

INTERAGENCY AGREEMENT AMONG
THE STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

AND

THE STATE OF WASHINGTON
NORTHWEST AIR POLLUTION AUTHORITY

AND

THE PROVINCE OF BRITISH COLUMBIA
MINISTRY OF ENVIRONMENT, LANDS AND PARKS

AND

THE GREATER VANCOUVER REGIONAL DISTRICT

This four party agreement is made and entered into by and among the Department of Ecology, hereinafter referred to as "Ecology," the Ministry of Environment, Lands and Parks, hereinafter referred to as "BC Environment," the Northwest Air Pollution Authority, hereinafter referred to as "NWAPA," and the Greater Vancouver Regional District, hereinafter referred to as "GVRD."

WHEREAS, the Air Quality Accord signed on March 13, 1991 by the governments of Canada and the United States pledges both countries to control air pollution that flows across the international boundary.

WHEREAS, the Air Quality Accord commits both countries to consult, in advance, on any activities that might cause significant transboundary air pollution as well as to take steps to avoid or mitigate the effects of such air pollution.

WHEREAS, the Environmental Cooperation Agreement of May 7, 1992 between the Province of British Columbia and the State of Washington, mandated coordinated action and information sharing between the State and the Province on environmental matters of mutual concern including air quality and the establishment of Task Forces to address issues of major environmental significance.

WHEREAS, at the September 10, 1992 “Joint Air Pollution Control Workshop” attended by British Columbia and Washington Air Quality managers, long-term objectives and short-term actions were agreed-to by the respective directors and senior managers for ensuring ambient air monitoring and emission-source permitting coordination.

WHEREAS, at the September 10, 1992 and May 6, 1993 meetings of air quality managers in British Columbia and Washington, a Permitting subcommittee was formed to explore ways to more efficiently/effectively share information related to permits and to formalize the process of prior consultation on permits issued by the respective regulatory agencies.

WHEREAS, the regulatory/oversight responsibility over air sources rests with the regulatory agencies of the Province and the State as well as with Local Air Pollution Control Agencies in Washington and the Greater Vancouver Regional District in British Columbia.

WHEREAS, a Memorandum of Understanding among the affected regulatory agencies was determined to be the most effective vehicle to ensure consultation prior to permit issuance.

THEREFORE, BC Environment, Ecology, NWAPA, and the GVRD hereby enter into this Memorandum of Understanding, hereafter called the MOU.

IT IS THE PURPOSE OF THIS MOU TO: 1) Define the respective roles and responsibilities of BC Environment, Ecology, NWAPA, and GVRD in ensuring timely prior consultation on air permitting and 2) specify procedures, schedules and appropriate contacts within each agency to facilitate the timely sharing of the above information.

IT IS MUTUALLY AGREED THAT:

Statement of Work

BC Environment, Ecology, NWAPA, and GVRD shall provide prior-consultation on air permits which are deemed to have significant potential for cross-border air quality impacts. This MOU includes and incorporates the attached Scope of Work to implement this provision.

Period of Performance

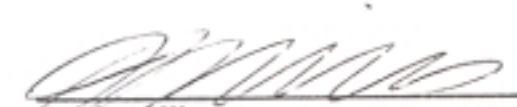
The period of performance of this MOU shall commence on the date this MOU is signed by all parties and remains in effect unless terminated by any or all the parties.

Termination

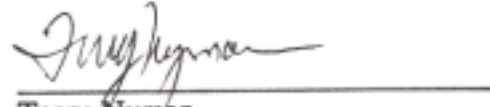
Any party may terminate its involvement in this MOU upon 30 days written notification to the other parties.

IN WITNESS THEREOF, the parties execute this agreement.


