

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)**SWCAA 400-030 Definitions**

[Statutory Authority: Chapter 70.94.030 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

- (1) **"Actual emissions"** means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.
  - (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission((s)) unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal "source" operation. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal "source" operation. Actual emissions shall be calculated using the emission((s)) unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
  - (b) The Agency may presume that "source" specific allowable emissions for the unit are equivalent to the actual emissions of the emission((s)) unit.
  - (c) For any emission((s)) unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emission((s)) unit on that date.
- (2) **"Adverse impact on visibility"** means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility. ~~((This term does not include effects on integral vistas.))~~
- (3) **"Agency"** means the Southwest Clean Air Agency (SWCAA).
- ~~((3))~~ (4) **"Air contaminant" or "air pollutant"** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under ~~((WAC))~~ Chapter 173-460 WAC, ~~((NESHAPS,))~~ Sections 111 and 112 of the Federal Clean Air Act ~~((Amendments of)),~~ ozone depleting substances (Title VI of the Federal Clean Air Act), any substance for which a primary or secondary National Ambient Air Quality Standard has been established, and volatile organic compounds. ~~(("Air pollutant" means the same as "air contaminant." A criteria pollutant is an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified at 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, nitrogen dioxide, and lead. Volatile organic compounds as a category are no longer identified as a criteria pollutant.))~~
- (5) **"Air discharge permit"** means the same as "Order of Approval." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.
- (6) **"Air discharge permit application"** means the same as "Notice of Construction application." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

- ~~((4))~~ (7) **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.
- ~~((5))~~ (8) **"Allowable emissions"** means the emission rate of a "stationary source" calculated using the maximum rated capacity of the "stationary source" (unless the "stationary source" is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:
- The applicable standards (~~as set forth~~) in 40 CFR Parts 60, 61, or 63;
  - Any applicable (~~State Implementation Plan~~) SIP emission limitation including those with a future compliance date;
  - The emission(~~s~~) rate specified as a federally enforceable permit condition, including those with a future compliance date; or
  - The emission rate specified by (~~an applicable~~) a federally enforceable regulatory order.
- (9) **"Alteration"** means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.
- ~~((6))~~ (10) **"Ambient air"** means the surrounding outside air.
- ~~((7))~~ (11) **"Ambient air quality standard"** (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air that shall not be exceeded.
- ~~((8))~~ **"Agency"** means the Southwest Clean Air Agency (SWCAA).
- (12) **"Attainment area"** means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.
- (13) **"Authority"** means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.
- (14) **"Begin actual construction"** means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.
- ~~((9))~~ (15) **"Best available control technology"** (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified "stationary source," which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such "stationary source" or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of (~~the~~) "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 63 (~~as they exist on July 1, 2000, or their later enactments as adopted by reference by the Agency by~~

- ~~rule~~)). Emissions from any "stationary source" utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.
- ~~((10))~~ (16) "**Best available retrofit technology**" (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant that is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the "stationary source," the remaining useful life of the "stationary source," and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- ~~((11))~~ (17) "**Board**" means the Board of Directors of the Southwest Clean Air Agency.
- ~~((12))~~ (18) "**Bubble**" means a set of emission limits which allows an increase in emissions from a given emission(s) unit(~~(s)~~) in exchange for a decrease in emissions from another emission(s) unit(~~(s)~~), pursuant to RCW 70.94.155(~~(c)~~) and SWCAA 400-120.
- ~~((13))~~ (19) "**Capacity factor**" means the ratio of the average load on a machine or piece of equipment (~~for the period of time considered,~~) to the manufacturer's capacity rating of the machine or equipment for the period of time considered.
- ~~((14))~~ (20) "**Class I area**" means any area designated pursuant to (~~§§~~) Sections 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas (~~(potentially affected by emissions from sources within SWCAA jurisdiction)~~) located within Washington state:
- (a) Alpine Lakes Wilderness;
  - (b) Glacier Peak Wilderness;
  - (c) Goat Rocks Wilderness;
  - (d) Mount Adams Wilderness;
  - (e) Mount Rainier National Park;
  - ~~((f) Mt. Hood Wilderness Area;~~
  - ~~(g) Mt. Jefferson Wilderness Area.)~~
  - (f) North Cascades National Park;
  - (g) Olympic National Park;
  - (h) Pasayten Wilderness; and
  - (i) Spokane Indian Reservation.
- (21) "**Climate change**" means a reported meteorological phenomenon, according to which the average temperature on earth is gradually increasing over its level in recent history. This rise in temperature is attributed to the increased concentration in the atmosphere of gases such as carbon dioxide that trap heat radiating upward and reradiate it toward earth.
- ~~((15))~~ "**Closure**" means permanently stopping or terminating all processes at a facility. Such termination of processes shall result in no emissions of pollutants to the ambient air. Closure does not mean temporary shutdown of operations. A facility shall be considered "permanently closed" if operations have ceased and registration fees are not paid as set forth in SWCAA 400-100(2)(e). Process and pollution control equipment may remain in place and on-site but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation). Closure of a facility requires notification to SWCAA in accordance with SWCAA 400-100(2)(d). ~~New Source Review and applicable emission control technology~~

- requirements in accordance with current requirements for similar facilities will be required of the facility prior to restart if the annual registration fee is not paid.)
- ((16)) (22) **"Combustion and incineration ((sources)) units"** means emission units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open or outdoor burning.
- ((17)) (23) **"Commenced ((construction))"** as applied to construction, means that an owner or operator has all the necessary preconstruction approvals or permits and either has:
- Begun, or caused to begin, a continuous program of actual on-site construction of the "stationary source," to be completed within a reasonable time; or
  - Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the "stationary source" to be completed within a reasonable time. ((ref. 40 CFR 52.21))
  - For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local, and federal regulations and orders contained in the Washington SIP.
- (24) **"Composting"** means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.
- ((18)) (25) **"Concealment"** means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.
- ((19)) (26) **"Construction"** means any physical change or change in ((the)) method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)
- (27) **"Criteria pollutant" or "criteria air pollutant"** means an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified in 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, oxides of nitrogen (measured as nitrogen dioxide), and lead. Although volatile organic compounds are no longer identified as a criteria pollutant category, they are regulated together with oxides of nitrogen as a precursor to ozone.
- ((20)) (28) **"Control Officer"** means the Executive Director of the Southwest Clean Air Agency.
- (29) **"Deviation from approval conditions"** means an instance when any approval condition is not met, including, but not limited to, conditions that establish emission limitations, emission standards, control equipment requirements, work practices, parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting. A deviation does not necessarily constitute a violation.
- ((21)) (30) **"Director"** means the director of the Washington State Department of Ecology ((WDOE)) or duly authorized representative.
- ((22)) (31) **"Dispersion technique"** means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.
- (32) **"Distillate oil"** means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-01 "Standard Specification for Fuel Oils."
- ((23)) (33) **"Ecology"** means the Washington State Department of Ecology ((WDOE)).
- ((24)) (34) **"Emission"** means a release of air contaminants into the ambient air.

- ~~((25))~~ (35) **"Emission control technology"** means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to ~~((the design of an emission unit or))~~ the basic design ~~((to the))~~ of an emission unit; i.e., low NOx burner for a boiler or turbine.
- ~~((26))~~ (36) **"Emission reduction credit"** (ERC) means a credit granted pursuant to SWCAA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and ~~((to))~~ establish a framework to promote a market based approach to air pollution control.
- ~~((27))~~ (37) **"Emission standard"** and **"emission limitation"** mean a requirement established under the ~~((FCAA))~~ Federal Clean Air Act, ~~((or))~~ Chapter 70.94 RCW or a local regulation ~~((which))~~ that limits the quantity, rate, or concentration of ~~((emissions of))~~ air contaminant~~((s))~~ emissions on a continuous basis, including any requirement relating to the operation or maintenance of a "stationary source" to assure continuous emission reduction and any design, equipment, work practice, or operational standard ~~((promulgated))~~ adopted under the ~~((FCAA))~~ Federal Clean Air Act or Chapter 70.94 RCW.
- ~~((28))~~ (38) **"Emission~~((s))~~ unit"** means any part of a "stationary source" that emits or would have the potential to emit any air pollutant subject to regulation under the ~~((FCAA))~~ Federal Clean Air Act, Chapter 70.94 RCW, or Chapter 70.98 RCW.
- ~~((29))~~ (39) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard or emission limit.
- ~~((30))~~ (40) **"Excess stack height"** means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWCAA 400-200(2).
- ~~((31))~~ (41) **"Executive Director"** means the Control Officer of the Southwest Clean Air Agency.
- ~~((32))~~ (42) **"Existing stationary facility"** ~~((means a stationary source of air pollutants that has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1987.*))~~ means a "stationary source" that meets all of the following conditions:
- (a) The "stationary source" was not in operation prior to August 7, 1962, and was in existence on August 7, 1977;
  - (b) The "stationary source" is one of the following:
    - (i) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,
    - (ii) Coal cleaning plants (thermal dryers),
    - (iii) Kraft pulp mills,
    - (iv) Portland cement plants,
    - (v) Primary zinc smelters,
    - (vi) Iron and steel mills,
    - (vii) Primary aluminum ore reduction plants,
    - (viii) Primary copper smelters,

- (ix) Municipal incinerators capable of charging more than 250 tons of refuse per day,
- (x) Hydrofluoric, sulfuric, or nitric acid plants,
- (xi) Petroleum refineries,
- (xii) Lime plants,
- (xiii) Phosphate rock processing plants,
- (xiv) Coke oven batteries,
- (xv) Sulfur recovery plants,
- (xvi) Carbon black plants (furnace process),
- (xvii) Primary lead smelters,
- (xviii) Fuel conversion plants,
- (xix) Sintering plants,
- (xx) Secondary metal production plants,
- (xxi) Chemical process plants,
- (xxii) Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,
- (xxiii) Petroleum storage and transfer units with a total capacity exceeding 300,000 barrels,
- (xxiv) Taconite ore processing plants,
- (xxv) Glass fiber processing plants,
- (xxvi) Charcoal production plants; and
- (c) The "stationary source" has the potential to emit 250 tons per year or more of any air contaminant. Fugitive emissions, to the extent quantifiable, must be counted in determining the potential to emit.
- (d) For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.
- ~~((33))~~ (43) "Federal Clean Air Act" (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.
- (44) "Federal Class I area" means any federal land that is classified or reclassified as Class I. The Federal Class I areas in Washington State are as follows:
  - (a) Alpine Lakes Wilderness;
  - (b) Glacier Peak Wilderness;
  - (c) Goat Rocks Wilderness;
  - (d) Mount Adams Wilderness;
  - (e) Mount Rainier National Park;
  - (f) North Cascades National Park;
  - (g) Olympic National Park; and
  - (h) Pasayten Wilderness.
- ~~((34))~~ (45) "Federal land manager" means (~~(, with respect to any lands in the United States, the Secretary of the department with authority over such lands))~~ the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior–National Park Service, the U.S. Department

- of Agriculture–Forest Service, and/or the U.S. Department of the Interior–Bureau of Land Management.
- (46) **"Federally enforceable"** means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or any order of approval established under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091 or SWCAA 400-091.
- ~~((35))~~ (47) **"Fossil fuel-fired steam generator"** means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
- ~~((36))~~ (48) **"Fugitive dust"** means a type of particulate emission made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.
- ~~((37))~~ (49) **"Fugitive emissions"** means emissions which ~~((do not pass and which))~~ could not reasonably ~~((be collected to))~~ pass through a stack, chimney, vent, or other functionally equivalent opening.
- ~~((38))~~ (50) **"General process unit"** means an emission~~((s))~~ unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.
- ~~((39))~~ (51) **"Good agricultural practices"** means economically feasible practices that are customary among or appropriate to farms and ranches of a similar nature in the local area.
- ~~((40))~~ (52) **"Good engineering practice"** (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200(2)(a)(ii).
- (53) **"Greenhouse gas"** means a gas that has the ability to contribute to a greenhouse effect in the ambient atmosphere. Greenhouse gases include carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
- ~~((41))~~ (54) **"Incinerator"** means a furnace used primarily for the thermal destruction of waste.
- ~~((42))~~ (55) **"In operation"** means engaged in activity related to the primary design function of ~~((the))~~ a "stationary source."
- (56) **"Installation"** means the act of installing, which means placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.
- ~~((43))~~ **"Integral vista"** means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.)
- ~~((44))~~ (57) **"Lowest achievable emission rate"** (LAER) means for any "stationary source" that rate of emissions which reflects the more stringent of:
- The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of "stationary source," unless the owner or operator of the proposed new or modified "stationary source" demonstrates that such limitations are not achievable; or
  - The most stringent emission limitation which is achieved in practice by such class or category of "stationary source."
- In no event shall the application of this term permit a proposed new or modified "stationary source" to emit any pollutant in excess of the amount allowable under applicable new source performance standards.
- ~~((45))~~ (58) **"Maintenance Area" or "Maintenance Plan Area"** means a geographical area ~~((of))~~ within the jurisdiction of SWCAA which was formerly designated as a nonattainment area and which has been redesignated as an attainment area as provided under ~~((40 CFR~~

- 52)) Section 107(d) of the Clean Air Act. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.
- ((46)) (59) **"Maintenance pollutant"** means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.
- ((47) ~~"Major modification," means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone. A physical change or change in the method of operation shall not include:~~
- ~~(a) — Routine maintenance, repair, and replacement;~~
  - ~~(b) — Use of an alternative fuel or raw material by reason of an order under sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;~~
  - ~~(c) — Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;~~
  - ~~(d) — Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;~~
  - ~~(e) — Use of an alternative fuel or raw material by a stationary source which:
 
    - ~~(i) — The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application; or~~
    - ~~(ii) — The source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the Environmental Protection Agency;~~~~
  - ~~(f) — An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition that was established after December 21, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application;~~
  - ~~(g) — Any change in ownership at a stationary source.)~~
- (60) (a) **"Major modification,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.
- (i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.
  - (ii) A physical change or change in the method of operation shall not include:
    - (A) Routine maintenance, repair, and replacement;
    - (B) Use of an alternative fuel or raw material by reason of an order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
    - (C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;

- (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
  - (E) Use of an alternative fuel or raw material by a "stationary source" which:
    - (I) The "stationary source" was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or
    - (II) The "stationary source" is approved to use under any permit or approval order issued under SWCAA 400-112 or WAC 173-400-112;
  - (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;
  - (G) Any change in ownership at a "stationary source;"
  - (H) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2002) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
    - (I) When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any; and
    - (II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or
  - (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP; and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.
- (b) "Major modification," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.
- (i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.
  - (ii) A physical change or change in the method of operation shall not include:
    - (A) Routine maintenance, repair and replacement;

- (B) Use of an alternative fuel or raw material by reason of an order under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;
- (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (E) Use of an alternative fuel or raw material by a "stationary source" which:
  - (I) The "stationary source" was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or Order of Approval which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation, or
  - (II) The "stationary source" is approved to use under any PSD permit;
- (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;
- (G) Any change in ownership at a "stationary source;"
- (H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
  - (I) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2002) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any, and
  - (II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or
- (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

~~((48))~~ **"Major stationary source"** means:

- ~~(a)~~ Any stationary source which:

- ~~(i) — Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the Washington State or Federal Clean Air Acts;~~
- ~~(ii) — Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen;~~
- ~~(iii) — Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or~~
- ~~(iv) — Is located in a "serious" particulate matter (PM<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> emissions.~~
- ~~(b) — Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;~~
- ~~(c) — A major stationary source that is major for VOCs or NO<sub>x</sub> shall be considered major for ozone;~~
- ~~(d) — The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (a)(iii) or (iv) of this subsection:
  - ~~(i) — Coal cleaning plants (with thermal dryers);~~
  - ~~(ii) — Kraft pulp mills;~~
  - ~~(iii) — Portland cements plants;~~
  - ~~(iv) — Primary zinc smelters;~~
  - ~~(v) — Iron and steel mills;~~
  - ~~(vi) — Primary aluminum ore reduction plants;~~
  - ~~(vii) — Primary copper smelters;~~
  - ~~(viii) — Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;~~
  - ~~(ix) — Hydrofluoric, sulfuric, or nitric acid plants;~~
  - ~~(x) — Petroleum refineries;~~
  - ~~(xi) — Lime plants;~~
  - ~~(xii) — Phosphate rock processing plants;~~
  - ~~(xiii) — Coke oven batteries;~~
  - ~~(xiv) — Sulfur recovery plants;~~
  - ~~(xv) — Carbon black plants (furnace process);~~
  - ~~(xvi) — Primary lead smelters;~~
  - ~~(xvii) — Fuel conversion plants;~~
  - ~~(xviii) — Sintering plants;~~
  - ~~(xix) — Secondary metal production plants;~~
  - ~~(xx) — Chemical process plants;~~
  - ~~(xxi) — Fossil fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;~~
  - ~~(xxii) — Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels (12,600,000 gallons);~~
  - ~~(xxiii) — Taconite ore processing plants;~~
  - ~~(xxiv) — Glass fiber processing plants;~~
  - ~~(xxv) — Charcoal production plants;~~~~

- ~~(xxvi) Fossil fuel fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and~~
- ~~(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.~~
- ~~(e) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 1987.)~~
- (61) (a) "Major stationary source," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:
- (i) Any "stationary source" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:
- (A) 70 tons per year of PM<sub>10</sub> in any "serious" nonattainment area for PM<sub>10</sub>.
- (B) 50 tons per year of carbon monoxide (CO) in any "serious" nonattainment area for CO where "stationary sources" contribute significantly to CO levels in the area.
- (ii) Any physical change that would occur at a "stationary source" not qualifying under (a)(i) of this subsection as a "major stationary source," if the change would constitute a "major stationary source" by itself.
- (iii) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.
- (iv) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories of "stationary sources" or the "stationary source" is major due to (a)(i)(A) or (a)(i)(B) of this subsection:
- (A) Coal cleaning plants (with thermal dryers);
- (B) Kraft pulp mills;
- (C) Portland cement plants;
- (D) Primary zinc smelters;
- (E) Iron and steel mills;
- (F) Primary aluminum ore reduction plants;
- (G) Primary copper smelters;
- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
- (I) Hydrofluoric, sulfuric, or nitric acid plants;
- (J) Petroleum refineries;
- (K) Lime plants;
- (L) Phosphate rock processing plants;
- (M) Coke oven batteries;
- (N) Sulfur recovery plants;
- (O) Carbon black plants (furnace process);

- (P) Primary lead smelters;
  - (Q) Fuel conversion plants;
  - (R) Sintering plants;
  - (S) Secondary metal production plants;
  - (T) Chemical process plants;
  - (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
  - (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (W) Taconite ore processing plants;
  - (X) Glass fiber processing plants;
  - (Y) Charcoal production plants;
  - (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and
  - (AA) Any other "stationary source" category, which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Federal Clean Air Act.
- (v) For purposes of determining whether a "stationary source" is a "major stationary source," the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.
- (b) "Major stationary source," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:
- (i) Any of the following "stationary sources" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:
    - (A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
    - (B) Coal cleaning plants (with thermal dryers);
    - (C) Kraft pulp mills;
    - (D) Portland cement plants;
    - (E) Primary zinc smelters;
    - (F) Iron and steel mill plants;
    - (G) Primary aluminum ore reduction plants;
    - (H) Primary copper smelters;
    - (I) Municipal incinerators capable of charging more than 50 tons of refuse per day;
    - (J) Hydrofluoric, sulfuric, and nitric acid plants;
    - (K) Petroleum refineries;
    - (L) Lime plants;
    - (M) Phosphate rock processing plants;
    - (N) Coke oven batteries;
    - (O) Sulfur recovery plants;

- (P) Carbon black plants (furnace process);
  - (Q) Primary lead smelters;
  - (R) Fuel conversion plants;
  - (S) Sintering plants;
  - (T) Secondary metal production plants;
  - (U) Chemical process plants;
  - (V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;
  - (W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (X) Taconite ore processing plants;
  - (Y) Glass fiber processing plants; and
  - (Z) Charcoal production plants.
- (ii) Regardless of the "stationary source" size specified in (b)(i) of this subsection, any "stationary source" which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or
- (iii) Any physical change that would occur at a "stationary source" not otherwise qualifying under (b)(i) or (ii) of this subsection, as a "major stationary source" if the change would constitute a "major stationary source" by itself.
- (iv) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.
- (v) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories:
- (A) Coal cleaning plants (with thermal dryers);
  - (B) Kraft pulp mills;
  - (C) Portland cement plants;
  - (D) Primary zinc smelters;
  - (E) Iron and steel mills;
  - (F) Primary aluminum ore reduction plants;
  - (G) Primary copper smelters;
  - (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - (I) Hydrofluoric, sulfuric, or nitric acid plants;
  - (J) Petroleum refineries;
  - (K) Lime plants;
  - (L) Phosphate rock processing plants;
  - (M) Coke oven batteries;
  - (N) Sulfur recovery plants;
  - (O) Carbon black plants (furnace process);
  - (P) Primary lead smelters;
  - (Q) Fuel conversion plants;
  - (R) Sintering plants;
  - (S) Secondary metal production plants;
  - (T) Chemical process plants;
  - (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;

- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (AA) Any other "stationary source" category that is being regulated under Section 111 or 112 of the Federal Clean Air Act as of August 7, 1980.
- (vi) For purposes of determining whether a "stationary source" is a "major stationary source," the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.
- ~~((49))~~ (62) "Mandatory Class I federal area" means any area defined in Section 162(a) of the ((FCAA)) Federal Clean Air Act. The mandatory Class I federal areas potentially affected by emissions from "sources" within SWCAA jurisdiction ((are as follows)) include the following:
- (a) Alpine Lakes Wilderness;
- (b) Glacier Peak Wilderness;
- (c) Goat Rocks Wilderness;
- (d) Mount Adams Wilderness;
- (e) Mount Rainier National Park;
- (f) Mt. Hood Wilderness Area;
- (g) Mt. Jefferson Wilderness Area;
- (h) North Cascades National Park;
- (i) Olympic National Park; and
- (j) Pasayten Wilderness.
- ~~((50))~~ (63) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor. ((usually to a less offensive odor.))
- ~~((51))~~ (64) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.
- ~~((52))~~ (65) "Modification" means any physical change in, or change in the method of operation of, a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.
- (66) "Motor vehicle" means any self propelled vehicle required to be licensed pursuant to Chapter 46.16 RCW.
- (67) "National Ambient Air Quality Standard" (NAAQS) means an ambient air quality standard set forth in 40 CFR Part 50, which includes standards for carbon monoxide (CO),

particulate matter (PM<sub>10</sub>, PM<sub>2.5</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).

~~((53))~~ (68) "National Emission Standards for Hazardous Air Pollutants" (NESHAPS) means the federal ~~((regulations set forth))~~ rules in 40 CFR Part 61 ~~((or Part 63))~~.

(69) "National Emission Standards for Hazardous Air Pollutants for Source Categories" means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.

~~((54))~~ (70) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

~~((55))~~ "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

- (i) Any increase in actual emissions from a particular change or change in method of operation at a source; and
- (ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

~~(b)~~ An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if the changes in actual emissions occur between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

~~(c)~~ An increase or decrease in actual emissions is creditable only if:

- (i) It occurred no more than one year prior to the date of submittal of a complete Notice of Construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
- (ii) The Agency or Ecology has not relied on it in issuing any permit or Order of Approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in emissions from the particular change occurs.

~~(d)~~ An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

~~(e)~~ A decrease in actual emissions is creditable only to the extent that:

- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
- (ii) It is federally enforceable at and after the time that actual construction on the particular change begins;
- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
- (iv) The Agency has not relied on it in issuing any permit, regulatory order or Order of Approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 or Ecology or the Agency has not relied on it in demonstrating attainment or reasonable further progress.

~~(f)~~ An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes

~~operational only after a reasonable shakedown period, not to exceed one hundred eighty days.))~~

- (71) (a) "Net emissions increase," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:
- (i) The amount by which the sum of the following exceeds zero:
    - (A) Any increase in actual emissions from a particular physical change or change in method of operation at a "stationary source"; and
    - (B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.
  - (ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.
  - (iii) An increase or decrease in actual emissions is creditable only if:
    - (A) It occurred no more than one year prior to the date of submittal of a complete air discharge permit application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
    - (B) The permitting agency has not relied on it in issuing any permit or order of approval for the "stationary source" under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.
  - (iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - (v) A decrease in actual emissions is creditable only to the extent that:
    - (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (B) It is federally enforceable at and after the time that actual construction on the particular change begins;
    - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
    - (D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.
  - (vi) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.
- (b) "Net emissions increase," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

- (i) The amount by which the sum of the following exceeds zero:
    - (A) Any increase in actual emissions from a particular physical change or change in the method of operation at a "stationary source"; and
    - (B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.
  - (ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.
  - (iii) An increase or decrease in actual emissions is creditable only if the permitting agency or EPA has not relied on it in issuing a PSD permit for the "stationary source," which permit is in effect when the increase in actual emissions from the particular change occurs.
  - (iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions can be used to evaluate the net emissions increase for PM<sub>10</sub>.
  - (v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - (vi) A decrease in actual emissions is creditable only to the extent that:
    - (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (B) It is federally enforceable at and after the time that actual construction on the particular change begins; and
    - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
  - (vii) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.
- ~~((56))~~ (72) **"New source"** means one or more of the following:
- (a) The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;
  - (b) Any other project that constitutes a "new source" under the Federal Clean Air Act;
  - ~~((c))~~ ~~Restart after a lapse in one year or more in payment of registration fees or operating permit fees;~~
  - ~~((d))~~ (c) Restart of a "stationary source" after ~~((a period of five years of non-operation where registration or operating permit fees have been paid))~~ permanent shutdown; or
  - ~~((e))~~ (d) Relocation of ~~((an existing business))~~ a "stationary source" to a new location, except in the case of portable sources operating under a valid permit as provided in SWCAA 400-110(6).
- ~~((57))~~ (73) **"New Source Performance Standards"** (NSPS) means the federal ~~((regulations set forth))~~ rules in 40 CFR Part 60 ~~((and adopted by the Agency in SWCAA 400-115)).~~

~~((58))~~ (74) **"Nonattainment area"** means a ~~((clearly delineated))~~ geographic area ~~((that has been))~~ designated by EPA ~~((promulgation))~~ in 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard ~~((or standards))~~ (NAAQS) for a given criteria air pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(75) **"Nonroad engine"**

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

- (i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or
- (ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
- (iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

- (i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Clean Air Act; or
- (ii) The engine is regulated by a New Source Performance Standard promulgated under Section 111 of the Federal Clean Air Act; or
- (iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine(s) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine(s) replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a "stationary source" that remains in a single location on a permanent basis (i.e., two seasons or more) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location. (ref. 40 CFR 89.2)

(76) **"Nonroad engine permit"** means a regulatory order issued by the Agency to approve the installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

(77) **"Nonroad engine permit application"** means a written application for installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

~~((59))~~ (78) **"Notice of Construction application"** (NOC) means a written application ~~((from the source by which the Agency records and tracks requests from registered and nonregistered sources for the purpose of obtaining information regarding proposed changes or activities))~~ requesting approval for installation, replacement, modification, or other alteration of an emission unit at an air contaminant source or replacement or substantial alteration of control technology at an existing "stationary source." ~~((Types of changes))~~ Affected activities ~~((may))~~ include, but are not limited to, equipment modifications~~((;))~~ or alterations, changes to process or control equipment, establishment of emission limits,

- installation of "new sources," control technology determinations, PSD determinations, and other items specified by the Agency. ~~((A Notice of Construction application shall be submitted to the Agency for review and approval prior to construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source or portable source. A Notice of Construction application may be submitted to the Agency for activities not requiring New Source Review and shall not automatically impose New Source Review requirements.))~~ "Notice of Construction application" means the same as "air discharge permit application." (For more information refer to SWCAA 400-109.)
- ~~((60))~~ (79) **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.
- ~~((61))~~ (80) **"Open or outdoor burning"** means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Open burning includes all forms of outdoor burning except those listed as exempt in SWCAA 425-020. Wood waste disposal in wigwam burners is not considered open or outdoor burning.
- (81) **"Operating permit"** means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.
- (82) **"Operating permit application"** means the same as "application" as described in WAC 173-401-500 and -510.
- ~~((62))~~ (83) **"Order"** ~~((or "Regulatory Order"))~~ means any regulatory order issued by Ecology or the Agency pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, air discharge permit, nonroad engine permit, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.
- ~~((63))~~ (84) **"Order of Approval"** ~~((and "Approval Order"))~~ means a regulatory order issued by Ecology or the Agency to approve a Notice of Construction or air discharge permit application ~~((for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source or portable source.))~~. "Order of Approval" means the same as "air discharge permit." Note: For more information refer to SWCAA 400-230~~((1)(a))~~.
- (85) **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.
- ~~((64))~~ (86) **"Particulate matter"** ~~((or "particulates"))~~ (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- ~~((65))~~ (87) **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in ~~((40 CFR Part 60))~~ Title 40, Chapter I of the Code of Federal Regulations or by a test method specified in the Washington ~~((State Implementation Plan))~~ SIP.
- ~~((66))~~ (88) **"Parts per million by volume"** (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppmv of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.
- (89) **"Permanent Shutdown"** means permanently stopping or terminating all processes at a "stationary source" or "emission unit." Except as provided in subsections (a), (b) and (c), whether a shutdown is permanent depends on the intention of the owner or operator at the time of the shutdown as determined from all facts and circumstances, including the cause of

