

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
August 5th, 2021 at 3:00 PM
Southwest Clean Air Agency
11815 NE 99th St. Suite 1294
Vancouver, Washington

This meeting will be held by video conference using Zoom:

<https://us02web.zoom.us/j/81677716119>

Meeting ID: 816 7771 6119

Or call in by phone (669) 900-9128

AGENDA

- I. Call to Order
SWCAA Chair Bob Hamlin
- II. Roll Call/Determination of Quorum
SWCAA Chair Bob Hamlin
- III. Board of Directors Minutes
Board of Directors Minutes –June Meeting
- IV. Changes to the Agenda
SWCAA Chair Bob Hamlin
- V. Consent Agenda
 - A. Approval of Vouchers
 - B. Financial Report
 - C. Monthly Activity Report
- V. Info Items & Public Comment
None
- VII. Public Hearing
None
- VIII. Unfinished Business/New Business

A. Executive Session

The Board may go into Executive Session for discussion related to litigation or potential litigation with legal counsel representing the agency in accordance with RCW 42.30.100(1)(i).

B. Proposed Adoption of SWCAA 400 “General Regulations for Air Pollution Sources”

Summary – The Southwest Clean Air Agency is proposing to make changes to SWCAA 400 “General Regulations for Air Pollution Sources” to do the following: update federal regulation adoptions, revise references to 70.94 RCW, update definitions, incorporate new alternative opacity standards for boilers, revise noticing and registration requirements for portable sources, prohibit cyclonic burn barrels with exceptions, remove outdated startup/shutdown provisions, adopt permit extension procedures, establish new emission inventory submittal deadline for gasoline stations, create new rule sections regarding credible evidence and agency information requests, clarify the procedure for Title V fee review, and make minor administrative edits. Subsequent to adoption, SWCAA intends to request implementation authority from US EPA for the compliance plans in 40 CFR 62 Subparts HHH, III, JJJ, and LLL. Attachment A is a summary of the proposed rule. Attachment B is the full text of the proposed rule revisions.

SWCAA held a public comment period for proposed changes to SWCAA 400. The comment period began on April 8, 2021 and ended on June 23, 2021. In addition to the required publication of notice with the state code reviser, SWCAA posted the proposed rulemaking on its website and sent emails or postcards to all registered sources and subscribers to rulemaking notifications. One comment letter was received during the comment period (Attachment C).

Recommendation – Adopt the proposed revisions to SWCAA 400 “General Regulations for Air Pollution Sources” found in Attachment B.

IX. Control Officer Report

A. ICCT Publishes White Paper on Differences Between Climate Impacts of Battery and Fuel-Cell Electric Vehicles and Combustion Vehicles (July 20, 2021) – The International Council for Clean Transportation (ICCT) released a white paper in which it contrasts the climate impacts of battery and fuel-cell electric vehicles with those of combustion vehicles. The overarching message of A Global Comparison of the Life-Cycle Greenhouse Gas Emissions of Combustion Engine and Electric Passenger Cars, written by ICCT researcher Georg Bieker, is that for the transportation sector to effectively contribute to efforts to achieve the goals of the Paris Agreement to limit global warming to below 2 °C, greenhouse gas (GHG) emissions from road transportation globally in 2050 must be “dramatically” lower than today’s levels. ICCT has projected that to limit warming to 1.5 °C emissions from the combustion and production of fuels and electricity for transportation must be reduced by at least 80 percent by 2050, with the largest portion of this reduction coming from passenger cars. Further, ICCT emphasizes that emission reductions from fuel and electricity consumption “should of course not come at the cost of higher vehicle production emissions. Taking all together, it is therefore important for policymakers to understand which powertrain and fuel technologies are most capable of shrinking the carbon footprint of cars – and not only the emissions from the tailpipes, but also from fuel and electricity production and vehicle manufacturing.” Among the key conclusions

reported in the white paper are 1) only battery electric and hydrogen fuel cell electric vehicles have the potential to achieve the magnitude of lifecycle GHG emission reductions needed to meet the Paris Agreement goals, 2) there is no realistic pathway for deep decarbonization of combustion engine vehicles and 3) to align with Paris Agreement targets, the registration of new combustion engine vehicles should be phased out in the 2030 to 2035 timeframe. For further information:

https://theicct.org/sites/default/files/publications/Global-LCA-passenger-cars-jul2021_0.pdf

B. EU Releases Sweeping, Economy-Wide Climate Plan (July 14, 2021) - Legislators from the European Union (EU) have released ambitious plans for each of the 27 member nations of the EU to meet a collective goal of reducing greenhouse gas (GHG) emissions by 55 percent from 1990 levels by 2030. As envisioned, this would make the bloc reach net-zero GHG emissions by 2050. The 3,500-page plan, dubbed the “Fit for 55 package” lays out a roadmap that expands Europe’s Emission Trading System (ETS) market to include heating, transporting, manufacturing and shipping purposes. The plan creates new taxes on aviation and shipping fuel, and a border adjustment fee on imports from countries with lower GHG requirements. It would phase out the sale of new combustion engine cars in the EU by 2035. The plan raises the EU’s target for solar and wind energy to 38.5 percent by 2030 and establishes a 72 billion-euro (\$85 billion) fund to help vulnerable households and businesses cope with energy price increases. The plan will require formal ratification by each of the EUs by member countries and the European parliament, a process that is expected to take up to two years. For further information:

https://ec.europa.eu/commission/presscorner/detail/en/ip_21_3541

C. California Study Shows Elevated Emissions of Metals from Wildfires (July 12, 2021) – The California Air Resources Board (CARB) has conducted a study showing that there were high levels of metal pollutants, including lead, resulting from the 2018 Camp Fire wildfire. The analysis shows that during approximately two weeks in November 2018, when the wildfire occurred, thick smoke in the area included dangerous levels of particulate matter, including toxic metals, such as lead. This included a one-day spike in Chico, California, where lead concentrations were 50 times above the average.

Additionally, during the fire, maximum PM2.5 levels increased across the state by over 300 percent compared to the same time period in recent years. CARB compared the air quality data from the Camp Fire, which resulted in 85 deaths and burned 150,000 acres, including 19,000 buildings, to other large fires that primarily burned vegetation. They learned that the burning of structures increases emissions of pollutants such as lead, zinc, calcium, iron and manganese. According to CARB, the smoke from the Camp Fire wildfires traveled over 150 miles. For further information:

<https://ww2.arb.ca.gov/news/new-analysis-shows-spikes-metal-contaminants-including-lead-2018-camp-fire-wildfire-smoke>

D. Air Pollution Significantly Obscures Night Skies, Researchers Find (July 16, 2021) – A study published in the journal Nature Scientific Reports found a stronger than expected relationship between air pollution and light pollution. Light pollution is an increasing phenomenon, particularly in cities, where artificial outdoor lighting at night and atmospheric scattering result in obscured views of naturally dark night skies – a phenomenon known as night sky brightness. A team of Slovakian and American

researchers used computer modeling to study the amount by which the night sky over a city might darken as a result of removing air pollutants. They found that polluted air has higher concentrations of particles that tend to trap light and redirect it back to the ground, resulting in “skyglow” that makes it difficult to see the stars. Cleaner air, in contrast, tends to allow light to escape, resulting in less skyglow. A field experiment conducted during a weather event in Vienna that cleared out much of the usual air pollution validated the researchers’ hypothesis. Measurements taken during the event suggested that night sky brightness declined by about 60 percent, with no changes to lighting on the ground occurring at the same time. “The result adds a further benefit to reducing air pollution beyond the well-known public health improvements seen to follow clearing of polluted air,” the study’s co-author noted. For further information:

<https://www.nature.com/articles/s41598-021-94241-1>

E. EPA Office of Inspector General Recommends Increased EPA Oversight of Synthetic-Minor-Source Permitting (July 8, 2021) – A report issued by EPA’s Office of Inspector General following an audit of 16 synthetic-minor-source permits issued by Colorado and Oklahoma for the natural gas extraction industry found that many permits did not adhere to EPA guidance and that EPA had not communicated several key expectations for synthetic-minor-source permitting to state and local air agencies. OIG further found that Oklahoma and potentially other states did not allow the public to participate in the permitting process for some synthetic-minor-source permits, in contravention of the Clean Air Act. Synthetic minor sources are facilities that agree to restrictions in their permits to reduce their emissions below major-source thresholds in order to avoid being subject to CAA major-source permitting rules. The OIG report recommends that EPA: 1) develop and implement an oversight plan for synthetic-minor-source permitting; 2) update its practical enforceability guidance; 3) assess EPA studies and other relevant information on closed combustion devices during its next review of applicable regulations to determine whether revisions to monitoring, recordkeeping, and reporting requirements are needed; 4) develop and issue new guidance that includes key EPA expectations for synthetic-minor-source permitting; and 5) take steps to assure that all states adhere to public participation requirements for synthetic-minor permits. EPA has agreed to address all of the 3 recommendations and corrective actions are pending. For further information: <https://www.epa.gov/office-inspector-general/report-epa-should-conduct-more-oversight-synthetic-minor-source-permitting>

X. Board Policy Discussion Issues
As Necessary

XI. Issues for Upcoming Meetings
Decision SWCAA’s annual adjustment to the Consolidated Fee Schedule for 2022 based on the Consumer Price Index.

XII. Adjourn

Notes:

(1) Served by C-TRAN Routes: 7, 72 and 76.

(2) Accommodation of the needs for disabled persons can be made upon request. For more information, please call (360) 574-3058 extension 110.

Southwest Clean Air Agency Staff Report Attachment A - Action Summary

Proposed Changes to SWCAA 400 "General Regulations for Air Pollution Sources"

August 5, 2021

Summary

The General Regulations for Air Pollution Sources (SWCAA 400) establish rules to control and regulate emission of air contaminants from sources within the jurisdiction of the Agency. Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70A.15), the policy of SWCAA is to prevent violations of federal, state, and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations.

The Agency is proposing the following changes to SWCAA 400:

SWCAA is proposing changes to SWCAA 400 which would do the following:

SWCAA 400-025 - Adoption of Federal Rules

Update adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 - Definitions

Revise references to RCW 70.94. Add definition for diesel. Revise definitions for distillate oil, new source, and volatile organic compound. Administrative editing.

SWCAA 400-036 – Portable Sources From Other Washington Jurisdictions

Revise requirements for relocation noticing and emission unit registration. Administrative editing.

SWCAA 400-040 – General Standards for Maximum Emissions

Revise references to RCW 70.94. Revise opacity standards to incorporate alternative standards for startup/shutdown and refractory curing. Administrative editing.

SWCAA 400-045 Permit Application for Nonroad Engines

Administrative editing.

SWCAA 400-046 - Application Review Process for Nonroad Engines

Add language for presumptive application withdrawal. Revise registration fee citation.

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

Adopt federal plans found in 40 CFR 62 Subparts III (Commercial and Industrial Solid Waste Incineration Units before 11/30/1999) and JJJ (Small Municipal Waste Combustion Units).

