IN THE MATTER OF AN
ADMINISTRATIVE ORDER
CONCERNING:
INTALCO ALUMINUM LLC

To: Felippe Navarro, Site Manager
Intalco Aluminum LLC
4050 Mountain View Road
Ferndale, WA 98248

I. INTRODUCTION
This Agreed Order (Order) between the Department of Ecology (Ecology) and Intalco Aluminum LLC (Intalco) requires Intalco to prepare and submit for Ecology’s review a Four-Factor Analysis prior to re-starting any of the facility’s potlines. This Order also requires Intalco to install or otherwise implement all reasonable emission reduction measures that are identified in the Four-Factor Analysis and subsequently approved by Ecology.

II. ECOLOGY’S JURISDICTION
This Order is issued pursuant to the authority vested in Ecology by the Federal Clean Air Act (FCAA), 42 U.S.C. sec 7401, et seq., the Washington Clean Air Act (CAA), RCW 70.94, and regulations issued under the FCAA and CAA.

RCW 70.94.141(3) in conjunction with RCW 70.94.331(1) authorizes Ecology to issue administrative orders “as necessary to effectuate the purposes of the act” and to enforce those orders.

III. PARTIES BOUND
Intalco agrees to undertake all actions required of it by the terms and conditions of this Order and not to contest Ecology’s jurisdiction or authority to administer this Order. Intalco voluntarily waives its right to appeal this Order.

Nothing in this Order shall in any way relieve Intalco of its obligations to comply with the requirements of its Air Operating Permit No. 000295-0 or any other requirements of the law. Nor shall anything in this Order limit Ecology’s authority to enforce the provisions of the aforementioned Permit or the CAA.

IV. FINDINGS OF FACT
The FCAA establishes a national goal for “the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory class I Federal areas which impairment results from manmade air pollution.” 42 U.S.C. § 7491(a)(1). Each state is required to develop an implementation plan with a long-term strategy for addressing regional haze.
The long-term strategy must include “enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress” towards the national goal. 40 C.F.R. § 51.308(f)(2). In order to determine which emission reduction measures are necessary to make reasonable progress, a Four-Factor Analysis must be performed in accordance with 40 C.F.R. § 51.308(f)(2)(i).

Intalco is a primary aluminum smelter located at 4050 Mountain View Road in Ferndale, Washington and approximately 140 miles from the Olympic National Park which is classified as a federally mandated Class I Area. The facility fully curtailed its operations at the end of August 2020. However, because the facility’s emission inventory data shows that the facility emitted 227 tons of NOx, 637 tons of PM$_{2.5}$, and 4794 tons of SO$_2$ in 2014, Ecology has determined that it is appropriate to include the facility as a source to be evaluated for regional haze impacts.

Per 40 C.F.R. § 51.308, Ecology conducted a screening of major facilities by summing the Regional Haze producing emissions (NOx, PM$_{2.5}$, SO$_2$, and H$_2$SO$_4$) for each facility (Q) and dividing by the distance to the closest Class I Area (d). Ecology selected facilities with Q/d values greater than 6.7 as well as facilities that contributed more than 80 percent of the total summed Q/d for a Four-Factor Analysis. On May 22, 2019, Ecology sent a letter notifying Intalco that the Intalco Aluminum facility was selected as a facility requiring a Four-Factor Analysis based on the facility’s 2014 emission inventory data.

V. ACTIONS
For the reasons detailed above, and in accordance with RCW 70.94.141, it is agreed that Intalco shall take the following actions as set forth below. Intalco has participated in defining these actions and the dates by which they shall be completed. Intalco shall also submit required documents to all relevant government agencies for any approvals necessary to meet the schedule for installation and operation of the control measures.

Intalco shall:

1. Prepare and submit a Four-Factor Analysis to Ecology for review and approval at least 180 days prior to restarting any of the facility’s potlines. The analysis will be based on the facility’s permitted emission limits and will assess potential emission control measures against the following four statutory factors:
   - The cost of compliance,
   - Time necessary for compliance,
   - Energy and non-air quality impacts of compliance, and
   - Remaining useful life of the source.