- the shutdown and the payment status of registration fees. Failure to pay registration fees for greater than one year is presumed to constitute a permanent shutdown. A shutdown lasting two or more years is presumed to be permanent, except that this presumption does not apply in the case of portable equipment operating under a valid permit pursuant to SWCAA 400-110(6).
- (a) A shutdown is permanent if the owner or operator files a report of shutdown, as provided in SWCAA 400-100(5). Failure to file such a report does not mean that a shutdown was not permanent.
- (b) Failure to pay registration fees for greater than two years shall constitute a permanent shutdown.
- (c) Any shutdown lasting five or more years is considered to be permanent.
- (90) "Permitting agency" means Ecology or the local air pollution control agency with jurisdiction over a "source."
- ~~((67))~~ (91) "Person" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.
- (92) "Pipeline quality natural gas" means natural gas fuel with a total fuel sulfur content of 0.5 grains per 100 standard cubic feet or less.
- ~~((68))~~ (93) "PM<sub>10</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.
- ~~((69))~~ (94) "PM<sub>10</sub> emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington ~~((State Implementation Plan))~~ SIP.
- (95) "PM<sub>2.5</sub>" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.
- ~~((70))~~ (96) "PM<sub>2.5</sub> emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 50 or by a test method specified in the Washington ~~((State Implementation Plan))~~ SIP.
- ~~((71))~~ (97) "Pollutant" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions ~~((3,))~~ (4) and ~~((78))~~ (7))
- (98) "Portable equipment" means a "stationary source" consisting of one or more emission units that is portable or transportable and capable of being operated at multiple locations. Portable equipment is subject to the requirements of SWCAA 400-109 and 400-110. Portable equipment includes, but is not limited to, rock crushers, portable asphalt plants, and portable concrete mixing plants (Portland cement).
- ~~((72))~~ (99) "Potential to emit" means the maximum capacity (i.e., design capacity) of a "stationary source" to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the "stationary source" to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally

- enforceable. Secondary emissions do not count in determining the potential to emit of a "stationary source."
- ~~((73))~~ (100) **"Prevention of Significant Deterioration"** (PSD) means the program set forth in ~~((SWCAA 400-141 and))~~ WAC 173-400-141 and adopted by reference in SWCAA 400-141.
- ~~((74))~~ (101) **"Projected width"** means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.
- ~~((75))~~ (102) **"Reasonably attributable"** means attributable by visual observation or any other technique the Agency deems appropriate.
- ~~((76))~~ (103) **"Reasonably available control technology"** (RACT) means the lowest emission limit that a particular "stationary source" or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual "stationary source" or source category taking into account the impact of the "stationary source" upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any "stationary source" or source category shall be adopted only after public notice and opportunity for comment are afforded. RACT shall apply to existing "stationary sources."
- ~~((77))~~ (104) **"Regulatory order"** means an order issued by Ecology or the Agency to an air contaminant source (~~((which applies to that source))~~), any applicable provision of Chapter 70.94 RCW, or the rules adopted there under, or, the regulations of the Agency. Note: For further clarification, refer ~~((also))~~ to the definitions of "Order," ~~((and))~~ "Order of Approval," "air discharge permit," "nonroad engine permit," and SWCAA 400-230.
- (105) **"Residual Oil"** means crude oil, fuel oil that does not comply with the specifications for "distillate oil," and all fuel oil numbers 4, 5, and 6 as defined by the American Society for Testing and Materials in ASTM D396-01.
- (106) **"Secondary emissions"** means emissions which would occur as a result of the construction or operation of a "major stationary source" or "major modification," but do not come from the "major stationary source" or "major modification" itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the "major stationary source" or "major modification" which causes the secondary emissions. Secondary emissions may include, but are not limited to:
- (a) Emissions from ships or trains located at the new or modified "major stationary source"; and
  - (b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the "major stationary source" or "major modification."
- ~~((78))~~ **"Significant" or "significant emission rate"** means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:
- | <u>Pollutant</u>                                 | <u>Tons/Year</u> |
|--|------------------|
| <u>Carbon monoxide</u>                           | <u>100</u>       |
| <u>Nitrogen oxides</u>                           | <u>40</u>        |
| <u>Sulfur dioxide</u>                            | <u>40</u>        |
| <u>Particulate matter (PM)</u>                   | <u>25</u>        |
| <u>Fine particulate matter (PM<sub>10</sub>)</u> | <u>15</u>        |
| <u>Volatile organic compounds (VOC)</u>          | <u>40</u>        |
| <u>Lead</u>                                      | <u>0.6</u>       |

Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H <sub>2</sub> S)	10
Total reduced sulfur (including H <sub>2</sub> S)	10
Municipal waste combustor organics (measured as total tetra through octa chlorinated dibenzo p dioxins and dibenzofurans	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO <sub>2</sub> and hydrogen chloride))	40

(107) (a) **"Significant,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means, in reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<u>Pollutant</u>	<u>Emission Rate</u>
<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>PM<sub>10</sub>:</u>	<u>15 tpy</u>

(b) **"Significant,"** as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

(i) In reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<u>Pollutant</u>	<u>Emission Rate</u>
<u>Carbon monoxide:</u>	<u>100 tons per year (tpy)</u>
<u>Nitrogen oxides:</u>	<u>40 tpy</u>
<u>Sulfur dioxide:</u>	<u>40 tpy</u>
<u>Particulate matter:</u>	<u>25 tpy - PM</u> <u>15 tpy - PM<sub>10</sub></u>
<u>Volatile organic compounds:</u>	<u>40 tpy</u>
<u>Fluorides:</u>	<u>3 tpy</u>
<u>Lead:</u>	<u>0.6 tpy</u>
<u>Sulfuric acid mist:</u>	<u>7 tpy</u>
<u>Hydrogen sulfide (H<sub>2</sub>S):</u>	<u>10 tpy</u>
<u>Total reduced sulfur (including H<sub>2</sub>S):</u>	<u>10 tpy</u>
<u>Reduced sulfur compounds (including H<sub>2</sub>S):</u>	<u>10 tpy</u>

<u>Pollutant</u>	<u>Emission Rate</u>
<u>Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)</u>	<u>3.2 grams per year (0.112 oz. per year or 49 grains per year)</u>
<u>Municipal waste combustor metals: (measured as particulate matter)</u>	<u>14 megagrams per year (15 tpy)</u>
<u>Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)</u>	<u>36 megagrams per year (40 tpy)</u>
<u>Municipal solid waste landfill emissions: (measured as nonmethane organic compounds)</u>	<u>45 mega grams per year (50 tpy)</u>
<u>Ozone-depleting substances (in effect on July 1, 2000):</u>	<u>100 tpy</u>

- (ii) In reference to a "net emissions increase" or the potential of a "stationary source" to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under Section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.
- (iii) Regardless of the definition in (b)(i) of this subsection, significant means any emissions rate or any net emissions increase associated with a "major stationary source" or "major modification" which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

~~((79))~~ **"Significant visibility impairment"** means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.)

~~((80))~~ (108) **"Source"** means all of the emission(~~s~~ unit(s)) units (including quantifiable fugitive emissions) that are located on one or more contiguous and adjacent properties, and are under the control of the same person (or persons under common control), whose activities are ancillary to the production of a single product or functionally related groups of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, ((1987)) as amended by the 1977 supplement.

~~((81))~~ (109) **"Source category"** means all "sources" or "stationary sources" of the same type or classification as described in the *Standard Industrial Classification Manual (1972)*, ((1987)) as amended by the 1977 supplement.

~~((82))~~ (110) **"Southwest Clean Air Agency"** (~~or "Agency"~~) (SWCAA) means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42

- U.S.C. 7401, et seq.) and the Clean Air Washington Act (~~((RCW))~~ Chapter 70.94 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.
- ~~((83))~~ (111) **"Stack"** means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.
- ~~((84))~~ (112) **"Stack height"** means the height of an emission point measured from the ground-level elevation at the base of the stack.
- ~~((85))~~ (113) **"Standard conditions"** means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury (~~((except as otherwise specified))~~).
- ~~((86))~~ (114) **"State Implementation Plan"** (~~((SIP))~~) or "Washington SIP" means ~~((a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Clean Air Agency, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary))~~ the Washington SIP in 40 CFR Part 52, Subpart WW. The SIP contains federal, state and local regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.
- ~~((87))~~ (115) **"Stationary source"** means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216(11) of the ~~((FCAA))~~ Federal Clean Air Act.
- ~~((88))~~ (116) **"Sulfuric acid plant"** means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.
- (117) **"Synthetic minor"** means any "stationary source" whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule or permit condition.
- ~~((89))~~ (118) **"Total reduced sulfur"** (TRS) means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA Method 16 in 40 CFR Part 60, Appendix A or an EPA approved equivalent method and expressed as hydrogen sulfide.
- ~~((90))~~ (119) **"Total suspended particulate"** (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B ~~((as in effect on July 1, 2000))~~.
- (120) **"Toxic air pollutant"** (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 or -160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.
- (121) **"Unclassifiable area"** means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA in 40 CFR Part 81.
- ~~((94))~~ (122) **"United States Environmental Protection Agency"** (USEPA) shall be referred to as EPA.
- ~~((92))~~ (123) **"Upgraded"** is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involve~~((d))s~~ removal of ground or ground cover above a portion of the product piping. ~~(("Modification" of a gasoline dispensing facility means the same as "upgraded."))~~
- (124) **"Upset condition"** means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

- ~~((93))~~ (125) **"Visibility impairment"** means any humanly perceptible (~~(degradation)~~) change in visibility (light extinction, visual range, contrast, or coloration) (~~(not caused by)~~) from that which would have existed under natural conditions.
- ~~((94))~~ (126) **"Visibility impairment of Class I areas"** means visibility impairment within the Class I area and visibility impairment of any formally designated integral vista associated with the Class I area.
- ~~((95))~~ (127) **"Volatile organic compound"** (VOC) means:
- (a) Any carbon compound (~~(of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which)~~) that participates in atmospheric photochemical reactions. (~~(This includes any organic compound other than the following, which have negligible photochemical activity:)~~) Exceptions: The following compounds are not a VOC: acetone; ammonium carbonate; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ethane; methane; methyl acetate; ((t-butyl acetate (TBAC));) methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2 tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1,-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); and perfluorocarbon compounds (~~(which)~~) that fall into these classes:
- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
  - (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations;
  - (iii) Cyclic, branched, or linear, completely fluorinated tertiary amines with no unsaturations; and
  - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) For the purpose of determining compliance with emission limits, VOCs will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where (~~(such a)~~) the method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of the

compounds is accurately quantified, and the exclusion is approved by the Agency or EPA.

- (c) As a precondition to excluding negligibly-reactive compounds as VOC, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating to the satisfaction of the Agency the amount of negligibly-reactive compounds in the "source's" emissions.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

### **SWCAA 400-040 General Standards for Maximum Emissions**

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79; Amended by Board 3/20/84; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

All "stationary sources" and emission((s)) units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emission((s)) unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emission((s)) units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emission((s)) units, and the relative contributions of the individual emission((s)) units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emission((s)) units. Further, all emission((s)) units are required to use reasonably available control technology (RACT) that may be determined for some "stationary sources" or "source categories" to be more stringent than the applicable emission limitations of this regulation or any Chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the Agency shall, as provided in RCW 70.94.154, define RACT for each "stationary source" or "source category" and issue a rule or regulatory order requiring the installation of RACT.

- (1) **Visible emissions.** No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emission((s)) unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined in accordance with ~~((Appendix A by a Certified Observer certified in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR Part 60 Appendix A))~~ SWCAA Method 9, Ecology Method 9A or 9A-Alternate 1 (LIDAR) except:
- (a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Agency shall be advised of the schedule.
  - (b) When the owner or operator of an an ((source)) emission unit supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

- (c) When two or more ~~((sources))~~ emission units are connected to a common stack, the Agency may allow or require the use of an alternate time period if it is more representative of normal operations.
- (d) When an alternate opacity limit has been established per RCW 70.94.331(2)(c).
- (2) **Fallout.** No person shall cause or permit the emission of particulate matter from any "stationary source" to be deposited beyond the property under direct control of the owner~~((s))~~ or operator~~((s))~~ of the "stationary source" in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.
- (3) **Fugitive emissions.** The owner or operator of any emission~~((s))~~ unit engaging in materials handling, construction, demolition or any other operation that ~~((is a source of))~~ emits fugitive emissions:
  - (a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.
  - (b) If the emission~~((s))~~ unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.
- (4) **Odors.**
  - (a) Any person who shall cause or allow the generation of any odor from any "source," which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.
  - ~~((b))~~ ~~A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.~~
  - ~~((c))~~ ~~A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.~~

Scentometer Readings

<u>Scentometer</u>	<u>Concentration Range</u>
<u>No.</u>	<u>No. of Thresholds</u>
<del>— 0 —</del>	1 to 2
<del>— 1 —</del>	2 to 8
<del>— 2 —</del>	8 to 32
<del>— 3 —</del>	32 to 128
<del>— 4 —</del>	128

- ~~((d))~~ ~~A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at least fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.)~~
- ~~((e))~~(b) ~~((When the))~~ A "stationary source" that is a manufacturing process ((, no violation of this section shall have occurred)) shall not be considered in violation of this section provided that:
  - (i) The "stationary source" is implementing all reasonable means of odor control and abatement including, but not limited to, Best Available Control Technology (BACT), Maximum Available Control Technology (MACT), or

Lowest Achievable Emission Rate (LAER), as applicable for odor control and abatement ~~((is provided and))~~;

(ii) All odor control measures are properly maintained and operated; and

(iii) The "stationary source" is operating in compliance with other applicable regulations and emission limits.

~~((#))~~(c) When the "source" is using "good agricultural practices," as provided in RCW 70.94.640, no violation of this section shall have occurred.

- (5) **Emissions detrimental to persons or property.** No person shall cause or permit the emission of any air contaminant from any "source" if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.
- (6) **Sulfur dioxide.**  
No person shall cause or permit the emission of a gas containing sulfur dioxide from any emission(s) unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent ~~((CO<sub>2</sub>))~~ carbon dioxide as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes.
- (7) **Concealment and masking.** No person shall cause or permit the installation or use of any means that conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.
- (8) **Fugitive dust sources.**
- (a) The owner or operator of a "stationary source" of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the "stationary source" to minimize emissions.
- (b) The owner(s) or operator(s) of any existing "stationary source(s)" of fugitive dust that has been identified as a significant contributor to a PM<sub>10</sub> nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. ~~((Significance))~~ The status of a "stationary source" as a significant contributor will be determined by the criteria found in SWCAA 400-113(3).

## NEW SECTION

### **SWCAA 400-045 Permit Application for Nonroad Engines**

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, Original adoption WSR 02-XX-XXX, filed XX/XX/02, effective XX/XX/02]

- (1) **Purpose.** A nonroad engine permit application is the document used by the Agency to record and track requests to approve the installation, replacement, or other alteration of a nonroad engine.
- (2) **Applicability.** The requirements of this section apply to all nonroad engines as defined in SWCAA 400-030(74) except for the following:
- (a) Nonroad engine projects with an aggregate power rating less than 200 horsepower;
- (b) Well drilling rigs;
- (c) Portable firefighting equipment;
- (d) Mobile cranes and pile drivers;
- (e) Engines used for emergency flood control; or
- (f) Engines used to power carnival or amusement rides.
- (3) **Application Submittal.** A complete nonroad engine permit application shall be submitted for each new installation, replacement, or other alteration of a nonroad engine.

- (4) **Application Fees.** A filing fee of \$300.00 and a review fee, as shown in Table A, shall be submitted with the applicant prior to Agency review. If other types of review, as identified in Table B, are required by the Agency as a result of the proposed installation, replacement or alteration, an additional review fee shall be paid as described in Table B. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).

**TABLE A**  
**Nonroad Engine Permit Application Review Fees**

i.	Nonroad Engine (Aggregate horsepower rating):	
	Less than 500	400.00
	500 or more but less than 2,000	700.00
	2,000 or more but less than 5,000	1,500.00
	5,000 or more but less than 10,000	3,000.00
	10,000 or more	6,000.00
ii.	Minor Change to Existing Permit Conditions:	\$ 300.00
iii.	Other (Not classified above):	\$200.00/ton of emission
iv.	Emergency Applications	Double the normal application and review fee

**TABLE B**  
**Other Review Fees**

v.	State Environmental Policy Act (SEPA) - Lead Agency	\$ 1,000.00
vi.	Environmental Impact Statement (EIS) Review	\$ 500.00
vii.	Variance request	\$ 500.00
viii.	Review of ambient impact analysis	\$ 50.00/hr

- (5) **Agency actions.** Each acceptable and complete nonroad engine permit application shall result in the issuance of a nonroad engine permit or other regulatory order by the Agency in accordance with SWCAA 400-046. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each application.

(6) **Withdrawn or exempt applications.**

- (a) An applicant may withdraw an application at any time prior to issuance of a final nonroad engine permit. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application and certification that the proposed equipment or alteration will not be installed or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

- (b) After review by the Agency, an application may be determined to be exempt from the requirements of SWCAA 400-046 and 400-100. The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exemption status shall not take effect until confirmed in writing.
- (c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

## NEW SECTION

### **SWCAA 400-046 Application Review Process for Nonroad Engines**

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, Original adoption WSR 02-XX-XXX, filed XX/XX/02, effective XX/XX/02]

- (1) **Applicability.**
  - (a) All nonroad engine permit applications submitted to the Agency pursuant to SWCAA 400-045 shall be reviewed and processed as described in this section.
  - (b) Review of a permit application shall be limited to the nonroad engine proposed to be installed, replaced or altered and the air contaminants whose emissions would increase as a result.
  - (c) The requirements of this section do not apply to "stationary sources" as defined in SWCAA 400-030(110). Permit applications for "stationary sources" are reviewed and processed in accordance with SWCAA 400-110.
- (2) **Requirements.**
  - (a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.
  - (b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.
  - (c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable requirements for ambient air increments and ambient air quality standards (See Table A below). Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A.

**TABLE A**  
**Emission Concentration Regulatory Standards**

Pollutant	Averaging Period	PSD Ambient Increment <i>40 CFR 51.166(c)</i>		National Ambient Air Quality Standards (NAAQS) <i>40 CFR 50</i>		State Ambient Air Quality Standards <i>173-470, 474, and 475 WAC</i>
		Class I $\mu\text{g}/\text{m}^3$	Class II $\mu\text{g}/\text{m}^3$	Primary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standard $\mu\text{g}/\text{m}^3$ (ppm)
Carbon Monoxide (CO)	8-Hour	--	--	10,000 <sup>b</sup> (9.0)	--	10,000 <sup>b</sup> (9.0)
	1-Hour	--	--	40,000 <sup>b</sup> (35.0)	--	40,000 <sup>b</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>a</sup> (arithmetic mean)	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)

Pollutant	Averaging Period	PSD Ambient Increment 40 CFR 51.166(c)		National Ambient Air Quality Standards (NAAQS) 40 CFR 50		State Ambient Air Quality Standards 173-470, 474, and 475 WAC
		Class I $\mu\text{g}/\text{m}^3$	Class II $\mu\text{g}/\text{m}^3$	Primary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standard $\mu\text{g}/\text{m}^3$ (ppm)
Ozone (O <sub>3</sub> )	1-Hour <sup>e</sup>	--	--	(0.12)	(0.12)	(0.12)
	8-Hour <sup>f</sup>	--	--	(0.08)	(0.08)	--
Sulfur Dioxide (SO <sub>2</sub> )	Annual <sup>g</sup>	2	20	80 (0.03)	--	53 (0.02)
	24-Hour	5	91	365 <sup>b</sup> (0.14)	--	260 <sup>b</sup> (0.10)
	3-Hour	25	512	--	1,300 <sup>b</sup> (0.50)	--
	1-Hour	--	--	--	--	1,065 <sup>b</sup> (0.40) <sup>d</sup>
Lead	Quarterly Average	--	--	1.5	1.5	1.5
Total Suspended Particulates (TSP)	Annual <sup>g</sup> (geometric mean)	--	--	--	--	60
	24-Hour	--	--	--	--	150 <sup>b</sup>
Particulate Matter less than 10 $\mu\text{m}$ (PM <sub>10</sub> )	Annual (arithmetic mean)	4	17	50	50	50
	24-Hour <sup>i</sup>	8	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 2.5 $\mu\text{m}$ (PM <sub>2.5</sub> )	Annual <sup>g</sup> (arithmetic mean)	--	--	15	15	--
	24-Hour <sup>h</sup>	--	--	65	65	--

If the ambient impact in a Class I or Class II area of a proposed project is predicted to be less than the respective ambient air increments, the air quality analysis is complete at that point. If the ambient impact of a proposed project could potentially exceed the applicable ambient air increments, the applicant shall demonstrate compliance with available ambient air increments and applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2002). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

- (3) **Application processing / completeness determination.** Within thirty (30) calendar days of receipt of a nonroad engine permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.
- (4) **Final determination.** Within sixty (60) calendar days of receipt of a complete nonroad engine permit application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171.
- (5) **Appeals.** A nonroad engine permit, any conditions contained in a nonroad engine permit, the denial of a nonroad engine permit application, or any other regulatory order issued pursuant to this section, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each nonroad engine permit or order to the applicant and any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

- (6) **Compliance.** Noncompliance with any term or condition identified in a nonroad engine permit issued pursuant to this section shall be considered a violation of this section.
- (7) **Expiration.** Nonroad engine permits issued pursuant to this section shall become invalid if installation or alteration is not commenced within eighteen months after the date of issuance of a permit or if installation or alteration is discontinued for a period of eighteen months or more. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in a nonroad engine permit.
- (8) **Change of conditions.**
- (a) The owner or operator may request, at any time, a change in conditions of an existing nonroad engine permit. The request may be approved provided the Agency finds that:
- (i) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;
  - (ii) The change will not adversely impact the ability of the Agency to determine compliance with an applicable permit term or condition; and
  - (iii) The revised permit meets the requirements of SWCAA 400-046.
- (b) A request to change existing approval conditions shall be filed as a nonroad engine permit application. The application shall demonstrate compliance with the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-045(3) shall apply to these requests.
- (c) All actions taken under this subsection shall be subject to the public involvement provisions of SWCAA 400-171.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-050 Emission Standards for Combustion and Incineration Units**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 01-05-055 filed 2/15/01, effective 3/18/01]

- (1) **Particulate matter emissions.** Combustion and incineration emission((s)) units shall meet all requirements of SWCAA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emission((s)) unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emission((s)) unit combusting wood derived fuels for the production of steam in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 in 40 CFR Part 60, Appendix A or other acceptable sampling methods approved in advance by both the Agency and EPA.
- (2) **Incinerators.** For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by applicable sampling methods or other ((acceptable)) procedures approved in advance by the Agency including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing," State of Washington, Department of Ecology. Incinerators shall be operated only

during daylight hours unless written permission to operate at other times is received from the Agency.

- (3) **Measurement correction.** Measured concentrations for combustion and incineration ~~((sources))~~ units shall be adjusted in accordance with the following listing. "Source categories" not identified shall have measured concentrations for volumes corrected to ~~((seven percent))~~ 7% oxygen, except when the Agency determines that an alternate oxygen correction factor is more representative of normal operations. Concentrations for the following "source~~((s))~~ categories" shall normally be adjusted to the following oxygen concentrations: gas, diesel, ~~((&))~~ and oil-fired boilers: 3%; medical/hospital waste incinerators: 12%; natural gas turbines: 15%.
- (4) **Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.** (See SWCAA 400-115(1) for the requirements for a commercial and industrial solid waste incineration unit constructed after November 30, 1999, or modified or reconstructed after June 1, 2001.)
- (a) Definitions.
- (i) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:
- (A) The combustion unit flue gas system, which ends immediately after the last combustion chamber.
- (B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.
- (ii) "Commercial and industrial solid waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.
- (b) Applicability. This section applies to incineration units that meet all three criteria:
- (i) The incineration unit meets the definition of CISWI unit in this subsection.
- (ii) The incineration unit commenced construction on or before November 30, 1999.
- (iii) The incineration unit is not exempt under (4)(c) of this subsection.
- (c) Exempted units. The following types of incineration units are exempt from this subsection:
- (i) Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 (in effect on January 30, 2001) that meet the two requirements specified in (c)(i)(A) and (B) of this subsection.

- (A) Notify the permitting agency that the unit meets these criteria.
  - (B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.
- (ii) Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 (in effect on January 30, 2001) that meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.
  - (A) Notify the permitting agency that the unit meets these criteria.
  - (B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.
- (iii) Municipal waste combustion units. Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.
  - (A) Units regulated under 40 CFR Part 60, Subpart Ea or Subpart Eb (in effect on July 1, 2000); 40 CFR Part 60, Subpart AAAA (in effect on June 1, 2001); or WAC 173-400-050(5).
  - (B) Units burning greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR Part 60, Subparts Ea (in effect on July 1, 2000), Eb (in effect on July 1, 2000), and AAAA (in effect on June 1, 2001), and SWCAA 400-050(5), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the two requirements in (c)(iii)(B)(I) and (II) of this subsection are met.
    - (I) Notify the Agency that the unit meets these criteria.
    - (II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned and the weight of all other fuels and wastes burned in the unit.
- (iv) Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (in effect on July 1, 2000);
- (v) Small power production facilities. Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.
  - (A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
  - (B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.
  - (C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.
- (vi) Cogeneration facilities. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.
  - (A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).
  - (B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

- (C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.
- (vii) Hazardous waste combustion units. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.
  - (A) Units for which you are required to get a permit under Section 3005 of the Solid Waste Disposal Act.
  - (B) Units regulated under Subpart EEE of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (in effect on July 1, 2002).
- (viii) Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;
- (ix) Air curtain incinerators. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 CFR 60.2245 through 60.2260 (in effect on July 1, 2002).
  - (A) 100 percent wood waste.
  - (B) 100 percent clean lumber.
  - (C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.
- (x) Cyclonic barrel burners. See 40 CFR 60.2265 (in effect on July 1, 2002).
- (xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (in effect on July 1, 2002).
- (xii) Cement kilns. Kilns regulated under Subpart LLL of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (in effect on July 1, 2002).
- (xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) (in effect on July 1, 2002).
- (xiv) Chemical recovery units. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (G) of this subsection are considered chemical recovery units.
  - (A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.
  - (B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.
  - (C) Units burning only wood or coal feedstock for the production of charcoal.
  - (D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.
  - (E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.
  - (F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.
  - (G) Units burning only photographic film to recover silver.

- (xv) Laboratory analysis units. Units that burn samples of materials for the purpose of chemical or physical analysis.
- (d) Exceptions.
  - (i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 CFR 60.2815, in effect on July 1, 2002).
  - (ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 CFR 60.2815 (in effect on July 1, 2002) mean the CISWI unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart CCCC by reference.
- (e) A CISWI unit must comply with 40 CFR 60.2575 through 60.2875, in effect on July 1, 2002, which is adopted by reference.
  - (i) The federal rule contains these major components:
    - (A) Increments of progress towards compliance in 60.2575 through 60.2630;
    - (B) Waste management plan requirements in 60.2620 through 60.2630;
    - (C) Operator training and qualification requirements in 60.2635 through 60.2665;
    - (D) Emission limitations and operating limits in 60.2670 through 60.2685;
    - (E) Performance testing requirements in 60.2690 through 60.2725;
    - (F) Initial compliance requirements in 60.2700 through 60.2725;
    - (G) Continuous compliance requirements in 60.2710 through 60.2725;
    - (H) Monitoring requirements in 60.2730 through 60.2735;
    - (I) Recordkeeping and reporting requirements in 60.2740 through 60.2800;
    - (J) Title V operating permits requirements in 60.2805;
    - (K) Air curtain incinerator requirements in 60.2810 through 60.2870;
    - (L) Definitions in 60.2875; and
    - (M) Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be achieved by June 1, 2005.
  - (ii) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the Agency.
  - (iii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.
  - (iv) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.
  - (v) Exception to adopting the federal rule. The Title V operating permit requirements in 40 CFR 2805(a) are not adopted by reference. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, Chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.
  - (vi) Exception to adopting the federal rule. The following compliance dates apply:
    - (A) The final control plan (Increment 1) must be submitted no later than January 1, 2004. (See Increment 1 in Table 1.)