SWCAA 400-070 - General Requirements for Certain Source Categories

Remove opacity exception for soot blowing and grate cleaning. Adopt federal plan in 40 CFR 62 Subpart LLL. Prohibit cyclonic burn barrels. Administrative editing. *Original text revised to add an exception clause to the cyclonic burn barrel prohibition.*

SWCAA 400-072 - Emission Standards for Selected Small Source Categories.

Remove EPA test method citation for small boilers/heaters. Administrative editing.

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

Add exceptions to federal NESHAP adoption. Update exceptions to federal MACT adoption. Administrative editing.

SWCAA 400-081 Startup and Shutdown

Remove citation for technology-based emission standards. Administrative editing.

SWCAA 400-091 Voluntary Limits on Emissions

Revise references to RCW 70.94. Administrative editing.

SWCAA 400-100 Registration Requirements

Revise references to RCW 70.94. Administrative editing.

SWCAA 400-103 Operating Permit Fees

Revise references to RCW 70.94. Add procedure for review of program fee determinations.

SWCAA 400-105 - Records, Monitoring and Reporting

Revise references to RCW 70.94. Add separate emission inventory submittal deadline for gasoline stations. Administrative editing.

SWCAA 400-106 - Emission Testing and Monitoring at Air Contaminant Sources

Revise requirement to test to include periodic and ongoing testing. Revise required items for monitoring reports. Administrative editing.

SWCAA 400-107 Excess Emissions

Revise unavoidable excess emission criteria to be consistent with federal court rulings and EPA guidance.

SWCAA 400-109 Air Discharge Permit Applications

Add application procedure for permit extensions. Administrative editing.

SWCAA 400-110 - Application Review Process for Stationary Sources (New Source Review)

Revise references to RCW 70.94. Add language for presumptive application withdrawal. Clarify supersession of previous permits in new permitting actions. Add notification and public involvement requirements for reopening for cause actions. Administrative editing.

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

Revise reference to RCW 70.94. Administrative editing.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

Revise reference to RCW 70.94. Administrative editing.

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

Revise reference to RCW 70.94. Administrative editing.

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

Add reference to T-RACT. Add anti-backsliding requirement. Administrative editing.

SWCAA 400-115 - Standards of Performance for New Sources

Update exceptions to NSPS adoption. Administrative editing.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

Revise reference to RCW 70.94.

SWCAA 400-151 Retrofit Requirements for Visibility Protection

Administrative editing.

SWCAA 400-171 - Public Involvement

Revise references to RCW 70.94. Administrative editing.

SWCAA 400-180 Variance

Revise reference to RCW 70.94.

SWCAA 400-230 Regulatory Actions and Civil Penalties

Revise references to RCW 70.94.

SWCAA 400-235 Credible Evidence

Add section addressing the use of credible evidence in determining compliance.

SWCAA 400-240 Criminal Penalties

Revise reference to RCW 70.94.

SWCAA 400-260 Conflict of Interest

Revise federal regulation citation.

SWCAA 400-265 Duty to Provide Information

Add section regarding SWCAA's authority to request information relevant to air emissions.

SWCAA 400-270 Confidentiality of Records and Information

Revise references to RCW 70.94.

SWCAA 400-280 Powers of Agency

Revise references to RCW 70.94. Administrative editing.

SWCAA 400-810 Major Stationary Source and Major Modification Definitions

Administrative editing and correction of rule citations.

SWCAA 400 Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE

Update list of adopted federal regulations. Administrative editing.

Public Involvement

SWCAA held a public comment period for proposed changes to SWCAA 400. The comment period began on April 8, 2021 and ended on June 23, 2021. In addition to publication of notice with the state code reviser, SWCAA posted the proposed rulemaking on its website and sent emails or postcards to all registered sources and subscribers to rulemaking notifications. One comment letter was received during the comment period.

Public Hearing

An online public hearing for the proposed changes to SWCAA 400 was held on June 23, 2021. There were no participants or comments submitted at the public hearing.

Southwest Clean Air Agency Staff Report Attachment B – Proposed Rule Text

Proposed Changes to SWCAA 400 "General Regulations for Air Pollution Sources"

August 5, 2021

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-025 Adoption of Federal Rules

Federal rules cited in this rule are adopted by reference as in effect on ~~((July 1, 2019))~~ May 1, 2021.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-030 Definitions

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 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 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 unit".
 - (c) For any "emission unit" that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the "emission 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.
- (3) "**Agency**" means the Southwest Clean Air Agency (SWCAA).
- (4) "**Air contaminant**" or "**air pollutant**" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. For the purposes of regulation under the Washington SIP, "air contaminant" means only:

- (a) Those air contaminants for which EPA has established National Ambient Air Quality Standards (NAAQS) and precursors to such NAAQS pollutants as determined by EPA for the applicable geographic area; and
 - (b) Any additional air contaminants that are required to be regulated under Part C of Title I of the Federal Clean Air Act, but only for the purpose of meeting the requirements of Part C or to the extent those additional air contaminants are regulated in order to avoid such requirements.
- (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.
- (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.
- (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:
- (a) The applicable standards in 40 CFR Parts 60, 61, 62, or 63;
 - (b) Any applicable State Implementation Plan (SIP) emission limitation including those with a future compliance date;
 - (c) The emission rate specified as a federally enforceable permit condition, including those with a future compliance date; or
 - (d) The emission rate specified by 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.
- (10) "**Ambient air**" means the surrounding outside air.
- (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.
- (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.
- (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))~~ 70A.15 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 "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, 62 and 63. 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.

- (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.
- (17) **"Board"** means the Board of Directors of the Southwest Clean Air Agency.
- (18) **"Bubble"** means a set of emission limits which allows an increase in emissions from a given "emission unit" in exchange for a decrease in emissions from another "emission unit", pursuant to RCW ~~((70.94.155))~~ 70A.15.2240 and SWCAA 400-120.
- (19) **"Capacity factor"** means the ratio of the average load on a machine or piece of equipment to the manufacturer's capacity rating of the machine or equipment for the period of time considered.
- (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 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) North Cascades National Park;
 - (g) Olympic National Park;
 - (h) Pasayten Wilderness; and
 - (i) Spokane Indian Reservation.
- (21) **"Climate change"** means any long-term significant change over durations ranging from decades to millions of years in the "average weather" of a region or the earth as a whole.
- (22) **"Combustion and incineration units"** means emission units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open or outdoor burning.
- (23) **"Commenced"** as applied to construction, means that an owner or operator has all the necessary preconstruction approvals or permits and either has:
- (a) 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

- (b) 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.
 - (c) 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.
- (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.
- (26) **"Construction"** means any physical change or change in 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) **"Continuous emission monitoring system" (CEMS)** means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis. (ref. 40 CFR 51.166(b)(43))
- (28) **"Continuous emission rate monitoring system" (CERMS)** means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time). (ref. 40 CFR 51.166(b)(46))
- (29) **"Continuous parameter monitoring system" (CPMS)** means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis. (ref. 40 CFR 51.166(b)(45))
- (30) **"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.
- (31) **"Control Officer"** means the Executive Director of the Southwest Clean Air Agency.
- (32) **"Deviation from permit requirements"** means an instance when any permit requirement 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.
- (33) "Diesel" means fuel oil that complies with the specifications for diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975.
- ~~((33))~~ (34) **"Director"** means the director of the Washington State Department of Ecology or duly authorized representative.
- ~~((34))~~ (35) **"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.

- ~~((35))~~ (36) "**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:"))~~), diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975, kerosene, as defined by the American Society of Testing and Materials in ASTM D3699, biodiesel as defined by the American Society of Testing and Materials in ASTM D6751, or biodiesel blends as defined by the American Society of Testing and Materials in ASTM D7467.
- ~~((36))~~ (37) "**Ecology**" means the Washington State Department of Ecology.
- ~~((37))~~ (38) "**Emergency service**" means operation that is limited solely to emergency situations and required testing and maintenance. Emergency situations are those which occur without significant warning and are beyond the control of the permittee, owner or operator.
- ~~((38))~~ (39) "**Emission**" means a release of air contaminants into the ambient air.
- ~~((39))~~ (40) "**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 basic design of an "emission unit" (i.e., low NO_x burner for a boiler or turbine).
- ~~((40))~~ (41) "**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.
- ~~((41))~~ (42) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter ~~((70.94))~~ 70A.15 RCW or a local regulation that limits the quantity, rate, or concentration of air contaminant 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 adopted under the Federal Clean Air Act or Chapter ~~((70.94))~~ 70A.15 RCW.
- ~~((42))~~ (43) "**Emission 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 Federal Clean Air Act, Chapter ~~((70.94))~~ 70A.15 RCW, or Chapter 70.98 RCW.
- ~~((43))~~ (44) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.
- ~~((44))~~ (45) "**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(3).
- ~~((45))~~ (46) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.
- ~~((46))~~ (47) "**Existing stationary facility**" 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.
- ~~((47))~~ **(48)** "**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.
- ~~((48))~~ **(49)** "**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.
- ~~((49))~~ **(50)** "**Federal land manager**" means 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.
- ~~((50))~~ **(51)** "**Federally enforceable**" means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61, 62 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.

- ~~((51))~~ (52) "**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.
- ~~((52))~~ (53) "**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.
- ~~((53))~~ (54) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- ~~((54))~~ (55) "**General process unit**" means an "emission 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.
- ~~((55))~~ (56) "**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.
- ~~((56))~~ (57) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200(2)(a)(ii).
- ~~((57))~~ (58) "**Greenhouse gas**" means, for the purpose of these regulations, any or all of the following gases: carbon dioxide (CO₂), methane (CH₄), nitrous oxide (N₂O), sulfur hexafluoride (SF₆), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
- ~~((58))~~ (59) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.
- ~~((59))~~ (60) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."
- ~~((60))~~ (61) "**Installation**" means the act of installing, 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.
- ~~((61))~~ (62) "**Lowest achievable emission rate**" (LAER) means for any "stationary source" that rate of emissions which reflects the more stringent of:
- (a) 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
 - (b) 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.
- ~~((62))~~ (63) "**Maintenance Area**" or "**Maintenance Plan Area**" means a geographical area 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 Section 107(d) of the Federal 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.
- ~~((63))~~ (64) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.
- ~~((64))~~ (65) (a) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas means the same as the definition found in SWCAA 400-810.
- (b) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

- ~~((65))~~ (66) (a) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.
- (b) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.
- ~~((66))~~ (67) "**Malfunction**" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not considered to be malfunctions.
- ~~((67))~~ (68) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the Federal Clean Air Act. The mandatory Class I federal areas potentially affected by emissions from "sources" within SWCAA jurisdiction 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.
- ~~((68))~~ (69) "**Masking**" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.
- ~~((69))~~ (70) "**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.
- ~~((70))~~ (71) "**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.
- ~~((71))~~ (72) "**Motor vehicle**" means any vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:
- (1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or
 - (2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or
 - (3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

- ~~((72))~~ **(73)** "**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 (PM₁₀, PM_{2.5}), ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).
- ~~((73))~~ **(74)** "**National Emission Standards for Hazardous Air Pollutants**" (NESHAPS) means the federal rules in 40 CFR Part 61.
- ~~((74))~~ **(75)** "**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.
- ~~((75))~~ **(76)** "**Natural conditions**" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
- ~~((76))~~ **(77)** (a) "**Net emissions increase**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.
- (b) "**Net emissions increase**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.
- ~~((77))~~ **(78)** "**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 of a "stationary source" after permanent shutdown;
- (d) The installation or construction of a new "emission unit";
- (e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid portable source permit as provided in SWCAA 400-036 and 400-110(6);
- (f) Replacement or modification of the burner(s) in a combustion source;
- (g) Nonroutine replacement or modification of a boiler shell and/or tubes without replacement of the associated burner(s); or
- ~~((g))~~ **(h)** Modification of a combustion source to fire a fuel that the source was not previously capable of firing.
- ~~((78))~~ **(79)** "**New Source Performance Standards**" (NSPS) means the federal rules in 40 CFR Part 60.
- ~~((79))~~ **(80)** "**Nonattainment area**" means a geographic area designated by EPA in 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria air pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.
- ~~((80))~~ **(81)** "**Nonroad engine**" means:
- (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)

~~((81))~~ **(82)** "**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.

