

Exhibit J



Notice of Construction (NOC) Approval

Issued in accordance with:
Chapter 70.94 RCW, SRCAA Regulation I,
Article V, Chapter 173-400 WAC, and Chapter
173-460 WAC

3104 E. Augusta, Spokane, WA 99207 (509) 477-4727

NOTICE OF CONSTRUCTION (NOC): #170

DATE APPROVED: MARCH 3, 1988

DATE REVISED: AUGUST 31, 1989 – Revision to NOx emission limit in Condition A.1

NOVEMBER 19, 1997 – Clarification that Condition E.3 only applies to MWC baghouses

APRIL 23, 1998 – Revision to required number of spare bags in Condition D.9

AUGUST 8, 2006 – Revision to requirement to pave all parking lots given in Condition C.1

FEBRUARY 8, 2011 – Revisions to eliminate requirements that have been met and other requested revisions

NOVEMBER 28, 2012 – Addition of startup / shutdown exclusion for carbon monoxide emission limit given in Condition A.1

COMPANY NAME: CITY OF SPOKANE - SPOKANE REGIONAL SOLID WASTE SYSTEM
221 N WALL, SUITE 410
SPOKANE, WA 99201

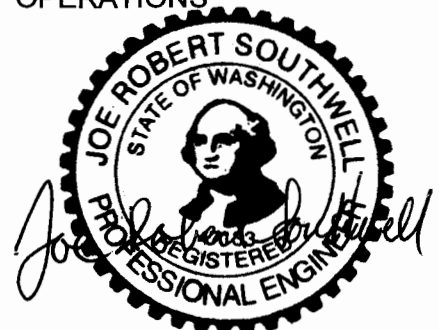
FACILITY LOCATION: SPOKANE REGIONAL WASTE-TO-ENERGY FACILITY
2900 S GEIGER BLVD
SPOKANE, WA 99204

DESCRIPTION OF EQUIPMENT BEING INSTALLED: WASTE-TO-ENERGY PROJECT, INCLUDING TWO MASS-BURN WATERWALL BOILERS, EACH RATED AT 400 TONS PER DAY, EQUIPPED WITH SELECTIVE NON-CATALYTIC REDUCTION, DRY SCRUBBERS, AND BAGHOUSES; AND ALL ANCILLARY OPERATIONS

PREPARED BY: April L. Westby
April L. Westby

REVIEWED BY: Joe R. Southwell
Joe Southwell, PE

APPROVED BY: William Dameworth
William Dameworth, Control Officer



FINAL REVISED DETERMINATION

A final revised determination has been made, based on review of the Notice of Construction and Application for Approval (NOC) #170. The proposed project, if constructed and operated as described in the NOC will be in compliance with the applicable rules and regulations, as adopted pursuant to Chapter 70.94 RCW, including Chapters 173-400 WAC and SRCAA Regulation I, provided that the following conditions are met:

A. Allowable Emissions

1. The owner or operator is herewith allowed to discharge exhaust gases containing air contaminants only in accordance with the application and the limitations contained in this Authority to Construct. Until such time as this Authority to Construct expires or is modified or revoked, the owner or operator is herewith allowed to discharge exhaust gases from those processes and activities directly related or associated thereto in accordance with the requirements, limitations, and conditions of this permit from the air contaminant source(s) listed in this application.

The specific listing of requirements, limitations and conditions contained herein does not relieve the owner or operator from complying with all other rules and standards of the Authority, nor does it allow emissions of air contaminants not limited in this authority to construct or contained in the application.