- (B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)
- (5) **Small municipal waste combustion units.** Small Municipal waste combustion units constructed on or before August 30, 1999. (See SWCAA 400-115(1) for the requirements for a municipal waste combustion unit constructed after August 30, 1999, or reconstructed or modified after June 6, 2001.)
- (a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved-air or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:
- (i) Municipal waste combustion units do not include the following units:
- (A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in (c)(viii) and (ix) of this subsection.
- (B) Cement kilns that combust municipal solid waste as specified under the exemptions in (c)(x) of this subsection.
- (C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.
- (ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:
- (A) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.
- (B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.
- (C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.
- (b) Applicability. This section applies to a municipal waste combustion unit that meets these three criteria:
- (i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.
- (ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.
- (iii) The municipal waste combustion unit is not exempt under (c) of this section.

- (c) Exempted units. The following municipal waste combustion units are exempt from the requirements of this section:
- (i) Small municipal waste combustion units that combust less than 11 tons per day. Units are exempt from this section if four requirements are met:
    - (A) The municipal waste combustion unit is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.
    - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (C) The owner or operator of the unit sends a copy of the federally enforceable permit to the permitting agency.
    - (D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.
  - (ii) Small power production units. Units are exempt from this section if four requirements are met:
    - (A) The unit qualifies as a small power production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
    - (B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.
    - (C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.
  - (iii) Cogeneration units. Units are exempt from this section if four requirements are met:
    - (A) The unit qualifies as a small power production facility under Section 3(18)(C) of the Federal Power Act (16 U.S.C. 796(18)(C)).
    - (B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.
    - (C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.
  - (iv) Municipal waste combustion units that combust only tires. Units are exempt from this section if three requirements are met:
    - (A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can co-fire coal, fuel oil, natural gas, or other nonmunicipal solid waste).
    - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (C) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.
  - (v) Hazardous waste combustion units. Units are exempt from this section if the units have received a permit under Section 3005 of the Solid Waste Disposal Act.

- (vi) Materials recovery units. Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.
- (vii) Co-fired units. Units are exempt from this section if four requirements are met:
  - (A) The unit has a federally enforceable permit limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.
  - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
  - (C) The owner or operator submits a copy of the federally enforceable permit to the permitting agency.
  - (D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.
- (viii) Plastics/rubber recycling units. Units are exempt from this section if four requirements are met:
  - (A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 CFR 60.1940 (in effect on July 1, 2002).
  - (B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.
  - (C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.
  - (D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.
- (ix) Units that combust fuels made from products of plastics/rubber recycling plants. Units are exempt from this section if two requirements are met:
  - (A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.
  - (B) The unit does not combust any other municipal solid waste.
- (x) Cement kilns. Cement kilns that combust municipal solid waste are exempt.
- (xi) Air curtain incinerators. If an air curtain incinerator as defined under 40 CFR 60.1910 (in effect on July 1, 2002) combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 (in effect on July 1, 2002).
- (d) Exceptions.
  - (i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on July 1, 2002).
  - (ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on July 1, 2002), mean the unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart AAAA (in effect on July 1, 2002).

- (e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:
- (i) Class I units. Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on July 1, 2002) for the specification of which units are included in the aggregate capacity calculation.
  - (ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on July 1, 2002) for the specification of which units are included in the aggregate capacity calculation.
- (f) Compliance option 1.
- (i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 CFR 60.1610 (in effect on July 1, 2002).
  - (ii) The final control plan must, at a minimum, include two items:
    - (A) A description of the physical changes that will be made to accomplish the reduction.
    - (B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on July 1, 2002) to calculate the combustion capacity of a municipal waste combustion unit.
  - (iii) A permit restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on July 1, 2002) to calculate the combustion capacity of a municipal waste combustion unit.
- (g) Compliance option 2. The municipal waste combustion unit must comply with 40 CFR 60.1585 through 60.1905, and 60.1935 (in effect on July 1, 2002), which is adopted by reference.
- (i) The rule contains these major components:
    - (A) Increments of progress towards compliance in 60.1585 through 60.1640;
    - (B) Good combustion practices - operator training in 60.1645 through 60.1670;
    - (C) Good combustion practices - operator certification in 60.1675 through 60.1685;
    - (D) Good combustion practices - operating requirements in 60.1690 through 60.1695;
    - (E) Emission limits in 60.1700 through 60.1710;
    - (F) Continuous emission monitoring in 60.1715 through 60.1770;
    - (G) Stack testing in 60.1775 through 60.1800;
    - (H) Other monitoring requirements in 60.1805 through 60.1825;

- (I) Recordkeeping reporting in 60.1830 through 60.1855;
- (J) Reporting in 60.1860 through 60.1905;
- (K) Equations in 60.1935; and
- (L) Tables 2 through 8.
- (ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:
  - (A) "State plan" in the federal rule means SWCAA 400-050(5);
  - (B) "You" in the federal rule means the owner or operator;
  - (C) "Administrator" includes the permitting agency;
  - (D) Table 1 in (h)(ii) of this subsection substitutes for Table 1 in the federal rule; and
  - (E) "The effective date of the state plan approval" in the federal rule means December 6, 2002.
- (h) Compliance schedule.
  - (i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.
  - (ii) Small municipal waste combustion units must comply with Table 1.

<u>Table 1 Compliance Schedules and Increments of Progress</u>					
<u>Affected units</u>	<u>Increment 1 (Submit final control plan)</u>	<u>Increment 2 (Award contracts)</u>	<u>Increment 3 (Begin on-site construction)</u>	<u>Increment 4 (Complete on-site construction)</u>	<u>Increment 5 (Final compliance)</u>
<u>All Class I units</u>	<u>August 6, 2003</u>	<u>April 6, 2004</u>	<u>October 6, 2004</u>	<u>October 6, 2005</u>	<u>November 6, 2005</u>
<u>All Class II units</u>	<u>September 6, 2003</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>Not applicable</u>	<u>May 6, 2005</u>

- (iii) Class I units must comply with these additional requirements:
  - (A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 CFR 60.1790 (in effect on July 1, 2002).
  - (B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 CFR Part 60, Subpart BBBB (in effect on July 1, 2002) by the later of two dates:
    - (I) December 6, 2003; or
    - (II) One year following the issuance of an order of approval (revised construction permit or operation permit) if a permit modification is required.
- (i) Air operating permit. Chapter 173-401 WAC, the air operating permit regulation, applicability begins on July 1, 2002. See WAC 173-401-500 for permit application requirements and deadlines.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)**SWCAA 400-052 Stack Sampling of ((Major)) Large Combustion Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

~~((1)) **General requirements.** No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.~~

~~((2))~~(1) **Applicability.** ~~((All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.))~~ The requirements of this section apply to each "stationary source" which emits 100 tons per year or more of nitrogen oxides, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds due to the operation of one or more combustion or incineration units. Individual emission units with a potential to emit of less than 10 tons per year of the qualifying pollutant are exempt from the requirements of this section.

~~((3)) **Emissions sampling requirements.** The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major. Emissions testing shall be performed in accordance with SWCAA 400-106.~~

(2) **Emission testing requirements.** The owner or operator of a "stationary source" subject to this section shall conduct emission testing to quantify emissions of each qualifying pollutant. Unless an alternative schedule has been provided in accordance with subsections (5) or (6) below, emission testing shall be conducted according to the following schedule:

(a) "Stationary sources" subject to the requirements of this section with more than one combustion or incineration unit shall divide affected combustion or incineration units into test groups. The collective emissions of each test group shall comprise at least 25 percent of the potential emissions of the qualifying pollutant. One test group shall be emission tested at least once every two calendar years. Test groups shall be tested in rotation so that one group is tested during each test period, and each group is tested before any other group is tested twice in the same rotation.

(b) Regardless of subsection (2)(a), any individual combustion or incineration unit that has the potential to emit greater than 100 tons per year of any pollutant listed in subsection (1) shall be emission tested at least once every two calendar years.

~~((4))~~(3) **Sampling methods.** ~~((All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Agency.))~~ All emission testing shall be conducted in accordance with the requirements of SWCAA 400-106.

~~((5))~~(4) **Additional requirements.** Nothing in this section shall be construed as to limit the ability of the Agency to impose additional or supplemental emission((s)) testing requirements for any emission((s)) unit within the Agency's jurisdiction in accordance with SWCAA 400-((105(4))) 105(2) or 400-106(1)(a).

~~((6))~~(5) **Alternative sampling schedules.** ~~((The Agency may on a case by case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based upon measured emissions relative to the applicable emissions limitation. The Agency may reduce the frequency of the required emissions testing.))~~ The Agency may accept or require an alternative to the emission testing schedule in subsection (2). Such an alternative emission testing schedule must be specified in writing by the Agency.

~~((7))~~(6) **Continuous emission(s) monitors.** ~~((The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.))~~ Continuous emission monitors may be utilized as an alternative to the emission testing requirements in subsection (2) provided the monitors are operated and maintained in accordance with the applicable performance specification(s) in 40 CFR Part 60, Appendix B and the quality assurance procedures of 40 CFR Part 60, Appendix F, both as in effect on July 1, 2002.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

#### **SWCAA 400-060 Emission Standards for General Process Units**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

General process units shall meet all applicable provisions of SWCAA 400-040, and~~((;))~~ no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter of exhaust gas at standard conditions (0.1 grain/dscf) ~~((of exhaust gas))~~. EPA test methods from 40 CFR Parts 51, 60, 61 and 63 ~~((Appendix A which are adopted by reference))~~ as in effect July 1, 2002 and any other appropriate test procedures approved in advance by both the Agency and EPA shall be used to determine compliance.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

#### **SWCAA 400-070 Emission Standards for Certain Source Categories**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

The Agency finds that the reasonable regulation of "stationary sources" within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emission~~((s))~~ units within the categories listed.

- (1) **Wigwam burners.** The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.
- (2) **Hog fuel boilers.**
  - (a) Hog fuel boilers shall meet all provisions of SWCAA 400-040 and SWCAA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any consecutive eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient

operation of these units. This practice is to be scheduled for the same specific times each day and the Agency shall be notified of the schedule or any changes.

- (b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.
- (3) **Orchard heating.**
- (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
- (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.
- (4) **Catalytic cracking units.**
- ~~((a) All existing catalytic cracking units shall meet all provisions of SWCAA 400-040:~~
- ~~(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.~~
- ~~(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.~~
- ~~(b)) All new catalytic cracking units shall install BACT ((that may be more stringent than the provisions of SWCAA 400-115.)) and meet all requirements applicable to a new "stationary source." As of January 1, 2002, there are no existing catalytic cracking units in SWCAA's jurisdiction.~~
- (5) **Sulfuric acid plants.** No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.
- (6) **Gasoline dispensing facilities.**
- (a) All gasoline dispensing facilities shall meet all the provisions of SWCAA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors."
- (b) Methyl tertiary-butyl ether (MTBE) may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in the state of Washington after December 31, 2003, and in no event may MTBE be knowingly mixed in gasoline above six-tenths of one percent by volume. [RCW 19.112.100]
- ~~((7) **Dry cleaning facilities.** All dry cleaning facilities shall meet all the provisions of SWCAA 494 "Dry Cleaning Operations".))~~
- (7) **Perchloroethylene Dry Cleaners.**
- (a) Applicability.
- (i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 source categories by the type of equipment they use and the volume of PCE purchased.

TABLE 1. PCE Dry Cleaner Source Categories

<u>Dry cleaning facilities with:</u>	<u>Small area source purchases less than:</u>	<u>Large area source purchases between:</u>	<u>Major source purchases more than:</u>
<u>(1) Only Dry-to-Dry Machines</u>	<u>140 gallons PCE/yr</u>	<u>140-2,100 gallons PCE/yr</u>	<u>2,100 gallons PCE/yr</u>
<u>(2) Only Transfer Machines</u>	<u>200 gallons PCE/yr</u>	<u>200-1,800 gallons PCE/yr</u>	<u>1,800 gallons PCE/yr</u>

<u>Dry cleaning facilities with:</u>	<u>Small area source purchases less than:</u>	<u>Large area source purchases between:</u>	<u>Major source purchases more than:</u>
<u>(3) Both Dry-to-Dry and Transfer Machines</u>	<u>140 gallons PCE/yr</u>	<u>140-1,800 gallons PCE/yr</u>	<u>1,800 gallons PCE/yr</u>

- (ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2002).
- (b) Operations and maintenance record.
- (i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.
- (ii) The information in the operations and maintenance record must be kept on-site for five years.
- (iii) The operations and maintenance record must contain the following information:
- (A) Inspection. The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed;
- (B) Repair. The date, time, and result of each repair of the dry cleaning system;
- (C) Refrigerated condenser information. If a refrigerated condenser is being used, record the following information:
- (I) The air temperature at the inlet of the refrigerated condenser,
- (II) The air temperature at the outlet of the refrigerated condenser,
- (III) The difference between the inlet and outlet temperature readings, and
- (IV) The date the temperature was taken;
- (D) Carbon adsorber information. If a carbon adsorber is being used, record the following information:
- (I) The concentration of PCE in the exhaust of the carbon adsorber, and
- (II) The date the concentration was measured;
- (E) A record of the volume of PCE purchased each month must be entered by the first of the following month;
- (F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;
- (G) All receipts of PCE purchases; and
- (H) A record of any pollution prevention activities that have been accomplished.
- (c) General operations and maintenance requirements.
- (i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.
- (ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.
- (iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.

- (iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.
- (v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.
- (vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.
- (vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

<u>Small area source</u>	<u>Large area source</u>	<u>Major source</u>
<u>Refrigerated condenser for all machines installed after September 21, 1993.</u>	<u>Refrigerated condenser for all machines.</u>	<u>Refrigerated condenser with a carbon adsorber for all machines installed after September 21, 1993.</u>

- (d) Inspection.
  - (i) The owner or operator must inspect the dry cleaning system at a minimum following the requirements in Table 3:

TABLE 3. Minimum Inspection Frequency

<u>Small area source</u>	<u>Large area source</u>	<u>Major source</u>
<u>Once every 2 weeks.</u>	<u>Once every week.</u>	<u>Once every week.</u>

- (ii) An inspection must include an examination of these components for condition and perceptible leaks:
    - (A) Hose and pipe connections, fittings, couplings, and valves;
    - (B) Door gaskets and seatings;
    - (C) Filter gaskets and seatings;
    - (D) Pumps;
    - (E) Solvent tanks and containers;
    - (F) Water separators;
    - (G) Muck cookers;
    - (H) Stills;
    - (I) Exhaust dampers; and
    - (J) Cartridge filter housings.
  - (iii) The dry cleaning system must be inspected while it is operating.
  - (iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.
- (e) Repair.
    - (i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.
    - (ii) If repair parts are unavailable, they must be ordered within two working days of detecting the leak.
    - (iii) Repair parts must be installed as soon as possible, and no later than five working days after arrival.
    - (iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

- (v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.
- (f) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:
  - (i) Outlet air temperature.
    - (A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.
    - (B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.
    - (C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.
    - (D) The air temperature sensor must meet these requirements:
      - (I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;
      - (II) The air temperature sensor must be accurate to within 2°F (1.1°C);
      - (III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and
      - (IV) The air temperature sensor must be labeled "RC outlet."
  - (ii) Inlet air temperature.
    - (A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.
    - (B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.
    - (C) The air temperature sensor must meet these requirements:
      - (I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;
      - (II) The air temperature sensor must be accurate to within 2°F (1.1°C);
      - (III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and
      - (IV) The air temperature sensor must be labeled "RC inlet."
  - (iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:
    - (A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.
    - (B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).
    - (C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.



hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

- (9) **Sewage sludge incinerators.** Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) in effect on July 1, 2002, are adopted by reference.
- (10) **Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991.** A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Resource Conservation and Recovery Act including the following: Commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be either publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion. All references in this subsection to 40 CFR Part 60 rules mean those rules in effect on July 1, 2000.
- (a) **Applicability.** These rules apply to each MSW landfill constructed, reconstructed, or modified before May 30, 1991; and the MSW landfill accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition. (See SWCAA 400-115(1) for the requirements for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.) Terms in this subsection have the meaning given them in 40 CFR 60.751, except that every use of the word "administrator" in the federal rules referred to in this subsection includes the Agency.
- (b) **Exceptions.** Any physical or operational change to an MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.
- (c) **Standards for MSW landfill emissions.**
- (i) **An MSW landfill having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(a) in addition to the applicable requirements specified in this section.**
- (ii) **An MSW landfill having design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable requirements specified in this section.**
- (d) **Recordkeeping and reporting.** An MSW landfill must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submission of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements), as applicable, except as provided for under (d)(i) and (ii).
- (i) **The initial design capacity report for the facility is due before September 20, 2001.**
- (ii) **The initial nonmethane organic compound (NMOC) emissions rate report is due before September 20, 2001.**
- (e) **Test methods and procedures.**
- (i) **An MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill nonmethane organic compound emission rates following the procedures listed in 40 CFR 60.754, as applicable, to determine whether the rate equals or exceeds 50 megagrams per year.**



modification or reconstruction, the landfill is subject to Chapter 173-401 WAC on the date the amended design capacity report is due.

- (ii) An MSW landfill that has a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is subject to Chapter 173-401 WAC beginning on the effective date of this section. (Note: Under 40 CFR 62.14352(e), an applicable MSW landfill must have submitted its application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), no "source" may operate after the time that it is required to submit a timely and complete application.)
- (iii) When an MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit for the landfill if the landfill is not subject to Chapter 173-401 WAC for some other reason and if either of the following conditions are met:
  - (A) The landfill was never subject to the requirement for a control system under 40 CFR 62.14353; or
  - (B) The landfill meets the conditions for control system removal specified in 40 CFR 60.752 (b)(2)(v).

**(11) Used oil burners.**

- (a) Applicability. The requirements of this section do not apply to:
  - (i) Facilities operating in accordance with an air discharge permit or other regulatory order issued by the Agency;
  - (ii) Used oil burned in used oil fired space heaters provided that (40 CFR 279.23):
    - (a) The space heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators,
    - (b) The space heater is designed to have a maximum capacity of not more than 0.5 million Btu per hour, and
    - (c) Combustion gases from the space heater are vented to the ambient air;
  - (iii) Ocean-going vessels (40 CFR 279.20(a)(2)); and
  - (iv) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles (40 CFR 279.20(a)(3)).
- (b) No person shall burn as fuel used oil that exceeds any of the following specification levels:
  - (i) Arsenic - 5 ppm maximum;
  - (ii) Cadmium – 2 ppm maximum;
  - (iii) Chromium – 10 ppm maximum;
  - (iv) Lead - 100 ppm maximum;
  - (v) Flash point – 100 °F minimum; and
  - (vi) Total halogens – 4,000 ppm maximum. Used oil containing more than 1,000 ppm total halogens is presumed to be a hazardous waste under the rebuttable presumption provided under 40 CFR 279.10(b)(1). Such used oil is subject to 40 CFR 266, Subpart H when burned for energy recovery unless the presumption of mixing can be successfully rebutted.

Note: 40 CFR 761.20(e) imposes standards for the burning of used oil containing polychlorinated biphenyls (PCBs).

**(12) Coffee roasters.**

- (a) Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch are required to maintain and operate an afterburner that treats all roasting and cooling exhaust streams prior to discharge to the ambient air.
- (b) The following equipment is subject to the provisions of SWCAA 400-109 and 400-110:
  - (i) All batch process coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch;
  - (ii) Batch process coffee roasters with a capacity of 10 pounds or less of green coffee beans per batch on a case-by-case basis;
  - (iii) Continuous process coffee roasters regardless of capacity; and
  - (iv) Coffee roasting processes involving decaffeination regardless of capacity.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-075 Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

- (1) The national emission standards for hazardous air pollutants promulgated by ~~((the United States Environmental Protection Agency (USEPA)))~~ EPA as in effect July 1, ~~((2000))~~ 2002, as contained in ~~((Title 40, Code of Federal Regulations,))~~ 40 CFR Part 61 ~~((and Part 63))~~, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA ~~((, the Director of Ecology))~~ and the ~~((Control Officer))~~ Executive Director of the Agency.
- (2) The Agency may require that ~~((source))~~ emission tests be conducted and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Part 61, ~~((and/or))~~ Part 63, or Part 65 in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.
- (3) ~~((Source))~~ Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of ~~((Title 40, Code of Federal Regulations,))~~ 40 CFR Part 61 ~~((and/or))~~, Part 63 and/or Part 65, as in effect on July 1, ~~((2000))~~ 2002.
- (4) This section shall not apply to any "stationary source" operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.
- (5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by ~~((the US))~~ EPA.
  - (a) As of July 1, ((2000)) 2002, ((the following standards of performance as set forth in)) 40 CFR Part 63 and appendices are hereby adopted by reference. The following list is provided for informational purposes:

- Subpart A National Emission Standards for Hazardous Air Pollutants for Source Categories: General Provisions (ref. 40 CFR 63.1 et seq.)
- Subpart B National Emission Standards for Hazardous Air Pollutants for Source Categories: Equivalent Emission Limitation By Permit (ref. 40 CFR 63.50 et seq.)

Subpart D	National Emission Standards for Hazardous Air Pollutants for Source Categories: Early Reduction Program (ref. 40 CFR 63.70 et seq.)
Subpart F	National Emission Standards for Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)
Subpart G	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations, and Wastewater (ref. 40 CFR 63.110 et seq.)
Subpart H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)
Subpart I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)
Subpart L	National Emission Standards for Hazardous Air Pollutants for Coke Oven Operations (ref. 40 CFR 63.300 et seq.)
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities – as it applies to major sources (ref. 40 CFR 63.320 et seq.)
Subpart N	National Emission Standards for Hazardous Air Pollutants from Hard and Decorative Electroplating and Anodizing Operations (ref. 40 CFR 63.340 et seq.)
Subpart O	National Ethylene Oxide Air Emission Standards for Commercial Sterilizers (ref. 40 CFR 63.360 et seq.)
Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)
Subpart R	National Emission Standards for Hazardous Air Pollutants for Gasoline Distribution Operations (Stage I) (ref. 40 CFR 63.420 et seq.)
Subpart S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)
Subpart T	National Emission Standards for Hazardous Air Pollutants for Halogenated Solvents Cleaning Operations (ref. 40 CFR 63.460 et seq.)
Subpart U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins and Group IV Polymers and Resins (ref. 40 CFR 63.480 et seq.)
Subpart W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)
Subpart X	National Emission Standards for Hazardous Air Pollutants for Secondary Lead Smelting Manufacturing Operations (ref. 40 CFR 63.541 et seq.)
Subpart Y	National Emission Standards for Hazardous Air Pollutants for Marine Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)
Subpart AA	<u>National Emission Standards for Hazardous Air Pollutants for Phosphoric Acid Manufacturing Plants (ref. 40 CFR 63.600 et seq.)</u>
Subpart BB	<u>National Emission Standards for Hazardous Air Pollutants for Phosphate Fertilizers Production Plants (ref. 40 CFR 63.620 et seq.)</u>
Subpart CC	National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (ref. 40 CFR 63.640 et seq.)
Subpart DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)

Subpart EE	National Emission Standards for Hazardous Air Pollutants for Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.710 et seq.)
Subpart GG	National Emission Standards for Hazardous Air Pollutants for Aerospace Manufacturing Operations (ref. 40 CFR 63.740 et seq.)
<u>Subpart HH</u>	<u>National Emission Standards for Hazardous Air Pollutants for Oil and Natural Gas Production Facilities (ref. 40 CFR 63.760 et seq.)</u>
Subpart II	National Emission Standards for Hazardous Air Pollutants for Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)
Subpart JJ	National Emission Standards for Hazardous Air Pollutants for Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)
Subpart KK	National Emission Standards for Hazardous Air Pollutants for the Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)
Subpart LL	National Emission Standards for Hazardous Air Pollutants for Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)
Subpart OO	National Emission Standards for Tanks – Level 1 (ref. 40 CFR 63.900 et seq.)
Subpart PP	National Emission Standards for Containers (ref. 40 CFR 63.920 et seq.)
Subpart QQ	National Emission Standards for Surface Impoundments (ref. 40 CFR 63.940 et seq.)
Subpart RR	National Emission Standards for Individual Drain Systems (ref. 40 CFR 63.960 et seq.)
<u>Subpart SS</u>	<u>National Emission Standards for Hazardous Air Pollutants for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (ref. 40 CFR 63.980 et seq.)</u>
<u>Subpart TT</u>	<u>National Emission Standards for Hazardous Air Pollutants for Equipment Leaks – Control Level 1 (ref. 40 CFR 63.1000 et seq.)</u>
<u>Subpart UU</u>	<u>National Emission Standards for Hazardous Air Pollutants for Equipment Leaks – Control Level 2 (ref. 40 CFR 63.1019 et seq.)</u>
Subpart VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)
<u>Subpart WW</u>	<u>National Emission Standards for Hazardous Air Pollutants for Storage Vessels (Tanks) – Control Level 2 (ref. 40 CFR 63.1060 et seq.)</u>
<u>Subpart YY</u>	<u>National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic MACT (ref. 40 CFR 63.1100 et seq.)</u>
<u>Subpart CCC</u>	<u>National Emission Standards for Hazardous Air Pollutants for Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants (ref. 40 CFR 63.1155 et seq.)</u>
<u>Subpart DDD</u>	<u>National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production (ref. 40 CFR 63.1175 et seq.)</u>
Subpart EEE	National Emission Standards for ((h))Hazardous Air Pollutants from Hazardous Waste Combustors (ref. 40 CFR 63.1211 et seq.)
<u>Subpart GGG</u>	<u>National Emission Standards for Hazardous Air Pollutants for Pharmaceuticals Production (ref. 40 CFR 63.1250 et seq.)</u>
<u>Subpart HHH</u>	<u>National Emission Standards for Hazardous Air Pollutants for Natural Gas Transmission and Storage Facilities (ref. 40 CFR 63.1270 et seq.)</u>
Subpart III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)
Subpart JJJ	National Emission Standards for Hazardous Air Pollutants Emissions: Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)

- Subpart LLL National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry (ref. 40 CFR 63.1340 et seq.)
- Subpart MMM National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production (ref. 40 CFR 63.1360 et seq.)
- Subpart NNN National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing (ref. 40 CFR 63.1380 et seq.)
- Subpart OOO National Emission Standards for Hazardous Air Pollutants for Manufacture of Amino/Phenolic Resins (ref. 40 CFR 63.1400 et seq.)
- Subpart PPP National Emission Standards for Hazardous Air Pollutants for Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)
- Subpart RRR National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production (ref. 40 CFR 63.1500 et seq.)
- Subpart TTT National Emission Standards for Hazardous Air Pollutants for Primary Smelting (ref. 40 CFR 63.1541 et seq.)
- Subpart VVV National Emission Standards for Hazardous Air Pollutants for Publicly Owned Treatment Works (ref. 40 CFR 63.1580 et seq.)
- Subpart XXX National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese (ref. 40 CFR 63.1650 et seq.)
- Subpart CCCC National Emission Standards for Hazardous Air Pollutants for Manufacturing of Nutritional Yeast (ref. 40 CFR 63.2130 et seq.)
- Subpart GGGG National Emission Standards for Hazardous Air Pollutants: Solvent Extraction for Vegetable Oil Production (ref. 40 CFR 63.2830 et seq.)
- Subpart HHHH National Emission Standards for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production (ref. 40 CFR 63.2980 et seq.)
- Subpart TTTT National Emission Standards for Hazardous Air Pollutants for Leather Tanning and Finishing Operations (ref. 40 CFR 63.5280 et seq.)
- Subpart VVVV National Emission Standards for Hazardous Air Pollutants for Boat Manufacturing (ref. 40 CFR 63.5680 et seq.)
- Appendix A Test Methods (ref. 40 CFR 63, Appendix A)
- Appendix B Sources Defined for Early Reduction Provisions (ref. 40 CFR 63, Appendix B)
- Appendix C Determination of the Fraction Biodegraded in a Biological Treatment Unit (ref. 40 CFR 63, Appendix C)
- Appendix D Alternative Validation procedure for EPA Waste and Wastewater Methods (ref. 40 CFR 63, Appendix D)
- Appendix E Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions (ref. 40 CFR 63, Appendix E)
- (b) Exceptions to 40 CFR Part 63 adoption by reference.
- (i) The term "administrator" in 40 CFR Part 63 includes the Executive Director of the Agency.
- (ii) The following subparts of 40 CFR Part 63 are not adopted by reference:
- (A) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;
- (B) Subpart E, Approval of State Programs and Delegation of Federal Authorities; and
- (C) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to nonmajor sources.