2. Within 60 days of receipt of Ecology’s comments on the Four-Factor Analysis submitted pursuant to Section V.1, provide all additional information and/or documentation requested by Ecology, if any, and submit an updated Four-Factor Analysis that adequately addresses Ecology’s comments.

3. Install or otherwise implement and begin operating all emission control measures identified in the final Four-Factor Analysis submitted pursuant to Section V.2 within 3 years of Ecology’s approval.
Intalco or Ecology may request a change to the conditions of this Order by submitting a written request to the other party. Ecology expressly reserves the right to approve any such requests submitted by Intalco and to require the submission of documentation as needed to justify the requested change. Ecology will document its approval of any changes in writing.

VI. EFFECTIVE DATE
This Order is effective on the date the agreement is signed by both parties.

VII. TERMINATION OF THE AGREED ORDER
Upon completion by Intalco of the actions in Section V., the requirements of this Agreed Order shall be deemed to be satisfied and shall have no further effect on Intalco.

VIII. FAILURE TO COMPLY
Per RCW 70.94.141(3), RCW 70.94.331(1) and RCW 70.94.431, failure to comply with any of the provisions of this Agreed Order without first obtaining written approval from Ecology for a change to the Agreed Order as specified in Section V. of this Agreed Order may subject Intalco to enforcement action by Ecology, including the issuance of civil penalties of up to $10,000 per day per violation.

IX. THIRD PARTY RIGHT TO APPEAL
By signing this Agreed Order, Intalco voluntarily waives its right to appeal this Order.

However, a third party other than Intalco may have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

An appellant must do both of the following within 30 days of the date of receipt of this Order:

- File the appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.
- Serve a copy of the appeal and this Order on Ecology in paper form – by mail or in person (see addresses below). E-mail is not accepted.

An appellant must also comply with other applicable requirements in RCW 43.21B and WAC 371-08.

An appeal alone will not stay the effectiveness of this Order. Stay requests must be submitted in accordance with RCW 43.21B.320.
X. ADDRESS AND LOCATION INFORMATION

<table>
<thead>
<tr>
<th>Street Addresses</th>
<th>Mailing Addresses</th>
</tr>
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<tbody>
<tr>
<td>Department of Ecology</td>
<td>Department of Ecology</td>
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<tr>
<td>Attn: Appeals Processing Desk</td>
<td>Attn: Appeals Processing Desk</td>
</tr>
<tr>
<td>300 Desmond Drive SE</td>
<td>PO Box 47608</td>
</tr>
<tr>
<td>Lacey, WA 98503</td>
<td>Olympia, WA 98504-7608</td>
</tr>
<tr>
<td>Pollution Control Hearings Board</td>
<td>Pollution Control Hearings Board</td>
</tr>
<tr>
<td>1111 Israel Road SW</td>
<td>PO Box 40903</td>
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<tr>
<td>STE 301</td>
<td>Olympia, WA 98504-0903</td>
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<tr>
<td>Tumwater, WA 98501</td>
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XI. CONTACT INFORMATION

Please direct all questions about this Order to:

Judy Schwieters  
Department of Ecology  
Industrial Section  
PO Box 47600  
Olympia, WA 98504-7600

Phone: 360-407-6942  
Email: judith.schieters@ecy.wa.gov

XII. MORE INFORMATION

- Pollution Control Hearings Board Website  
  http://www.eho.wa.gov/Board/PCHB

- Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board  
  http://apps.leg.wa.gov/RCW/default.aspx?cite=43.21B

- Chapter 371-08 WAC – Practice and Procedure  

- Chapter 34.05 RCW – Administrative Procedures Act  
  http://apps.leg.wa.gov/RCW/default.aspx?cite=34.05

- Laws and Rules  
XIII. SIGNATURES

Agreed by

James DeMay, P.E.
Industrial Section Manager
Department of Ecology

January 22, 2021 -
Date

Felippe Navarro
Site Manager
Intalco Aluminum LLC

01/15/2021
Date