~~((82))~~ **(83)** "**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.

~~((83))~~ **(84)** "**Notice of Construction application**" (NOC) means a written application 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." Affected activities 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. "Notice of Construction application" means the same as "air discharge permit application." (For more information refer to SWCAA 400-109.)

~~((84))~~ **(85)** "**Opacity**" means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((85))~~ **(86)** "**Open burning**" 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.

~~((86))~~ **(87)** "**Operating permit**" means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

~~((87))~~ **(88)** "**Operating permit application**" means the same as "application" as described in WAC 173-401-500 and -510.

~~((88))~~ **(89)** "**Order**" means any regulatory order issued by the Agency or Ecology pursuant to Chapter ~~((70.94))~~ **70A.15** RCW, including, but not limited to RCW ~~((70.94.332, 70.94.152, 70.94.153 and 70.94.141(3))~~ **70A.15.3010, 70A.15.2220, 70A.15.2210 and 70A.15.2040(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.

- ~~((89))~~ **(90)** "**Order of Approval**" means a regulatory order issued by the Agency or Ecology to approve a Notice of Construction or air discharge permit application. "Order of Approval" means the same as "air discharge permit." Note: For more information refer to SWCAA 400-230.
- ~~((90))~~ **(91)** "**Ozone depleting substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.
- ~~((91))~~ **(92)** "**Particulate matter**" (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- ~~((92))~~ **(93)** "**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 Title 40, Chapter I of the Code of Federal Regulations or by a test method specified in the Washington SIP.
- ~~((93))~~ **(94)** "**Parts per million by volume**" (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume, exclusive of water or particulates.
- ~~((94))~~ **(95)** "**Permanent shutdown**" means permanently stopping or terminating the operation of 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.
- (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 consecutive years is presumed to constitute a permanent shutdown.
- (c) Any actual shutdown lasting two or more years is presumed to be permanent.
- ~~((95))~~ **(96)** "**Permitting agency**" means Ecology or the local air pollution control agency with jurisdiction over a "source."
- ~~((96))~~ **(97)** "**Person**" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.
- ~~((97))~~ **(98)** "**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.
- ~~((98))~~ **(99)** "**PM₁₀**" 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.
- ~~((99))~~ **(100)** "**PM₁₀ 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 SIP.
- ~~((100))~~ **(101)** "**PM_{2.5}**" 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.
- ~~((101))~~ **(102)** "**PM_{2.5} 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 51 or by a test method specified in the Washington SIP.

- ~~((102))~~ **(103) "Pollutant"** means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))
- ~~((103))~~ **(104) "Portable source"** 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 source includes, but is not limited to, rock crushers, portable asphalt plants, soil/water remediation plants, and portable concrete mixing plants (Portland cement).
- ~~((104))~~ **(105) "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."
- ~~((105))~~ **(106) "Predictive emissions monitoring system" (PEMS)** means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis. (ref 40 CFR 51.166(b)(44))
- ~~((106))~~ **(107) "Prevention of Significant Deterioration" (PSD)** means the program set forth in WAC 173-400-700 through WAC 173-400-750 ~~((and adopted by reference in SWCAA 400-141))~~.
- ~~((107))~~ **(108) "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.
- ~~((108))~~ **(109) "Reasonably attributable"** means attributable by visual observation or any other technique the Agency deems appropriate.
- ~~((109))~~ **(110) "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."
- ~~((110))~~ **(111) "Regulatory order"** means an order issued by the Agency or Ecology to an air contaminant source to achieve compliance with any applicable provision of Chapter ~~((70.94))~~ **70A.15** RCW, rules adopted there under, or the regulations of the Agency. Note: For further clarification, refer to the definitions of "Order," "Order of Approval," "air discharge permit," "nonroad engine permit," and SWCAA 400-230.
- ~~((111))~~ **(112) "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.
- ~~((112))~~ **(113) "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 include 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." Secondary emissions do not include any emissions that come directly from a mobile source, such as tailpipe emissions from a motor vehicle, train, or vessel.

~~((413))~~ (114) "**Shutdown**" means the cessation of operation of an affected source or portion of an affected source for any purpose.

~~((414))~~ (115) (a) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

~~((415))~~ (116) "**SIP**" means the same as "State Implementation Plan".

~~((416))~~ (117) "**Source**" means all of the "emission 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)*, as amended by the 1977 supplement.

~~((417))~~ (118) "**Source category**" means all "sources" or "stationary sources" of the same type or classification as described in the *Standard Industrial Classification Manual 1972*), as amended by the 1977 supplement.

~~((418))~~ (119) "**Southwest Clean Air Agency**" (SWCAA) means the local clean air agency empowered to enforce and implement the Federal Clean Air Act 42 U.S.C. 7401, et seq.) and the Clean Air Washington Act Chapter ~~((70.94))~~ 70A.15 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.

~~((419))~~ (120) "**Stack**" means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((420))~~ (121) "**Stack height**" means the height of an emission point measured from the round-level elevation at the base of the stack.

~~((421))~~ (122) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.

~~((422))~~ (123) "**Startup**" means the setting in operation of an affected source or portion of an affected source for any purpose.

~~((423))~~ (124) "**State Implementation Plan**" or "**Washington SIP**" means 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.

~~((424))~~ (125) "**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 Federal Clean Air Act.

~~((425))~~ (126) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

- ~~((126))~~ (127) "**Synthetic minor**" means any "stationary source" whose potential to emit has been limited below applicable air operating permit program (40 CFR Part 70) thresholds by means of a federally enforceable order, rule or permit condition.
- ~~((127))~~ (128) "**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.
- ~~((128))~~ (129) "**Total suspended particulate**" (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.
- ~~((129))~~ (130) "**Toxic air pollutant**" (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160 as in effect on August 21, 1998. 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.
- ~~((130))~~ (131) "**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.
- ~~((131))~~ (132) "**United States Environmental Protection Agency**" (USEPA) means the federal agency empowered to enforce and implement the Federal Clean Air Act (42 USC 7401, et seq.) and shall be referred to as EPA.
- ~~((132))~~ (133) "**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 involves removal of ground or ground cover above a portion of the product piping.
- ~~((133))~~ (134) "**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.
- ~~((134))~~ (135) "**Visibility impairment**" means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.
- ~~((135))~~ (136) "**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.
- ~~((136))~~ (137) "**Volatile organic compound**" (VOC) means:
- (a) Any carbon compound that participates in atmospheric photochemical reactions. 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; methylene chloride (dichloromethane); methyl formate; dimethyl carbonate; propylene carbonate; 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 (C₄F₉OCH₃); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OCH₃); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF₃)₂CF₂OC₂H₅); 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2- (trifluoromethyl) hexane (HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC-227ea); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2); cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z) and perfluorocarbon compounds 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 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 or EPA the amount of negligibly-reactive compounds in the "source's" emissions.
- (d) The following compound(s) are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements:
- (i) Tertiary butyl acetate.

SWCAA 400-036 Portable Sources From Other Washington Jurisdictions

- (1) **Applicability.** Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction without filing an air discharge permit application pursuant to SWCAA 400-109 or obtaining an air discharge permit pursuant to SWCAA 400-110 provided the requirements of this section are met. If the owner or operator of such a portable source does not wish to utilize the provisions of this section, an air discharge permit application must be filed for the portable source pursuant to SWCAA 400-109. Portable sources that have a valid air discharge permit issued by SWCAA must operate in accordance with the SWCAA permit, and may not use the provisions of this section. This section does not apply to nonroad engines of any type.
- (2) **Nonattainment areas.** If a portable source is locating in a nonattainment area and emits the pollutant(s) or pollutant precursors for which the area is classified as nonattainment, the source must acquire a site-specific air discharge permit from SWCAA.
- (3) **Major Stationary Source.** If a portable source is a major stationary source then the source must also comply with applicable requirements from WAC 173-400-700 through 173-400-750.
- (4) **General Requirements.** Portable sources must comply with the requirements listed below in order to gain coverage under this section.
 - (a) The portable source must possess a valid approval issued by a Washington air pollution control authority after July 1, 2010. The approval must identify the affected "emission units" as a portable source.
 - (b) Approval for the portable source must contain emission limitations and operational requirements that are consistent with BACT as determined by SWCAA for similar sources.
 - (c) The owner/operator of the portable source must pay a review fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.
 - (d) The owner/operator must obtain written confirmation from SWCAA that the portable source complies with the provisions of this section prior to commencing operation within SWCAA jurisdiction.
 - (e) The owner/operator of the portable source must submit a relocation notice and a copy of the applicable order of approval or air discharge permit to SWCAA at least 15 calendar days prior to commencing operation within SWCAA jurisdiction. An additional relocation notice shall be submitted for each subsequent location at which the source operates, including departure from SWCAA's jurisdiction.
 - (f) The owner/operator shall register the portable source with SWCAA and pay a registration fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 ~~((prior to commencement of operation))~~ concurrent with submission of the relocation notice cited in section (e). For the purposes of this registration, ~~((the term))~~ each "emission unit" ~~((means each rock crusher and aggregate screen and associated haul roads))~~ shall be registered. Registration expires at the end of the Agency's fiscal year. If a permitted unit is still operating after its registration expires, it shall be reregistered including payment of the annual registration fee.
 - (g) The owner/operator must submit an emission inventory report to SWCAA as described in SWCCA 400-105(1). The inventory report must contain information sufficient to enable calculation of air emissions from operation of the portable source within SWCAA jurisdiction. If the portable source operated at multiple locations, the

inventory report must identify emissions specific to each location.

- (5) **Enforcement of approval conditions.** SWCAA will enforce all terms and conditions contained in the portable source's order of approval or air discharge permit, regardless of which permitting authority approved the portable source.
- (6) **Modification of approval conditions.** Terms and conditions contained in the portable source's order of approval or air discharge permit may only be modified by obtaining a new air discharge permit from SWCAA.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-040 General Standards for Maximum Emissions

All "sources" and "emission 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 unit", such standard shall take precedent over a general emission standard listed in this section. When two or more "emission 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 units", and the relative contributions of the individual "emission 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 units".

