

STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

**In the matter of approving a new
air contaminant source for
Charter Communications**)
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**Proposed Decision Regarding
Notice of Construction
Order No. 10AQ-C141**

**TO: Kathy Carrington
Vice President-Corporate Services
Charter Communications
6399 S Fiddlers Green Circle, Suite 300
Englewood, CO 80111**

Charter Communications operates an existing 535 hp diesel-fired emergency generator (installed in 2001), at 1105 East 10th Avenue, Ellensburg, WA 98926 (hereafter known as the “source”).

The source qualified as a new source of air contaminants under Washington Administrative Code (WAC) 173-400-110, November 22, 2000, and a new source of toxic air pollutants under WAC 173-460-040, July 21, 1998. These emission units were reviewed under the legal authority of Revised Code of Washington (RCW) 70.94.152 and the applicable rules and regulations adopted thereunder.

THEREFORE, it is ordered that the source, as described in said Notice of Construction Order and more specifically detailed in plans, specification 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:

APPROVAL CONDITIONS

1 Laws and Regulations

The source will comply with all state laws and regulations, including:

- Chapter 70.94 RCW, Washington Clean Air Act.
- Chapter 173-400 WAC, General Regulations for Air Pollution Sources.
- Chapter 173-460 WAC, Controls for New Sources of Toxic Air Pollutants.

The source will comply with all federal laws and regulations, including:

- Title 40 Part 60 Code of Federal Regulations (CFR) Subpart IIII, Standards of Performance for Stationary Compression Ignition Internal Combustion Engines.

2 Emission Limits

2.1 This source shall not exceed the following potential-to-emit of the specified air contaminants:

Pollutant	Emissions	
Nitrogen Oxides (NO _x)	5450	pounds per year
Carbon Monoxide (CO)	1325	pounds per year
Sulfur Dioxide (SO ₂)	2.66	pounds per year
Particulate Matter (PM ₁₀)	100	pounds per year
PM2.5	100	pounds per year
Hydrocarbons (HC)	175	pounds per year
Toxic Air Pollutants		
Acetaldehyde	1.35	pounds per year
Acrolein	0.163	pounds per year
Benzene	1.64	pounds per year
Diesel Engine Exhaust, Particulate	100	pounds per year
Formaldehyde	2.08	pounds per year
Toluene	0.720	pounds per year
Xylene	0.500	pounds per year

2.2 NO_x emissions from the diesel electric generator exhaust stack shall not exceed 9.25 g/HP-hr.

2.3 CO emissions from the diesel electric generator exhaust stack shall not exceed 2.25 g/HP-hr.

2.4 PM emissions from the diesel electric generator exhaust stack shall not exceed 0.17 g/HP-hr.

2.5 SO_x emissions from each diesel electric generator exhaust stack shall not exceed 0.0022 g/HP-hr.

2.6 Visual emissions from the diesel electric generator exhaust stack shall be no more than 5 percent, with the exception of a ten (10) minute period after unit start-up. Visual emissions shall be measured by using the procedures contained in 40 CFR 60, Appendix A, Method 9.

3 Equipment Restrictions

3.1 This source is limited to the installation and operation of one Cummins NTA855-G3, 535 hp (350 kW), diesel-fired emergency generator.

3.2 The emergency generator shall be operated only for testing, maintenance, and during periods of line power unavailability. In no circumstance shall the generator provide power to the grid or to an entity other than Charter Communication.

3.2 The total hours of operation of the emergency generator shall not exceed 500 hours per 12-month period. (Note: Approximately 25 hours per year, of the total operation will be for testing and maintenance purposes.)

- 3.3 The emergency generator exhaust stack shall vent vertically without obstruction, at a minimum height of 13.0 feet above the ground level at the base of the engine.
- 3.4 The emergency generator shall be fired exclusively with fuel oil that meets specifications of ultra-low sulfur No. 2 distillate fuel oil (less than 0.0015 weight percent sulfur).

4 General Testing and Maintenance Requirements

- 4.1 Permittee will follow manufacturer recommended diagnostic testing and maintenance procedures to ensure that this engine will operate with minimal emissions throughout the life of the emergency generator.
- 4.2 Each emergency generator shall be equipped with a properly installed and maintained non-resettable hours meter.
- 4.3 No regularly scheduled stack sampling is required by this Approval Order. Ecology may require stack testing in the future in accordance with WAC-173-400-105(4).