- (6) Consolidated requirements for the synthetic organic chemical manufacturing industry.**  
(SOCMI) 40 CFR Part 65, as in effect on July 1, 2002, is adopted by reference.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-076 Emission Standards for Stationary Sources Emitting Toxic Air Pollutants**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

- (1) The term toxic air pollutants (TAP) or toxic air contaminant means any air pollutant listed in WAC 173-460-150 or 460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 or 460-160. The Chemical Abstract Service (CAS) number shall be the primary means used to specifically identify a substance. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.
- (2) All "stationary sources" subject to the requirements of SWCAA 400-110, 400-111, 400-112, 400-113 or 400-114 shall be subject to the requirements of ~~((WAC)) Chapter 173-460 WAC~~. All "stationary sources" subject to review under SWCAA 400 shall also be reviewed for applicability and/or compliance under ~~((WAC)) Chapter 173-460 WAC~~.
- (3) The ~~((New Source))~~ review fee schedule provided in SWCAA 400-~~((110))~~ 109 shall be applicable to all "stationary sources" subject to ~~((WAC)) Chapter 173-460 WAC~~. The fees identified in SWCAA 400-~~((110))~~ 109 shall not be duplicate to any fees collected under ~~((WAC)) Chapter 173-460 WAC~~. Only a single fee shall apply to "stationary sources" that are subject to SWCAA 400 and ~~((WAC)) Chapter 173-460 WAC~~.
- (4) ~~((A Notice of Construction is a written application to request approval for construction or modification of an air contaminant source.))~~ If an ~~((Notice of Construction))~~ air discharge permit application is required under both SWCAA 400 and ~~((WAC)) Chapter 173-460 WAC~~, then the applications shall be combined. All "stationary sources" subject to ~~((WAC)) Chapter 173-460 WAC~~ shall file an ~~((Notice of Construction))~~ air discharge permit application in accordance with SWCAA 400-109 (~~("Notice of Construction" and SWCAA 400-110 "New Source Review")~~).
- (5) Agency actions including issuance of regulatory orders and enforcement actions for "stationary sources" subject to ~~((WAC)) Chapter 173-460 WAC~~ shall be the same as those actions for "stationary sources" subject to and identified in SWCAA 400.
- (6) "Stationary sources" subject to ~~((WAC)) Chapter 173-460 WAC~~ shall be subject to the registration requirements of SWCAA 400-100. Where a "stationary source" is subject to both SWCAA 400 and ~~((WAC)) Chapter 173-460 WAC~~, only one registration shall be provided and only one fee shall be collected in accordance with the schedule outlined in SWCAA 400-100.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-081 Startup and Shutdown**

[Statutory Authority: Chapter 70.94.141 RCW. 93-21-003 filed 10/7/93, effective 11/8/93; Original adoption 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-055 filed 2/15/01, effective 3/18/01]

- (1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Agency shall consider any physical and operational constraints on the ability of a "stationary source" or source category to comply with the applicable technology based standard during startup or shutdown.
- ~~((2))~~ Where the Agency determines that the "stationary source" or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with a ~~((n-emission))~~ technology based standard during startup or shutdown, the Agency shall include in ~~((regulatory orders or the Operating Permit,))~~ the technology based standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the "stationary source" or source category during startup or shutdown conditions. No provision of this rule section shall be construed to authorize emissions in excess of SIP approved emission standards unless previously approved by EPA as a SIP amendment.
- ~~((3))~~ (2) In modeling the emissions of a "stationary source" for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Agency shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule section.
- ~~((4))~~ ~~Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.)~~

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-091 Voluntary Limits on Emissions**

[Statutory Authority: Chapter 70.94.141 RCW. Section previously numbered SWCAA 400-090 - 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

- (1) Voluntary limits on emissions and limitations on potential to emit or process parameters or throughputs may be requested by ~~((a))~~ the owner or operator of any "stationary source" by submittal of a complete ~~((Notice of Construction))~~ air discharge permit application ~~((to the Agency))~~ as provided in SWCAA 400-109. Confidential information shall be identified as set forth in SWCAA 400-270. Upon ~~((request by the owner or operator of a source and))~~ completion of review of the application ~~((by the Agency))~~, the Agency shall issue a regulatory order ~~((which reduces))~~ limiting that "stationary source's" potential to emit to an amount agreed to by the owner or operator and the Agency.
- (2) A condition contained in an order issued under this section shall ~~((be))~~ limit operation to a level less than the "stationary source's" otherwise allowable annual emissions of that air contaminant, process parameters or throughputs~~((;))~~ under all applicable requirements of Chapter 70.94 RCW and the ~~((FCAA))~~ Federal Clean Air Act, including any standard or other requirement provided for in the Washington ~~((State Implementation Plan (SIP)))~~ SIP.
- (3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the "stationary source" complies with any emission limit, process parameter, or throughput limitation established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of SWCAA 400-105.
- (4) Any order issued under this section shall be subject to the ~~((public notice and comment procedures under))~~ requirements of SWCAA 400-171.

- (5) The terms and conditions of an ~~(regulatory)~~ order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington ~~(State Implementation Plan)~~ SIP. Any proposed ~~(increase in emissions above limits)~~ change in a term or condition contained in an order issued under this section shall require revision or revocation of the order.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 01-05-055 filed 2/15/01, effective 3/18/01)

**SWCAA 400-100 Registration Requirements ~~(and Operating Permit Fees)~~**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW, 70.94.200 RCW, and 70.94.395 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-04-030 filed 1/28/92, effective 2/28/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-032 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01]

The registration program is intended to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify "source" compliance with applicable air pollution requirements.

- (1) **Applicability.** All "sources" or emission units ~~((that emit contaminants to the ambient air))~~ shall be registered with the Agency in accordance with this section as set forth in RCW 70.94.151 except ~~((those))~~ the following: ~~((sources or emission units specifically exempted by SWCAA 400-100(3) and SWCAA 400-101.))~~
- (a) Emission units or activities exempted under SWCAA 400-101; and
- (b) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.
- (2) **General requirements.**
- (a) The owner or operator of a "source" for which registration is required shall initially register the "source" with the Agency. A unique ~~((registration))~~ identification number shall be assigned to ~~((all))~~ each "source~~((s))~~" ~~((required to be registered with SWCAA))~~ and a separate registration fee shall be provided for each ~~((air contaminant))~~ emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process. A registration fee shall not be collected for exempt emission units identified ~~((at))~~ in SWCAA 400-101.
- (b) ~~((Registration information shall be provided to the "source" on forms supplied by the Agency. The forms shall be verified by the "source" and returned to the Agency with payment in full within the time specified by the Agency.))~~ The owner or operator of a registered "source" shall submit annual reports to the Agency. Each report shall contain information as may be required by the Agency concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. Relevant information may include air pollution requirements established by rule, regulatory order or ordinance pursuant to Chapter 70.94 RCW. The owner, operator, or their designated representative shall sign the annual report for each "source," and be

responsible for the accuracy, completeness, and timely submittal of all required information.

- ~~((c))~~ Annual registration fees that are unpaid after June 30 for the effective year shall be considered to be in default and the source shall be considered to be out of business and/or in violation of item (d) below for failure to report closure. At the discretion of the Control Officer, all Orders of Approval for existing equipment shall become invalid for this source and the source shall be required to submit a Notice of Construction and applicable fees in accordance with SWCAA 400-110 prior to resuming operations. Prior to taking actions to 'un-register' a source, the source must be notified by certified letter. The registration program covers the period of July 1 through June 30. Sources or emission units operating less than six months in the current registration period that are terminated, shall not be liable for registration fees. This does not apply to temporary or portable stationary sources.
- ~~(d)~~ A report of closure or discontinuance shall be filed with the Agency within ninety days after operations producing emissions permanently cease at any source. (Refer to SWCAA 400-230 for issuance of an Order of Discontinuance.))
- (3) **Registration fees.** Before the Control Officer may register any emission unit, ~~((the use of which may emit contaminants to the atmosphere,))~~ an annual registration fee of \$75.00 for each emission unit, plus ~~(((\$25))~~ \$39 per ton of each criteria air pollutant and VOC (combined) ~~((for fiscal year 1998/1999)),~~ plus \$10 per ton of total toxic air pollutants greater than 1.0 tons, shall be paid. Annual registration fees cover the period from July 1 through June 30. "Sources" or emission units that permanently shutdown prior to January 1 of the current registration period shall not be liable for registration fees. This provision does not apply to "temporary sources." Operation of equipment subject to registration without payment of applicable registration fees shall be considered a violation of this section. ((The \$25 per ton of each criteria air pollutant and VOC shall be adjusted in fiscal year 1999/2000, and beyond, to \$39 per ton.))
- ~~((a))~~ Exceptions:
- ~~((i))~~ (a) An annual registration fee of \$50.00 shall be charged to each gasoline transport tank.
- ~~((ii))~~ (b) The registration fee for a small operation may be waived or reduced by the Control Officer provided sufficient demonstration of circumstances is presented, subject to the discretion of the Control Officer.
- ~~((iii))~~ Emission~~((s))~~ units and activities specifically exempted under SWCAA 400-101 are not required to comply with the requirements of this section.))
- ~~((iv))~~ (c) "Stationary sources" subject to the Operating Permit Program ((sources)), as defined in RCW 70.94.030(17), shall pay an operating permit fee in accordance with SWCAA 400-((400(4))) 103. ((Operating Permit Program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of this section after EPA grants interim or final approval of the SWCAA Operating Permit Program pursuant to 40 CFR Part 70.))
- ~~((4))~~ **Operating Permit Fees.** Fee determination and certification for sources subject to 70.94.161 RCW requirements:
- (a) **Applicability.** The owner or operator of all sources subject to the requirement to obtain an Operating Permit under 40 CFR 70 or 70.94.161 RCW, shall pay an annual fee, or the equivalent over some other period as approved, subject to the discretion of the Control Officer, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program requirements as specified in this section.

- (b) ~~**Pollutants for which fees will be assessed.**~~
- (1) ~~A volatile organic compound.~~
  - (2) ~~Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.~~
  - (3) ~~Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference. PM<sub>10</sub> emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the 40 CFR Part 70 source. Source test data is required to demonstrate the PM<sub>10</sub> portion of total particulate matter emissions.~~
  - (4) ~~Emissions of each regulated pollutant emitted in excess of 7500 tons from a source shall be excluded from fee assessment.~~
- (c) ~~**Program cost projections.** The Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWCAA 400-100(f) and Ecology's development and oversight costs, as provided in RCW 70.94.162 shall be considered in the workload analysis. The projected budget shall be submitted to the Agency's Technical Advisory Council, as described in SWCAA 400-172, for comments. The Technical Advisory Council shall be given an opportunity to provide input regarding the projected budget. The Control Officer shall evaluate all comments and revise the projected budget where deemed appropriate. After consideration of the comments, the Control Officer shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine the Operating Permit Program fees. The Agency shall publish the proposed and approved budgets and workload analysis in the Permit Register.~~
- (d) ~~**Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three part fee assessment methodology as described below:~~
- (1) ~~Participation Fee. Fees sufficient to cover one third of the Board approved Operating Permit Program budget shall be assessed such that each source shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 sources within the Agency's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:~~

$$PF = \frac{B}{3n}, \text{ where;}$$
    - PF = Participation fee portion of total fee;
    - B = The total Agency budget for the Operating Permit Program;
    - n = The number of 40 CFR Part 70 sources.
  - (2) ~~Emissions Fee. Fees sufficient to cover one third of the budget shall be assessed such that each source shall pay an amount equal to that source's portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 sources within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 sources within the Agency's jurisdiction shall be paid by the owner or operator of each source.~~

The emissions portion of the fee shall be assessed according to the following formula:

$EF = B/3 * SE/TE$ , where:

$EF$  = Emissions fee portion of total fee;

$B$  = The total Agency budget for the Operating Permit Program;

$SE$  = The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 source;

$TE$  = The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 sources.

- (3) ~~Complexity Fee. Fees sufficient to cover one third of the budget shall be assessed such that each 40 CFR Part 70 source shall pay an amount equal to that source's portion of the total emissions units at all 40 CFR Part 70 sources within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's emissions units to the total number of emissions units located at all 40 CFR Part 70 sources within the Agency's jurisdiction shall be paid by the owner or operator of each source. The complexity portion of the fee shall be assessed according to the following formula:~~

$CF = B/3 * SU/TU$ , where:

$CF$  = Complexity fee portion of total fee;

$B$  = The total Agency budget for the Operating Permit Program;

$SU$  = The number of emission units at a source;

$TU$  = The number of emissions units at all 40 CFR Part 70 sources.

- (4) ~~Total Fee. The amount of the annual assessed fees for each 40 CFR Part 70 source shall be the sum of the participation, emissions and complexity fee portions ( $PF + EF + CF = \text{Total Fee}$ ). The sum of the total fees for all 40 CFR Part 70 sources within the Agency's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.~~

(e) **Accountability.**

- (1) ~~The sum of the fees assessed by the Agency to all sources required to obtain Operating Permits within the Agency's jurisdiction shall not exceed the cost of developing and administering the program. All fees collected from permit program sources as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program.~~
- (2) ~~The Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.~~

- (3) ~~In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.~~
- (f) ~~**Fee eligible activities.**~~
- (1) ~~Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;~~
  - (2) ~~Source inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;~~
  - (3) ~~Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;~~
  - (4) ~~Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;~~
  - (5) ~~Modeling necessary to establish permit limits or to determine compliance with permit limits;~~
  - (6) ~~Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;~~
  - (7) ~~Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;~~
  - (8) ~~Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;~~
  - (9) ~~The share attributable to permitted sources to the development and maintenance of emissions inventories;~~
  - (10) ~~The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;~~
  - (11) ~~Training for permit administration and enforcement;~~
  - (12) ~~Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;~~
  - (13) ~~Required fiscal audits, periodic performance audits and reporting activities;~~
  - (14) ~~Tracking of time, revenues and expenditures and accounting activities;~~
  - (15) ~~Administering the permit program including costs of clerical support, supervision and management;~~
  - (16) ~~Provision of assistance to small business under jurisdiction of SWCAA as required under Section 507 of the Federal Clean Air Act; and~~
  - (17) ~~Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.~~
- (g) ~~**Late Fee Payments.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit source. Delinquent fees are subject to a late fee equal to three times the operating permit fee. The penalties authorized by this subsection are additional to and in no way prejudice~~

~~SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a source's operating permit for failure to pay all or part of its permit fee.~~

- (h) ~~**Schedules of Payment.** A source shall be allowed to pay its annual operating permit fees in one, two or four installments. Each schedule of payment shall specify the terms and dates of payments.~~
- (i) ~~**Transfer of Ownership.** Transfer of ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.)~~
- (4) **Delinquent registration fees.** Annual registration fees that are unpaid after June 30 for the effective year shall be considered delinquent. Air discharge permits and Orders of Approval for "sources" with delinquent registration fees may be invalidated by the Control Officer. The Agency shall notify the owner or operator of a "source" by certified letter prior to taking action to invalidate affected air discharge permits and Orders of Approval.
- (5) **Reporting requirements for transfer or permanent shutdown of registered "sources."**
- (a) The registered owner or operator shall report the transfer of ownership or permanent shutdown of a registered "source" to the Agency within ninety (90) days of shutdown or transfer. The report shall contain the following information:
- (i) Legal name of the registered owner or operator;
  - (ii) Effective date of the shutdown or transfer;
  - (iii) Comprehensive description of the affected emission units; and
  - (iv) Name and telephone number of the registered owner's or operator's authorized representative.
- (b) Any party that assumes ownership and/or operational control of a registered "source" shall file a written report with the Agency within ninety (90) days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:
- (i) Legal name of the company or individual involved in the transfer;
  - (ii) Effective date of the transfer;
  - (iii) Description of the affected emission units; and
  - (iv) Name and telephone number of the owner's or operator's authorized representative.
- (c) In the case of a permanent shutdown, process and pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation).
- ((5)) (6) **Inspections.**
- (a) Periodic onsite inspections of emission units and "sources" shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a "source" as set forth in RCW 70.94.200.
  - (b) Agency personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.
  - (c) No person shall refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection~~((, who present appropriate credentials))~~.
  - (d) No person shall obstruct, hamper or interfere with any such inspection.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)**SWCAA 400-101 ((Sources)) Emission Units Exempt from Registration Requirements**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.163 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

~~((All air contaminant emissions units shall be registered with the Agency except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the Agency may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the Agency that the source is entitled to exemption under this section. Any source exempted from registration under this section shall also be considered exempt from the requirements of SWCAA 400-110, 400-111, 400-112, 400-113, and 400-114. For the purpose of identifying sources or emission units exempt from registration, the source's or emission unit's potential to emit shall be used as the basis for emissions and shall consider emissions before application of any control equipment. All exempt emission units shall be identified on an inspection report for an otherwise registered source (refer to SWCAA 400-109). An exemption for an entire facility or source shall be valid only if the combined emissions from all emission units at that site or facility are less than 1.0 ton per year for criteria pollutants and VOCs and less than the Small Quantity Emission Rate for each toxic air pollutant identified in WAC 173-460. If any exemption threshold is exceeded for an emission unit or units, either individually or combined, the source or emission unit(s) shall not be considered to be exempt.))~~

- (1) The emission units listed in subsection (5) of this section are exempt from the registration requirements of SWCAA 400-100. If an exempt emission unit is located at a "stationary source" that is otherwise required to be registered, the Agency may require that the exempt emission unit be included in the "stationary source" registration. If an exempt emission unit is located at a Title V facility, it must be included in the facility's Title V permit in accordance with Chapter 173-401 WAC.
  - (a) The owner or operator of any emission unit exempted from registration under this section shall maintain documentation sufficient to verify that the emission unit is entitled to exemption under this section.
  - (b) Any emission unit exempted from registration under this section shall also be considered exempt from the requirements of SWCAA 400-046, 400-110, 400-111, 400-112, 400-113 and 400-114, except as provided in SWCAA 400-110(2)(b).
- (2) Wherever a "stationary source" has multiple emission units, which are similar in function and purpose, exemption status shall be determined based on aggregate capacity (e.g., horsepower, Btu per hour, airflow, etc.) or the aggregate emissions of similar emission units.
- (3) An exemption for an entire "stationary source" shall be valid only if the emissions from all emission units at that site or facility are less than the exemption thresholds listed below. Whenever a "stationary source" exemption is determined by the quantity of annual emissions (tons per year), an emission unit's uncontrolled potential to emit shall be used as the basis for exemption.

<u>Pollutant</u>	<u>Exemption Threshold</u>
<u>Criteria pollutants and VOC</u>	<u>1.0 tpy, combined</u>
<u>Lead</u>	<u>0.005 tpy</u>
<u>Ozone depleting substances</u>	<u>1.0 tpy, combined</u>
<u>Toxic air pollutants</u>	<u>Less than the applicable SQER as specified in Chapter 173-460 WAC.</u>

~~(4) List of exempt ((Emission Units or Sources as a Single Source or Emission Unit)) equipment and activities:~~

- ~~((1) Air conditioning or ventilating systems designed for space heating and cooling, combined or separate, that are less than 2.0 million Btu per hour which do not exhaust to the atmosphere contaminants generated by or released from process equipment.~~
- ~~(2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year combined of nitrogen oxides, carbon monoxide, (PM<sub>10</sub>), sulfur dioxide and volatile organic compounds from all emissions units combined. The one ton exemption does not apply to emissions of toxic air pollutants. Sources or emission units with emissions of toxic air pollutants to the ambient air may be exempted only if the annual emissions quantity for each toxic air pollutant is below the Small Quantity Emission Rate (annual rate) for each toxic air pollutant emitted as identified in WAC 173-460.~~
- ~~(3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new source review fee assessment, from all emission units combined, as specified in Table A under SWCAA 400-110.)~~
- ~~((4)) (a) Asphalt roofing and application equipment (not manufacturing or storage equipment).~~
- ~~((5)) (b) Fuel burning equipment unless waste-derived fuel is burned, which((:))  
((a)) is used solely for a private dwelling serving less than five families((;:)).  
((b) Has an energy input of less than 2 million Btu per hour.~~
- ~~(6) Fuel burning equipment used exclusively for office space heating other than boilers.))~~
- ~~((7)) (c) Insecticide, pesticide or fertilizer spray equipment.~~
- ~~((8)) (d) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.~~
- ~~((9)) (e) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business.~~
- ~~((10)) (f) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.~~
- ~~((11)) (g) Food preparation facilities, establishments or equipment (e.g., restaurants).~~
- ~~((12)) (h) Retail paint sales establishments (not including manufacturing).~~
- ~~((13)) (i) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.~~
- ~~((14)) (j) Sewing equipment.~~
- ~~((15) Sources, which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the Agency to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.~~
- ~~(16)) (k) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other structures.~~

- ~~((17))~~(l) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-~~((101(2)))~~101(3). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses that do not exceed the small quantity ~~((exemption of (2) above))~~ thresholds specified in SWCAA 400-101(3). This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations.
- ~~((18))~~(m) Residential wood heaters.
- ~~((19))~~(n) Office equipment, operations and supplies.
- ~~((20))~~(o) Internal combustion equipment including diesel engines used for standby emergency power generation ~~((that are used less than 100 hours per year and are rated at))~~ with a maximum aggregate power rating less than ~~((500))~~ 200 horsepower.
- ~~((21))~~(p) Steam cleaning equipment used exclusively for that purpose.
- ~~((22))~~(q) Refrigeration systems that are not in air pollution control service.
- ~~((23))~~(r) Housekeeping activities and equipment.
- ~~((24))~~(s) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.
- ~~((25))~~(t) Natural and forced air vents and stacks for bathroom/toilet facilities.
- ~~((26))~~(u) Personal care activities.
- ~~((27))~~(v) Lawn and landscaping activities.
- ~~((28))~~(w) Flares used to indicate danger to the public.
- ~~((29))~~(x) Fire fighting and similar safety equipment and equipment used to train fire fighters.
- ~~((30))~~(y) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question.

## NEW SECTION

### **SWCAA 400-103 Operating Permit Fees**

[Statutory Authority: Chapter 70.94.162 RCW]

- (1) **Applicability.** The owner or operator of all "stationary sources" required to obtain an Operating Permit under 40 CFR Part 70, Chapter 173-401 WAC or RCW 70.94.161, shall pay an annual fee as specified in this section, or the equivalent over some other time period as approved by the Executive Director, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program.
- (2) **Fee applicable pollutants.** The following pollutants shall be considered fee applicable for the purposes of fee assessment.
- A volatile organic compound.
  - Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.
  - Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference. PM<sub>10</sub> emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the "stationary source." Emission test data is required to demonstrate the PM<sub>10</sub> portion of total particulate matter emissions.
  - Emissions of each regulated pollutant emitted in excess of 7,500 tons from a "stationary source" shall be excluded from fee assessment.

- (3) **Program cost projections.** The Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWCAA 400-103(6), Ecology's development and oversight costs, as provided in RCW 70.94.162, and the program reserve fund shall be considered in the workload analysis. The Executive Director shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine Operating Permit Program fees.
- (4) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three-part fee assessment methodology as described below:
- (a) **Participation Fee.** Fees sufficient to cover one-third of the Board approved Operating Permit Program budget shall be assessed such that each "stationary source" shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:

PF =  $B \div 3 \div n$ , where;

PF	=	Participation fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
n	=	The number of 40 CFR Part 70 sources

- (b) **Emissions Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each "stationary source" shall pay an amount equal to that "stationary source's" portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each "stationary source's" annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be paid by the owner or operator of each "stationary source." The emissions portion of the fee shall be assessed according to the following formula:

EF =  $B \div 3 * SE \div TE$ , where:

EF	=	Emissions fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
SE	=	The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 "stationary source" (not to exceed 7,500 tons per pollutant)
TE	=	The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 "stationary sources"

- (c) **Complexity Fee.** Fees sufficient to cover one-third of the budget shall be assessed such that each 40 CFR Part 70 "stationary source" shall pay an amount equal to that "stationary source's" portion of the total emission units at all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each "stationary source's"

emission units to the total number of emission units located at all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be paid by the owner or operator of each "stationary source." The complexity portion of the fee shall be assessed according to the following formula:

$CF = B \div 3 * SU \div TU$ , where:

CF	=	Complexity fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
SU	=	The number of emission units at a "stationary source"
TU	=	The number of emission units at all 40 CFR Part 70 "stationary sources"

- (d) **Total Fee.** The amount of the annual assessed fees for each 40 CFR Part 70 "stationary source" shall be the sum of the participation, emissions and complexity fee portions ( $PF+EF+CF = \text{Total Fee}$ ). The sum of the total fees for all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.
- (5) **Accountability.**
- (a) The sum of the fees assessed by the Agency to all "stationary sources" required to obtain Operating Permits within the Agency's jurisdiction shall not exceed the cost of developing and administering the program and maintaining a program reserve fund. All fees collected from permit program "stationary sources" as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program. The purpose of the program reserve fund is to ensure that permit program costs are not funded by fees from "stationary sources" not participating in the operating permit program. The value of monies held in the program reserve fund shall not exceed 15 percent of the average permit program budget over the most recent three-year period.
- (b) The Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual "stationary source's" fee.
- (c) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, including the program reserve fund, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.
- (6) **Fee eligible activities.**
- (a) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;
- (b) Inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;
- (c) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final

- permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;
- (d) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;
  - (e) Modeling necessary to establish permit limits or to determine compliance with permit limits;
  - (f) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;
  - (g) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a "stationary source" is complying with permit conditions;
  - (h) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;
  - (i) The share attributable to permitted "stationary sources" for the development and maintenance of emissions inventories;
  - (j) The share attributable to permitted "stationary sources" of ambient air quality monitoring and associated recording and reporting activities;
  - (k) Training for permit administration and enforcement;
  - (l) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;
  - (m) Required fiscal audits, periodic performance audits and reporting activities;
  - (n) Tracking of time, revenues and expenditures and accounting activities;
  - (o) Administering the permit program including costs of clerical support, supervision and management;
  - (p) Provision of assistance to small business under jurisdiction of SWCAA as required under Section 507 of the Federal Clean Air Act; and
  - (q) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.
- (7) **Activities not eligible for fee.**
- (a) New Source Review activity that does not include processing or preparing an operating permit;
  - (b) Development of BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants; and
  - (c) Acting on an application for a PSD permit.
- (8) **Schedules of payment.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit "stationary source." An operating permit "stationary source" shall be allowed to pay its annual operating permit fees in one, two, or four installments. Each schedule of payment shall specify the terms and dates of payments.
- (9) **Late fee payments.** Delinquent fees are subject to a late fee equal to three times the operating permit fee. The penalties authorized by this subsection are additional to and in no way prejudice SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a "stationary source's" operating permit for failure to pay all or part of its permit fee.
- (10) **Transfer of ownership.** Transfer of ownership of a source shall not affect that "stationary source's" obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a "stationary source."

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)**SWCAA 400-105 Records, Monitoring and Reporting**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 4/17/84 - renumbered to 400-170; Amended by Board (400-170) 12/16/86; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

The owner or operator of each registered or Title V "source" (~~(or emission unit)~~) shall maintain records of the type and quantity of emissions from the "source" and other information deemed necessary to determine whether the "source" is in compliance with applicable emission limitations, operating limitations, and control measures. "Sources" that are not subject to the registration requirements of SWCAA 400-100 because they are exempt under SWCAA 400-101 shall maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

(1) **Emission inventory.**

~~((a) — Smaller sources.))~~ The owner(s) or operator(s) of all ~~((air contaminant))~~ registered and Title V "sources" shall submit an inventory of emissions from the "source" each year to the Agency. The inventory shall include stack and fugitive emissions of particulate matter, PM<sub>10</sub>, PM<sub>2.5</sub>, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and toxic air pollutants identified in WAC 173-460. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

~~(a) Small "sources."~~ Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon written request, the Executive Director may allow an extension of the March 15 emission submittal deadline ((may be allowed by the Executive Director)) on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 days.

~~(b) Large((#)) "sources."~~ At a minimum, ~~((the))~~ "sources" satisfying the criteria of 40 CFR ~~((51.320 et seq.))~~ 51, ((#)Subpart Q((#)) will be submitted to EPA by the Agency for inclusion in the national emission database. The "sources" described below shall complete and return the emission inventory form supplied by the Agency for this purpose ((shall be completed and returned to the Agency)) by March 15((th for the following sources)). Upon written request, an extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 days.