All "emission 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))~~ 70A.15.2230, 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))~~ allow the emission for more than three minutes, in any one hour, of an air contaminant which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined in accordance with SWCAA Method 9, Ecology Method 9A or 9A-Alternate 1 (LIDAR) except as follows:
 - (a) Soot blowing / grate cleaning. When ~~((the))~~ emissions occur due to soot blowing/grate cleaning ~~((and the operator can demonstrate that the emissions will))~~ of a hog fuel or wood-fired boiler, visible emissions shall not exceed ~~((twenty))~~ forty 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. Except for testing and troubleshooting, soot blowing/grate cleaning is to be scheduled for the same approximate times each day. The boiler operator shall maintain a written schedule on file with the Agency and provide updates as necessary.
 - (b) When the owner or operator of an "emission unit" supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent or an alternative opacity standard established in this section.
 - (c) When two or more "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)(e)))~~ 70A.15.3000(2)(c).

- (e) Alternative Standard for Boiler Startup or Shutdown. Hog fuel or wood-fired boiler in operation before January 24, 2018. For emissions that occur due to planned startup or shutdown of a hog fuel or wood-fired boiler with dry particulate matter controls, an owner or operator may use the alternative standard in this subsection when all of the requirements below are met.
- (i) The owner or operator notifies the permitting authority at least twenty-four hours prior to the planned boiler startup or shutdown or within two hours of restarting the boiler within twenty-four hours after the end of an unplanned shutdown (i.e., malfunction or upset).
 - (ii) Startup begins when fuel is ignited in the boiler fire box.
 - (iii) Startup ends when the boiler starts supplying useful thermal energy or four hours after the boiler starts supplying useful thermal energy if the facility follows the work practices in (e)(vi)(B) of this subsection.
 - (iv) Shutdown begins when the boiler no longer supplies useful thermal energy or when no fuel is being fed to the boiler or process heater, whichever is earlier.
 - (v) Shutdown ends when the boiler or process heater no longer supplies useful thermal energy and no fuel is being combusted in the boiler.
 - (vi) Alternative standard.
 - (A) Visible emissions during startup or shutdown shall not exceed forty percent opacity for more than three minutes in any hour, as determined by SWCAA Method 9; or
 - (B) During startup or shutdown, the owner or operator shall:
 - (I) Operate all continuous monitoring systems;
 - (II) Use only clean fuel as identified in 5.b. in Table 3 of 40 CFR Part 63, Subpart DDDDD;
 - (III) Engage all applicable control devices so as to comply with the twenty percent opacity standard within four hours of the start of supplying useful thermal energy;
 - (IV) Engage and operate particulate matter control devices within one hour of first feeding fuels that are not clean fuels; and
 - (V) Develop and implement a written startup and shutdown plan. The plan must minimize the startup period according to the manufacturer's recommended procedure. In the absence of manufacturer's recommendation, the owner or operator shall use the recommended startup procedure for a unit of a similar design. The plan must be maintained on-site and available upon request for public inspection.
 - (vii) The owner or operator maintains records sufficient to demonstrate compliance with (e)(i) through (vi) of this subsection. The records must include the following:
 - (A) The date and time of notification of the permitting authority;
 - (B) The date and time when startup and shutdown began;
 - (C) The date and time when startup and shutdown ended; and
 - (D) The compliance option in (e)(vi) of this subsection that was chosen and documentation of how the conditions of that option were met.
- (f) Furnace refractory curing. For emissions that occur during curing of furnace refractory in a lime kiln or boiler, visible emissions (as determined by SWCAA Method 9A) shall not exceed forty percent opacity for more than three minutes in any hour, except when (b) of this subsection applies. For this provision to apply,

the owner or operator shall meet all of the following requirements:

- (i) The total duration of refractory curing shall not exceed thirty-six hours;
- (ii) Use only clean fuel identified in 5.b. in Table 3 in 40 CFR Part 63, Subpart DDDDD;
- (iii) Provide a copy of the manufacturer's instructions on curing refractory to the permitting authority;
- (iv) Follow the manufacturer's instructions on curing refractory, including all instructions on temperature increase rates and holding temperatures and time;
- (v) Engage the emission controls as soon as possible during the curing process; and
- (vi) Notify the permitting authority at least one working day prior to the start of the refractory curing process.

~~((e)) (g) ((Exemptions from the twenty percent opacity standard.))~~

~~((+)) Military training. Visible emissions resulting from military obscurant training exercises ~~((is))~~ are exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:~~

~~((A)) (i) No visible emissions shall cross the boundary of the military training site/reservation.~~

~~((B)) (ii) The operation shall have in place methods, which have been reviewed and approved by the permitting agency, to detect changes in weather that would cause the obscurant to cross the site boundary either during the course of the exercise or prior to the start of the exercise. The approved methods shall include provisions that cancel the training exercise or cease the use of obscurant during the training exercise until weather conditions would allow such training to occur without causing obscurant to leave the site boundary of the military site/reservation.~~

~~((+)) (h) Certification testing. Visible emissions from the "smoke generator" used for testing and certification of visible emissions readers per the requirements of 40 CFR 60, Appendix A, Reference Method 9 and Ecology Methods 9A and 9B shall be exempt from compliance with the twenty percent opacity limitation while being used for certifying visible emission readers.~~

~~((+)) (i) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities are exempt while being used to train firefighters and while complying with the requirements of WAC 173-425.~~

(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 or operator 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 unit" engaging in materials handling, construction, demolition or any other operation that 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 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) No person shall cause or allow the generation of any odor from any "source" or activity, which may unreasonably interfere with any other property owner's use and enjoyment of his property. ~~((Recognized good practice and procedures must be used to reduce odors to a reasonable minimum.))~~ The Agency may take enforcement action under this section if it documents the following:

(i) The detection by the Executive Director or a duly authorized representative of an odor at Level 3 or greater, according to the following odor scale:

- Level 0 No odor detected,
- Level 1 Odor barely detected,
- Level 2 Odor is distinct and definite, any unpleasant characteristics recognizable,
- Level 3 Odor is objectionable enough or strong enough to cause attempts at avoidance, and
- Level 4 Odor is so strong that a person does not want to remain present; and

(ii) An affidavit from a person making a complaint that demonstrates that they have experienced odor emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property.

(b) When the "source" is using "good agricultural practices," as provided in RCW ~~((70.94.640))~~ 70A.15.4530, 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 unit" in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent 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 any "source" of or activity that generates fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the "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 PM₁₀ or PM_{2.5} nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. The status of a "stationary source" as a significant contributor will be determined by the criteria found in SWCAA 400-113(3).

SWCAA 400-045 Permit Application for Nonroad Engines

- (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 except for ~~((the following:))~~ those identified in section (3) below.

(3) Exemptions

- (a) Engines ~~((put into service))~~ operating in SWCAA jurisdiction prior to November 9, 2003;
- (b) Nonroad engine installations with an aggregate power rating less than 500 horsepower not associated with stationary sources;
- (c) Individual nonroad engines with a power rating less than 50 horsepower;
- (d) Small/residential water well drilling rigs;
- (e) Portable firefighting equipment;
- (f) Mobile cranes and pile drivers;
- (g) Engines used for emergency flood control;
- (h) Engines used to power carnival or amusement rides;
- (i) Engines used to power portable equipment (sign boards, lights, compressors, etc.) operating in support of short term construction or maintenance projects (< 1 year in duration);
- (j) Engines used to replace utility power or utility powered equipment on a temporary basis (< 30 days in duration) provided that such engines are EPA Tier certified and use fuel with a maximum sulfur content of 0.0015% by weight;
- (k) Engines used in, or on, a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (e.g., mobile cranes, bulldozers, forklifts, etc.); or
- (l) Engines integral to a stationary source (e.g., portable power units dedicated to supporting sources such as rock crushers, asphalt plants, rock screens, etc.). These engines are subject to permitting under SWCAA 400-109.

~~((3))~~ (4) **Application Submittal.** The owner or operator shall submit a complete nonroad engine permit application for each new installation, replacement, or other alteration of a nonroad engine.

~~((4))~~ (5) **Application Fees.** A filing fee plus a review fee, as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098, shall be submitted with the application prior to Agency review.

Expedited Application Review. An applicant may request expedited processing of a permit application. The Agency shall, at its own discretion, determine if available permitting resources are sufficient to support expedited processing. If the application is accepted for expedited review, the applicant must pay double the normal application and review fee. An expedited permit application will be processed as soon as possible and will receive priority over non-expedited applications.

~~((5))~~ (6) **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))~~ (7) **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.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-046 Application Review Process for Nonroad Engines

(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(115). 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 ambient air quality standards. Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A (as in effect on the date cited in SWCAA 400-025). If the ambient impact of a proposed project could potentially exceed an applicable ambient air standard, the Agency may require that the applicant 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 the date cited in SWCAA 400-025). 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 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.**

- (a) Within 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(1). An owner or operator seeking approval of a project involving applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.
- (b) Nonroad engine permits issued under this section 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) Nonroad engine permits issued under this section become effective on the date of issuance unless otherwise specified.
- (d) If an applicant fails to respond to Agency information requests within 60 calendar days, the Agency may presume the nonroad engine permit application is being withdrawn. The Agency will issue written notice of application withdrawal. No fees will be refunded if an application is withdrawn.

(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 does not occur 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. The Agency may specify an earlier date for installation or alteration in a nonroad engine permit.

If a nonroad engine remains in use at the same location for more than 12 months, approval under this section expires and the nonroad engine becomes a stationary source subject to the provisions of SWCAA 400-109 and 400-110. The owner or operator shall maintain records of the length of use at each location for the purpose of documenting compliance with this requirement.

(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 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 current Consolidated Fee

Schedule established in accordance with SWCAA 400-098 shall apply to these requests.

- (c) Actions taken under this subsection may be subject to the public involvement provisions of SWCAA 400-171.
- (9) **Engine registration.** The owner or operator of nonroad engines approved pursuant to this section shall notify the Agency within 10 calendar days of engine installation. Subsequent to notification, each permitted unit shall be registered with the Agency and the owner or operator shall pay a registration fee ~~((according to the schedule below))~~ as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. Registration expires after a period of 12 consecutive months. If a permitted unit is still operating after its registration expires, it shall be reregistered and a second registration fee ~~((, as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098,))~~ must be paid.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-050 Emission Standards for Combustion and Incineration Units

- (1) **Particulate matter emissions.** Combustion and incineration "emission 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 unit" combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an "emission 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 (as in effect on the date cited in SWCAA 400-025) or other acceptable sampling methods approved in advance by both the Agency and EPA.
- (2) **Fuel oil sulfur content limit.** Effective January 1, 2015, combustion and/or incineration units shall not be fired on a fuel oil with a sulfur content greater than 15 ppm by weight (ppmw). Affected "emission units" include, but are not limited to, process boilers, aggregate dryers, internal combustion engines, small incinerators, and space heaters. This prohibition supersedes existing permit terms allowing the use of fuel oil with higher sulfur contents. Noncompliant fuel purchased prior to the effective date of this requirement may be fired in affected units.
- (3) **Incinerators.**
- (a) For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by Ecology Test Method 14. Total carbonyls means the concentration of organic compounds containing the =C=O radical. An applicable EPA reference method or other procedures approved in advance by the Agency may be used to collect and analyze for the same compounds collected in Ecology Test Method 14.
- (b) Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Agency.
- (4) **Measurement correction.** Measured concentrations for combustion and incineration units shall be corrected to 7% oxygen, except when the Agency determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the "emission unit".