5 Operation and Maintenance Manual

A site-specific O&M manual for the emergency generation equipment shall be developed and followed. Manufacturers' operating instructions and design specifications for the engine, generator, and associated equipment shall be included in the manual. The O&M manual shall be updated to reflect any modifications of the equipment or its operating procedures. Emissions that result from failure to follow the operating procedures contained in the O&M manual or manufacturer's operating instructions may be considered proof that the equipment was not properly installed, operated, and/or maintained. The O&M manual for the diesel electric generation units and associated equipment shall at a minimum include:

- 5.1 Manufacturer testing and maintenance procedures that will ensure that the engine will conform to the Condition 4 emission levels throughout the useful life of the engine.
- 5.2 Normal operating parameters and design specifications.
- 5.3 Operating maintenance schedule.

6 Recordkeeping

All records, Operations and Maintenance Manual, and procedures developed under this Order shall be organized in a readily accessible manner and cover a minimum of the most recent 60-month period. The following records are required to be collected and maintained:

- 6.1 Fuel receipts with amount of diesel and sulfur content for each delivery to the facility.
- 6.2 Annual hours of operation for the diesel electric generator, including reason for its operation.
- 6.3 Upset condition log for the engine and generator that includes date, time, duration of upset, cause, and corrective action.

7 Reporting

- 7.1 Periodic emissions inventory and other information may be requested by Ecology. Information will be submitted within 30 days of receiving the request, unless otherwise specified.
- 7.2 Written notification that the O&M manual has been developed and completed shall be submitted within 60 days after the issuance of this Order.

8 General Conditions

- 8.1 **Discontinuing Operations:** It shall be grounds for rescission of this approval if physical operation 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.
- 8.2 **Compliance Assurance Access:** Access to the source by representatives of Ecology or the EPA shall be permitted upon request. Failure to allow such access is grounds for enforcement action under the federal Clean Air Act or the Washington State Clean Air Act, and may result in revocation of this Approval Order.
- 8.3 **Availability of Order and O&M Manual:** Legible copies of this Order and the O&M manual shall be available to employees in direct operation of the diesel electric generation equipment, and be available for review upon request by Ecology.
- 8.4 **Equipment Operation:** Operation of the emergency generator and related equipment shall be conducted in compliance with all data and specifications submitted as part of the NOC application and in accordance with the O&M manual, unless otherwise approved in writing by Ecology.
- 8.5 **Modifications:** Any modification to the generator, or engine and related equipment's operating or maintenance procedures, contrary to information in the NOC application, shall be reported to Ecology at least 60 days before such modification. Such modification may require a new or amended NOC Approval Order.
- 8.6 **Activities Inconsistent with the NOC Application and this Approval Order:** Any activity undertaken by the permittee or others, in a manner that is inconsistent with the NOC application and this determination, shall be subject to Ecology enforcement under applicable regulations.
- 8.7 **Obligations under Other Laws or Regulations:** Nothing in this Approval Order shall be construed to relieve the permittee of its obligations under any local, state or federal laws or regulations.

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

- a. Violation of any terms or conditions of this authorization;
- b. Obtaining this authorization by misrepresentation or failure to disclose fully all relevant fact.

The provisions of this authorization are severable and, if any provision of this authorization, or application of any provisions of their circumstances, and the reminder of this authorization, shall not be affected thereby.

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

- File your appeal with the Pollution Control Hearings Board within 30 days of the “date of receipt” of the Approval Order. 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 the Approval Order. Service may be accomplished by any of the procedures identified in WAC 371-08-305(10). “Date of receipt” is defined at RCW 43.21B.001(2).

Be sure to do the following:

- Include a copy of (1) the Approval Order you are appealing and (2) the application for the Approval Order.
- 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

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

OR

Deliver your appeal in person to:
The Department of Ecology
Appeals Coordinator
300 Desmond Dr SE
Lacey, WA 98503

3. And send a copy of your appeal to:

Sue Billings
Department of Ecology
Central Regional Office
15 West Yakima Avenue, Suite 200
Yakima, WA 98902

*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 [day] Day of [month], 2010.

Reviewed by:

Proposed Decision

Lynnette A. Haller, PE
Air Quality Program
State of Washington
Department of Ecology

Approved by:

Proposed Decision

Susan M. Billings
Section Manager
Air Quality Program
State of Washington
Department of Ecology