum-mix dryer from operating while the baghouse or exhaust fan is not operating. Filling of the silo shall not occur unless the re-injection system is operating.
- 7.5.2 The source shall be operated and maintained in accordance with a site-specific operation and maintenance (O&M) manual, to be prepared by the permittee. The O&M manual shall be updated to reflect any modifications to the source or operating procedures. Failure to follow the requirements of the O&M manual, or the adequacy of the O&M manual, may be considered proof that the equipment was not properly operated and maintained. The manual shall reflect standard operating procedures to be followed by all equipment operators, including:
 - 7.5.2.1 Normal operating parameters for the emissions units;
 - 7.5.2.2 A maintenance schedule for the emissions units;
 - 7.5.2.3 Monitoring and record keeping requirements;
 - 7.5.2.4 A description of the monitoring procedures; and
 - 7.5.2.5 Actions for abnormal control system operation.
- 7.5.3 As required by WAC 173-400-101, the O&M manual shall be reviewed and updated by the source owner or operator at least annually. O&M records shall be available for inspection by Ecology, organized in a readily accessible manner, and retained for at least five (5) years.
- 7.5.4 The Barber-Greene asphalt plant and all associated fugitive dust sources shall only be operated during daylight hours.

7.6 TESTING REQUIREMENTS

- 7.6.1 **Within 60 days** after achieving the maximum production rate at which the Barber-Greene asphalt plant will be operated, but not later than 270 days after initial startup, Central Washington Asphalt shall conduct performance testing for particulate matter, NO_x, CO, total organic compounds (TOC), and opacity to demonstrate compliance with the emission limits contained in this Order. An Ecology-approved performance test conducted within the past five (5) years, which demonstrates compliance with the emission limits in this Order, fulfills this initial testing requirement provided that the production rate and equipment configuration during that testing comply with the restrictions contained in this Order.
- 7.6.2 Additional emissions testing for particulate matter and opacity testing shall be conducted at least every five years thereafter. Ecology reserves the right to require an alternate testing frequency.
- 7.6.3 All testing shall be conducted when asphalt production is at least 90% of the maximum production rate at which the plant will be operated (i.e., no less than 135 tons per hour for operation at the approved maximum production rate of 150 tons per hour).
- 7.6.4 In addition to the performance testing required under conditions 7.6.1 and 7.6.2 above, Central Washington Asphalt shall conduct performance testing for particulate matter, NO_x, CO, TOC, and opacity, and the test results reviewed by Ecology, before any desired amount of RAP can be processed in the drum-mix dryer. This initial source test must demonstrate that no condition of this Order will be violated at that RAP processing rate. The source may vary RAP feed rates during source testing to determine the amount of RAP that demonstrates that the asphalt plant is capable of being operated in compliance with this Order.
- 7.6.5 Source testing required under condition 7.6.4 may be combined with the initial performance test required under condition 7.6.1. A source test approved by Ecology prior to issuance of this Order, that is not more than five years (5) old, and whose results have not been contradicted by a more recent source test, may be used to demonstrate compliance with condition 7.6.4 provided that the RAP processing rate during that source test represents the maximum RAP to be processed during normal plant operation. Source testing shall be conducted whenever a higher RAP processing rate than the RAP processing rate in the last Ecology-approved source test(s), is desired.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

- 7.6.6 All required source testing shall be performed by an independent testing firm. Ecology shall be notified, and a test plan shall be submitted for approval by Ecology, **at least 30 days** prior to any required source testing.
- 7.6.7 The permittee shall provide safe sampling platforms, safe access to sampling platforms, utilities for sampling and testing equipment, and adequate sampling ports for the test methods applicable to the source. This includes (i) constructing the air pollution control system(s) such that volumetric flow rates and pollutant emission rates can be accurately determined by applicable test methods and procedures, and (ii) providing a stack or duct free of cyclonic flow during performance tests, as demonstrated by applicable test methods and procedures.
- 7.6.8 Particulate matter shall be measured by EPA Reference Method 5, 40 CFR Part 60, Appendix A (filterable particulate matter), and Method 202, 40 CFR Part 51, Appendix M (condensable particulate matter). In addition to other reporting units, as appropriate to demonstrate compliance, particulate matter concentrations in the exhaust gas shall also be reported in grains per dry standard cubic foot corrected to 7% oxygen concentration in the exhaust gas.
- 7.6.9 CO, NO_x, TOC, and Opacity shall be measured by EPA Reference Methods 10, 7E, 25A, and 9 of 40 CFR Part 60, Appendix A, respectively, unless alternate test methods are requested in writing by the permittee and approved, in writing, by Ecology.
- 7.6.10 Testing shall consist of three (3) separate runs using the applicable test method. For the purpose of determining compliance with an applicable emission limit, the arithmetic means of results of the three runs shall apply. In the event that a sample is accidentally lost or conditions occur in which one of the three runs must be discontinued because of forced shutdown, failure of an irreplaceable portion of the sample train, extreme meteorological conditions, or other circumstances, beyond the permittee's control, compliance may, upon Ecology's approval, be determined using the arithmetic mean of the results of the two other runs.
- 7.6.11 Written results of all required testing shall be submitted to Ecology within 30 days of occurrence.
- 7.6.12 To demonstrate compliance, Ecology may order additional performance testing for any regulated air contaminant, in accordance with EPA or other Ecology approved methods.