~~(i) "Stationary sources" with the potential to emit over 100 tons of criteria pollutants per year, 10 tons of a single hazardous air pollutant per year or 25 tons of combined hazardous air pollutants((, sources subject to NSPS, except Subpart AAA, and sources subject to NESHAPS, except Subpart M, sources)) per year are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered ((for inclusion as hazardous air pollutant emissions)) for the purpose of determining those "stationary sources" required to submit an emissions inventory.~~

- (ii) In ozone nonattainment or maintenance plan areas, those "stationary sources" that emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO<sub>x</sub> are also required to submit emission inventories. "Stationary sources" subject to this section are also required to submit average daily emissions or process throughput data for NO<sub>x</sub> and VOCs for ozone season in preparation for the SIP update.
  - (iii) "Stationary sources" with actual emissions or potential to emit greater than 50((%)) percent of the Title V permit thresholds as identified in (i) above.
  - (iv) "Synthetic minor" or Title V opt out "stationary sources."
- (c) Greenhouse gases. The Agency may require that "sources" submit an inventory of greenhouse gas emissions. Affected "sources" shall be notified of the inventory requirement and submittal deadline in writing.
- (2) **Monitoring.** The Agency shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the ((Control Officer)) Executive Director or an authorized representative may require any "source" under the jurisdiction of the Agency to conduct stack and/or ambient air monitoring and to report the results to the Agency.
- (3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the Agency shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.
- (4) **Continuous monitoring and recording.** Owners and operators of the following "source categories" ((of sources)) shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.
- (a) Fossil fuel-fired steam generators.
    - (i) Opacity, except where:
      - (A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or
      - (B) Only gaseous fuel is burned.
    - (ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.
    - (iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.
    - (iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency by the owner(s) or operator(s).
  - (b) Sulfuric acid plants. Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
  - (c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.
  - (d) Wood residue fuel-fired steam generators.
    - (i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.

- (ii) Continuous monitoring equipment. The requirements of SWCAA 400-105(4)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWCAA 400-105(4)(d) shall be subject to approval by the Agency.
  - (e) Owners and operators of those "sources" required to install continuous monitoring equipment under this section shall demonstrate to the Agency, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5 (as in effect on July 1, 2002), and 40 CFR Part 60, Appendices B through F, as appropriate, as ~~((in effect July 1, 2000 which is))~~ adopted by reference in SWCAA 400-115.
  - (f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Agency determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.
  - (g) Exemptions. This subsection ~~((5))~~ (SWCAA 400-105(4)) does not apply to any "stationary source" that is:
    - (i) Subject to a New Source Performance Standard (NSPS). NSPS "stationary sources" shall be governed by SWCAA 400-115.
    - (ii) Not subject to an applicable emission standard.
  - (h) Monitoring system malfunctions. A "source" may be temporarily exempted from the monitoring and reporting requirements of this section during periods of monitoring system malfunctions provided that the ~~((source))~~ owner(s) or operator(s) shows to the satisfaction of the Agency that the malfunction was unavoidable and is being repaired as expeditiously as practicable.
- (5) **Change in raw materials or fuels for sources not subject to requirements of the Operating Permit Program.** Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by SWCAA 400-105(1) shall require the submittal of sufficient information to the Agency to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The Agency may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase ~~((or decrease))~~ in average annual sulfur content over the initial inventory shall not require such notice.
- (6) **Misrepresentation.** No person shall make any false material statement, representation or certification in any form, notice, or report required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.
- (7) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)**SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

**(1) Emission testing requirements.**

- ~~((1))~~ (a) Requirement to test. The Agency may conduct or require that emission testing be conducted of ~~((the))~~ any "source" or ~~((any))~~ emission~~((s))~~ unit within the jurisdiction of the Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions.
- ~~((2))~~ (b) Test methods. Any required ~~((source))~~ emission testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Agency including, but not limited to, approved EPA test methods from 40 CFR Parts 51, 60, 61, and 63 which are hereby adopted by reference (as in effect on July 1, 2002), approved test methods from Ecology's Test Manual Procedures for Compliance Testing, Opacity Determination Method (SWCAA Method 9 - Appendix A to SWCAA 400), Oregon Department of Environmental Quality (DEQ) Method 8 "Sampling Particulate Emissions from Stationary Sources (High Volume Method)" hereby adopted by reference, or alternate procedures approved ~~((in writing))~~ by both the Agency and EPA.
- ~~((3))~~ (c) Accommodations for sampling. The operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform a test of an emission~~((s))~~ unit. The Agency shall be allowed to obtain a sample from any emission~~((s))~~ unit. The operator of the "source" shall be given an opportunity to observe the sampling and to obtain a sample at the same time.
- ~~((4))~~ (d) Notification. The owner or operator of a "source" shall ~~((notify))~~ submit a test plan to the Agency in writing at least 2 weeks (10 business days) prior to any required emissions test (and provide the Agency an opportunity to review the test plan) or as otherwise approved by the Agency. Agency personnel shall be informed at least three days prior to testing so that they have an opportunity to be present during testing.
- ~~((5))~~ (e) Test duration. A minimum of three test runs, at least one hour in length, shall be performed at ~~((normal))~~ maximum achievable operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. ~~((The source shall be operated at or near its maximum rated capacity during testing. Compliance shall be determined by averaging))~~ The results of the individual test runs shall be averaged together for the purpose of demonstrating compliance with applicable emission limits.
- ~~((6))~~ (f) Records. A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emissions testing to correlate operations with emissions and shall be recorded in the final test report.
- ~~((7))~~ (g) Reports. Results of all required ~~((source or))~~ emission~~((s))~~ testing shall be submitted to the Agency within 45 days of test completion or as specified in the applicable regulatory order. Measured concentrations for combustion and incineration ~~((sources))~~ emission units shall be corrected as provided in the applicable air discharge permit or nonroad engine permit, or as specified in SWCAA 400-050(3). The report shall include:
- ~~((a))~~ (i) A description of the ~~((source))~~ emission unit including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations~~((:));~~

- ~~((b))~~ (ii) Time and date of the test and identification and qualifications of the personnel involved((-);
- ~~((e))~~ (iii) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit((-);
- ~~((d))~~ (iv) A summary of control system or equipment operating conditions((-);
- ~~((e))~~ (v) A summary of production related parameters((-);
- ~~((f))~~ (vi) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation((-);
- ~~((g))~~ (vii) A description of the analytical procedures used including all laboratory data, quality assurance/quality control procedures and documentation((-);
- ~~((h))~~ (viii) Copies of field data and example calculations((-);
- ~~((i))~~ (ix) Chain of custody information((-);
- ~~((j))~~ (x) Calibration documentation((-);
- ~~((k))~~ (xi) Discussion of any abnormalities associated with the results((-); and
- ~~((l))~~ (xii) A statement signed by the senior management official of the testing firm certifying the validity of the ~~((source))~~ emission test report.

**(2) Emission monitoring requirements for combustion sources.**

- (a) Requirement to monitor. The Agency may require in an air discharge permit or nonroad engine permit that emission monitoring be conducted for any "source" within the jurisdiction of the Agency to evaluate process equipment operation or control equipment performance.
- (b) Monitoring method. Emission monitoring shall be performed with a portable analyzer. Alternative methodologies may be preapproved by SWCAA.
  - (i) For any portable analyzer used to perform emission monitoring pursuant to this section, the response of the analyzer to a calibration gas of known concentration shall be determined before sampling commences and after sampling has concluded. These "calibration error" measurements shall be conducted as close as practical to the time of the monitoring event, but in no case on a different day than the event. At a minimum, the calibration error procedure shall include a two point (zero/span gas) calibration error check using EPA Protocol 1 reference gases. Results of the sampling shall not be valid if the pre and post calibration error check results vary by more than 10 percent of the span value; and
  - (ii) Span gas concentrations shall be no less than 50 percent and no more than 200 percent of the emission concentration corresponding to the permitted emission limit. Ambient air may be used to zero CO and NO<sub>x</sub> cells/analyzer(s) and span oxygen cells/analyzer.
- (c) Accommodations for sampling. The owner or operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform monitoring of an emission unit.
- (d) Data collection. Emission data shall be collected for at least five minutes following a "ramp-up" phase. The "ramp-up" phase ends when analyzer readings have stabilized (less than five percent per minute change in emission concentration value). Emission concentrations shall be recorded every 30 seconds during data collection. All emission data collected following the ramp-up phase(s) shall be reported to the Agency.
- (e) Records. A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emission monitoring to correlate operations with emissions and shall be recorded in the final monitoring report.

- (f) Reports. Results of all required emission monitoring shall be submitted to the Agency within 15 days of completion or as specified in the applicable regulatory order. The report shall include:
- (i) Time and date of the emission monitoring;
  - (ii) Identification of the personnel involved;
  - (iii) A summary of results, reported in units consistent with the applicable emission standard or limit;
  - (iv) A summary of control system or equipment operating conditions;
  - (v) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation;  
and
  - (vi) Calibration error check documentation.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

**SWCAA 400-107 Excess Emissions**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.07 & 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 5.07); 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-056 filed 2/15/01, effective 3/18/01]

- (1) **Recordkeeping and reporting.** Excess emissions that represent a potential threat to human health or safety, or which the owner or operator wishes to be considered as unavoidable, shall be reported to the Agency as soon as possible, but no later than 48 hours after discovery. All other excess emissions shall be reported within thirty days after the end of the month during which event is discovered. Excess emission reports shall contain the following information:
- (a) Identification of the emission unit(s) involved;
  - (b) A brief description of the event;
  - (c) Duration of the event; and
  - (d) Anticipated corrective action to prevent or minimize excess emissions, if any.
- Upon request by the Agency, the owner(s) or operator(s) of the "source" shall submit a full written report describing the known causes, the corrective actions taken, and the preventive measures implemented to minimize or eliminate the chance of recurrence.
- (2) **Penalty Exclusion for Unavoidable Excess Emissions.**
- ~~((1))~~ (a) The owner or operator of a "source" shall have the burden of proving to the Agency or the ~~((decision-making entity (e.g.,))~~ Pollution Control Hearings Board~~((s))~~ in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under ~~((subsections (4), (5) and (6) of))~~ this section.
- ~~((2))~~ (b) Excess emissions determined by the Agency to be unavoidable under the procedures and criteria in this section shall be excused ~~((and not subject to))~~ from penalty.
- ~~((3))~~ ~~Excess emissions shall be reported to the Agency as soon as possible. Upon request by the Agency, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.)~~
- ~~((4))~~ (c) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the "source" reports as required under subsection ~~((3))~~ (1) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, and if a bypass of control

equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

- ~~((5))~~ (d) Excess emissions due to scheduled maintenance shall be considered unavoidable if the "source" reports as required under subsection ~~((3))~~ (1) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.
- ~~((6))~~ (e) Excess emissions due to upsets shall be considered unavoidable provided the "source" reports as required under subsection ~~((3))~~ (1) of this section and adequately demonstrates that:
- ~~((a))~~ (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
  - ~~((b))~~ (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
  - ~~((c))~~ (iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded; and
  - ~~((d))~~ (iv) The owner's or operator's actions in response to the excess emissions were documented by properly signed, contemporaneous operating logs, or other relevant evidence.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

**SWCAA 400-109 (~~Notice of Construction~~) Air Discharge Permit Applications**

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.152 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

- (1) **Purpose.** An ~~(Notice of Construction)~~ air discharge permit application is the document ~~(or form)~~ used by the Agency to record and track requests from individual "stationary sources," registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a "stationary source." Confidential information shall be identified as set forth in SWCAA 400-270. ~~((Changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, and installation of new sources.))~~
- (2) **Applicability.**
- (a) An ~~(Notice of Construction)~~ air discharge permit application ~~((consistent with SWCAA 400-110))~~ shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of "new source." The application must be submitted and an air discharge permit must be issued or written confirmation of exempt status must be received before the proposed installations, modifications, changes, or alterations may begin actual construction. Activities that typically require the submission of a permit application include, but are not limited to, the following:
    - (i) New construction or installation;

- (ii) Change of existing air discharge permit conditions or terms (including Title V opt-out requests - SWCAA 400-091);
  - (iii) Review of existing or installed equipment operating without prior approval;
  - (iv) Modification, alteration or replacement of existing process or control equipment;
  - (v) Relocation of existing equipment;
  - (vi) Review of existing equipment with an expired or lapsed approval or registration;
  - (vii) Review of case-by-case RACT, BACT, MACT or other similar determination.
- (b) Submittal of an ((Notice of Construction)) air discharge permit application shall not automatically impose ((New Source)) review requirements ((for meeting emissions standards (including, but not limited to: NSPS, NESHAPs, any ambient air quality standard, etc.))) pursuant to SWCAA 400-110.
- (c) "Stationary sources" subject to the PSD program (WAC 173-400-141) shall submit a PSD application to Ecology for pollutants subject to PSD permitting, and submit a permit application to SWCAA for pollutants that are not subject to PSD permitting.
- (d) The owner or operator of any "new source" that meets the exemption criteria specified in SWCAA 400-101 may provide written notification to SWCAA in lieu of a permit application. The Agency will review each notification, and provide written confirmation of exempt status to the owner or operator of the affected "new source" within 30 days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:
- (i) Name and location of "stationary source";
  - (ii) Description of primary processes at the "stationary source";
  - (iii) Description of emission units at the "stationary source"; and
  - (iv) Estimated air contaminant emissions from "stationary source" operations.
- Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time. No further action is required from "stationary sources" deemed to be exempt. However, if the Agency determines that the "new source" does not meet the exemption criteria specified in SWCAA 400-101, an air discharge permit application shall be submitted pursuant to this section.
- ~~((3))~~ **Types of applications.** ~~A Notice of Construction application may be submitted for, but not be limited to, the following activities:~~
- ~~(a) New construction or installation.~~
  - ~~(b) Change of existing approved emission limits (including Title V opt-out requests - SWCAA 400-091).~~
  - ~~(c) Review of existing or installed equipment operating without prior approval.~~
  - ~~(d) Modification, alteration or replacement of existing process or control equipment.~~
  - ~~(e) Change of registered owner (purchase or sale of source, facility or equipment).~~
  - ~~(f) Change of location of operations of existing portable and stationary equipment.~~
  - ~~(g) Review of existing equipment with an expired or lapsed approval or registration.~~
  - ~~(h) Review of a case by case RACT, BACT, MACT or other similar determination.~~
  - ~~(i) Other activities as identified by the Agency.)~~
- ~~((4))~~ (3) **Fees.** ~~((A fee consistent with the fee schedule (Tables A and B) provided ((in SWCAA 400-110)) shall be paid by the owner or operator to the Agency prior to review of the Notice of Construction application by the Agency.)) Before the Agency may review a permit application, a filing fee of \$300.00 and a review fee, as identified in Table A shall be~~

submitted by the applicant. If offsetting emission reductions or other types of review identified in Table B must be performed by the Agency as a result of the proposed installation, alteration, or modification, an additional review fee shall be paid as described in Table B. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).

Permit application review fees based on emissions are to utilize actual or proposed allowable emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on the design capacities of affected equipment. Where a "stationary source" may fall under multiple categories in Table A, only one fee per application shall apply. In these cases, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered "stationary source."

**TABLE A**  
**Permit Application Review Fees**

i. Fuel burning equipment (Million Btu/hr heat input @ design capacity):

Less than 5	\$ 300.00
5 or more but less than 10	400.00
10 or more but less than 30	550.00
30 or more but less than 50	700.00
50 or more but less than 100	1,200.00
100 or more but less than 250	2,500.00
250 or more but less than 500	4,000.00
500 or more	6,000.00
Change in fuel type	One half of the applicable fee listed above

ii. Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):

Less than 50	\$ 300.00
50 or more but less than 5,000	400.00
5,000 or more but less than 20,000	500.00
20,000 or more but less than 50,000	600.00
50,000 or more but less than 100,000	700.00
100,000 or more but less than 250,000	1,000.00
250,000 or more but less than 500,000	2,000.00
500,000 or more	4,000.00

iii. Refuse burning equipment (Incinerators)(Tons/day):

Less than 0.5	\$ 400.00
0.5 or more but less than 5	500.00
5 or more but less than 12	1,000.00
12 or more but less than 50	3,000.00
50 or more	6,000.00

<u>iv. Storage tanks, reservoirs, or containers (Gallons-total capacity):</u>	
<u>(Other than gasoline or diesel fuel dispensing facilities):</u>	
<u>250 or more but less than 10,000</u>	<u>\$ 300.00</u>
<u>10,000 or more but less than 40,000</u>	<u>700.00</u>
<u>40,000 or more but less than 100,000</u>	<u>1,000.00</u>
<u>100,000 or more</u>	<u>2,000.00</u>
<u>v. Gasoline dispensing facilities:</u>	
<u>Stage I</u>	<u>\$ 300.00</u>
<u>Stage II</u>	<u>400.00</u>
<u>Stages I &amp; II, combined</u>	<u>500.00</u>
<u>Toxics review for gasoline facility</u>	<u>1,500.00</u>
<u>Stage II removal</u>	<u>300.00</u>
<u>vi. Other:</u>	<u>\$200.00/ton</u>
<u>(Not classified in Subsection i., ii., iii., iv. or v. above)</u>	<u>of emission</u>
<u>vii. Toxic air contaminants</u>	<u>\$200.00 up to one</u> <u>ton and \$100.00 for</u> <u>each additional ton</u>
<u>viii. Complex stationary source or modification:</u>	<u>\$6,000.00</u>
<u>ix. Synthetic minor application (including,</u> <u>but not limited to: Title V, HAP):</u>	<u>Not to exceed \$5,000.00</u>
<u>x. Particulate matter and fugitive emissions from rock crushing, material transfer</u> <u>and ship loading (Emissions - tons per year):</u>	
<u>Less than or equal to 10</u>	<u>\$ 300.00</u>
<u>More than 10 but less than or equal to 50</u>	<u>700.00</u>
<u>More than 50 but less than or equal to 100</u>	<u>1,000.00</u>
<u>More than 100 but less than 250</u>	<u>2,500.00</u>
<u>250 or greater</u>	<u>6,000.00</u>
<u>xi. Minor modifications to existing permit conditions:</u>	<u>\$ 300.00</u>
<u>xii. Temporary, substitute, or emergency Sources</u>	<u>\$ 500.00</u>
<u>xiii. Dry cleaner:</u>	<u>\$ 300.00</u>

xiv.	<u>Diesel engine generators/pumps (Aggregate horsepower rating):</u>	
	<u>Less than 100</u>	<u>\$ 300.00</u>
	<u>100 or more but less than 500</u>	<u>400.00</u>
	<u>500 or more but less than 2,000</u>	<u>700.00</u>
	<u>2,000 or more but less than 5,000</u>	<u>1,500.00</u>
	<u>5,000 or more but less than 10,000</u>	<u>3,000.00</u>
	<u>10,000 or more</u>	<u>6,000.00</u>
xv.	<u>Crematory/small incinerators/small flares:</u>	<u>\$400.00</u>
xvi.	<u>Gluing/flow coating operations without active ventilation:</u>	<u>\$500.00</u>
xvii.	<u>Soil remediation:</u>	<u>\$500.00</u>
xviii.	<u>Composting Facilities (Average material throughput - tons per day):</u>	
	<u>Less than 50</u>	<u>\$ 300.00</u>
	<u>50 or more but less than 100</u>	<u>700.00</u>
	<u>100 or more but less than 200</u>	<u>1,200.00</u>
	<u>200 or more but less than 500</u>	<u>3,000.00</u>
	<u>500 or more</u>	<u>6,000.00</u>
xix.	<u>Coffee roasters:</u>	<u>\$400.00</u>
xx.	<u>Emergency Application:</u>	<u>Double normal application and review fee</u>

**TABLE B**  
**Other Review Fees**

xxi.	<u>Emission offset analysis or bubble:</u>	<u>\$400.00</u>
xxii.	<u>Emission reduction credit (ERC) application: (Deposit or withdrawal)</u>	<u>\$400.00</u>
xxiii.	<u>State environmental policy act (SEPA) - lead agency:</u>	<u>\$1,000.00</u>
xxiv.	<u>Environmental impact statement (EIS) review:</u>	<u>\$500.00</u>
xxv.	<u>RACT/BACT/MACT/BART/LAER determination:</u>	<u>\$70.00/hr</u>
xxvi.	<u>Variance request:</u>	<u>\$500.00</u>
xxvii.	<u>Review of ambient impact analysis:</u>	<u>\$70.00/hr</u>
xxviii.	<u>Review of projects under RCW 70.105D.090:</u>	<u>\$70.00/hr</u>
xxix.	<u>Review of Ecology agreed orders and consent orders pursuant to</u>	<u>\$70.00/hr</u>

RCW 70.105D.090(1):

**TABLE C**  
**Major NSR Review Fees**

xxx. Plantwide applicability limitations: \$10,000.00 + \$70/hr for excess cost to Agency

xxxi. Clean unit/pollution control project designations: \$5,000.00 + \$70/hr for excess cost to Agency

~~((5))~~ (4) **Agency actions.** Each ~~((acceptable and))~~ complete ~~((Notice of Construction))~~ air discharge permit application shall ~~((have))~~ result in the issuance of an ((Order of Approval)) air discharge permit or other applicable order ~~((issued))~~ or confirmation of exempt status by the Agency. ~~((A Notice of Construction for a gasoline dispensing station shall be submitted and approved as provided in SWCAA 400-110(8).))~~ The requirements of SEPA (State Environmental Policy Act) shall be complied with for each ~~((Notice of Construction))~~ air discharge permit application. Demonstration of completion of an environmental checklist as provided in WAC 197-11 shall be submitted with each ~~((Notice of Construction))~~ air discharge permit application. If a SEPA determination has been issued for the proposed activity by another permitting agency, the applicant need only submit a copy of that agency's SEPA determination. Issuance of regulatory orders for all ~~((Notice of Construction))~~ air discharge permit applications shall be consistent with the requirements of SWCAA 400-110. ~~((Requirements for New Source Review are provided in SWCAA 400-110, 400-111, 400-112, 400-113 & 400-114. A Notice of Construction application may be withdrawn prior to issuance of a final regulatory order by the Agency as provided in (6) below; or an application may be determined by the Agency to be exempt as provided under 400-100, 400-101, or 400-110. An application determined to be exempt will be processed as identified in (6) below.))~~

~~((6))~~ (5) **Withdrawn or exempt applications.**

(a) An ~~((Notice of Construction))~~ air discharge permit application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw ~~((a Notice of Construction))~~ the application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, ~~((an))~~ a permit application may be determined to be exempt from the ~~((registration))~~ requirements of SWCAA 400-100 and ~~((New Source Review requirements of SWCAA))~~ 400-110 if it meets the exemption criteria provided in SWCAA 400-101. The Agency shall provide written notification ((shall be provided by the Agency)) to the applicant for all applications that are determined to be exempt. Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded~~((;))~~ upon request, provided that substantial time has not been expended by the Agency for review of the ~~((Notice of Construction))~~ application.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)**SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review)**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.152 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-06-015 filed 2/25/92, effective 3/25/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-030 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

**(1) Applicability.**

~~((a) New Source Review (NSR) means that if the new source, modification or substantial alteration or replacement, meets the definition of "new source" then that new source or modification must demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. A complete Notice of Construction application shall be submitted for each source required to submit an application under the requirements of this section. Confidential information shall be identified as set forth in SWCAA 400-270.~~

~~Before the Agency may review a Notice of Construction application, a filing fee of \$300.00 and a review fee, as shown in Table A shall be submitted by the applicant. If offsetting emission reductions or other types of review identified in Table B are required to be performed by the Agency as a result of the proposed installation, alteration, or modification, an additional review fee shall be paid. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).~~

~~Notice of Construction application review fees based on emissions are to utilize actual or approved emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on design capacities of the source equipment. Where a source may fall under multiple categories, only one fee per application shall apply; Table A fees are not considered additive as they apply to an application. In general, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered source.~~

**TABLE A****Notice of Construction Application Review Fees**

i. Fuel Burning Equipment	
(Million Btu/hr heat input @ design capacity):	
Less than 5	\$ 300.00
5 or more but less than 10	400.00
10 or more but less than 30	550.00
30 or more but less than 50	700.00
50 or more but less than 100	1200.00
100 or more but less than 250	2,500.00
250 or more but less than 500	4,000.00
500 or more	6,000.00
ii. Discharge from control equipment or from uncontrolled process equipment	
(Actual Cubic Feet per Minute - ACFM):	
Less than 50	\$ 300.00
50 or more but less than 5,000	400.00
5,000 or more but less than 20,000	500.00
20,000 or more but less than 50,000	600.00
50,000 or more but less than 100,000	700.00
100,000 or more but less than 250,000	1,000.00
250,000 or more but less than 500,000	2,000.00
500,000 or more	4,000.00
iii. Refuse Burning Equipment (Incinerators)(Tons/day):	
0.5 or more but less than 5	\$ 500.00
5 or more but less than 12	1,000.00
12 or more but less than 250	3,000.00
250 or more	4,000.00
iv. Storage Tanks, Reservoirs, or Containers (Gallons total capacity):	
(Other than gasoline or diesel fuel dispensing facilities)	
250 or more but less than 10,000	\$ 300.00
10,000 or more but less than 40,000	700.00
40,000 or more but less than 100,000	1,000.00
100,000 or more	2,000.00
v. Gasoline Dispensing Facilities	
Stage I	\$ 300.00
Stage II	400.00
Stages I & II, combined	500.00
Toxics review for gasoline facility	1500.00
Stage II removal	300.00

vi.	Other (Not classified in Subsection i., ii., iii., or iv. above)	\$200.00/ton of emission
vii.	Toxic Air Contaminants	\$200.00 up to one ton and \$100.00 for each additional ton
viii.	Major Source or Major Modification	\$5,000.00
ix.	Synthetic minor application (including, but not limited to: Title V, HAP)	Not to exceed \$5,000.00
x.	Particulate Matter and Fugitive Emissions from Rock Crushing, Material Transfer and Ship Loading (Emissions – tons per year)	
	Less than or equal to 10	\$ 300.00
	More than 10 but less than or equal to 50	700.00
	More than 50 but less than or equal to 100	1,000.00
	More than 100 but less than 250	2,500.00
	250 or greater	5,000.00
xi.	Modifications to an Existing Order	\$ 300.00
xii.	Installation or Operation of a Temporary, Substitute or Emergency Source	\$ 500.00
xiii.	Dry cleaner	\$ 300.00
xiv.	Standby diesel generators	\$ 400.00
xv.	Crematory/Small Incinerators/Small Flares	\$ 400.00
xvi.	Gluing/flow coating operations without active ventilation	\$ 500.00
xvii.	Soil remediation	\$500.00

**TABLE B****Other Review Fees**

The following fees are considered additive to the filing and review fees assessed for Notice of Construction applications (Table A). These fees apply to activities that may be requested of and performed by the Agency with or without submittal of a Notice of Construction application and are not part of the activities normally performed by the Agency as part of the Notice of Construction application review.

xviii.	Emission Offset Analysis or Bubble	\$ 400.00
xix.	Emission Reduction Credit (ERC) Application (Deposit or withdrawal)	\$ 400.00

- xx. ~~State Environmental Policy Act (SEPA) – Lead Agency~~ \$ 1000.00
- xxi. ~~Environmental Impact Statement (EIS) Review~~ \$ 500.00
- xxii. ~~RACT/BACT/MACT/BART/LAER Determination~~ \$ 50.00/hr
- xxiii. ~~Variance request~~ \$ 500.00
- (b) ~~A Notice of Construction application that meets the minimum requirements for New Source Review must be filed by the owner or operator and an Order of Approval issued by the Agency prior to the establishment of any new source or emission unit or modification which is listed in SWCAA 400-100 or required to obtain an Operating Permit under RCW 70.94.161.~~
- (c) ~~The Agency may require that:~~
- ~~(i) a Notice of Construction application be filed by the owner or operator of a proposed new source or modification,~~
  - ~~(ii) the source meets all New Source Review requirements, and~~
  - ~~(iii) an Order of Approval be issued by the Agency prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.~~
- (a) Air discharge permit applications submitted to the Agency pursuant to SWCAA 400-109 shall be reviewed and approved in accordance with the requirements of this section.
- ~~((d))~~ (b) ((New Source)) Review of a modification shall be limited to the emission unit(s) ((or units)) proposed to be added to an existing "stationary source" or modified and the air contaminants whose emissions would increase as a result of the modification except that review of a "major modification" shall comply with the requirements of SWCAA 400-111, 400-112, 400-113 and/or WAC 173-400-141.
- ~~((e))~~ (c) ((New Source Review is not required for those)) The requirements of this section are not applicable to:
- (i) "Stationary sources" ((whose facilitywide combined emissions (potential to emit) do not exceed the limits)) that meet the exemption criteria specified in SWCAA 400-101 ((or whose emission unit capacities are less than the minimum quantities specified in Table A of SWCAA 400-110(1)(a))). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Agency to substantiate that the "stationary source" is entitled to exemption under this section. ((An emission unit exempt from registration under SWCAA 400-100 or 400-101 may be exempt from New Source review.)); and
  - (ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046.
- ~~((f))~~ (d) ((New Source)) Review is not required ((when)) for the following ((conditions are met)):
- ~~((i) Performance of routine maintenance or repair that involves the replacement of like in kind air pollution control equipment or controls. This includes upgrades of parts or components where due to wear or breakage, parts or components must be replaced and exact replacement parts or components are no longer available from the original equipment manufacturer or after market~~

vendors. In no case shall the replacement parts result in an increase in actual emissions above allowable emissions;

~~(ii) — A process change is made that does not result in an emission of a different type not previously approved or an increase in capacity and total air pollutant emissions;)~~

~~((iii)) (i) A process change (is made) that does not result in (an) the emission of a (different) type of toxic air pollutant, as provided in (WAC) Chapter 173-460 WAC, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified ((in the Small Quantity Emission Rate tables)) in WAC 173-460-080 ((annual rate)); or~~

~~((iv)) (ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate(s) specified ((in the Small Quantity Emission Rate tables)) in WAC 173-460-080 ((annual rate));.~~

## (2) Requirements.

(a) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any "new source," new emission unit, or modification.