Pollutant	Emission Rate	Averaging Period	Test Method
PM	0.020 gr/dscf @ 7% O ₂	Average of three 1 hour, or longer, test runs	EPA Methods 1-5 including back half catch (EPA Method 202), excluding sulfates, chlorides and ammonium salts
PM ₁₀	0.015 gr/dscf @7% O ₂	Average of three 1 hour, or longer, test runs	EPA Method 5 or Washington Dept. of Ecology Method 19
SO ₂	See SRCAA Order #93-06, issued on August 27, 1993	See SRCAA Order #93-06, issued on August 17, 1993	Continuous emission monitor – see SRCAA Order #93-06, issued on August 27, 1993
HCl	29 ppmdv @ 7% O ₂ or 95% control	Average of three 1 hour, or longer, test runs	EPA Method 26 or 26A
NOx	225 ppmdv @ 7% O ₂	3-Hour block	Continuous emission monitor operated in accordance with 40 CFR Part 60, §60.13, & Appendices B & F
CO	100 ppmdv @ 7% O ₂ , except during periods of startup and shutdown. Periods of startup and shutdown are limited to 3 hours per occurrence.	4-Hour block	Continuous emission monitor operated in accordance with 40 CFR Part 60, §60.13, & Appendices B & F

	During periods of startup or shutdown, monitoring data shall be dismissed or excluded from compliance calculations, but shall be recorded and reported in accordance with SRCAA Regulation I, Section 6.17		
Lead	400 ug/dscm 7% O ₂	Average of three 1 hour, or longer, test runs	EPA Method 29
Fluoride (as HF)	5.4 ppm _{dv} @ 7% O ₂	Average of three 1 hour, or longer, test runs	EPA Method 13B
Opacity	10% opacity	6-minute block average	Continuous emission monitoring subject to 40 CFR, Part 60, Appendix B, Performance Specification I
	5% opacity	6 min./hr.	Washington certification method
PCDD / PCDF (as 2, 3, 7, 8 TCDD)	0.50 nanogram/dscm @ 7% O ₂ , expressed as TEQ	Average of three 4 hour, or longer, test runs	EPA Method 23

B. Emission Testing

1. The owner or operator shall demonstrate that the Solid Waste-to-Energy Facility is capable of operating in continuing compliance by performing emissions source testing. All tests shall be conducted in accordance with the testing procedures on file at SRCAA or in conformance with applicable standard methods approved in advance by SRCAA. SRCAA shall be notified at least two weeks in advance of testing.

Emission source testing is required for the following pollutants:

- Particulate matter (TSP and PM₁₀)
- Carbon monoxide
- Hydrogen chloride
- Fluorides (as HF)
- Nitrogen oxides (as NO₂)
- Sulfur dioxide
- Total gaseous nonmethane hydrocarbons (as methane)
- Sulfuric acid mist
- Arsenic
- Beryllium
- Cadmium
- Chromium (total)
- Chromium (hexavalent)

Lead
Mercury
Nickel
Selenium
Zinc
PCBs
PAHs
PCDD/PCDF¹

¹ Reported as 2,3,7,8 - TCDD toxic equivalent (TEQ) calculated using the 1989 NATO international toxic equivalency factors

The source test procedure for particulate matter shall include both the front half (probe and filter) and back half (impinger) catches. SRCAA will allow that sulfate, chloride and ammonium salts be excluded from the particulate catch. Annual source tests shall be conducted for the four years following initial testing. SRCAA will evaluate the data after each annual test series to determine if any portions may be discontinued and at the beginning of the fifth year of operation to determine if any further annual testing is warranted. If the emission rate of any element or compound listed hereinbefore is greater than specified in the NOC application documents, SRCAA may require that the applicant conduct health effects studies based upon the most current emission data available.

2. A detailed plan explaining the operating conditions during testing procedures must be submitted to and approved by the Authority prior to testing.
3. Soot blowers or super heater rappers shall be operated in a mode consistent with normal cleaning requirements of the system during the performance tests.
4. Both boilers must be tested while operating at a minimum of 85% of maximum capacity, i.e., 156.7 million BTU/hour heat input. The maximum allowable firing rate of the equipment shall be the highest capacity at which compliance has been demonstrated by source testing. Steam load or feedwater flow shall be used as the measure of firing rate.
5. Sampling ports must be provided in the following locations:
 - a. In the ducts following the combustor/boilers but preceding the spray dryer absorbers.
 - b. In the ducts downstream of the baghouses.