- (5) **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 (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025); 40 CFR Part 60, Subpart AAAA (as in effect on the date cited in SWCAA 400-025); 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 (as in effect on the date cited in SWCAA 400-025), Eb (as in effect on the date cited in SWCAA 400-025), and AAAA (as in effect on the date cited in SWCAA 400-025), 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) (as in effect on the date cited in SWCAA 400-025);
- (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) (as in effect on the date cited in SWCAA 400-025).

- (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 (as in effect on the date cited in SWCAA 400-025).
 - (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 (as in effect on the date cited in SWCAA 400-025).
 - (xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (as in effect on the date cited in SWCAA 400-025).
 - (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) (as in effect on the date cited in SWCAA 400-025).
 - (xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) (as in effect on the date cited in SWCAA 400-025).
 - (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 (as in effect on the date cited in SWCAA 400-025).
- (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 (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025).
- (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 60.2805(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 July 1, 2003. (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.)
- (f) Federal plan. The federal plan found under 40 CFR 62 Subpart III is adopted by reference (as in effect on the date cited in SWCAA 400-025).

- (6) **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 (as in effect on the date cited in SWCAA 400-025).
 - (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 (as in effect on the date cited in SWCAA 400-025) combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 (as in effect on the date cited in SWCAA 400-025).
- (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 (as in effect on the date cited in SWCAA 400-025).
 - (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 (as in effect on the date cited in SWCAA 400-025), mean the unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart AAAA (as in effect on the date cited in SWCAA 400-025).
- (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 (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025).
 - (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) (as in effect on the date cited in SWCAA 400-025) 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) (as in effect on the date cited in SWCAA 400-025) 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 (as in effect on the date cited in SWCAA 400-025).
- (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 achieve compliance by May 6, 2005 for all Class II units, and by November 6, 2005 for all Class I units.
 - (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 (as in effect on the date cited in SWCAA 400-025).
 - (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 (as in effect on the date cited in SWCAA 400-025) 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.
 - (j) Federal plan. The federal plan found under 40 CFR 62 Subpart JJJ is adopted by reference (as in effect on the date cited in SWCAA 400-025).
- (7) **Hospital/Medical/Infectious Waste Incinerators.** Hospital/medical/infectious waste incinerators constructed on or before December 1, 2008, must comply with the requirements in 40 CFR 62 Subpart HHH (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-070 General Requirements for Certain Source Categories

- (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. Soot blowing and grate cleaning is to be scheduled for the same specific~~

~~times each day. The boiler operator shall maintain a written schedule on file with the Agency, and provide updates as necessary).~~

- (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.** All new catalytic cracking units shall install BACT 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 H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.
- (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]
 - (c) Each nozzle from which gasoline is dispensed shall have a maximum fuel flow rate not to exceed 10 gallons per minute. [40 CFR 80.22(j)]
- (7) **Perchloroethylene dry cleaners.**
 - (a) New installations prohibited. Effective July 1, 2010, the installation of new perchloroethylene dry cleaning systems or reinstallation of existing perchloroethylene dry cleaning systems is prohibited.
 - (b) 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

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

- (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).

- (c) 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.
- (d) 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

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

(e) 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

Small area source	Large area source	Major source
Once every 2 weeks.	Once every week.	Once every week.

- (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.

(f) Repair requirements:

- (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 2 business days of detecting the leak.
- (iii) Repair parts must be installed as soon as possible, and no later than 5 business 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.

(g) 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 requirements:

- (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 requirements:
 - (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.
- (iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;
- (v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and
- (vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

- (h) Requirements for systems with carbon adsorbers. A dry cleaning system using a carbon adsorber must meet all of the following requirements:
 - (i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.
 - (ii) The concentration of PCE must be recorded in the operations and maintenance record each time the concentration is checked.
 - (iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.
 - (iv) The colorimetric tube must meet these requirements:
 - (A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.
 - (B) The colorimetric tube must be accurate to within 25 parts per million.
 - (C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.
 - (v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:
 - (A) The sampling port must be easily accessible.
 - (B) The sampling port must be located eight stack or duct diameters downstream from a bend, expansion, contraction or outlet.
 - (C) The sampling port must be two stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.
- (8) **Abrasive blasting.**
 - (a) Abrasive blasting shall be performed inside a fully enclosed booth or structure designed to capture the blast grit, overspray, and removed material. Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations shall comply with the general regulations found in SWCAA 400-040 at all times.
 - (b) Outdoor blasting shall be performed with either steel shot, wet blasting methods, or an abrasive material containing less than one percent (by mass) of material that would pass through a No. 200 sieve.
 - (c) All abrasive blasting of materials that contain, or have a coating that may contain, a substance that is identified as a toxic air pollutant in Chapter 173-460 WAC or a hazardous substance shall be analyzed prior to blast operations. If a toxic or 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.**
 - (a) Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) are adopted by reference (as in effect on the date cited in SWCAA 400-025).
 - (b) The federal plan found under 40 CFR 62 Subpart LLL is adopted by reference (as in effect on the date cited in SWCAA 400-025).
- (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 the date cited in SWCAA 400-025.

- (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 (submittal 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.
 - (ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii) through the following procedures:
 - (A) The systems must follow the operational standards in 40 CFR 60.753.
 - (B) The systems must follow the compliance provisions in 40 CFR 60.755 (a)(1) through (a)(6) to determine whether the system is in compliance with 40 CFR 60.752 (b)(2)(ii).
 - (C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.

- (f) Conditions. Existing MSW landfills that meet the following conditions must install a gas collection and control system:
 - (i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition;
 - (ii) The landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and
 - (iii) The landfill has an NMOC emission rate of 50 megagrams per year or greater.
- (g) Change in conditions. After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.
- (h) Gas collection and control systems:
 - (i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii).
 - (ii) The design plans must be prepared by a licensed professional engineer and submitted to the Agency within one year after the adoption date of this section.
 - (iii) The system must be installed within eighteen months after the submittal of the design plans.
 - (iv) The system must be operational within thirty months after the adoption date of this section.
 - (v) The emissions that are collected must be controlled in one of three ways:
 - (A) An open flare designed and operated according to 40 CFR 60.18;
 - (B) A control system designed and operated to reduce NMOC by 98 percent by weight; or
 - (C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis corrected to three percent oxygen or less.
- (i) Air operating permit:
 - (i) An MSW landfill that has a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is not subject to the air operating permit regulation, unless the landfill is subject to WAC 173-401 for some other reason. If the design capacity of an exempted MSW landfill subsequently increases to equal or exceed 2.5 million megagrams or 2.5 million cubic meters by a change that is not a 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 all combustion sources except the following:

- (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 (40 CFR 279.23) provided that:
 - (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 heat output 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) Requirements. No person shall burn as fuel used oil that exceeds any of the following specification levels:

- (i) Arsenic – 5 ppm maximum;
- (ii) Ash – 0.1 percent maximum;
- (iii) Cadmium – 2 ppm maximum;
- (iv) Chromium – 10 ppm maximum;
- (v) Lead – 100 ppm maximum;
- (vi) Polychlorinated biphenyls (PCB's) – 2 ppm maximum;
- (vii) Sulfur – 1.0 percent maximum;
- (viii) Flash point – 100 °F minimum; and
- (ix) Total halogens – 1,000 ppm maximum.

(12) **Coffee roasters.**

(a) Applicability. 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.

(b) Requirements. Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch shall install and operate an afterburner or equivalent control device that treats all roasting (~~((and cooling))~~) exhaust streams prior to discharge to the ambient air.

(13) **Natural gas fired water heaters.**

- (a) Applicability. The requirements of this section apply to all natural gas fired water heaters with a rated heat input less than 400,000 Btu/hr. For the purposes of this subsection, the term "water heater" means a closed vessel in which water is heated by combustion of gaseous fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F.
- (b) Requirements.
 - (i) On or after January 1, 2010, no person shall offer for sale, or install, a water heater that emits NO_x at levels in excess of 55 ppmv at 3% O₂, dry (0.067 lb per million Btu of heat input).
 - (ii) On or after January 1, 2013, no person shall offer for sale, or install, a water heater that emits NO_x at levels in excess of 20 ppmv at 3% O₂, dry (0.024 lb per million Btu of heat input).

(14) **Rendering plants.**

- (a) Applicability. The requirements of this section apply to any equipment or process used for the reduction of animal matter. For the purpose of this section, reduction is defined as any heated process (i.e., rendering, cooking, drying, dehydration, digesting, evaporating or protein concentrating). The requirements of this section shall not apply to any equipment or process used exclusively for the processing of food for human consumption.
- (b) Requirements. All gases, vapors, and gas-entrained effluents emitted by reduction operations shall be captured and:
 - (i) Incinerated at temperatures of not less than 1,400 degrees F for a period of not less than 0.5 seconds; or
 - (ii) Processed in a manner determined by the Agency to be equal to or more effective than the method specified in section (i) above.

(15) **Outdoor wood-fired boilers.**

- (a) Applicability. For the purposes of this subsection, the term "outdoor wood-fired boiler" means an outdoor wood-fired hydronic heater or outdoor wood-fired furnace that is an accessory outdoor structure, designed and intended, through the burning of wood, to heat the principal structure or any other site, building, or structure on the premises. The requirements of this subsection shall apply to units with rated heat inputs of 1,000,000 Btu/hr or less.
- (b) No person shall sell, install, or operate an outdoor wood-fired boiler unless the affected unit meets the applicable requirements of WAC 173-433.
- (c) Outdoor wood-fired boilers shall only be installed:
 - (i) For use outside urban growth areas as defined in chapter 36.70A RCW;
 - (ii) A minimum of fifty feet from the residence it is serving;
 - (iii) A minimum of two hundred feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor wood-fired boiler; and
 - (iv) With a minimum chimney height of fifteen feet. If there is a residence that is not located on the same property within five hundred feet of the outdoor wood-fired boiler, the chimney must extend at least as high as the roof height of all such residences.
- (d) Outdoor wood-fired boilers shall only be fired on clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer of the outdoor wood-fired boiler. The owner or operator of an outdoor wood-fired boiler shall

follow manufacturer-recommended fuel loading times and amounts. In no case, shall a boiler be fired on any prohibited fuel cited in WAC 173-433.

(16) Cyclonic Burn Barrel Type Incinerators.