(b) Regardless of any other provision of this section, 400-101 or 400-109, all review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any of the following:

(i) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except Part AAA, Wood stoves (as in effect on July 1, 2002);

(ii) Any project that qualifies as a new or modified "stationary source" within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants as in effect on July 1, 2002), except for asbestos demolition and renovation projects subject to 40 CFR 61.145;

(iii) Any project that qualifies as a "new source" within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories as in effect on July 1, 2002);

(iv) Any project that qualifies as a new major stationary source, or a major modification; or

(v) Any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.

~~((g)) (c) ((Any source required to submit a Notice of Construction)) Air discharge permit applications ((for New Source Review is required to)) must demonstrate that all applicable emission standards have been or will be met by the proposed modification or "new source." Examples of applicable emissions standards ((may)) include, but are not ((be)) limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, ambient air increments and ((any)) ambient air quality standards ((as identified in)) (See Table ((C)) A below). A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are ((further)) addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151.~~

**((TABLE C  
Emission Concentration Regulatory Standards and Significance Levels**

Pollutant	Averaging Period	Class-II Significant Impact Criteria <sup>a</sup> µg/m <sup>3</sup>	Class-I PSD Increments <sup>b</sup> µg/m <sup>3</sup>	Class-II PSD Increments <sup>b</sup> µg/m <sup>3</sup>	NAAQS		—Washington
					Primary Ambient Standards µg/m <sup>3</sup> (ppm)	Secondary Ambient Standards µg/m <sup>3</sup> (ppm)	Ambient Standards µg/m <sup>3</sup> (ppm)
Carbon Monoxide (CO) (WAC 173-475)	8-Hour	500	—	—	10,000 <sup>b</sup> (9.0)	10,000 <sup>b</sup> (9.0)	10,000 <sup>b</sup> (9.0)
	1-Hour	2,000	—	—	40,000 <sup>b</sup> (35.0)	40,000 <sup>b</sup> (35.0)	40,000 <sup>b</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> ) (WAC 173-475)	Annual <sup>a</sup> (arithmetic mean)	1	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> ) (WAC 173-475)	1-Hour <sup>e</sup>	—	—	—	(0.12)	(0.12)	(0.12)
Ozone (O <sub>3</sub> ) (40 CFR Part 50) (62 FR 38856)	8-Hour <sup>f</sup>	—	—	—	(0.08)	(0.08)	—
Sulfur Dioxide (SO <sub>2</sub> ) (WAC 173-474)	Annual <sup>a</sup>	1	2	20	80 (0.03)	—	53 (0.02)
	24-Hour	5	5	91	365 <sup>b</sup> (0.14)	—	260 <sup>b</sup> (0.10)
	3-Hour	25	25	512	—	1,300 <sup>b</sup> (0.50)	—
	1-Hour	—	—	—	—	—	1,065 <sup>b</sup> (0.40) <sup>g</sup>
Total Reduced Sulfur (TRS)	1-Hour	—	—	—	—	—	—
Lead	Quarterly Average	—	—	—	1.5	1.5	1.5
Total Suspended Particulates (TSP) (WAC 173-470)	Annual <sup>a</sup> (geometric mean)	1	5	19	75	60 <sup>e</sup>	60
	24-Hour	5	10	37	260 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 10 µm (WAC 173-470)	Annual (geometric mean)	1	—	17	50	50	50
	24-Hour	5	—	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>

Pollutant	Averaging Period	NAAQS					—Washington
		Class-II Significant Impact-Criteria <sup>2</sup>	Class-I PSD Increments <sup>4</sup>	Class-II PSD Increments <sup>4</sup>	Primary Ambient Standards	Secondary Ambient Standards	Ambient Standards
		µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup>	µg/m <sup>3</sup> (ppm)	µg/m <sup>3</sup> (ppm)	µg/m <sup>3</sup> (ppm)
Particulate Matter less than 2.5 µm (40 CFR Part 50) (62 FR 38652)	Annual <sup>5</sup>	--	--	--	15	15	--
	24-Hour <sup>6</sup>	--	--	--	65	65	--

—µg/m<sup>3</sup> = micrograms per cubic meter; —ppm = parts per million

<sup>1</sup>—Never to be exceeded.

<sup>2</sup>—Not to be exceeded more than once per year.

<sup>3</sup>—This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.

<sup>4</sup>—Also, 0.25 ppm not to be exceeded more than twice in seven days.

<sup>5</sup>—Not to be exceeded on more than 1 day per calendar year as provided in ((WAC)) Chapter 173-475 WAC.

<sup>6</sup>—Based on the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at each monitor.

<sup>7</sup>—Based on the 3-year average of annual arithmetic-mean PM<sub>2.5</sub> concentrations.

<sup>8</sup>—Based on the 3-year average of the 98<sup>th</sup> percentile of 24-hour PM<sub>2.5</sub> concentrations at each monitor within an area.

<sup>9</sup>—Based on the 99<sup>th</sup> percentile of 24-hour PM<sub>10</sub> concentrations at each monitor.

<sup>10</sup>—Found in 40 CFR 51.165(b)(2).

<sup>11</sup>—Found in 40 CFR 51.166(c).

Annual standards never to be exceeded; short-term standards not to be exceeded more than once per year unless otherwise noted.  
Sources include the EPA New-Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

~~((The significant impact criteria are used to determine if a proposed project or modification will cause a significant deterioration in ambient air quality for Class II areas.))~~ If the ambient impact of a proposed project ((impacts)) (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) ((are)) is predicted to be less than the ((significant impact criteria)) applicable ambient air increments, ((then)) the air quality analysis is complete at that point. If the ambient impact of a proposed project ((or modification exceeds these levels)) could potentially exceed the applicable ambient air increments, the applicant shall demonstrate compliance with available ((PSD)) ambient air increments and Ambient Air Quality Standards (AAQS) ((must then be demonstrated)) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2002). ((If a proposed project or modification exceeds the significant ambient concentrations for Class II areas.)) Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

**TABLE A - Emission Concentration Regulatory Standards**

Pollutant	Averaging Period	Ambient Air Increment 40 CFR 51.166(c)		National Ambient Air Quality Standards (NAAQS) 40 CFR 50		State Ambient Air Quality Standards 173-470, 474, and 475 WAC
		Class I µg/m <sup>3</sup>	Class II µg/m <sup>3</sup>	Primary Standard µg/m <sup>3</sup> (ppm)	Secondary Standard µg/m <sup>3</sup> (ppm)	Ambient Standard µg/m <sup>3</sup> (ppm)
Carbon Monoxide (CO)	8-Hour	--	--	10,000 <sup>b</sup> (9.0)	--	10,000 <sup>b</sup> (9.0)
	1-Hour	--	--	40,000 <sup>b</sup> (35.0)	--	40,000 <sup>b</sup> (35.0)

Pollutant	Averaging Period	Ambient Air Increment <i>40 CFR 51.166(c)</i>		National Ambient Air Quality Standards (NAAQS) <i>40 CFR 50</i>		State Ambient Air Quality Standards <i>173-470, 474, and 475 WAC</i>
		Class I $\mu\text{g}/\text{m}^3$	Class II $\mu\text{g}/\text{m}^3$	Primary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standard $\mu\text{g}/\text{m}^3$ (ppm)
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>a</sup> (arithmetic mean)	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> )	1-Hour <sup>c</sup>	--	--	(0.12)	(0.12)	(0.12)
	8-Hour <sup>f</sup>	--	--	(0.08)	(0.08)	--
Sulfur Dioxide (SO <sub>2</sub> )	Annual <sup>a</sup>	2	20	80 (0.03)	--	53 (0.02)
	24-Hour	5	91	365 <sup>b</sup> (0.14)	--	260 <sup>b</sup> (0.10)
	3-Hour	25	512	--	1,300 <sup>b</sup> (0.50)	--
	1-Hour	--	--	--	--	1,065 <sup>b</sup> (0.40) <sup>d</sup>
Lead	Quarterly Average	--	--	1.5	1.5	1.5
Total Suspended Particulates (TSP)	Annual <sup>a</sup> (geometric mean)	--	--	--	--	60
	24-Hour	--	--	--	--	150 <sup>b</sup>
Particulate Matter less than 10 $\mu\text{m}$ (PM <sub>10</sub> )	Annual (arithmetic mean)	4	17	50	50	50
	24-Hour <sup>i</sup>	8	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 2.5 $\mu\text{m}$ (PM <sub>2.5</sub> )	Annual <sup>g</sup> (arithmetic mean)	--	--	15	15	--
	24-Hour <sup>h</sup>	--	--	65	65	--

$\mu\text{g}/\text{m}^3$  = micrograms per cubic meter; ppm = parts per million

<sup>a</sup> Never to be exceeded.

<sup>b</sup> Not to be exceeded more than once per year.

<sup>c</sup> This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.

<sup>d</sup> Also, 0.25 ppm not to be exceeded more than twice in seven days.

<sup>e</sup> Not to be exceeded on more than 1 day per calendar year as provided in ((WAC)) Chapter 173-475 WAC.

<sup>f</sup> Based on the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at each monitor.

<sup>g</sup> Based on the 3-year average of annual arithmetic mean PM<sub>2.5</sub> concentrations.

<sup>h</sup> Based on the 3-year average of the 98<sup>th</sup> percentile of 24-hour PM<sub>2.5</sub> concentrations at each monitor within an area.

<sup>i</sup> Based on the 99<sup>th</sup> percentile of 24-hour PM<sub>10</sub> concentrations at each monitor.

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted.  
Sources include the EPA New Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

(d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" shall demonstrate that all applicable requirements of SWCAA 400-141 and WAC 173-400-141 have been met.

(e) An applicant filing an air discharge application for a project described in WAC 173-400-117(2), Special Protection Requirements for Federal Class I Areas, must send a copy of the application to the responsible federal land manager.

~~((2))~~ (3) Application completeness determination. Within thirty (30) calendar days of receipt of an ~~((Notice of Construction))~~ air discharge permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary ~~((, based upon review of information already supplied,))~~ to complete the application as provided under RCW 70.94.152.

- (a) For an ~~((project))~~ application subject to PSD review under ~~((SWCAA))~~ WAC 173-400-141, a completeness determination includes a determination that the application provides all information required to conduct PSD review. ~~((The Agency may request additional clarification of information submitted from the source after a completeness determination has been made for a Notice of Construction application.))~~
- (b) For an application subject to Special Protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).
- ~~((3))~~ (4) **Final determination ~~((Regulatory orders))~~.**
- (a) Within sixty (60) calendar days of receipt of a complete application, the Agency shall either issue a final decision on the application or ~~((, for those projects subject to public notice, issue a preliminary determination and))~~ initiate public notice ~~((and comment procedures under SWCAA 400-171))~~ on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. An owner or operator seeking to construct or modify a "stationary source" that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the ~~((Notice of Construction))~~ application required by this section. An ~~((Notice of Construction))~~ application designated for integrated review shall be processed in accordance with ~~((WAC))~~ Chapter 173-401 WAC procedures and deadlines. A PSD permit application under WAC 173-400-141 or an air discharge permit application for a "major modification" or a "major stationary source" in a nonattainment area must also comply with SWCAA 400-171 and WAC 173-400-171, as applicable.
- (b) Every final determination on an ~~((Notice of Construction))~~ air discharge permit application that results in the issuance of an ~~((Order of Approval))~~ air discharge permit by the Agency shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.
- (c) If the "new source" is a "major stationary source" or the ~~((change))~~ proposed modification is a "major modification," the Agency shall submit any control technology determination(s) included in a final ~~((Order of Approval))~~ air discharge permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.
- ~~((4))~~ (5) **Appeals.** An ~~((Order of Approval))~~ air discharge permit, any conditions contained in an ~~((Order of Approval))~~ air discharge permit, the denial of an ~~((Notice of Construction))~~ air discharge permit application, or any other regulatory order issued by the Agency, may be appealed to the ~~((Board of Directors as specified in SWCAA 400-220 of this regulation or appealed directly to the))~~ Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each order approving or denying an ~~((Notice of Construction))~~ air discharge permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board ~~((and, where applicable, to the EPA Environmental Appeals Board)).~~
- ~~((5))~~ (6) **Portable ~~((sources))~~ equipment.** ~~((For portable sources which locate temporarily at particular sites.))~~ The owner(s) or operator(s) of "portable equipment," as defined in SWCAA 400-030, shall be allowed to operate at ~~((the))~~ temporary locations without filing

an ~~((Notice of Construction))~~ air discharge permit application for each location provided that:

- (a) The affected ~~((source/))~~emission~~((s))~~ units are registered with the Agency.
- (b) The affected ~~((source/))~~emission~~((s))~~ units have an ~~((Order of Approval))~~ air discharge permit as a portable "stationary source."
- (c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location at least ten business days prior to starting the operation.
- (d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Agency to determine that the operation will comply with ~~((the))~~ applicable emission standards ~~((for a new source))~~, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.
- (e) ~~((The owner(s) and/or resident(s)))~~ Landowners and residents of immediately adjacent properties ~~((shall be))~~ are notified by the owner(s) or operator(s) of the "portable ~~((source))~~ equipment" in writing at least 10 business days prior to commencement of operations at the proposed location. ~~((with))~~ Copies of the notification letters shall be mailed to the Agency. Written notification to the adjacent landowners~~((/))~~ and residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for SWCAA. Written notification shall indicate that all comments shall be directed to the Agency.

~~((Sources))~~ "Portable equipment" that does not operate within the jurisdiction of the Agency for a period of more than 5 years shall be considered to be ~~((nonoperational))~~ permanently shutdown and will be removed from active registration. Any ~~((such source))~~ "portable equipment" removed from active registration shall be required to ~~((go through new source))~~ submit a new permit application and undergo review as a "new source" prior to operating again within the jurisdiction of the Agency ~~((consistent with the definition of new source))~~.

~~((6))~~ (7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

~~((7))~~ (8) **Expiration.** Approval to construct or modify a "stationary source" shall become invalid if construction is not commenced within eighteen months after the date of issuance of an ~~((Order of Approval))~~ air discharge permit, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. An extension for a PSD permit must be approved by Ecology, and comply with the public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an ~~((Order of Approval))~~ air discharge permit.

~~((8))~~ **Temporary, emergency, or substitution sources.**

- ~~((a))~~ A temporary source shall be considered to be a new source. ~~The Agency may require that a Notice of Construction application and applicable review fees be submitted before reviewing a request for a temporary, emergency or substitution source. The Agency may provide approval for special situations for a source~~

~~without meeting the requirements for New Source Review when one or more of the following conditions are met:~~

- ~~(i) — The temporary source is needed to replace a previously approved similar source where the approved source is non functional due to breakdown or other similar circumstances beyond the control of the owner or operator. This may include replacement steam or power supply units where facilities have an immediate need to continue production or service to public or private industries, or have a need for an extended or unscheduled shutdown of equipment that is of a duration not otherwise planned for. The Agency may provide written approval for a temporary source that may include but not be limited to emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. Installation of a temporary source due to poor or improper maintenance or operations is required to submit a Notice of Construction application for permanent replacement within 30 days of installation.~~
- ~~(ii) — The temporary source is necessary to support public or private needs in the event of a local or regional disaster when proper planning could not be accommodated. In no event shall the temporary source be authorized for operations for durations greater than three months. Written approval shall be provided by the Agency that may contain, but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. For operations greater than three months the owner or operator shall submit a Notice of Construction application under New Source Review requirements (SWCAA 400-110) for approval from the Agency.~~
- ~~(iii) — The temporary source is a one time special need, urgent application, that cannot otherwise be accommodated through the New Source Review process due to the critical nature of the source and time constraints. As a condition of approval under this expedited approval process, a new source of this type could not request to be allowed or expected to operate within the jurisdiction of the Agency for the following three years. Written approval shall be provided by the Agency that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements and testing requirements. In no case shall approval be provided for operation greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWCAA 400-110.~~
- ~~(b) — An emergency source is the result of an emergency situation that could not otherwise be planned for. The Agency shall provide written approval for an emergency source provided that the owner or operator has provided sufficient documentation or demonstration of the need for the source to the satisfaction of the Control Officer. The written approval may include but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. In no case shall approval be provided for operations greater than three months.~~
- ~~(c) — A substitute source is the same as a temporary source as in (a) above. A substitute source may be of a different manufacturer and model number and size and may result in increased emissions from installation from previously approved equipment on a short term basis. The Agency shall provide written approval for a substitute~~

~~source that may include but not be limited to: emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. In no event shall the substitute source be authorized for operations for durations greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWCAA 400-110.)~~

**(9) Change of conditions.**

- (a) The owner or operator may request, at any time, a change in existing approval conditions. The Agency may approve the request provided that:
  - (i) The change will not cause the an applicable emissions limit or standard to be exceeded;
  - (ii) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;
  - (iii) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;
  - (iv) The revised approval conditions will continue to require BACT, as defined at the time of the original approval, for each approved "stationary source" except where the Federal Clean Air Act requires LAER (Any change that meets the definition of a "new source" must complete a new BACT determination); and
  - (v) The revised approval conditions meet the requirements of SWCAA 400-110, 400-111, 400-112 and 400-113, as applicable.
- (b) Requests for a change in PSD permit conditions must be made directly to Ecology. The Agency does not have authority to issue or modify PSD permits.
- (c) Actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171.
- (d) A request to change approval conditions shall be filed as an air discharge permit application in accordance with SWCAA 400-109. The application shall meet the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-109(3) shall apply to these requests.

**(10) Reopening for cause.** The Agency may, on its own initiative, reopen any order issued pursuant to this section under the following circumstances:

- (a) The order contains a material mistake, or
- (b) Inaccurate statements were made in establishing the emission standards and/or conditions of the order.

**AMENDATORY SECTION** (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

**SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (59)(a), (60)(a), (70)(a) and (106)(a) respectively.

~~((Any person proposing to install, construct or operate a new source or emission unit or make a modification to an existing source or emission unit shall file a Notice of Construction application with the Agency in accordance with SWCAA 400-109 and shall be subject to the New Source Review provisions of SWCAA 400-110. Confidential information shall be identified as set forth in SWCAA 400-270.))~~ An ~~((Notice of Construction))~~ air discharge permit application to establish a "new source" or make a modification to a "stationary source" in an area that is covered by a maintenance plan, shall result in the issuance of an ~~((Order of Approval))~~ air discharge permit or other regulatory order~~((Such an order shall)),~~ which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section~~((, if it is determined that the proposed project satisfies all of the requirements of this section))~~. "New sources" or modifications within a designated maintenance plan area, including "stationary sources" ~~((of))~~ that emit VOC or NO<sub>x</sub> in a designated ozone maintenance plan area, shall meet the following requirements ~~((listed below.))~~:

- (1) **Emission standards.** The proposed "new source" or modification shall:
  - (a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter 70.94 RCW, and~~((;))~~ the applicable emission standards of the Agency; and
  - (b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be ~~((exceeded))~~ violated; and
  - (c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and
  - (d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.
- (2) **BACT.** Except as provided in ~~((§))~~subsection (7) of this section, the owner or operator of the proposed "new source" or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.
- (3) **Source compliance.** The owner or operator of the proposed "new source" or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act ~~((RCW))~~ Chapter 70.94 RCW.
- (4) **Offsets or growth allowance.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide offsets as specified in ~~((§))~~subsection (8) of this section. Except as provided in ~~((§))~~subsection (7) of this section, the requirements of this section may be met in whole or in part in an ozone maintenance plan area with an allocation by SWCAA from a growth allowance, if available, in accordance with ~~((§))~~subsection (8) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.
- (5) **Net air quality benefit.** For cases in which emission reduction or offsets are required in accordance with ~~((§))~~subsection (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area. If the proposed "new source" or ~~((the proposed))~~ modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed

"new source" or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the ~~((following))~~ requirements of ~~((S))~~subsection (8).

(6) **Alternative analysis.**

- (a) Except as provided in subsection (6)(c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis;
- (b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;
- (c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

(7) **Contingency plan requirements.** If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.

- (a) ~~((The requirements for BACT in Section (2) of this section shall be replaced by a requirement for LAER. If the new source is))~~ A proposed "major stationary source" or ~~((the proposed modification is a))~~ "major modification," ~~((it))~~ must achieve LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.
- (b) An allocation from a growth allowance shall not be used to meet the requirement for offsets in ~~((S))~~subsection (4) of this section. The growth allowance emissions shall be unavailable until ~~((such time as))~~ a sufficient demonstration is made to reinstate the growth allowance emissions, the Board adopts a revised maintenance plan, and EPA approves it as a SIP revision.

(8) **Industrial growth allowance and offset allocation.**

- (a) Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington ~~((State Implementation Plan))~~ SIP and the ~~((applicable))~~ maintenance plan for the applicable maintenance plan area.
- (b) The growth allowance emissions may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. In the event of a confirmed ozone violation, the growth allowance for VOC and NO<sub>x</sub> emissions shall be eliminated and "new sources" shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.
- (c) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs or NO<sub>x</sub>, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:
  - (i) Access is on a first-come-first-served basis, based on the date of a complete ~~((notice of construction))~~ application and allowance allocation request;
  - (ii) No single "stationary source" may receive an emissions allocation of more than ~~50((%))~~ percent of any remaining growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board

- of Directors may approve an emissions allocation of greater than 50(~~(%)~~) percent upon consideration of the following:
- (A) Information submitted by the "stationary source" to SWCAA justifying (~~(it's)~~) its request for exceeding the 50(~~(%)~~) percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";
  - (B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and
  - (C) Other relevant information submitted by the "stationary source" or SWCAA.
- (iii) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA shall allocate only a portion of the VOC and NO<sub>x</sub> growth allowances each year. SWCAA will track use of VOC and NO<sub>x</sub> (~~(emissions)~~) allocations from the growth allowances. The amount of the growth allowance that can be allocated each year is identified in the applicable ozone maintenance plan.
  - (iv) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.
- (d) If no emissions remain in the respective growth allowance, or the contingency plan has been triggered which effectively zeros the growth allowance, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets. (~~(Applicants in a maintenance area shall demonstrate the following:)~~)
    - (i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).
    - (ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants (~~(shall be less than the level of significant air quality impact. Refer to SWCAA 400-110(1)(g) for significance levels)~~) may be from inside or outside of the same maintenance plan area.
    - (iii) "New sources" or modifications shall meet the following offset requirements:
      - (A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;
      - (B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and
      - (C) The emission reductions must provide for a net air quality benefit.

- (I) New "major stationary sources" within an ozone maintenance plan area shall:
  - (a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
  - (b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
- (II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:
  - (a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
  - (b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
- (III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:
  - (a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
- (IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:
  - (a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
- (D) New "major stationary sources" or "major modifications" with CO emissions greater than 250 ~~((tpy))~~ tons per year are required to obtain offsets ~~((and comply with the PSD requirements of SWCAA 400-141))~~.
  - (iv) ~~((The))~~ Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.
  - (v) ~~((The))~~ Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete ~~((notice of construction))~~ application for the "new source" or modification. This time limitation may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.
  - (vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:
    - (A) The proposed new level of allowable emissions of the "stationary source" or emission~~((s))~~ unit~~((s))~~ providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit~~((s))~~. No emission reduction can be credited for actual emissions that exceed the current allowable

- emissions of the "stationary source" or emission((s)) unit(((s))) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.
- (B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facilitywide emissions do not exceed the new emission limit.
- (9) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in ((SWCAA)) WAC 173-400-141, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the ((additional)) requirements of this section.
- (10) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under ((WAC)) Chapter 173-460 WAC, the "new source" shall meet all applicable requirements of that regulation.
- (11) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility protection requirements of ((40 CFR 52.27 as in effect on July 1, 2000)) WAC 173-400-117.
- (12) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

**SWCAA 400-112 Requirements for New Sources in Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (59)(a), (60)(a), (70)(a) and (106)(a) respectively.