Adequate, permanent and safe access to the test ports must be provided. Sampling locations shall meet the requirements of 40 CFR, Part 60, Appendix A, except that due to access limitations, only one port is required in the spray dryer absorber inlet duct.

C. Fugitive Emissions

1. All roads used on a daily basis shall be paved and be kept clean to avoid fugitive emissions. In addition, all parking areas used on a daily basis shall either be paved or graveled to prevent fugitive emissions. All graveled parking areas must be properly maintained, which may include re-application of the gravel and/or application of an appropriate dust palliative to minimize dust.
2. Residue from the grates, grate sittings, ash from the combustor/boilers, economizer superheaters, fly ash from the spray dryer absorber and fabric filter hoppers shall be

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transported in closed conveyors or thoroughly wetted or treated to prevent fugitive emissions prior to handling.

3. Solid material shall not leave the quench tanks in a dry condition that creates dust.
4. The ash/residue in the storage building must remain sufficiently moist to prevent dust during storage and handling operations.
5. The truck access doors to the facility receiving area must remain closed except during normal working shifts when refuse is being received or transferred, or during short durations to allow vehicle passage.
6. Ash and residue transported from the ash and residue storage building shall be transported only in covered trucks or containers. The covers must be in place for the return trip to the facility. The exterior of trucks and bins used to transport the ash must be clean before leaving the ash storage facility.
7. The ash truck loading area shall be enclosed at all times except when a person or vehicle is entering or leaving. Time necessary to untarp and/or tarp the containers and time to position the ash containers shall be considered part of the entering and leaving process. During tarping/untarping and placement of ash containers the portion of the ash transport system that delivers ash to the container (i.e., the grizzly feedbelt) shall be turned off.
8. There shall be no visible particulate emissions from any location other than the baghouse stacks or lime storage bin, at any time, as determined using EPA Method 22 (based on a one hour observation period).
9. All conveyors and chutes for dry fly ash and dry bottom ash shall be totally enclosed and dust-tight. Dry ash shall be stored inside buildings or other enclosures to prevent entrainment into the outside air.
10. The refuse receiving area must be designed and maintained in such a manner to prevent air flow out of this portion of the building.
11. During construction, engine idling is not allowed when vehicles are not directly in use.
12. Solid waste shall not be stored outside in a manner that causes offensive odors beyond the property line or that causes particulate matter deposition beyond the property line.

D. Operational Requirements

1. Only solid waste and natural gas shall be burned in the combustion chamber. During all start up procedures, natural gas shall be used to preheat the municipal waste combustors to a minimum temperature of 700°F, measured at the superheater exit, prior to feeding solid waste. During all shutdown procedures, natural gas shall be used to minimize emissions to the maximum extent practical while any solid waste is still burning.
2. The temperature of the flue gas entering the boiler baghouses shall not exceed 300°F, hourly average unless it can be demonstrated that a higher temperature, not to exceed 350°F:
 - a. is necessary to avoid a safety problem due to fog, or

b. presents an operational problem or damages equipment, and otherwise provides equivalent or better environmental protection,

and which is acceptable to the Director.

3. The procedures in the site specific operating manual required under Condition D.6 shall be followed, when scheduled and unscheduled combustor/boiler start-up and shutdowns take place. These procedures shall specify the conditions which will initiate combustor/boiler shutdown, the expected time for completion of the process and a step-by-step description of what will occur. These procedures must be approved by SRCAA. These procedures shall be utilized during all combustor/boiler operations.
4. The owner or operator shall notify SRCAA of any breakdown, malfunction, or upset condition as soon as possible, but no later than the next day. During any such condition, the owner or operator shall promptly take corrective actions to minimize emissions to the maximum extent practical in accordance with the site specific operating manual required under Condition D.6.
5. The boiler baghouses shall have maximum effective air to cloth ratios of 4.0:1.0 (Net - one module off line for maintenance) and shall be equipped with an automatic cleaning mechanism.
6. An operation manual shall be developed and up-dated on a yearly basis. At a minimum the manual shall address the following elements:
 - a. A summary of the applicable emission standards;
 - b. A description of basic combustion theory applicable to a municipal waste combustor unit;
 - c. Procedures for receiving, handling, and feeding municipal solid waste;
 - d. Municipal waste combustor unit startup, shutdown, and malfunction procedures;
 - e. Procedures for maintaining proper combustion air supply levels;
 - f. Procedures for operating the municipal waste combustor unit within the emissions standards of this approval;
 - g. Procedures for responding to periodic upset or off-specification conditions;
 - h. Procedures for minimizing particulate matter carryover;
 - i. Procedures for handling ash;
 - j. Procedures for monitoring municipal waste combustor unit emissions; and
 - k. Reporting and recordkeeping procedures.