Use of cyclonic burn barrel type incinerators is prohibited effective January 1, 2022 except for special circumstances approved in advance by SWCAA.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-072 Small Unit Notification for Selected Source Categories

Purpose. The standards and requirements contained in this section are intended to be representative of BACT for the affected source categories. Submission of a small unit notification (SUN) pursuant to section 400-072(2) is intended to take the place of an air discharge permit application in regards to approval of new "emission units". An air discharge permit application as described in SWCAA 400-109 is not required for an affected "emission unit" if the owner or operator submits proper notification to the Agency and maintains compliance with the emission standards and other requirements specified for the applicable source category. No SUN is required if a source is exempt under SWCAA 400-109. "Emission units" subject to the provisions of this section may be incorporated into a facility's Air Discharge Permit during subsequent permitting actions.

The provisions of this section do not apply to emission units that are ~~((part of a major stationary source or major modification))~~ subject to major New Source Review.

Registration. All "emission units" subject to the provisions of this section are also subject to registration pursuant to SWCAA 400-100 and periodic inspection by Agency representatives.

(1) **Exceptions.**

- (a) The owner or operator of an "emission unit" meeting any of the applicability criteria listed below may voluntarily elect to file an air discharge permit application pursuant to SWCAA 400-109.
- (b) If an "emission unit" subject to the provisions of this section is located at a "stationary source" that is otherwise required to be permitted pursuant to SWCAA 400-109, the Agency may require that the emission unit be included in the permit for the affected "stationary source".
- (c) SWCAA may require any "emission unit" that fails to maintain ongoing compliance with the applicable requirements of this section to submit an air discharge permit application pursuant to SWCAA 400-109.

(2) **Agency notification.** An owner or operator who wishes to install and operate a new "emission unit" under the provisions of this section must file a formal notification with the Agency for each "emission unit". Notification shall be performed using forms developed by the Agency for that purpose. The notification must include documentation sufficient to positively identify the affected "emission unit", establish applicability under this section, and demonstrate compliance with applicable requirements.

A complete notification includes, but is not limited to, the following:

- (a) Location of installation and/or operation;
- (b) Identification of responsible party (owner or operator);
- (c) Applicable processing fee;
- (d) Purpose of installation and/or operation (e.g., replace an existing unit, expansion of facility, new facility, etc.). If intended as a replacement for an existing unit, the

existing unit must be clearly identified in the notification to allow SWCAA to make necessary changes in the registration program;

- (e) Equipment specifications (equipment type, make, model number, serial number, year of manufacture, rated capacity, exhaust stack configuration, fuel type, etc.);
 - (f) Control equipment specifications;
 - (g) Vendor performance guarantees; and
 - (h) Operational information (hours of operation, maximum product throughput, fuel type, fuel consumption, etc.).
- (3) **Processing fee.** Each notification shall be accompanied by the payment of a processing fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 for each piece of equipment subject to notification.
- (4) **Effective date.** "Emission units" subject to the provisions of this section shall not be installed or operated until the Agency provides written confirmation that the affected "emission units" are capable of complying with applicable requirements.
- (5) **Source categories.**
- (a) **Coffee roasters.**
 - (i) **Applicability.** The provisions of this section apply to batch configuration coffee roasters with a capacity of less than 100 pounds of green coffee beans per batch.
 - (ii) **Emission limits and standards.**
 - (A) Visible emissions from the coffee roaster exhaust stack shall not exceed five percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).
 - (B) Operations that cause or contribute to odors that could unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce those odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).
 - (iii) **General requirements.**
 - (A) Each coffee roaster shall be equipped with an afterburner designed for a minimum residence time of 0.5 seconds, and capable of maintaining an operating temperature of not less than 1,200°F.
 - (B) Each coffee roaster shall have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.
 - (C) Each coffee roaster shall be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.
 - (D) Afterburners shall be operated whenever the associated coffee roaster is in operation. The afterburner shall be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner shall be operated in a manner that minimizes emissions.
 - (E) The exhaust point for each coffee roaster shall be a minimum of 200 feet from the nearest residential structure.
 - (F) Each coffee roaster and afterburner shall only be fired on natural gas or propane.
 - (G) Afterburner exhaust shall be discharged vertically at least four feet above the roof peak of the building containing the afterburner, and at a point higher than surrounding buildings. Any device that obstructs or prevents vertical discharge is prohibited.
 - (iv) **Monitoring and recordkeeping requirements.** The information listed

below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

- (A) Afterburner operating temperature shall be recorded weekly;
- (B) Quantity of coffee roasted shall be recorded weekly;
- (C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
- (D) All air quality related complaints, including odor complaints, received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

- (A) The owner or operator of an affected "emission unit" shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
- (B) All air quality related complaints, including odor complaints, received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.
- (C) The owner or operator of an affected coffee roaster shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity of natural gas consumed by the roaster and afterburner;
 - (II) Quantity of coffee roasted; and
 - (III) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(b) **Small gas fired boilers/heaters.**

(i) **Applicability.** The provisions of this section apply to gas fired (natural gas/propane/LPG) boilers and heaters with individual rated heat inputs equal to or greater than 0.4 MMBtu/hr and equal to or less than 2.0 MMBtu/hr. For the purposes of this subsection, the term "boiler" means any combustion equipment designed to produce steam or to heat water that is not used exclusively to produce electricity for sale.

(ii) **Emission limits and standards.**

- (A) Visible emissions from the boiler/heater exhaust stack shall not exceed zero percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9. (SWCAA 400, Appendix A).
- (B) Each boiler/heater shall be equipped with combustion technology capable of maintaining NO_x and CO emissions at, or below, 30 ppmv and 50 ppmv, respectively (corrected to 3% O₂, dry, 1-hr avg). ~~(EPA test methods from 40 CFR 60 (as in effect on the date cited in SWCAA 400-025) shall be used to determine compliance.)~~

(iii) **General requirements.**

(A) Each boiler/heater shall only be fired on natural gas, propane, or LPG.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged

by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

- (A) Quantity of fuel consumed by the boiler/heater shall be recorded for each calendar month;
- (B) Maintenance activities for the boiler/heater shall be logged for each occurrence;
- (C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
- (D) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.**

- (A) Each boiler/heater shall undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring shall be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring shall be conducted in accordance with the requirements of SWCAA 400-106(2) unless otherwise approved by the Agency.
- (B) If emission monitoring results for a boiler/heater indicate that emission concentrations may exceed 30 ppmvd NO_x or 50 ppmvd CO, corrected to 3% O₂, the owner or operator shall either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_x emissions, or initiate corrective action. Corrective action shall be initiated as soon as practical but no later than 3 business days after the potential exceedance is identified. Corrective action includes burner tuning, maintenance by service personnel, limitation of unit load, or other action taken to lower emission concentrations. Corrective action shall be pursued until observed emission concentrations no longer exceed 30 ppmvd NO_x or 50 ppmvd CO, corrected to 3% O₂.

(vi) **Reporting requirements.**

- (A) The owner or operator of an affected "emission unit" shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
- (B) All air quality related complaints received by the owner or operator shall be reported to the Agency within 3 business days of receipt.
- (C) Emission monitoring results for each boiler/heater shall be reported to the Agency within 15 calendar days of completion on forms provided by the Agency unless otherwise approved by the Agency.
- (D) The owner or operator of an affected boiler/heater shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity of fuel consumed; and
 - (II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(c) **Emergency service internal combustion engines.**

- (i) **Applicability.** The provisions of this section apply to emergency service internal combustion engines with a rating of 50 or more, but less than 1,000 horsepower (e.g., emergency generators, fire pumps, sewer lift stations, etc.).

- (ii) **Emission limits and standards.**
 - (A) Visible emissions from diesel fired engine exhaust stacks shall not exceed ten percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (See SWCAA 400, Appendix A). This limitation shall not apply during periods of cold (~~(start-up)~~) startup.
- (iii) **General requirements.**
 - (A) Liquid fueled engines shall only be fired on #2 diesel or biodiesel. Fuel sulfur content of liquid fuels shall not exceed 0.0015% by weight (15 ppmw). A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement.
 - (B) Gaseous fueled engines shall only be fired on natural gas or propane.
 - (C) Each compression ignition engine shall be EPA Tier certified and manufactured no earlier than January 1, 2008.
 - (D) Engine operation shall be limited to maintenance checks, readiness testing, and actual emergency use.
 - (E) Engine operation for maintenance checks and readiness testing shall not exceed 100 hours per year. Actual emergency use is unrestricted.
 - (F) Each engine shall be equipped with a nonresettable hourmeter for the purpose of documenting hours of operation.
 - (G) Engine exhaust shall be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.
- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.
 - (A) Total hours of operation for each engine shall be recorded annually;
 - (B) Hours of emergency use for each engine shall be recorded annually;
 - (C) Fuel sulfur certifications shall be recorded for each shipment of liquid fuel;
 - (D) Maintenance activities shall be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;
 - (E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
 - (F) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** None.
- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected "emission unit" shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within three calendar days of receipt.
 - (C) The owner or operator of an affected emergency engine shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Hours of engine operation; and
 - (II) Air emissions of criteria air pollutants, VOCs, and toxic air

pollutants (TAPs).

- (d) **~~((Petroleum))~~ Non-perchloroethylene dry cleaners.**
- (i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use ~~((petroleum))~~ a solvent other than perchloroethylene and have a total manufacturer's rated dryer capacity less than 38 kilograms (84 pounds). The total manufacturers' rated dryer capacity is the sum of the manufacturers' rated dryer capacity for each existing and proposed petroleum solvent dryer at the facility.
- (ii) **Emission limits and standards.**
- (A) VOC emissions from each dry cleaning facility shall not exceed 1.0 ton per year. Emissions shall be calculated using a mass balance approach assuming that all cleaning fluid utilized at the facility is emitted to the ambient air. Documented quantities of cleaning fluid shipped offsite as waste may be deducted from the amount of cleaning fluid purchased to calculate~~((d))~~ actual emissions.
- (B) Operations which cause or contribute to odors that unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce these odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).
- (iii) **General requirements.**
- (A) Each dry cleaning facility shall be operated in a business space zoned for commercial activity, located a minimum of 200 feet from the nearest residential structure.
- (B) Dry cleaning machines shall use DF-2000 cleaning fluid or an equivalent solvent.
- (C) Solvent or waste containing solvent shall be stored in closed solvent tanks or containers with no perceptible leaks.
- (D) All cartridge filters shall be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.
- (E) Perceptible leaks shall be repaired within twenty-four hours unless repair parts must be ordered. If parts must be ordered to repair a leak, the parts shall be ordered within 2 business days of detecting the leak and repair parts shall be installed within 5 business days after receipt.
- (F) Pollution control devices associated with each piece of dry cleaning equipment shall be operated whenever the equipment served by that control device is in operation. Control devices shall be operated and maintained in accordance with the manufacturer's specifications.
- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.
- (A) Each dry cleaning machine shall be visually inspected at least once per week for perceptible leaks. The results of each inspection shall be recorded in an inspection log and maintained on-site. The inspection shall include, but not be limited to the following:
- (I) Hose connections, unions, couplings and valves;
- (II) Machine door gaskets and seating;
- (III) Filter gaskets and seating;

- (IV) Pumps;
- (V) Solvent tanks and containers;
- (VI) Water separators;
- (VII) Distillation units;
- (VIII) Diverter valves; and
- (IX) Filter housings.
- (B) The amount of cleaning fluid (e.g., DF-2000) purchased, used, and disposed of shall be recorded monthly.
- (C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
- (D) All air quality related complaints, including odor complaints, received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** None.
- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected "emission unit" shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints, including odor complaints, received by the permittee shall be reported to SWCAA within 3 calendar days of receipt.
 - (C) The owner or operator of an affected petroleum dry cleaner shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity of cleaning fluid (e.g., DF-2000) consumed; and
 - (II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).
- (e) **Rock (~~crushers and aggregate screens~~) Crushing Operations.**
 - (i) **Applicability.** The provisions of this section apply to individual rock crushers and aggregate screens proposed for installation at existing rock crushing operations subject to facilitywide emission limits established by SWCAA. The affected rock crushing operation, including the new rock crusher and/or aggregate screen, must continue to comply with existing emission and/or process limits subsequent to installation.