An ((Notice of Construction)) air discharge permit application to establish a "new source" or make a modification to a "stationary source" in a nonattainment area, shall result in the issuance of an ((Order of Approval)) air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section((, if the Agency determines that the proposed project satisfies each of)). "New sources" or modifications within a designated nonattainment area shall meet the following requirements:

- (1) The proposed "new source" or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants,

- National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and((;)) the applicable emission standards of the Agency.
- (2) The proposed "new source" or modification will employ BACT for all air contaminants, except that if the "new source" is a "major stationary source" or the proposed modification is a "major modification" it ((~~must~~)) will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed "new source" or modification is major.
  - (3) The proposed "new source" or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington ((~~State Implementation Plan~~)) SIP and will comply with SWCAA 400-113(3) for all air contaminants for which the area has not been designated nonattainment.
  - (4) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," ((~~and~~)) the Agency has determined, based on review of an analysis performed by the "stationary source" of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
  - (5) If the proposed "new source" or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions of the ((~~pollutant~~)) air contaminant for which the area has been designated nonattainment from the proposed "new source" or modification ((~~are~~)) shall be offset by reductions in actual emissions of the ((~~pollutant~~)) air contaminant for which the area has been designated nonattainment from existing "stationary sources" in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of Section 172 of the ((~~FCAA~~))Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:
    - (a) The proposed new level of allowable emissions of the "stationary source" or emission((s)) unit(s) providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit(s). No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission((s)) unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits required by the Federal Clean Air Act, including the Washington SIP, cannot be credited.
    - (b) The emission reductions must provide for a net air quality benefit.
      - (i) New "major stationary sources" within a marginal ozone nonattainment area shall:
        - (A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
        - (B) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
      - (ii) "Stationary sources" within a marginal ozone nonattainment area undergoing "major modifications" shall:
        - (A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

- (B) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
- (iii) New "major stationary sources" within a moderate carbon monoxide nonattainment area shall(~~(:~~  
 (A)) offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
- (iv) "Stationary sources" within a moderate carbon monoxide nonattainment area undergoing "major modifications" shall(~~(:~~  
 (A)) offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
- (v) For any other nonattainment area, determinations on whether emission offsets provide a positive net air quality benefit shall be made in accordance with the guidelines contained in 40 CFR Part 51, Appendix S (as in effect on July 1, 2002).
- (c) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the air discharge permit for the new or modified "stationary source" (~~commences operation. The new source may not commence operation before the date such reductions are actually achieved~~) becomes effective. An emission reduction credit issued under SWCAA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.
- (7) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the owner or operator (~~has~~) shall demonstrate(~~(d)~~) that all "major stationary sources" owned or operated by such person (or by any entity controlling, controlled by, or under common control (~~(with)~~) of such person) in Washington are (~~subject to emission limitations and are~~) in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the (~~EPA approved~~) Washington (~~State Implementation Plan~~) SIP.
- (8) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program described in (~~SWCAA~~) WAC 173-400-141, it shall meet(~~(s)~~) the requirements of that program for all air contaminants for which the area has not been designated nonattainment.
- (9) If the proposed "new source" or modification will emit any toxic air pollutants regulated under (~~WAC~~) Chapter 173-460 WAC, (~~the source~~) it shall meet(~~(s)~~) all applicable requirements of that chapter.
- (10) If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," as those terms are defined in SWCAA 400-030(59)(b) and (60)(b), (~~the Agency has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (h), as in effect on July 1, 2000, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in SWCAA 400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either Ecology or the Agency) processing the Notice of Construction~~

application.) it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

### **SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (59)(b), (60)(b), (70)(b) and (106)(b) respectively.

~~((Any person proposing to install, construct or operate a new source or emission unit or modification to an existing source or emission unit shall file a Notice of Construction application with the Agency and shall be subject to the New Source Review provisions of SWCAA 400-110. Confidential information shall be identified as set forth in SWCAA 400-270.)) An ((Notice of Construction)) air discharge permit application to establish a "new source" or make a modification to a "stationary source" in an area that is in attainment or unclassifiable for any air contaminant the proposed "new source" would emit, and that is in attainment or unclassifiable for ozone if the proposed new or modified "stationary source" would emit VOC((s)) or NO<sub>x</sub>, shall result in the issuance of an ((Order of Approval)) air discharge permit or other regulatory order, ~~((Such order shall))~~ which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section~~((, if it is determined that the proposed project satisfies all of))~~. The air discharge permit or other regulatory order shall not be issued until the "new source" or modification meets the following requirements:~~

- (1) The proposed "new source" or modification ~~((will))~~ shall comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Agency.
- (2) The proposed "new source" or modification ~~((will))~~ shall employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the "new source" or modification.
- (3) Allowable emissions from the proposed "new source" or modification ~~((will))~~ shall not delay the attainment date for an area not in attainment ~~((or unclassifiable))~~ nor cause or contribute to a violation of any ambient air quality standard. This requirement will be ~~((considered to be))~~ met if the projected impact of the allowable emissions from the proposed "new source" or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment or maintenance:

<u>Pollutant</u>	<u>Annual Average</u>	<u>24-Hour Average</u>	<u>8-Hour Average</u>	<u>3-Hour Average</u>	<u>1-Hour Average</u>
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

- (4) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" ~~((for purposes of the PSD program described in SWCAA 400-141)),~~ it shall meet((s)) all applicable requirements of ~~((that section))~~ WAC 173-400-141.
- (5) If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under ~~((WAC))~~ Chapter 173-460 WAC, ~~((the source))~~ it shall meet((s)) all applicable requirements of that chapter.
- (6) If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.
- ~~((6))~~ (7) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.
- ~~((7))~~ ~~If, within the meaning of the PSD program described in SWCAA 400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.)~~

#### AMENDATORY SECTION (Amending WSR 01-05-056 filed 2/15/01, effective 3/18/01)

#### **SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.153 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84, Renumbered from 400-110; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-056 filed 2/15/01, effective 3/18/01]

- (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing "stationary source" or emission unit shall file an air discharge permit application ~~((Notice of Construction))~~ with the Agency and shall be subject to the ~~((New Source))~~ review process of SWCAA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the "new source" emissions standards of SWCAA 400-111, 400-112 or ~~((SWCAA))~~ 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or ~~(("modification"))~~ then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.
- (2) For projects not otherwise reviewable under SWCAA 400-110, the Agency may:
- Require that the owner or operator employ RACT for the affected emission unit;
  - Prescribe reasonable operation and maintenance conditions for the control equipment; and
  - Prescribe other requirements authorized by Chapter 70.94 RCW.

- (3) Within thirty calendar days of receipt of an ~~an ((Notice of Construction))~~ air discharge permit application under this section the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete ~~((Notice of Construction))~~ application under this section, the Agency shall either issue an ~~((Order of Approval))~~ air discharge permit or a proposed RACT determination for the proposed project.
- (4) Construction shall not commence ~~((, as defined in SWCAA 400-030(16),))~~ on a project subject to review under this section until the Agency issues a final ~~((Order of Approval))~~ air discharge permit or other regulatory order. However, any ~~((Notice of Construction))~~ air discharge permit application filed under this section shall be deemed to be approved without conditions if the Agency takes no action within thirty days of receipt of a complete ~~((Notice of Construction))~~ application. The Agency may request clarification of information submitted in support of the application after the application has been determined to be complete.
- (5) An ~~((Order of Approval))~~ air discharge permit to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance ~~((of an Order of Approval))~~, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an ~~((Order of Approval))~~ air discharge permit.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-115 Standards of Performance for New Sources**

[Statutory Authority: Chapter 70.94.141 RCW. Originally adopted by Board 12/18/79; Amended by Board 4/17/84 (renumbered to 400-135); Amended by Board 12/16/86; 93-16-007 filed 7/22/93, effective 8/22/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) Adoption by reference. ~~((Title 40, Code of Federal Regulations,))~~ The standards of performance for "new sources" presented in 40 CFR Part 60 and appendices ~~((Standards of Performance for New Sources,))~~ as in effect on July 1, ~~((2000))~~ 2002 ~~((is))~~ are adopted by reference, ~~((except for sections 60.5 (Determination of Construction or Modification) and 60.6 (Review of Plans.))~~ The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA ~~((, the Director of Ecology))~~ and the Control Officer of the Agency. Exceptions to this adoption by reference are listed in subsection (2).

~~((As of July 1, 2000, the federal regulations adopted by reference hereby set standards of performance affecting facilities for the following described subparts of 40 CFR Part 60:))~~  
The following list of affected subparts is provided for informational purposes:

Subpart A	General provisions (ref. 40 CFR 60.1 et seq.)
Subpart D	Fossil fuel-fired steam generators for which construction <u>is</u> commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (ref. 40 CFR 60.40 et seq.)
Subpart Da	Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts (ref. 40 CFR 60.40a et seq.)
Subpart Db	Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts (ref. 40 CFR 60.40b et seq.)
Subpart Dc	Small industrial-commercial-institutional steam generating units (ref. 40 CFR 60.40c et seq.)
Subpart E	Incinerators (ref. 40 CFR 60.50 et seq.)
Subpart Ea	Municipal waste combustors for which construction commenced after December 20, 1989 and on or before September 20, 1994 (ref. 40 CFR 60.50a et seq.)
Subpart Eb	Large Municipal waste combustors for which construction is commenced after September 20, 1994 or for which Modification of reconstruction is commenced after June 19, 1996 (ref. 40 CFR 60.50b et seq.)
Subpart Ec	Hospital/medical/infectious waste incinerators for which construction is commenced after June 20, 1996 (ref. 40 CFR 60.50c et seq.)
Subpart F	Portland cement plants (ref. 40 CFR 60.60 et seq.)
Subpart G	Nitric acid plants (ref. 40 CFR 60.70 et seq.)
Subpart H	Sulfuric acid plants (ref. 40 CFR 60.80 et seq.)
Subpart I	Hotmix asphalt facilities (ref. 40 CFR 60.90 et seq.)
Subpart J	Petroleum refineries which produce less than 25,000 barrels per day of refined products (ref. 40 CFR 60.100 et seq.)
Subpart K	Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons (ref. 40 CFR 60.110 et seq.)
Subpart Ka	Storage vessels for petroleum liquids for which construction, reconstruction or modification commenced after May 18, 1978, and prior to July 23, 1984 ref. 40 CFR 60.110a et seq.)
Subpart Kb	Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984 (ref. 40 CFR 60.110b et seq.)
Subpart L	Secondary lead smelters (ref. 40 CFR 60.120 et seq.)
Subpart M	Brass and bronze ingot production plants (ref. 40 CFR 60.130 et seq.)
Subpart N	Iron and steel plants (ref. 40 CFR 60.140 et seq.)
Subpart Na	Secondary emissions from basic oxygen process steel making facilities (ref. 40 CFR 60.140 et seq.)
Subpart O	Sewage treatment plants (ref. 40 CFR 60.150 et seq.)
Subpart P	Primary copper smelters (ref. 40 CFR 60.160 et seq.)
Subpart Q	Primary zinc smelters (ref. 40 CFR 60.170 et seq.)
Subpart R	Primary lead smelters (ref. 40 CFR 60.180 et seq.)
Subpart S	Primary aluminum reduction plants (ref. 40 CFR 60.190 et seq.)

Subpart T	Phosphate fertilizer industry: Wet process phosphoric acid plants (ref. 40 CFR 60.200 et seq.)
Subpart U	Phosphate fertilizer industry: Superphosphoric acid plants (ref. 40 CFR 60.210 et seq.)
Subpart V	Phosphate fertilizer industry: Diammonium phosphate plants (ref. 40 CFR 60.220 et seq.)
Subpart W	Phosphate fertilizer industry: Triple superphosphate plants (ref. 40 CFR 60.230 et seq.)
Subpart X	Phosphate fertilizer industry: Granular triple superphosphate storage facilities (ref. 40 CFR 60.240 et seq.)
Subpart Y	Coal preparation plants (ref. 40 CFR 60.250 et seq.)
Subpart Z	Ferrous alloy production facilities (ref. 40 CFR 60.260 et seq.)
Subpart AA	Steel plants: Electric arc furnaces (ref. 40 CFR 60.270 et seq.)
Subpart AAa	Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels (ref. 40 CFR 60.270a et seq.)
Subpart BB	Kraft pulp mills (ref. 40 CFR 60.280 et seq.)
Subpart CC	Glass manufacturing plants (ref. 40 CFR 60.290 et seq.)
Subpart DD	Grain elevators (ref. 40 CFR 60.300 et seq.)
Subpart EE	Industrial surface coating: metal furniture (ref. 40 CFR 60.310 et seq.)
Subpart GG	Stationary gas turbines (ref. 40 CFR 60.330 et seq.)
Subpart HH	Lime manufacturing plants (ref. 40 CFR 60.340 et seq.)
Subpart KK	Lead-acid battery plants (ref. 40 CFR 60.370 et seq.)
Subpart LL	Metallic mineral processing plants (ref. 40 CFR 60.380 et seq.)
Subpart MM	Automobile and light duty truck surface coating operations (ref. 40 CFR 60.390 et seq.)
Subpart NN	Phosphate rock plants (ref. 40 CFR 60.400 et seq.)
Subpart PP	Ammonium sulfate manufacture (ref. 40 CFR 60.420 et seq.)
Subpart QQ	Publication rotogravure printing (ref. 40 CFR 60.430 et seq.)
Subpart RR	Pressure sensitive tape and label surface coating operations (ref. 40 CFR 60.440 et seq.)
Subpart SS	Industrial surface coating: Large appliances (ref. 40 CFR 60.450 et seq.)
Subpart TT	Industrial surface coating: Metal coils (ref. 40 CFR 60.460 et seq.)
Subpart UU	Asphalt processing and asphalt roofing manufacture (ref. 40 CFR 60.470 et seq.)
Subpart VV	Synthetic Organic Chemical Manufacturing Industry equipment leaks (VOC) (ref. 40 CFR 60.480 et seq.)
Subpart WW	Beverage can surface coating operations (ref. 40 CFR 60.490 et seq.)
Subpart XX	Bulk gasoline terminals (ref. 40 CFR 60.500 et seq.)
Subpart AAA	New residential wood heaters (ref. 40 CFR 60.530 et seq.)
Subpart BBB	Rubber tire manufacturing industry (ref. 40 CFR 60.540 et seq.)
Subpart DDD	VOC emissions from the polymer manufacturing industry (ref. 40 CFR 60.560 et seq.)
Subpart FFF	Flexible vinyl and urethane coating and printing (ref. 40 CFR 60.580 et seq.)
Subpart GGG	Petroleum refineries - compressors and fugitive emission sources (ref. 40 CFR 60.590 et seq.)
Subpart HHH	Synthetic fiber production facilities (ref. 40 CFR 60.600 et seq.)
Subpart III	VOC emissions from Synthetic Organic Chemical Manufacturing Industry air oxidation unit processes (ref. 40 CFR 60.610 et seq.)
Subpart JJJ	Petroleum dry cleaners (ref. 40 CFR 60.620 et seq.)

Subpart KKK	Equipment leaks of VOC from onshore natural gas processing plants (ref. 40 CFR 60.630 et seq.)
Subpart LLL	Onshore natural gas processing; SO <sub>2</sub> emissions (ref. 40 CFR 60.640 et seq.)
Subpart NNN	VOC emissions from Synthetic Organic Chemical Manufacturing Industry distillation operations (ref. 40 CFR 60.660 et seq.)
Subpart OOO	Nonmetallic mineral processing plants (ref. 40 CFR 60.670 et seq.)
Subpart PPP	Wool fiberglass insulation manufacturing plants (ref. 40 CFR 60.680 et seq.)
Subpart QQQ	VOC emissions from petroleum refinery waste water emissions (ref. 40 CFR 60.690 et seq.)
Subpart RRR	Volatile organic compound emissions from synthetic organic chemical manufacturing industry (SOCMI) reactor processes (ref. 40 CFR 60.700 et seq.)
Subpart SSS	Magnetic tape coating facilities (ref. 40 CFR 60.710 et seq.)
Subpart TTT	Industrial surface coating: Surface coating of plastic parts for business machines (ref. 40 CFR 60.720 et seq.)
Subpart UUU	Calciners and dryers in mineral industries (ref. 40 CFR 60.730 et seq.)
Subpart VVV	Polymeric coating of supporting substrates facilities (ref. 40 CFR 60.740 et seq.)
Subpart WWW	<u>Municipal solid waste landfills constructed, reconstructed or modified on or after May 30, 1991 (See SWCAA 400-070(8) for rules regulating MSW landfills constructed or modified before May 30, 1991)</u> (ref. 40 CFR 60.750 et seq.)
Subpart AAAA	<u>Small municipal waste combustion units constructed after August 30, 1999, or modified or reconstructed after June 6, 2001 (ref. 40 CFR 60.1000 et seq.) (See SWCAA 400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999)</u>
Subpart CCCC	<u>Commercial and industrial solid waste incinerators constructed after November 30, 1999; or modified or reconstructed on or after June 1, 2001 (ref. 40 CFR 60.2000 et seq.) (See SWCAA 400-050(4) for rules regulating commercial and industrial solid waste incinerators constructed on or before November 30, 1999)</u>
Appendix A	<u>Test methods (ref. 40 CFR 60, Appendix A)</u>
Appendix B	<u>Performance specifications (ref. 40 CFR 60, Appendix B)</u>
Appendix C	<u>Determination of emission rate change (ref. 40 CFR 60, Appendix C)</u>
Appendix D	<u>Required emission inventory information (ref. 40 CFR 60, Appendix D)</u>
Appendix F	<u>Quality assurance procedures (ref. 40 CFR 60, Appendix F)</u>
Appendix I	<u>Removable label and owner's manual (ref. 40 CFR 60, Appendix I)</u>

Note: ~~((For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the Energy Facility Site Evaluation Council (EFSEC) in Title 463 WAC)) Pursuant to RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the energy facility site evaluation council (EFSEC) under WAC 463-39-115.~~

(2) **Exceptions.** The following sections and subparts of 40 CFR 60 are not adopted by reference:

(a) 40 CFR 60.5 Determination of construction or modification

- (b) 40 CFR 60.6 Review of plans
- (c) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
- (d) Subpart Cb Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.b et seq.)
- (e) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
- (f) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
- (g) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
- (h) Subpart BBBB Emission guidelines and compliance times for small municipal waste combustion units constructed on or before August 30, 1999 (ref. 40 CFR 60.1500 et seq.)  
Note: These sources are regulated under SWCAA 400-050(5)
- (i) Subpart DDDD Emissions guidelines and compliance times for commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (ref. 40 CFR 60.2500 et seq.)  
Note: These sources are regulated under SWCAA 400-050(4)

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-116 Maintenance of Equipment**

[Statutory Authority: Chapter 70.94.152(7) RCW, and 70.94.155 RCW. Original Board adoption 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) **Process equipment.** Any process equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. ~~((Defective or malfunctioning equipment that emit air pollutants shall be repaired immediately or shall be taken out of service.))~~ The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.
- (2) **Pollution control equipment.** Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with Agency approval conditions. ~~((Defective or malfunctioning equipment shall be repaired immediately or shall be taken out of service.))~~ The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.
- (3) **Operation and Maintenance plans.** ~~((SWCAA shall have the authority to))~~ The Agency may require that an Operations and Maintenance (O&M) plan be developed and implemented for each emission unit or piece of control or capture equipment in order to

assure continuous compliance with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shutdown and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the "source" (~~owner~~) at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in (~~an Order of Approval~~) the applicable air discharge permit.

- (4) Noncompliance with any emission limit, test requirement, reporting or recordkeeping requirement or other requirement identified in ((a)) applicable regulatory orders shall be considered a violation of this section.

#### AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

#### **SWCAA 400-130 Use of Emission Reduction Credits**

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/16/86; Amended by Board 9/21/93; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) **Applicability.** The owner(s) of any emission reduction credits (ERCs) shall maintain its ability to use said ERCs through approval and registration with the Agency. An ERC shall be considered an emission unit and subject to registration. If the owner of said ERCs fails to maintain or renew its annual registration 6 months beyond the due date, (~~or~~) fails to pay its operating permit fee 6 months beyond the due date or has not applied for emission reduction credits, then said amount of emission reduction(~~s~~) credits shall revert back to the Agency. The Agency may keep said credits in a credit bank to be used by the Agency in the best interest of the area or credits may be dissolved by the Agency.
- (2) **Permissible use.** An ERC may be used to satisfy the requirements for authorization of a bubble under SWCAA 400-120, as a part of a determination of "net emissions increase," as an offsetting reduction to satisfy the requirements for new source review per SWCAA 400-111, 400-112, or ((SWCAA)) 400-113(3)(~~or SWCAA 400-113(6), or to satisfy requirements for PSD review per SWCAA 400-113(4)~~). The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.
- (3) **Conditions of use.** An ERC may be used only for the air contaminant(s) for which it was issued and in the area for which it was issued except in the case of transportable pollutants, which will be determined on a case-by-case basis and per interagency agreement for interstate transfers. The Agency may impose additional conditions of use of ERCs to account for temporal and spatial differences between the emission(~~s~~) unit(s) that generated the ERC and the emission(~~s~~) unit(s) that use the ERC. An ERC may not be used in place of a growth allowance as required under SWCAA 400-111.
- (4) **Procedures to use ERC.**

- (a) **Individual use.** When an ERC is used under subsection (2) of this section, an application must be submitted to the Agency and the Agency must issue a regulatory order for use of the ERC(s).
- (b) **Sale or transfer of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. An application for the sale or transfer must be submitted by the original ERC owner to the Agency. After receiving an application, the Agency shall reissue a regulatory order to the new owner. The Agency shall update the ERC bank to reflect the availability or ownership of ERCs. No discounting shall happen as part of this type of transaction.
- (5) **Expiration of ERC.** An unused ERC and any unused portion thereof shall expire five years after the date the emission reduction was accomplished and not the date of the regulatory order.
- (6) **Maintenance of ERCs.** The Agency has established its policy and procedure for maintenance of ~~((said credits))~~ ERCs in SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Originally adopted by Board as 400-120 on 3/20/84; renumbered to 400-131 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) **Applicability.** The owner(s) or operator(s) of any "stationary source~~((s))~~" may apply to the Agency for an emission reduction credit (ERC) if the "stationary source" proposes to reduce its actual emission~~((s))~~ rate for any contaminant regulated by state or federal law or regulations established to implement such law(s) for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emission~~((s))~~ unit(s) involved.
- (2) **Time of application.** The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.
- (3) **Conditions.** An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the Agency.
  - (a) No part of the emission reductions claimed for credit shall have been required pursuant to an adopted rule.
  - (b) The quantity of emission~~((s))~~ reductions claimed for credit shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate.
  - (c) The ERC application must include a description of all the changes that are required to accomplish the claimed emission~~((s))~~ reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices and any other pertinent supporting information.
  - (d) The quantity of emission reductions claimed must be greater than 1 ton/year and be readily quantifiable for the emission~~((s))~~ unit(s) involved.
  - (e) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under SWCAA 400-112(5) nor as part of a bubble transaction under SWCAA 400-

- 120 nor to satisfy NSPS, NESHAPS, BACT, MACT, RACT, LAER or other applicable emission standard.
- (f) Concurrent with or prior to the authorization of an ERC, the applicant shall have received a regulatory order or permit that establishes total allowable emissions from the "stationary source" or emission((s)) unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.
- (g) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.
- (4) **Additional information.** Within thirty days after the receipt of an ERC application, supporting data and documentation, the Agency may require the submission of additional information needed to review the application.
- (5) **Approval.** Within ~~((thirty))~~ sixty days after all required information has been received, the Agency shall approve or deny the application, based on a finding that conditions in subsections (3)(a) through ~~((f))~~ (g) of this section have been satisfied or not. If the application is approved, the Agency shall:
- (a) Issue a regulatory order or equivalent document to assure that the emissions from the "source" will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The regulatory order or equivalent document shall include any conditions required to assure that subsections (3)(a) through ~~((f))~~ (g) of this section will be satisfied. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment; and,
- (b) Issue a regulatory order with emission reduction credit. The regulatory order shall specify the issue date, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the regulatory order is issued.
- (6) **Maintenance and use of ERCs.** The Agency has established its policy and procedure for maintenance of ~~((said))~~ ERCs in SWCAA 400-136. The Agency has established its policy and procedure for use of ERCs in SWCAA 400-130.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Original Board adoption as 400-125 4/17/84; renumbered to 400-136 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) **Applicability.** The Agency shall maintain a bank for the purpose of administering emission reduction credits (ERCs) pursuant to the provisions of RCW 70.94.850.
- (2) **Conditions for ERC bank.**
- (a) ERCs established under SWCAA 400-131 ~~((or used under SWCAA 400-130))~~ shall be available for said credit bank.
- (b) ERCs shall not have been used, sold or transferred to another entity for use; e.g. ERCs cannot be banked or used by two "sources" at one time.
- (c) ERCs established under SWCAA 400-131 or used under SWCAA 400-130 for a specific "source" shall be allocated privately and not be ~~((included in the bank))~~ available for public allocation unless ~~((+))~~ specifically requested by the owner(s) of

the ERCs or ~~((2)-(f))~~ the owner of the ERCs fails to maintain registration with the Agency.

(3) **Maintenance of the bank.**

- (a) The Agency shall maintain an emission inventory of all allowed and actual emissions (including any growth allowances identified in a maintenance plan) in each of the nonattainment or maintenance areas by pollutant or in the case of ozone, it shall be volatile organic compounds and oxides of nitrogen.
- (b) The ERCs contained in the bank shall be discounted by ~~10((%))~~ percent to allow for minor emission~~((s))~~ increases in nonattainment areas by minor "sources" each of which would emit less than one ton per year. Minor emitting "sources" shall be ineligible to receive or expend an emission reduction credit as identified in SWCAA 400-131 or 400-130. ERCs shall be discounted at the applicable ratio on a one-time basis at the time of deposit into the bank. ERCs shall not be discounted each time a transaction is completed. If reductions in emission beyond those identified in the Washington ~~((State Implementation Plan))~~ SIP are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating "sources," and if the plan must be revised, ERCs may be discounted by the Agency over and above the initial ~~10((%))~~ percent without compensation to the holder after public involvement ~~((per))~~ pursuant to SWCAA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach or maintain attainment status.
- (c) The Control Officer shall not provide greater than ~~25((%))~~ percent of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the Board of Directors after a public notice at the next regularly scheduled meeting.
- (d) When the Control Officer issues credits for a new or modified "stationary source," the amount of emission credits shall be removed from the bank and a regulatory order allocating the emission credits shall be issued. The applicant shall start a continuous program of construction or process modification within 18 months. If the applicant does not exercise the approval, the emission credit allocation shall expire and revert to the bank. If there is a six month delay in construction after the start of a continuous program to construct or modify a "stationary source" or emission~~((s))~~ unit the remaining amount of the emission reduction credit shall be reviewed by the Control Officer and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Control Officer shall notify the applicant that the credit allocation has expired and shall revert to the bank. The applicant shall reapply, as needed, for use of the emission reduction credits when a continuous program of construction or modification begins.

(4) **Annual review.** The Agency shall review the content and administration of this section annually to ensure regulatory consistency and equity of impact as a portion of the Washington ~~((State Implementation Plan))~~ SIP review. The results of the review shall be reported to the Board with recommendations for correction if the Control Officer deems that such corrections are necessary to properly administer the emission credit bank.

(5) **Issuance and use of ERCs.** The Agency has established its policy and procedure for deposit of ERCs in SWCAA 400-131. The Agency has established its policy and procedure for use of ERCs in SWCAA 400-130.

(6) **Expiration of public credits.**

- (a) Emissions reduction credits deposited in the bank for public allocation (public bank) as the result of the shutdown of the Carborundum facility expired on July 8, 1996 as

- provided in Regulatory Order SWCAA 86-843 which establish(~~(ing)~~)ed such credits.
- (b) Emission reduction credits deposited in the bank for public allocation as the result of Board Resolution 1988-3 amended by Board Resolution 1989-3 expired on January 24, 1999.
  - (c) Credits and regulatory orders/certificates assigned to "stationary sources" from this public bank expired on July 8, 1996.
  - (d) Each "stationary source" which had credits assigned from the public bank by issuance of a regulatory order shall be approved for the total of previous emissions plus any additional amount approved under a regulatory order assigning public credits to that "stationary source" effective July 8, 1996.
  - (e) Emission reduction credits deposited into the public bank shall not be available to be assigned to any "stationary source" after July 8, 1996.

## NEW SECTION

### **SWCAA 400-140 Protection of Ambient Air Increments**

[Statutory Authority: RCW 70.94.141]

- (1) **Purpose.** This section constitutes a program to prevent significant deterioration of air quality by protecting ambient air increments.
- (2) **Applicability.** This section shall apply to all "sources" within SWCAA jurisdiction.
- (3) **Requirements.**
  - (a) Ambient air increments. The ambient impact of any proposed "source" or modification shall not cause an increase in ambient pollutant concentration over the applicable baseline concentration in excess of the following increments:

Area Designation	Pollutant	Max. allowable increase ( $\mu\text{g}/\text{m}^3$ )
Class I	Particulate matter:	
	PM <sub>10</sub> , annual arithmetic mean	4
Class II	PM <sub>10</sub> , 24-hr maximum	8
	PM <sub>10</sub> , annual arithmetic mean	17
Class I	PM <sub>10</sub> , 24-hr maximum	30
	Sulfur dioxide	
Class I	Annual arithmetic mean	2
	24-hr maximum	5
	3-hr maximum	25
Class II	Annual arithmetic mean	20
	24-hr maximum	91
	3-hr maximum	512
Class I	Nitrogen dioxide	
	Annual arithmetic mean	2.5
Class II	Annual arithmetic mean	25

- (b) Source notification. If possible over consumption of an ambient air increment is identified, the Agency shall notify the affected "source(s)" thirty days prior to taking further action. The purpose of notification is to allow the "source(s)" an opportunity to review the possible over consumption and related emission information.
- (c) Air quality analysis. If possible over consumption of an ambient air increment is identified, an air quality analysis shall be conducted by the Agency or the affected "source(s)" to demonstrate compliance with the requirements of this section.
- (d) Cost of air quality analysis.
  - (i) The cost of any air quality analysis conducted pursuant to the requirements of SWCAA 400-046 and 400-110 shall be paid by the permit applicant.
  - (ii) The cost of any air quality analysis conducted by the Agency pursuant to this section shall be:
    - (A) Assessed to the affected "source" if the identified increment violation is attributed solely to the emissions of a single "source;" or
    - (B) Assessed to the affected "sources" on a prorated basis if the increment violation is attributed to the combined emissions of multiple "sources" located within the affected baseline area. The prorated assessment will be based on the relative contribution of each "source" to the identified increment violation.
- (e) If over consumption of an ambient air increment is demonstrated, the Agency shall take actions to require affected "sources" to reduce ambient impact to a level less than the allowable increment.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-141 Prevention of Significant Deterioration (PSD)**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

~~((Section 40 CFR 52.21, Subparts (b), (c), (d), (e), (f), (g), (h), (i), (j), (k), (l), (m), (n), (o), (p), (r), (t), (v), and (w), Prevention of Significant Deterioration of Air Quality, as in effect on July 1, 2000, are incorporated by reference with the following additions and modifications:~~

- ~~(1) **Administrator.** In 40 CFR 52.21 (b)(17), federally enforceable, (f)(1)(v), (f)(3), and (f)(4)(i), exclusions from increment consumption, (g), redesignation, (l) and (2), air quality models, (p)(2), federal land manager, and (t), disputed permits or redesignations, the word "Administrator" shall be construed in its original meaning. In 40 CFR 52.21 (b)(3)(iii) Administrator shall mean the Administrator of EPA, Director of Ecology and Control Officer of the Agency.~~
- ~~(2) **Contemporaneous.** Subpart 40 CFR 52.21 (b)(3)(ii) is changed to read: "An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs. If a decrease occurred more than one year prior to the date of submittal of the Notice of Construction application for the particular change it can only be credited if the decrease has been documented by an emission reduction credit."~~
- ~~(3) **Public participation.** Subpart 40 CFR 51.166(q) public participation, as in effect July 1, 2000 is hereby incorporated by reference except that in 40 CFR 51.166 (q)(2)(iv), the phrase~~

- ~~"specified time period" shall mean thirty days and the word "Administrator" shall mean the EPA Administrator.~~
- ~~(4) **Section 40 CFR 51.166 Subpart (p)(1).** Sources Impacting Federal Class I areas— additional requirements— Notice to EPA, as in effect on July 1, 2000, is herein incorporated by reference.~~
- ~~(5) **Secondary emissions.** Subpart 40 CFR 52.21 (b)(18) is changed to read: Emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:~~
- ~~(a) Emissions from ships or trains coming to or from the new or modified stationary source; and~~
- ~~(b) Emissions from any offsite support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.~~
- ~~(6) **Significant.** The definition of "significant" in 40 CFR 52.21 (b)(23) is changed to exclude from the list of pollutants which may trigger PSD review any pollutant listed under FCAA §112.)~~
- ~~(([Note—SWCAA has not been delegated authority by Ecology for the PSD program.]))~~
- (1) **Program adoption.** WAC 173-400-141, as in effect on July 1, 2002, is hereby adopted by reference.
- (2) **Permitting.** The Agency does not currently have delegated authority to issue PSD permits. PSD permits are issued by Ecology. "Stationary sources" that comply with the provisions of WAC 173-400-141 shall be considered to have met the permitting requirements of this section. Affected "stationary sources" shall submit a copy of PSD application information to the Agency pursuant to WAC 173-400-141(3)(b)(iii).
- (3) **Monitoring, Recordkeeping and Reporting.** Pursuant to WAC 173-400-141(4), a PSD applicable "stationary source" within the Agency's jurisdiction shall submit all required reports to the Agency.
- (4) **Enforcement.** The Agency shall enforce the requirements of WAC 173-400-141 and the terms and conditions of PSD permits issued by Ecology to "stationary sources" within the Agency's jurisdiction.