The facility shall have a training program to review the operating manual at least annually, and for new employees, an initial review prior to the person assuming responsibilities affecting municipal solid waste combustor operations.

The manual shall be kept in a readily accessible location for all persons required to undergo training under this condition.

Records showing the names of those people who have completed a review of the operating manual shall be kept for at least 5 years and shall include the name of the person, the date of

the initial review and the dates of subsequent reviews.

The manual and records of training shall be available for inspection by SRCAA upon request.

Operating and maintenance manuals for all equipment effecting air emissions must be developed, followed, and a copy submitted to the Authority prior to plant start up. Operators must be trained in the operation and maintenance of both the fuel burning and pollution control equipment by the system supplier before the equipment is operated. The owner or operator shall provide the Authority with evidence of proper training and develop an ongoing training program for all operators.

E. Monitoring

1. Continuous emission monitoring equipment shall be installed after the air pollution control equipment to measure the following emissions on a dry basis:
 - a. Opacity (actual basis)
 - b. Sulfur dioxide
 - c. Oxygen
 - d. Nitrogen oxides
 - e. Carbon monoxide

At the option of the permittee, continuous emission monitoring equipment shall be installed at the spray dryer absorber inlets to measure the following emissions on a dry basis:

- a. Sulfur dioxide
- b. Oxygen

These monitors shall meet the operational requirements of 40 CFR Part 60, §60.13 and Appendices B and F.

2. All continuous emission monitor recorders must be located in an area where they are observed by plant operating personnel on a frequent basis such as the control room.
3. The municipal waste combustor baghouses shall be equipped with pressure drop monitoring equipment. The read-outs from the equipment shall be in the control room.
4. Reports of any facility source testing, ambient air quality monitoring and/or studies relating to air quality other than those specified in this approval shall be reported to the SRCAA in the monthly report (see Condition F.2) covering the month in which the testing or study occurred, and if requested in writing by SRCAA, submitted within 30 days of receipt of the final report. This requirement includes the capacity, energy recovery and putrescible matter and unburned carbon tests required by the operation and maintenance contract.
5. The amount of lime supplied to the spray dryer absorber must be measured and recorded daily.

F. Recordkeeping Requirements

1. The owner or operator shall maintain a complete central file containing all measurements, records and other data required to be collected pursuant to the various provisions of this approval order. The file information shall include but is not limited to:

- a. All continuous monitors
 - *NO_x
 - *SO₂
 - *Opacity
 - *O₂
 - *CO
 - *Baghouse ΔP
 - b. Daily amount of solid waste received at the facility.
 - c. Daily amount of solid waste burned in the facility
 - d. Amount of natural gas combusted in the boilers.
 - e. Amount of steam produced in each boiler.
 - f. Boiler startup and shutdowns.
 - g. Maintenance to the air pollution control systems:
2. The owner or operator shall report to SRCAA by the 30th of each month the following information for the preceding calendar month:
 - a. A summary of all continuous emissions monitoring data. Emissions monitoring data shall summarize excursions from allowable emission levels or operating conditions with reasons, corrective actions and preventative measures adopted.
 - b. Days when CEM calibration did not occur with reasons and corrective actions.
 - c. Daily amount of solid waste burned at the facility.
 - d. Daily amount of natural gas combusted in the boilers
 - e. Boiler startups and shutdowns.