7.7 RECORDKEEPING AND REPORTING REQUIREMENTS

Central Washington Asphalt shall maintain sufficient records to enable Ecology to verify that the asphalt plant is operating in compliance with this Order. Records of all data

Notice of Construction ORDER No. PROPOSED

December 21, 2009

required by this Order shall be maintained in a readily retrievable manner for a period of five (5) years or more, and be made available on-site to authorized representatives of Ecology during any site inspection. At a minimum, Central Washington Asphalt shall maintain the following records:

- 7.7.1 The quantity and specifications of each fuel used in the drum-mix dryer. Records must demonstrate that each supplier's fuel conforms to the specifications for sulfur contained in this Order.
 - 7.7.2 Daily asphalt production records showing actual hours of operation of the asphalt plant, amount of asphalt produced, and percentage of RAP in the feed material.
 - 7.7.3 Results from all required emission testing conducted on the asphalt plant.
 - 7.7.4 All air quality complaints received from the public, Ecology, or any other entity. Any complaints resulting from operation of the permitted emission units shall be promptly assessed and addressed. A record shall be maintained of the permittee's action to investigate the validity of the complaint and what, if any, corrective action was taken in response to the complaint. Ecology shall be notified within three (3) days of receipt of any complaint.
- 7.8 **ADDITIONAL RESTRICTIONS FOR OPERATION AS A PORTABLE SOURCE**
The Barber-Greene asphalt plant approved by this Order may be operated temporarily in other locations within the following Washington counties: Chelan, Douglas, Kittitas, Klickitat, Okanogan, Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, San Juan, Stevens, Walla Walla, and Whitman, subject to the following restrictions:
- 7.8.1 All operations shall be limited to 12 months or less in any given location.
 - 7.8.2 Central Washington Asphalt shall notify Ecology at least ten (10) calendar days prior to any relocation. The notification shall contain:
 - 7.8.2.1 The location where the portable asphalt plant will operate;
 - 7.8.2.2 The proposed date to start operation at the new location;
 - 7.8.2.3 The anticipated date to end operations at that location;
 - 7.8.2.4 The Notice of Construction Approval Order number; and
 - 7.8.2.5 The name and phone number of the onsite contact person responsible for operation of the portable asphalt plant at the new location.
 - 7.8.4 The use of non-road engines as defined at WAC 173-400-030(55) is prohibited.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

- 7.8.5 At any temporary location, the distance between any emission units and the closest property boundary shall be as shown in 7.2.9 above. Ecology may approve a shorter distance to the closest property boundary, without revising this Order, if the applicant demonstrates through a site-specific ambient impacts analysis that a shorter minimum distance to the property boundary will not cause or contribute to a violation of any applicable air quality standard.
- 7.8.6 All emission limits, emission controls and testing and reporting requirements contained in this Order will remain in effect while operating as a temporary source.
- 7.8.7 Operation as a temporary and portable source is only allowed in areas which have been classified as in attainment or unclassifiable for all criteria pollutants. Additional review will be required for operation in nonattainment areas or areas shown to impact a nonattainment area.