The complete text of WAC 173-400-141 is provided below for informational purposes.

WAC 173-400-141 Prevention of significant deterioration (PSD).

- (1) The prevention of significant deterioration or PSD program is a construction permitting program for new major stationary sources and major modifications to existing major stationary sources located in areas in attainment or in areas that are unclassifiable for any criteria air pollutant. No major stationary source or major modification to which the requirements of this section apply shall begin actual construction without a PSD permit.
- (2) **Early planning encouraged.** In order to develop an appropriate application, the source should engage in an early planning process to assess the needs of the facility. An opportunity for a preapplication meeting with ecology is available when ecology is the permitting agency.
- (3) **Application.**

- (a) The PSD application is a form of a notice of construction application and the PSD permit is a form of an approval order.
- (b) The applicant shall provide complete copies of its PSD application, distributed in the following manner:
- (i) Three copies shall be sent to the permitting agency. If ecology is the permitting agency, copies must be sent to the Air Quality Program at P.O. Box 47600, Olympia, WA 98504-7600.
- (ii) One copy shall be sent to each of the following federal land managers:  
 (A) U.S. Department of the Interior - National Park Service; and  
 (B) U.S. Department of Agriculture - U.S. Forest Service.
- (iii) If the local authority is not the permitting agency and the project lies within the territory of a local authority, one copy shall be sent to the authority in whose territory the source is located.
- (iv) One copy shall be sent to EPA.
- (c) Ecology shall provide the names and addresses of the federal land managers.
- (4) **Enforcement.** Ecology or the permitting agency with authority over the source under Chapter 173-401 WAC, the Operating permit regulation, shall receive all required reports and enforce the conditions in the PSD permit.
- (5) **Applicable requirements.** A PSD permit must comply with the following requirements:
- (a) WAC 173-400-110 - New source review;
- (b) WAC 173-400-113 - Requirements for new sources in attainment or unclassifiable areas;
- (c) WAC 173-400-117 - Special protection requirements for federal Class I areas;
- (d) WAC 173-400-171 - Public involvement; and
- (e) The following subparts of 40 CFR 52.21, in effect on July 1, 2000, which are adopted by reference. Exceptions are listed in (5)(e)(i), (ii), (iii), and (iv):
- 40 CFR 52.21(b) Definitions.
- 40 CFR 52.21(c) Ambient air increments.
- 40 CFR 52.21(d) Ambient air ceilings.
- 40 CFR 52.21(h) Stack heights.
- 40 CFR 52.21(i) Review of major stationary sources and major modifications –source applicability and exemptions.
- 40 CFR 52.21(j) Control technology review.
- 40 CFR 52.21(k) Source impact analysis.
- 40 CFR 52.21(l) Air quality models.
- 40 CFR 52.21(m) Air quality analysis.
- 40 CFR 52.21(n) Source information.
- 40 CFR 52.21(o)(1) and (2) Additional impact analysis.
- 40 CFR 52.21(r) Source obligation.
- 40 CFR 52.21(v) Innovative control technology.
- 40 CFR 52.21(w) Permit rescission.
- (i) Exception to adopting 40 CFR 52.21 by reference. Every use of the word "administrator" in 40 CFR 52.21 means ecology or the authority except for the following:
- (A) In 40 CFR 52.21 (b)(17), the definition of federally enforceable, "administrator" means the EPA administrator.
- (B) In 40 CFR 52.21 (l)(2), air quality models, "administrator" means the EPA administrator.

- (ii) Exception to adopting 40 CFR 52.21 by reference. The following definitions apply to this section instead of the definitions in 40 CFR 52.21(b):
- (A) Major modification as defined in WAC 173-400-113;
  - (B) Major stationary source as defined in WAC 173-400-113;
  - (C) Net emissions increase as defined in WAC 173-400-113;
  - (D) Significant as defined in WAC 173-400-113; and
  - (E) Volatile organic compound as defined WAC 173-400-030.
- (iii) Exception to adopting 40 CFR 52.21 by reference. The following definition of "secondary emissions" applies to this section instead of the definition in 40 CFR 52.21 (b)(18): "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. For the purpose of this section, secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:
- (A) Emissions from ships or trains located at the new or modified stationary source; and
  - (B) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.
- (iv) Exception to adopting 40 CFR 52.21 by reference. Each reference in 40 CFR 52.21(i) to "paragraphs (j) through (r) of this section" is amended to state "paragraphs (j) through (n) of this section, paragraphs (o)(1) and (o)(2) of this section, paragraph (r) of this section, WAC 173-400-117 and 173-400-171."
- (6) Notifying EPA. The permitting agency shall provide notice to EPA of every action related to consideration of the permit.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

### **SWCAA 400-151 Retrofit Requirements for Visibility Protection**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

- ~~((1) **Determination of best available retrofit technology (BART).** The Agency shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.~~
- ~~(2) **Initially defined BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.~~

- ~~(3) **Future definitions of BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:~~
- ~~(a) The source emits more than 250 tons per year of the contaminant; and,~~
- ~~(b) The controls representing BART have not previously been required in this section.~~
- ~~(4) **Appeal.** Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA Administrator for an exception from that requirement pursuant to 40 CFR 51.303-.)~~
- (1) The requirements of this section apply to any "existing stationary facility" as defined in SWCAA 400-030.
- (2) SWCAA shall identify each "existing stationary facility" within its jurisdiction, which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I federal area in Washington and any adjacent state.
- (3) For each "existing stationary facility" identified under subsection (2) of this section, SWCAA shall determine BART for the air contaminant of concern and any additional air pollution control technologies that are to be required to reduce impairment from the "existing stationary facility."
- (4) Each "existing stationary facility" shall apply BART as new technology for control of the air contaminant when it becomes reasonably available if:
- (a) The "existing stationary facility" emits the air contaminant contributing to visibility impairment;
- (b) Controls representing BART for that air contaminant have not previously been required under this section; and
- (c) The impairment of visibility in any mandatory Class I federal area is reasonably attributable to the emissions of the air contaminant.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

**SWCAA 400-171 Public Involvement**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

(1) **Public Notice.**

- (a) Notice shall be published on the SWCAA Internet website announcing the receipt of air discharge permit applications, nonroad engine permit applications and other proposed actions. Notice shall be published for a minimum of fifteen (15) consecutive days. Publication of a notice on the SWCAA website at the time of application receipt is not required for any application or proposed action that automatically requires a public comment period pursuant to subsection (2) of this section. In the event that publication on the SWCAA Internet website does not occur for the prescribed time period, notice will be published for a minimum of one (1) day in a newspaper of general circulation in the area of the proposed action. Each notice shall, at a minimum, include the following information:
- (i) The name and address of the owner or operator and the affected facility;
- (ii) A brief description of the proposed action;
- (iii) Agency contact information;
- (iv) A statement that a public comment period will be provided upon request pursuant to SWCAA 400-171(3); and

- (v) The date by which a request for a public comment period is due.
- (b) Requests for a public comment period shall be submitted to the Agency in writing via letter, fax, or electronic mail. A public comment period shall be provided pursuant to subsection (3) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement.
- ((+)) (2) **((Applicability)) Mandatory public comment period.**
- (a) ((The Agency shall provide)) A public ((notice for a preliminary determination of a regulatory order prior to issuance of the final approval or denial of)) comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following ((types of applications or other actions)):
- ((+)) (i) ((Notice of Construction)) Any air discharge permit application for a((ny)) new or modified "stationary source" or emission((s)) unit that results in a significant net increase in emissions (actual or potential to emit) of any ((pollutant)) air contaminant regulated by state or federal law ((significant as defined in SWCAA 400-030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer)); ((or))
- ((b) Any application or other proposed action for which a public hearing is required by PSD rules; or))
- (ii) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (as in effect on July 1, 2002) as part of review under SWCAA 400-046 or 400-110;
- ((e)) (iii) Any order to determine RACT; ((or))
- ((d)) (iv) Any order to establish a compliance schedule or a variance. A variance shall be handled as provided in SWCAA 400-180; ((or))
- ((e) The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or))
- ((f)) (v) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; ((or))
- ((g)) (vi) Any order to authorize a bubble; ((or))
- (vii) Any order used to establish a creditable emission reduction;
- ((h)) (viii) ((Issuance of)) An Order of Discontinuance as provided in SWCAA 400-230(1)(g); ((or))
- ((i)) (ix) Any order issued under SWCAA 400-091 which establishes limitations on a "stationary source's" potential to emit ((for the purpose of opting out of the Title V Air Operating Permit program (WAC 173-401)); ((or))
- (x) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;
- (xi) Any change in conditions of an existing air discharge permit;
- (xii) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or
- ((j)) (xiii) Any ((Notice of Construction)) nonroad engine permit application, air discharge permit application or other proposed action ((made pursuant to this regulation in)) for which the Control Officer determines there is a substantial public interest ((according to the discretion of the Control Officer)).
- ((except:

- ~~(k) Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the Agency that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program (WAC 173-401).~~
- ~~(l) Any Notice of Construction application or other proposed action that does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the Agency.~~
- ~~(m) Public notice for a preliminary determination of a regulatory order may run concurrently with immediate approval to operate provided that a corporate officer of the source submits an affidavit that they understand the liability associated with the action and agree to implement any necessary changes that would have otherwise resulted from the public comment process.)~~
- (b) Any air discharge permit application designated for integrated review that includes a PSD permit application, an application for a "major modification" in a nonattainment area, or an application for a "major stationary source" in a nonattainment area must also comply with the public notice requirements of WAC 173-400-171.
- ~~((2))~~ (3) **Public ((notice)) comment period.** A public ((notice)) comment period shall be ((made)) provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made. ((Public notice shall include:))
- (a) Availability for public inspection ((in at least one location near the proposed project, of the nonproprietary)). The information submitted by the applicant, and ((of)) any applicable preliminary determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270.
- (b) Publication of comment period notice. Notice shall be published in a newspaper of general circulation in the area of the proposed project ((of notice)) for a minimum of one (1) day. For applications or actions subject to a public comment period pursuant to subsections (2)(a)(xii) or (2)(a)(xiii) of this section, publication on the SWCAA Internet homepage for a minimum of thirty (30) days may be substituted for newspaper publication. Notice for a public comment period shall include the following information:
- (i) The name and address of the owner or operator and the affected facility;
- ~~((+))~~ (ii) ((Giving)) A brief description of the proposal;
- ~~((+))~~ (iii) ((Advising of)) The location of the documents made available for public inspection;
- ~~((+))~~ (iv) ((Advising of)) Identification of a thirty-day period for submitting written comment to the Agency;
- ~~((+))~~ (v) ((Advising)) A statement that a public hearing may be held if the Agency determines within a thirty-day period that significant public interest exists;
- (vi) The length of the public comment period in the event of a public hearing; and

- (vii) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117(5)(c), the comment period notice shall explain the Agency's decision.
- (c) EPA Notification. A copy of the comment period notice shall be sent to the EPA Region 10 Regional Administrator.
- ~~((d))~~ ~~Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify a Title V Air Operating Permit shall be conducted as provided in WAC 173-401-.)~~
- ~~((3))~~ (d) Consideration of public comment. The Agency shall make no final decision on any application or other action ((of any of the types described in subsection (1) of this section, shall be made)) for which a public comment period has been provided until the public comment period has ended and any comments received during the public comment period have been considered. ((Unless a public hearing is held, the public comment period shall be the thirty day period for written comment published as above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.))
- ~~((4))~~ (e) Public hearings. ((The applicant, any interested governmental entity, any group, or)) Any person may request a public hearing within the thirty-day public comment period. ((published as above. Any such)) Each request shall indicate the interest of the ((entity)) party filing it and why a hearing is warranted. The Agency may((, at the discretion of the Control Officer,)) hold a public hearing if ((it) the Control Officer determines significant public interest exists. ((Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the Agency deems reasonable)) The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.
- (4) **Public involvement for integrated review with an operating permit.** Any air discharge permit application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).
- (5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, ((such)) those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to applications for a "major modification" or a "major stationary source."
- (6) **Public information.** All information is available for public inspection at the Agency, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270. Such information includes copies of Notice((s)) of Construction applications, orders of approval, regulatory orders, and modifications thereof ((which are issued hereunder shall be available for public inspection on request at the Agency)).

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)**SWCAA 400-180 Variance**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.181 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.07); Amended by Board 12/18/79; Amended by Board 4/17/84; Repealed and renumbered to 400-180 93-21-005 filed 10/7/93, effective 11/8/93, previous 400-180 (Maintenance of Pay was deleted; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the Agency for a variance from provisions of SWCAA regulations governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

- (1) **Jurisdiction.** "Stationary sources" in any area over which the Agency has jurisdiction shall make application to the Agency. Variances to State rules shall require approval of Ecology prior to being issued by the Agency. The Board of Directors may grant a variance only after public involvement per SWCAA 400-171.
- (2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the Agency for "sources" under its jurisdiction shall be accepted as variances to this regulation.
- (3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the ((USEPA)) EPA.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)**SWCAA 400-190 Requirements for Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWCAA 400-171. Requirements for new or modified "stationary sources" in nonattainment areas are found in SWCAA 400-110 and SWCAA 400-112.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)**SWCAA 400-230 Regulatory Actions ((&)) and Civil Penalties**

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431, 70.94.435 RCW and 70.94.715 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2 & 3); Amended by Board renumbered to 400-130 12/18/79; Amended by Board renumbered to 400-200 4/17/84; Amended by Board 12/16/86; Amended by Board 1/21/92, 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) The Agency shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 and RCW 43.21B as provided in, ((~~including~~)) but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, ((~~and~~)) RCW 70.94.332 and RCW 43.21B.300. ((~~The Agency may issue orders for establishing limits and controls for "sources" of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:~~)) For informational purposes, a list of specific orders issued by the Agency in the past is presented below.

- (a) **Order of Approval.** An order (~~(of Approval may be)~~) issued by the Agency to provide approval for an air discharge permit or ERC application. (~~(An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the Agency. An Order of Approval, which constitutes the final determination of the Agency, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in SWCAA 400-171(2), (3), and (4).)~~)
- (b) **Order of Denial.** An order (~~(of Denial may be)~~) issued by the Agency in response to an air discharge permit application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or applicable emission standard~~((s))~~. (~~(in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in SWCAA 400-171(2), (3), and (4).)~~)
- (c) **Order of Violation.** An order (~~(of Violation may be)~~) issued by the Agency to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. (~~(An Order of Violation may be prepared by the Agency only after formal written notice has been served on the "source" as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in SWCAA 400-171.)~~)
- (d) **Order of Prevention.** An order (~~(of Prevention may be)~~) issued by the Agency (~~(to a source)~~) to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Agency review and approval, or actions (~~(are)~~) being conducted in addition to a previous Agency approval without prior approval. (~~(An Order of Prevention shall not be subject to the public notice and comment period set forth in SWCAA 400-171.)~~)
- (e) **Consent Order.** An (Consent) order (~~(may be)~~) issued by the Agency to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls (~~(as necessary)~~) that are determined by the Agency to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a "source" may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. (~~(The)~~) Consent Orders (~~(shall be)~~) are agreed to and signed by an appropriate officer of the company or "source" for which the Consent Order is prepared and the Control Officer, or designee, of the Agency. (~~(Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of SWCAA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in SWCAA 400-171 at the discretion of the Control Officer.)~~) A Consent Order does not sanction noncompliance with applicable requirements.

- (f) **Compliance Schedule Order.** ~~An ((Compliance Schedule)) order ((may be))~~ issued by the Agency to a "source" to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. ~~((All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWCAA 400 171(2), (3), and (4). Refer to SWCAA 400 161 for further guidance.))~~
- (g) **Order of Discontinuance.** ~~((The Agency may issue))~~ An order ((of Discontinuance)) issued by the Agency for any "source" that has ~~((discontinued operations))~~ permanently shutdown, ~~((and/or))~~ has not maintained ~~((their source))~~ registration for affected emission units, or ~~((Refer to SWCAA 400 100(2)(d)). An Order of Discontinuance may also be issued to a source))~~ that continues to operate in violation of applicable regulations and requirements. ~~((Such issuance may require that the source cease operations that result in emissions to the ambient air that are in violation of applicable regulatory orders, requirements and regulations.~~
- (i) ~~Any source that fails to maintain registration fees (i.e., payment of registration fees by June 30 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.~~
- (ii) ~~The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.~~
- (iii) ~~The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in SWCAA 400 171(2), (3), and (4).~~
- (iv) ~~For sources that have ceased doing business in SWCAA jurisdiction, or the state of Washington, the Agency shall make a reasonable effort to establish contact with the source. If the Agency is unable to establish contact with the source, the Agency shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.~~
- (v) ~~The source shall have 30 calendar days from the date of the final regulatory order after public notice in which to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of SWCAA 400 110 prior to resuming or restarting operations.~~
- (vi) ~~Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of SWCAA 400 110.~~
- (vii) ~~Sources that continue to operate in violation of established regulatory orders and regulations, the Agency may issue an Order of Discontinuance that is effective immediately.)~~
- (h) **Corrective Action Order.** ~~((The Agency may issue a Corrective Action))~~ An order issued by the Agency to any "source" ((within its jurisdiction, including an unregistered source,)) to provide measures to correct or rectify a situation that ~~((has))~~ is an immediate or eminent threat to person(s) or the public or that may be in

violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. ~~((The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in SWCAA 400-171.))~~

- (i) **Administrative Order.** An ~~((Administrative))~~ order ~~((may be))~~ issued ~~((to a source))~~ by the Agency to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Agency. ~~((All Administrative Orders shall be subject to the public notice and comment procedures set forth in SWCAA 400-171(2), (3), and (4)).~~
- (j) **Resolutions.** A ~~((Resolution may be))~~ document issued by the Agency as a means to ~~((document or))~~ record a Board of Directors decision, authorize or approve budget transactions, establish Agency policies, or take other actions as determined by the Agency. ~~((Resolutions shall not be subject to the public notice and comment procedures set forth in SWCAA 400-171.))~~
- (2) The Agency may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.
- (a) ~~((Enforcement actions by the Agency))~~ **Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the Agency shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Agency may require that the alleged violator or violators appear before it for the purpose of providing the Agency information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Agency prior to the commencement of enforcement action. ~~((Enforcement action may be commenced by the Agency by issuance of a regulatory order as provided in SWCAA 400-230(1).))~~
- (b) **Civil penalties.**
- (i) In addition to or as an alternate to any other penalty provided by law, any person (e.g., owner, owner's agent, contractor, operator) who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

- (ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.
  - (iii) Each act of commission or omission that procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113(e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.
  - (iv) All penalties recovered under this section by the Agency, shall be paid into the treasury of the Agency and credited to its funds.
  - (v) To secure the penalty incurred under this section, the Agency shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Agency shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.
  - (vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.
- (3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the "source." Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued there under which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.
- (4) **Restraining orders & injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.
- (5) **Emergency episodes.** The Agency may issue such orders as authorized by SWCAA 435 (~~via Chapter 70.94 RCW,~~) whenever an air pollution episode forecast is declared.
- (6) **Compliance Orders.** The Agency may issue a Compliance Orders in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date

when such action will be initiated and completed. Compliance Orders are not subject to the public notice requirements of SWCAA 400-171.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)

### SWCAA 400-250 Appeals

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.221 RCW. Original Board adoption 12/18/79 as 400-140; Amended by Board renumbered to 400-220 4/17/84; renumbered to 400-250 93-21-005, filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

- ~~((4))~~ Any decision or regulatory order issued by the Agency may be appealed ~~((to the Board of Directors as provided herein or appealed directly))~~ to the Pollution Control Hearings Board as provided by ~~((RCW))~~ Chapter 43.21B RCW and ~~((WAC))~~ Chapter 371-08 WAC. ~~((In addition, Orders of Approval and permits issued in accordance with the PSD program may be appealed to the EPA Environmental Appeals Board, to the extent authorized in 40 CFR 124. If appealed to the Board of Directors, the procedure shall be as follows:~~
- ~~(a) — The decision, Notice of Violation, or Order issued by the Control Officer shall become final unless, not later than 15 calendar days after the date the Order is served upon the owner or applicant, the owner or applicant petitions the Control Officer for reconsideration, with reasons for the reconsideration. If the Control Officer refuses to reconsider, the Control Officer shall so notify the owner or applicant in writing, giving reasons for the decision. Such ruling on the petition shall become final unless not later than 15 calendar days after such notice of refusal is served, the owner or applicant appeals to the Board setting forth the reasons for the appeal.~~
  - ~~(b) — The Control Officer may reverse or modify the Order and issue such an Order in replacement thereof as deemed proper. Such Order also may be appealed to the Board of Directors as in (a) above.~~
  - ~~(c) — Any failure of the Control Officer to act upon a petition for reconsideration 15 calendar days after the petition is delivered to the Agency, shall be considered as a refusal to reconsider.~~
  - ~~(d) — In lieu of a petition for reconsideration, the owner or applicant may appeal directly to the Board of Directors within the time specified in (a) above.~~
- ~~(2) — The Board shall promptly hear and consider all appeals after providing reasonable notice to the appellant. The Board shall, within 30 calendar days of the hearing sustain, reverse or modify the Order of the Control Officer as it deems proper. Such ruling of the Board shall be communicated to the appellant in writing and the appellant if aggrieved, may appeal de novo to the Pollution Control Hearings Board as provided in RCW 43.21B.230 and WAC 371-08.~~
- ~~(3) — It is the intent of the Board in establishing this regulation concerning appeals to provide for a method of resolving issues at the Agency level. Consequently, Decisions and Orders of the Control Officer on compliance, new source review, or any other matter regulated herein except violations shall not be considered as commencing any appeal period for appeals to the Pollution Control Hearings Board. Such appeal period shall commence only when the final Order is issued by the Board of Directors and served upon the person aggrieved as provided in RCW 43.21B.120.~~
- ~~(4) — Nothing contained herein shall be construed as denying the exclusive jurisdiction of the Pollution Control Hearings Board on violations as provided by RCW 43.21B.)~~

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)**SWCAA 400-270 Confidentiality of Records and Information**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.205 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 2.05); recodified and removed by Board 12/18/79; new section 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-057 filed 2/15/01, effective 3/18/01]

- (1) The owner or operator of a "source" (or ~~((person))~~ the agent submitting the information) is responsible for clearly identifying ~~((the))~~ information that is considered proprietary and confidential prior to submittal to the Agency. Information submitted to the Agency that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.
- (2) Confidential information submitted to the Agency by an owner, ~~((or))~~ operator or agent shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Agency, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. ~~((Requests for))~~ Such information ~~((under the Freedom of Information Act))~~ shall be released to the public only after:
  - (a) Legal opinion by the Agency's legal counsel, and
  - (b) Notice to the source of the intent to either release or deny the release of information.
- (3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Agency, related to processes or production unique to the owner or operator, or likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, ~~((such records or information))~~ shall be only for the confidential use of the Agency as provided in RCW 70.94.205 ~~((, Title 18 USC 1905, Section 114 of the 1990 Federal Clean Air Act Amendments, and 40 CFR 2 "Public Information"))~~.
- (4) Emissions data furnished to or obtained by the Agency shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Agency.

AMENDATORY SECTION (Amending WSR 01-05-057 filed 2/15/01, effective 3/18/01)**APPENDIX A**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

**SWCAA METHOD 9  
VISUAL OPACITY DETERMINATION METHOD**

1. Principle  
The opacity of emissions from stationary sources is determined visually by a qualified observer.
2. Procedure  
The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9, as in effect on July 1, ~~((2000))~~ 2002.

## 2.1 Position

The observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his/her back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his/her observations from a position such that his/her line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his/her observations with his/her line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

## 2.2 Field Records

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, a sketch of the observer's position relative to the source, and the date on a field data sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

## 2.3 Observations

Opacity observations shall be made at the point of greatest opacity in that portion of the plume where condensed water vapor is not present. The observer shall not look continuously at the plume, but instead shall observe the plume momentarily at 15-second intervals.

### 2.3.1 Attached Steam Plumes

When condensed water vapor is present within the plume as it emerges from the emission outlet, opacity observations shall be made beyond the point in the plume at which condensed water vapor is no longer visible. The observer shall record the approximate distance from the emission outlet to the point in the plume at which the observations are made.

### 2.3.2 Detached Steam Plumes

When water vapor in the plume condenses and becomes visible at a distinct distance from the emission outlet, the opacity of emissions should be evaluated at the emission outlet prior to the condensation of water vapor and the formation of the steam plume.

## 2.4 Recording Observations

Opacity observations shall be recorded to the nearest 5 percent at 15-second intervals on a field data sheet. A minimum of 24 observations shall be recorded. Each momentary observation recorded shall be deemed to represent the average opacity of emissions for a 15-second period.

## 2.5 Data Reduction

The number of observations at each opacity level shall be determined and recorded on the field data sheet. Opacity shall be determined by the highest 13 observations in any consecutive 60-minute period. The opacity standard or emissions limit is exceeded if there are more than 12 observations during any consecutive 60-minute period for which an opacity greater than the standard or emission limit is recorded. The opacity standard is a 1 hour standard (rolling 60 minutes). Only one violation of the standard per hour may be

recorded meaning that a violation for any given consecutive 60-minute period may be recorded in substantially fewer than 60 minutes. No one-hour time sets shall overlap for purpose of determining a violation or violations. Data used to establish a violation in one consecutive 60-minute period can not be used to establish a violation in a second consecutive 60-minute period.

3. References

Federal Register, Vol. 36, No. 247, page 24895, December 23, 1971.

"Criteria for Smoke and Opacity Training School 1970 - 1971" Oregon-Washington Air quality Committee."

"Guidelines for Evaluation of Visible Emissions" EPA 340/1-75-007."

- Notes: (1) The difference between the SWCAA Method 9 and WDOE Method 9 or WDOE Method 9A is the SWCAA method does not recommend that the observer make note of the ambient relative humidity, ambient temperature, the point in the plume that the observations were made, the estimated depth of the plume at the point of observation, and the color and condition of the plume. In addition, the SWCAA method does not recommend that pictures be taken.
- (2) The difference between the SWCAA Method 9 and EPA Method 9 is in the data reduction section. The SWCAA method establishes a three-minute period in any one-hour period where opacity can not exceed an opacity limit. For the SWCAA method, 13 readings in a 1-hour period or less, above the established opacity limit, no matter how much, constitutes a violation. The EPA method is an arithmetic average of any 24 consecutive readings at 15-second intervals. These values are averaged and this average value cannot exceed the established opacity limit.