Provisions specified in WAC 173-434-050(2) must be met.

3. All flue gas measuring systems shall produce a graphic, electronic and/or printed back-up record of the concentrations measured.
4. At the request of SRCAA, the format and/or content of the monthly report shall be changed, provided that information required to be reported is either already specified in this Order of Approval, or the permittee has agreed to provide the information. Data from the continuous emission monitors will be used for compliance and enforcement purposes and shall be reported in the same units as applicable standards.

G. General Conditions

1. In the event that monitoring or test data shows that emissions from the facility exceed any emission limitation of this Authority to Construct, the owner or operator will take immediate corrective action to bring the plant's emissions within that limitation. Emissions in excess of those allowed shall be cause for the Authority to order an immediate reduction in fuel feed rate or to take other appropriate abatement action. Excess emissions indicated by the continuous emissions monitoring system shall be construed as a basis for a violation unless the continuous emission monitoring system is found to be producing erroneous data.

2. All equipment, facilities and systems installed or used to comply with the terms and conditions of this Authority to Construct shall be maintained in good working order and be operated as required to meet the conditions of this permit.
3. The Authority reserves the right to require the owner or operator to reevaluate the health risk, if there is a significant change in conditions as projected in the health risk assessment or new health data becomes available. The Authority may periodically request that the owner or operator conduct a literature search as such new data becomes available.
4. The provisions of this Authority to Construct is intended to be severable and if any individual condition or provision hereof is held to be invalid by order of the Pollution Control Hearings Board, by order of any court of competent jurisdiction, or for any other reason, subject to legal rights of appeal, the remainder of this Authority to Construct shall not be affected thereby.
5. The owner or operator recognizes that unannounced inspections by local, state and federal air pollution control agencies will occasionally be made. Acceptance of this Authority to Construct constitutes consent by the owner and operator of the facility to the inspections without notice providing a reasonable time, but not more than ten minutes, is allowed to provide an escort.
6. Expansion of the facility will constitute a major modification and will be subject to SRCAA Regulation I, Article V and WAC 173-403-050.

General Information

This Notice of Construction approval is specific to the present location (2900 S. Geiger Blvd, Spokane, WA) and is not transferable to a new location. If the equipment is moved from this site to a new site, a new Notice of Construction is required.

It should be noted that the approval of this Notice of Construction does not relieve the proponent of the obligation to comply with all other applicable federal, state and local regulations and requirements.

This order of approval may be modified, suspended or revoked in whole or in part for just cause including, but not limited to, the following:

1. Violation of any terms or conditions of this order of approval.
2. Obtaining this order of approval by misrepresentation or failure to disclose fully all relevant facts.

This order of approval may be appealed as described below:

Pursuant to the Revised Code of Washington (RCW) 43.21B.310, you have the right to appeal this Order by filing a notice of appeal with both the Pollution Control Hearings Board (PCHB) and the Spokane Regional Clean Air Agency (SRCAA) on or before the 30th day of receipt of SRCAA's order, permit, license, Notice and Order of Assessment of Civil Penalty, or Notice of Disposition.

Required procedures are detailed in state law (Chapter 43.21B RCW and Chapter 70.94 RCW) and the PCHB's own regulations (Chapter 371.08 Washington Administrative Code) which may be found in many public libraries, county and municipal law libraries or on the Internet at www.access.wa.gov/. Since others publish these documents, copies are not available from SRCAA.

If you are filing an appeal, mail, deliver, or fax it to SRCAA and the PCHB at:

SRCAA Address

SRCAA
3104 E. Augusta
Spokane, WA 99207

SRCAA Fax Number

(509) 477-6828

PCHB Mailing Address

PCHB
Environmental Hearings Office
P.O. Box 40903
Olympia, WA 98504-0903

PCHB Fax Number

(360) 586-2253

PCHB Physical Address

PCHB
1111 Israel Rd. SW. Ste 301
Tumwater, WA 98501