Greater Vancouver Regional District


Barrie Mills
Manager
Air Quality and Source Control

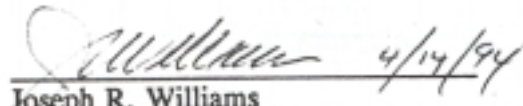
Northwest Air Pollution Authority


Terry Nymman
Air Pollution Control Officer

Province of British Columbia
Ministry of Environment, Lands,
and Parks


J. D. McTaggart-Cowan
Director
Air Resources Branch

State of Washington
Department of Ecology

 4/14/94
Joseph R. Williams
Program Manager
Air Quality Program

SCOPE OF WORK

PRIOR CONSULTATION AND INFORMATION SHARING

IN

AIR PERMITTING

I. Coordination and Cooperation

Air quality is a cross-border issue. Because air sources on either side of the border can have a significant impact on air quality on the other side, it is imperative that regulatory agencies in both Washington and British Columbia coordinate their regulatory actions and cooperate in sharing relevant air quality information necessary to ensure the preservation and protection of this crucial resource. To this end, this MOU is entered into by the four regulatory agencies on both sides of the border with the most direct regulatory impact on cross-border air quality issues. These four include: British Columbia, Ministry of Environment, Lands and Parks; Washington State Department of Ecology; NW Air Pollution Authority; and Greater Vancouver Regional District. This MOU addresses the roles and responsibilities of the above four agencies in providing cross-border consultation with each other prior to the issuance of significant air quality permits, as well as in sharing general information specific to other air permitting activity.

II. Elements of Permit Prior Consultation and Information Sharing

a) Prevention of Significant Deterioration¹ (PSD) – Type Permits

Prior consultation between BC Environment/GVRD and Ecology/NWAPA on PSD-type permits and permit applications and amendments with significant or potentially significant cross-border air quality impacts will be conducted as follows:

- Ecology's Air Quality Program will send 1 copy to the nearest BC Environment regional office of any PSD permit application, draft PSD permit or draft permit amendment for any Washington source within 100 km (62 miles) of the BC-Washington border. In the case of GVRD, Ecology will provide the above information for all PSD sources in Washington within 100 km of GVRD. The above information will be sent at least 30 days before comments are due to allow for adequate review and comment. Review comments from both BC Environment and GVRD will be reviewed by Ecology's Air Quality Program and addressed in the Responsiveness Summary. Copies of the final PSD permit and the Responsiveness Summary will be sent by Ecology to BC Environment and GVRD within 30 days of permit issuance.

¹ PSD-type permits are air permits applicable to new sources that will emit more than 250 tons/yr. (100 tons/yr. for certain listed source categories) of pollutants or to existing sources when modifications will increase emissions of these pollutants above certain threshold values.

- For PSD-type sources within 100 km of the Washington border under the jurisdiction of BC Environment, BC Environment will send 1 copy of the permit application or permit amendment application, whichever is applicable, to both Ecology's Air Quality Program and the Northwest Air Pollution Authority for a 30 day review and comment period. This will also include projects with air quality implications under the BC Energy Project Review Process or the Major Project Review Process. For PSD-type sources under GVRD jurisdiction, GVRD will send 1 copy of the permit application or amendment application to Ecology's Air Quality Program and NWAPA for a 30 day review and comment period. The comments from Ecology and/or NWAPA will be reviewed by the appropriate agency and responded to in writing. Copies of the final permit will be sent by BC Environment or GVRD, whichever has jurisdiction, to both Ecology's Air Quality Program and Northwest Air Pollution Authority within 30 days of permit issuance.

b) Operating Permits

For those Operating Permit sources within 100 km of the international border, Ecology or NWAPA, whichever has jurisdiction, will send copies of all draft Operating Permits and permit modifications to the nearest BC Environment Regional office at the start of the public comment period. Ecology or NWAPA will also send the above information to GVRD for those sources in Washington within 100 km of GVRD. Comments from BC Environment and GVRD will be reviewed by Ecology or NWAPA, whichever has permit jurisdiction, and responded to in the appropriate Responsiveness Summary. In addition, Ecology will send copies of Washington's Operating Permit Register to BC Environment and GVRD identifying upcoming Operating Permit actions and anticipated schedules.

c) Permitting of Other Sources

"Other" air sources are those not subject to either PSD, PSD-type, or Operating Permit requirements. Prior-consultation procedures as agreed to above do not apply to this source category. However, Ecology, BC Environment, GVRD, and NWAPA will share permit-related information specific to these types of sources. This information sharing will consist of Ecology and NWAPA sending copies to GVRD and BC Environment, on at least a quarterly basis, of any lists or tracking systems available outlining permitting activity that will or has taken place. BC Environment and GVRD will likewise supply the same information to Ecology and NWAPA.

Should BC Environment or GVRD wish specific information regarding permitting activity for Washington sources in this category or should Ecology or NWAPA wish similar information about sources in British Columbia, a request will be made (verbal or written) by the interested agency and responded to within 30 days by the agency receiving such a request.