The provisions of this section do not apply to internal combustion engines associated with proposed rock crushers or aggregate screens. Such engines are subject to the requirements of SWCAA 400-045 or 400-109, as applicable.
 - (ii) **Emission limits and standards.**
 - (A) Visible emissions from rock crushing operations shall not exceed 0% opacity for more than three (3) minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).
 - (iii) **General requirements.**
 - (A) Each rock crusher and aggregate screen shall be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system shall be maintained at 80 psig or greater. A functional pressure gauge shall be maintained onsite with a connection point provided for the

purpose of demonstrating compliance with the minimum pressure requirement.

- (B) Spray/fog nozzles in the high pressure water spray system shall be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles shall be replaced or repaired prior to subsequent operation.
- (C) Material handling points including, but not limited to, conveyor transfer points, aggregate storage piles, and haul roads shall be watered at reasonable intervals as necessary to control fugitive dust emissions.
- (D) Additional wet suppression measures shall be employed, as necessary, to control fugitive dust from haul roads, rock crushing, and material handling equipment in the event that process changes or weather patterns result in insufficient water application to control fugitive dust from plant operations.
- (E) Each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" shall comply with the applicable requirements of that regulation (as in effect on the date cited in SWCAA 400-025).
- (F) For portable rock crushing operations, the owner or operator shall notify the Agency in advance of relocating approved equipment and shall submit operational information (such as production quantities, hours of operation, location of nearest neighbor, etc.) sufficient to demonstrate that proposed operation will comply with the 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.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.

- (A) Visual inspection of spray/fog nozzles shall be recorded weekly;
- (B) Maintenance, repair, or replacement of affected equipment shall be recorded for each occurrence;
- (C) Quantity and size of crushed/screened material shall be recorded monthly;
- (D) Relocation of rock crushing equipment shall be recorded for each occurrence.
- (E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
- (F) All air quality related complaints received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** An initial emissions test shall be conducted for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" that has not previously been tested. Testing shall be conducted within 90 calendar days of commencing operation. All emission testing shall be conducted in accordance with the requirements of that regulation (as in effect on the date cited in SWCAA 400-025).

- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected "emission unit" shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.
 - (C) The owner or operator of an affected rock crusher or aggregate screen shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity and size of crushed/screened material throughput;
 - (II) Air emissions of criteria air pollutants.
 - (D) Emission testing results for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO shall be reported to the Agency within 45 calendar days of test completion.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

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

- (1) ~~((The))~~ National emission standards for hazardous air pollutants ~~((contained in))~~ have been promulgated by EPA.
 - (a) 40 CFR Part 61 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.
 - (b) Exceptions to 40 CFR Part 61 adoption by reference.
 - (i) The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency. ~~((A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.))~~
 - (ii) The following subparts of 40 CFR Part 61 are not adopted by reference:
 - (A) Subpart B, Radon Emissions from Underground Uranium Mines;
 - (B) Subpart H, Radionuclides other than Radon from Department of Energy Facilities;
 - (C) Subpart I, Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;
 - (D) Subpart K, Radionuclide Emissions from Elemental Phosphorus Plants;
 - (E) Subpart Q, Radon Emissions from Department of Energy Facilities;
 - (F) Subpart R, Radon Emissions from Phosphogypsum Stacks;
 - (G) Subpart T, Radon Emissions from the Disposal of Uranium Mill Tailings; and
 - (H) Subpart W, Radon Emissions from Operating Mill Tailings.
- (2) The Agency may require that 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, Part 62, Part 63, or Part 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

- (3) Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of 40 CFR Part 51, Part 60, Part 61, Part 63 and/or Part 65 (as in effect on the date cited in SWCAA 400-025).
- (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 EPA.
 - (a) 40 CFR Part 63 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.
 - (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 B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j);
 - ~~((A))~~(B) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;
 - (C) Subpart D, Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants;
 - ~~((B))~~(D) Subpart E, Approval of State Programs and Delegation of Federal Authorities;
 - ~~((C))~~(E) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;
 - (F) Subpart LL, Primary Aluminum Reduction Plants NESHAP;
 - ~~((D))~~(G) Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;
 - ~~((E))~~(H) Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources;
 - ~~((F))~~(I) Subpart JJJJJ, Industrial, Commercial, and Institutional Boilers Area Sources – as it applies to non-Title V sources; and
 - ~~((G))~~(J) Subpart XXXXXX, Area Source Standards for Nine Metal Fabrication and Finishing Source Categories - as it applies to non-Title V sources.
- (6) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** (SOCMI) 40 CFR Part 65 is hereby adopted by reference (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-081 Startup and Shutdown

- (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. 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 technology based standard during startup or shutdown, the Agency shall include in 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.

- (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. The review of a major source nonattainment permit must also include a determination of additional emission offsets required for allowable emissions occurring during stationary source startup and shutdown.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-091 Voluntary Limits on Emissions

- (1) Voluntary limits on emissions and limitations on potential to emit or process parameters or throughputs may be requested by the owner or operator of any source or "stationary source" by submittal of a complete air discharge permit application as provided in SWCAA 400-109. Confidential information shall be identified as set forth in SWCAA 400-270. Upon completion of review of the application, the Agency shall issue a regulatory order or air discharge permit limiting that source's or "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 or air discharge permit issued under this section shall 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))~~ 70A.15 RCW and the Federal Clean Air Act, including any standard or other requirement provided for in the Washington SIP.
- (3) Any regulatory order or air discharge permit issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or "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 regulatory order or air discharge permit issued under this section shall be subject to the requirements of SWCAA 400-171.
- (5) The terms and conditions of a regulatory order or air discharge permit issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington SIP. Any proposed change in a term or condition contained in an order or air discharge permit issued under this section shall require revision or revocation of the order or air discharge permit prior to taking effect.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or air discharge permit issued pursuant to this section shall be considered a violation of this section.

SWCAA 400-100 Registration Requirements

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" shall be registered with the Agency in accordance with this section as set forth in RCW (~~(70.94.151)~~) 70A.15.2200. A "source" or "emission unit" is subject to registration from the time it is approved by the Agency until the time at which it permanently ceases operation. "Emission units" that are part of a portable stationary source must register upon initiation of operation within the Agency's jurisdiction and every year thereafter.
 - (a) Registration requirements are not applicable to the following:
 - ~~(a)~~ (i) "Emission units" or activities exempted under SWCAA 400-101; and
 - ~~(b)~~ (ii) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.
 - (b) Regardless of the exemptions provided above, the following "sources" must be registered with the Agency:
 - (i) Gasoline stations with an annual throughput of 200,000 gallons or more (highest annual throughput in last 3 calendar years) and
 - (ii) ~~((a))~~ Dry cleaners with VOC or TAP emissions ((shall be registered)).
- (2) **General requirements.**
 - (a) The owner or operator of a "source" for which registration is required shall initially register affected "emission units" with the Agency. A unique identification number shall be assigned to each "source" and a separate registration fee shall be provided for each "emission unit"; provided that, an owner may request to register a process with a detailed inventory of air contaminant sources and emissions related to the process as a single unit. A registration fee shall not be collected for exempt "emission units" identified in SWCAA 400-101.
 - (b) 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, air discharge permit or ordinance pursuant to Chapter (~~(70.94)~~) 70A.15 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.
- (3) **Registration fees.** An annual registration fee shall be paid before the Agency may register any "emission unit". Annual registration fees are based on the number of registered "emission units" and the quantity of "source" emissions during the previous calendar year. Collected registration fees are used by the Agency in the next fiscal year (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" or portable sources. Operation of equipment subject to registration

without payment of applicable registration fees shall be considered a violation of this section. Annual registration fees shall be paid according to the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

Exceptions:

- (a) An annual registration fee shall be charged to each gasoline transport tank as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.
 - (b) The registration fee for a ~~((small-operation))~~ source may be waived or reduced provided sufficient demonstration of circumstances is presented, subject to the discretion of the Executive Director.
 - (c) "Stationary sources" subject to the Operating Permit Program, as defined in RCW ~~((70.94.030(17)))~~ 70A.15.1030(17), are not subject to Registration and shall pay an operating permit fee in accordance with SWCAA 400-103.
- (4) **Delinquent registration fees.** Annual registration fees that are unpaid after June 30 for the effective year shall be considered delinquent. Pursuant to RCW ~~((70.94.431(7)))~~ 70A.15.3160(7), "sources" with delinquent registration fees may be subject to a penalty equal to three times the amount of the original fee owed. If registration fees for an "emission unit" are delinquent for two consecutive years or more, the Agency may revoke the affected "emission unit's" air discharge permit or Order of Approval.
- (5) **Reporting requirements for transfer or permanent shutdown of registered emission units.**
- (a) The registered owner or operator shall report the transfer of ownership or permanent shutdown of registered "emission units" to the Agency within 90 calendar 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 registered "emission units" shall file a written report with the Agency within 90 calendar 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, affected process and air 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).
- (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))~~ 70A.15.2500.
 - (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.
 - (d) No person shall obstruct, hamper or interfere with any such inspection.

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-103 Operating Permit Fees

- (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)~~) 70A.15.2260, 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) A volatile organic compound.
 - (b) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.
 - (c) Each pollutant for which a national primary ambient air quality standard (NAAQS) has been promulgated except that carbon monoxide shall be excluded from this reference. PM₁₀ 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 PM₁₀ portion of total particulate matter emissions. Fugitive pollutant emissions shall be included in determining the fee assessment for a "stationary source." Emissions of each fee applicable 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)~~) 70A.15.2270, 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 in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

A permit program source or other individual may request to review the accuracy of the data used in determining applicable program fees for each fiscal year. Such request shall be submitted in writing on or before August 31. The request shall indicate clearly the data to be reviewed, the specific action that the source or petitioning individual is requesting be taken and may, if the source or individual desires, be accompanied by written documentation supporting the request for review. The request shall, in addition, state the name, address and telephone number of the person or persons to whom the Agency may direct inquiries regarding the request. Upon receipt of such a request, the Agency shall issue a written response to the requesting party and any other affected party on or before September 30. The

Agency response shall state the results of the review and, if warranted, contain a revised fee statement.

