



1600 South Second Street  
 Mount Vernon, WA 98273-5202  
 ph 360-428-1617  
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 www.nwcleanairwa.gov

# NOTICE OF VIOLATION High Priority Violation

*This notice is provided pursuant to NWCAA Section 131 and ch. 70A.15 RCW.*

**CASE NUMBER:** 4706

**VIOLATOR(S):**

City of Bellingham  
 Post Point Wastewater Treatment Plant (SSI)  
 2221 Pacific Street  
 Bellingham, WA 98229-5823

**DID UNLAWFULLY CAUSE OR ALLOW AT:**

Post Point Wastewater Treatment Plant, 200 McKenzie Street, Bellingham, WA

NWCAA ID 1318

**AND FOUND TO BE IN VIOLATION OF:**

- |                        |  |
|------------------------|--|
| 40 CFR 60 Subpart LLLL | Standards of Performance for New Sewage Sludge Incineration Units  |
| 40 CFR 60.4845         | You must meet the emission limits and standards specified in Table 1 or 2 to this subpart within 60 days after your SSI unit reaches the feed rate at which it will operate or within 180 days after its initial startup, whichever comes first. The emission limits and standards apply at all times the unit is operating, and during periods of malfunction. The emission limits and standards apply to emissions from a bypass stack or vent while sewage sludge is in the combustion chamber (i.e., until the sewage sludge feed to the combustor has been cut off for a period of time not less than the sewage sludge incineration residence time).   |
| 40 CFR 60.4865         | To demonstrate initial compliance with the emission limits and standards in Table 1 or 2 to this subpart, use the procedures specified in paragraph (a) of this section for particulate matter, hydrogen chloride, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead, and fugitive emissions from ash handling, and follow the procedures specified in paragraph (b) of this section for carbon monoxide... Except as provided in paragraph (e) of this section, within 60 days after your SSI unit reaches the feed rate at which it will operate, or within 180 days after its initial startup, whichever comes first, you must demonstrate that your SSI unit meets the emission limits and standards specified in Table 1 or 2 to this subpart.<br><br>(a) Demonstrate initial compliance using the performance test required in § 60.8. You must demonstrate that your SSI unit meets the emission limits and standards specified in Table 1 or 2 to this subpart for particulate matter, hydrogen chloride, dioxins/furans (total mass basis or toxic equivalency basis), mercury, nitrogen oxides, sulfur dioxide, cadmium, lead, and fugitive emissions from ash handling using the performance test. The initial performance test must be conducted using the test methods, averaging methods, and minimum sampling volumes or durations specified in Table 1 or 2 to this subpart and according to the testing, monitoring, and calibration requirements specified in § 60.4900(a).<br><br>(b)(1) To demonstrate initial compliance with the carbon monoxide emission limit specified in Table 1 or 2 to this subpart, you must use the carbon monoxide continuous emissions monitoring system specified in § 60.4900(b). For determining compliance with the carbon monoxide concentration limit using carbon monoxide CEMS, the correction to 7 percent oxygen does not apply during periods of startup or shutdown. Use the measured carbon monoxide concentration without correcting for oxygen concentration in averaging with other carbon monoxide concentrations (corrected to 7 percent oxygen) to determine the 24-hour average value. |



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- 40 CFR 60.4870

(d) Submit an initial compliance report, as specified in § 60.4915(c).

(a) You must establish the site-specific operating limits specified in paragraphs (b) through (h) of this section or established in § 60.4855, as applicable, during your initial performance tests required in § 60.4865. You must meet the requirements in § 60.4890(d) to confirm these operating limits or re-establish new operating limits using operating data recorded during any performance tests or performance evaluations required in § 60.4885. You must follow the data measurement and recording frequencies and data averaging times specified in Table 3 to this subpart or as established in § 60.4855, and you must follow the testing, monitoring, and calibration requirements specified in §§ 60.4900 and 60.4905 or established in § 60.4855. You are not required to establish operating limits for the operating parameters listed in Table 3 to this subpart for a control device if you use a continuous monitoring system to demonstrate compliance with the emission limits in Table 1 or 2 to this subpart for the applicable pollutants...
- 40 CFR 60.4875

(a) You must conduct an air pollution control device inspection according to § 60.4900(c) within 60 days of installing an air pollution control device or within 180 days of startup of the SSI unit using the air pollution control device, whichever comes first.

(b) Within 10 operating days following the air pollution control device inspection under paragraph (a) of this section, all necessary repairs must be completed unless you obtain written approval from the Administrator establishing a date whereby all necessary repairs of the SSI unit must be completed.
- NWCAA 300.25(A)

Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emissions unit shall file a Notice of Construction application with the NWCAA. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.
- WAC 173-401-500

(3) Duty to apply. For each chapter 401 source, the owner or operator shall submit a timely and complete permit application in accordance with this section. Whenever practicable, the applicant shall utilize methods provided by the permitting authority for electronic transmission of the completed application.

(a) Existing chapter 401 sources. Chapter 401 sources in existence on the date of EPA approval of the state permit program shall submit permit applications no later than one hundred eighty days after EPA approval of the state permitting program.



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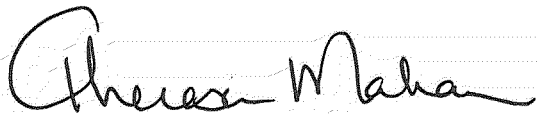
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**VIOLATION DESCRIPTION:**

1. Post Point has not demonstrated compliance with the applicable provisions of 40 CFR 60 Subpart LLLL. Compliance demonstration was required on or before March 26, 2024, including emissions demonstrations by stack testing and installation and operation of a carbon monoxide continuous monitoring system. The facility self-disclosed applicability of these provisions to NWCAA on September 28, 2023. Prior source testing of the SSI units indicates CO and dioxins/furans emissions from the SSI units are in excess of the 60 Subpart LLLL standards.
2. Post Point failed to apply for and obtain NSR permits prior to burner replacements in 2021, 2022, and 2024. The burners were part of initial permitting (OAC 442 and 287 and subsequent modifications) for both SSI units and the project constitutes replacement of emission control technology on an existing emissions unit.
3. Post Point-reported actual emissions in 2020, 2021, 2022, and 2023 have exceeded certified potential emissions submitted to NWCAA in the Title V permit applications. The facility has not submitted the required major source permit applications to the NWCAA addressing the major status of the facility with respect to CO.

**You are required to respond in writing or in person within thirty (30) days of this Notice and specify to the NWCAA the corrective action being taken in response to this Notice. In accordance with NWCAA 131.2, failure to respond shall constitute a prima facie violation of this Regulation and NWCAA may initiate action pursuant to NWCAA Sections 132, 133, 134, and 135.**

You may contact NWCAA within 30 days of receipt of this Notice to set up a meeting prior to the commencement of enforcement action pursuant to RCW 70A.15.2520.



Issued by: Toby Mahar

Compliance Manager  
Title

3/27/2024  
Date

Certified mail: 9402811898765400276177