7.9 GENERAL CONDITIONS

- 7.9.1 No visible emissions, generated by the source, shall be allowed beyond the property boundary.
- 7.9.2 All outdoor burning shall be performed according to Chapter 173-425 WAC, Outdoor burning.
- 7.9.3 To the extent practicable, the exhaust stack(s) shall be designed to increase dispersion of exhaust gases by limiting bends, obstructions, non-vertical discharges, and building interference with plume dispersion.
- 7.9.4 Central Washington Asphalt shall take reasonable precautions to prevent off-site odors. The permittee shall not cause or allow the generation of any odor which may unreasonably interfere with any other property owner's use and enjoyment of their property. The permittee shall use recognized good practice and procedures to reduce all odors to a reasonable minimum. In the event odor becomes a problem, Ecology may order Central Washington Asphalt to take specific measures to control odor. These measures may include, but are not limited to, the curtailment of operations or installation of additional air pollution control devices.
- 7.9.5 This Order shall become invalid if construction of the stationary source is not commenced within 18 months after receipt of final approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. Ecology may extend the 18-month period upon a satisfactory showing that an extension is justified.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

- 7.9.6 It shall be grounds for rescission of this approval if physical operation of the stationary source is discontinued for a period of eighteen (18) months or more. Ecology may extend the 18-month period upon a satisfactory showing that an extension is justified.
- 7.9.7 Emissions inventory information and other information may be requested by Ecology. Unless otherwise specified, emissions information requested by Ecology shall be submitted within 30 days of receiving the request.
- 7.9.8 Access to the source by the United States Environmental Protection Agency or the Department of Ecology shall be permitted upon request for the purpose of compliance assurance inspections. Failure to allow access is grounds for revocation of the Order approving the Notice of Construction application.
- 7.9.9 Operation of equipment must be conducted in compliance with all data and specifications submitted as part of the Notice of Construction application unless otherwise approved by Ecology. Any activity undertaken by Central Washington Asphalt, or others, in a manner which is inconsistent with the application or this Order, shall be subject to Ecology enforcement under applicable regulations.
- 7.9.10 An emergency spill plan, which has been reviewed and approved by an appropriate regulatory agency or fire department, shall be in place during operation of the facility and all operations personnel shall be familiar with and able to institute the plan. The plan will be posted at the facility. Any petroleum spill that poses an imminent threat to life, health, or the environment shall be reported to Ecology and the appropriate local and federal agencies.
- 7.9.11 Nothing in this approval shall be construed as obviating compliance with any requirement of law other than those imposed pursuant to the Washington Clean Air Act and rules and regulations thereunder. Any violation of such rules and regulations or of the terms of this approval shall be subject to the sanctions provided in Chapter 70.94 RCW.
- 7.9.12 It shall not be a defense for a permittee in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this Order.
- 7.9.13 Legible copies of this Order, the O&M manual, and the Fugitive Dust Control Plan shall be on-site in a location known by and available to employees in direct operation of the described equipment, and available to Ecology upon request.

Notice of Construction ORDER No. PROPOSED

December 21, 2009

All plans, specifications and other information submitted to the Department of Ecology relative to this project and further documents and any further authorizations or approvals or denials in relation thereto, are hereby incorporated and made a part of this Order.

Authorization may be modified, suspended or revoked in whole or part for cause, including, but not limited to, the following:

- I. Violation of any terms or conditions of this authorization;
- II. Obtaining this authorization by misrepresentation or failure to disclose fully all relevant facts.

The provisions of this authorization are severable and, if any provision of this authorization or application of any provision 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.

APPEAL INFORMATION:

You have a right to appeal this permit. To appeal this you must:

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of this document. Filing means actual receipt by the Board during regular office hours.
- Serve your appeal on the Department of Ecology within 30 days of the “date of receipt” of this document. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at Revised Code of Washington (RCW) 43.21B.001(2).

Be sure to do the following:

- Include a copy of (1) the permit you are appealing and (2) the application for the permit.
- Serve and file your appeal in paper form; electronic copies are not accepted.

1. To file your appeal with the Pollution Control Hearings Board

Mail appeal to:

The Pollution Control Hearings Board
PO Box 40903
Olympia, WA 98504-0903

OR

Deliver your appeal in person to:

The Pollution Control Hearings Board
4224 – 6th Ave SE Rowe Six, Bldg 2
Lacey, WA 98503

Notice of Construction ORDER No. PROPOSED

December 21, 2009

2. To serve your appeal on the Department of Ecology

Mail appeal to:

The Department of Ecology
Appeals Coordinator
P.O. Box 47608
Olympia, WA 98504-7608

Deliver your appeal in person to:

OR
The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Susan Billings
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, Washington 98902-3452

*For additional information, visit the Environmental Hearings Office Website:
<http://www.eho.wa.gov>*

*To find laws and agency rules, visit the Washington State Legislature Website:
<http://www1.leg.wa.gov/CodeReviser>*

DATED at Yakima, Washington this 23rd day of December, 2009.

Reviewed By:

David Ogulei, Ph.D., P.E.
Air Quality Program
Department of Ecology

Approved By:

Susan M. Billings
Air Quality Section Manager
Department of Ecology