(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))~~ 70A.15.2270, 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 as provided under RCW ~~((70.94.431(7)))~~ [70A.15.3160\(7\)](#). 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 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-105 Records, Monitoring and Reporting

The owner or operator of each registered or Title V "source" 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.** The owner(s) or operator(s) of all 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, PM₁₀, PM_{2.5}, sulfur dioxide,

oxides of nitrogen, carbon monoxide, total reduced sulfur (TRS), ammonia, sulfuric acid mist, hydrogen sulfide, reduced sulfur compounds, 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) Gasoline Stations. Emission reports shall be submitted to the Agency no later than January 31 of each year for the previous calendar year. Upon written request, the Executive Director may allow an extension of the January 31 emission submittal deadline on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

~~((a))~~ (b) 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 on a case-by-case basis. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

~~((b))~~ (c) Large "sources." At a minimum, "sources" satisfying the criteria of 40 CFR 51, Subpart A will be submitted to EPA by the Agency for inclusion in the national emission database. Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon request, the "sources" described below shall complete and return the emission inventory form supplied by the Agency for this purpose by March 15. An extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis provided the affected source makes a written request. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar 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 per year are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for the purpose of determining those "stationary sources" required to submit an emissions inventory under this section.

(ii) In ozone nonattainment or maintenance plan areas, those "stationary sources" with the potential to emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO_x 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_x and VOCs for ozone season in preparation for the SIP update.

(iii) "Stationary sources" with the 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))~~ (d) 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 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" 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 the date cited in SWCAA 400-025), and 40 CFR Part 60, Appendices B through F, as appropriate, as 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 (SWCAA 400-105(4)) does not apply to any "stationary source" pollutant emission that is:
 - (i) Required to be continuously monitored due to a standard or requirement contained in 40 CFR Parts 60, 61, 62, 63 or 75.

- (ii) Not subject to an applicable emission standard.
- (5) **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))~~ 70A.15 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.
- (6) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter ~~((70.94 or 70.120))~~ 70A.15 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.
- (7) **Requirements for Continuous Emission Monitoring Systems.** The Agency may require any continuous emission monitoring system (CEMS) installed pursuant to an air discharge permit, PSD permit, or agency regulation, and not subject to CEMS requirements imposed by 40 CFR Parts 60, 61, 62, 63, or 75, to meet the following requirements:
 - (a) **Quality Assurance.** The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 (as in effect on the date cited in SWCAA 400-025), and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/1-86-010.
 - (b) **Data Availability.** Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, continuous monitoring systems shall be in operation whenever the associated generating equipment is in operation.
 - (i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.
 - (ii) Continuous monitoring systems for measuring emissions other than opacity shall complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.
 - (c) **Data Recovery.** The owner or operator shall recover valid hourly monitoring data for at least 95 percent of the hours that the associated generating equipment is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrates that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonable preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.
 - (d) **Data Recording.** Monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data must be reduced to one hour averages. Monitoring data for opacity is to be reduced to six minute block averages unless otherwise specified in the order of approval, permit, or regulation. All monitoring data will be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, no valid data is collected until the monitoring system passes a quality assurance test or audit.
 - (e) **Data Retention.** The owner or operator shall retain all monitoring data averages for at least five years, including copies of all reports submitted to the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.
 - (f) **Data Reporting.** The owner or operator shall submit a report to SWCAA within thirty days after the end of each month in which data were recorded or as otherwise directed by the terms of the applicable air discharge permit, PSD permit, or

regulation. The report required by this section may be combined with an excess emission report required by SWCAA 400-107. The report shall include the following information:

- (i) The number of hours that the monitored "emission unit" operated during the month and the number of valid hours of monitoring data that the monitoring system recovered during the month;
- (ii) The date, time period, and cause of each failure to meet the data recovery requirements of section (c) above and any actions taken to ensure adequate collection of such data;
- (iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the associated generating equipment was operated each day;
- (iv) The results of all cylinder gas audits (CGA) and relative accuracy test audits (RATA) conducted during the month; and
- (v) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources

(1) **Emission testing requirements.**

- (a) **Requirement to test.** The Agency may conduct or require that emission testing be conducted of any "source" or "emission unit" within the jurisdiction of the Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions. Required testing may be periodic and ongoing. Periodic emission testing conducted more than three months prior to an established due date does not fulfill the affected testing requirement unless approved in advance by the Agency.
- (b) **Test methods.** Any required 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 the date cited in SWCAA 400-025), 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 by both the Agency and EPA.
- (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 unit". The Agency shall be allowed to obtain a sample from any "emission unit". The operator of the "source" shall be given an opportunity to observe the sampling and to obtain a sample at the same time.
- (d) **Notification/test plan submission.** The owner or operator of a "source" shall submit a test plan to the Agency in writing at least 10 business days prior to any required emissions test or as otherwise approved by the Agency. Agency personnel shall be informed at least 3 business days prior to testing so that they have an opportunity to be present during testing.

- (e) **Test duration.** A minimum of 3 test runs, at least 1 hour in length, shall be performed at maximum achievable operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. The results of the individual test runs shall be averaged together for the purpose of demonstrating compliance with applicable emission limits.
 - (f) **Test 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.
 - (g) **Test reports.** Results of all required emission testing shall be submitted to the Agency within 45 calendar days of test completion or as specified in the applicable air discharge permit. Test reports shall be submitted in both printed and electronic formats. Measured concentrations for combustion and incineration "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 Agency may reject test reports that do not contain the information listed below, and require resubmittal of a complete report. Test reports shall include the following information:
 - (i) A description of the "emission unit" including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations;
 - (ii) Time and date of the test and identification and qualifications of the personnel involved;
 - (iii) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit, or as specified in the applicable air discharge permit. Where applicable, results shall be reported both as measured and as corrected to the appropriate oxygen correction;
 - (iv) A summary of control system or equipment operating conditions;
 - (v) A summary of production related parameters;
 - (vi) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation;
 - (vii) A description of the analytical procedures used including all laboratory data; quality assurance/quality control procedures and documentation;
 - (viii) Copies of field data and example calculations;
 - (ix) Chain of custody information;
 - (x) Calibration documentation;
 - (xi) Discussion of any abnormalities associated with the results; and
 - (xii) A statement signed by the senior management official of the testing firm certifying the validity of the 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 may be performed with a portable analyzer or EPA reference methods. Alternative methodologies may be used if approved by both EPA and 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. When actual emission concentrations are significantly less than the permitted emission limit, a lower concentration span gas may be used if it is more representative of measured concentrations. Ambient air may be used to zero CO and NO_x 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) **Monitoring records.** A complete record of production related parameters shall be kept during emission monitoring to correlate operations with emissions and shall be recorded in the final monitoring report. Typical production parameters include, but are not limited to, startups, shutdowns, unit load, fuel flow, operating temperature, etc.
- (f) **Monitoring reports.** Results of all required emission monitoring shall be submitted to the Agency within 15 calendar days of completion or as specified in the applicable regulatory order or air discharge permit. Results shall be submitted on forms provided by the Agency or in an alternative format approved by the Agency. The report shall include the following information:
 - (i) A description of the "emission unit" including manufacturer, model number and facility designation;
 - (ii) Time and date of the emission monitoring;
 - (iii) Identification of the personnel involved;
 - (iv) A summary of results, reported in units consistent with the applicable emission standard or limit;
 - (v) A summary of control system or equipment operating conditions, including firing rate at time of monitoring;
 - (vi) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation; ~~((and))~~
 - (vii) Calibration error check documentation, and
 - (viii) Copy of calibration gas certificates.

SWCAA 400-107 Excess Emissions

- (1) **Excess emission recordkeeping and reporting.** Excess emissions shall be reported to SWCAA as follows:
 - (a) Excess emissions that represent a potential threat to human health or safety shall be reported as soon as possible, but no later than 12 hours after discovery.
 - (b) Excess emissions 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.
 - (c) All other excess emissions shall be reported within 30 calendar days after the end of the month during which the event is discovered, or for Air Operating Permit sources, as provided in WAC 173-401-615(3).
 - (d) Excess emission reports shall contain the following information:
 - (i) Identification of the "emission unit(s)" involved;
 - (ii) A brief description of the event including identification of known causes;
 - (iii) Date, time and duration of the event;
 - (iv) For exceedances of non-opacity emission limitations, an estimate of the quantity of excess emissions;
 - (v) Corrective action taken in response to the event; and
 - (vi) Preventive measures taken or planned to minimize future recurrence.
 - (e) For any excess emissions the owner or operator wishes to be considered as unavoidable, the excess emission report must include the following information in addition to that listed in subsection (d) above:
 - (i) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;
 - (ii) Information on whether installed emissions monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and
 - (iii) All additional information required by section (2) below supporting the claim that the excess emissions were unavoidable.
- (2) **Unavoidable excess emissions.** Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit or regulatory order. ~~((Unavoidable excess emissions are subject to injunctive relief but not penalty.))~~ The decision that excess emissions are unavoidable is made by the permitting authority. Excess emissions determined by the permitting authority to be unavoidable are a violation subject to SWCAA 400-230(3), (4) and (6), but not subject to civil penalty under SWCAA 400-230(2). In a federal enforcement action filed under 42 USC 7413 or 7604 the decision-making authority shall determine what weight, if any, to assign to the permitting authority's determination that an excess emissions event does or does not qualify as unavoidable under the criteria in subsections (c)~~(,)~~ and (d)~~(, and (e))~~ below.
 - (a) **Burden of proof.** The owner or operator of a "source" shall have the burden of proving to the Agency or decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under this section.
 - (b) **Applicability.** This section does not apply to excess emissions that:
 - (i) Cause a monitored exceedance of any relevant ambient air quality standard;

- (ii) Exceed emission standards promulgated under 40 CFR Parts 60, 61, 62, 63, 72, or a permitting authority's adoption by reference of such federal standards; and
 - (iii) Exceed emission limits and standards contained in a PSD permit issued solely by EPA.
- (c) **Startup or shutdown.** Excess emissions due to an upset or malfunction during a startup or shutdown event shall be treated as an upset or malfunction under subsection (d) of this section. ~~((conditions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:~~
- ~~(i) Excess emissions could not have been prevented through careful planning and design;~~
 - ~~(ii) Startup or shutdown was done as expeditiously as practicable;~~
 - ~~(iii) All emission monitoring systems were kept in operation unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;~~
 - ~~(iv) The emissions were minimized consistent with safety and good air pollution control practice during the startup or shutdown period;~~
 - ~~(v) If a bypass of control equipment occurs, that such bypass was necessary to prevent loss of life, personal injury, or severe property damage; and~~
 - ~~(vi) Excess emissions that occur due to upsets or malfunctions during routine startup or shutdown are treated as upsets or malfunctions under section (e) below.~~
- ~~(d) **Maintenance.** Excess emissions due to scheduled maintenance shall be considered unavoidable if the "source" reports as required under section (1) 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.))~~
- ~~((e))~~ (d) **Upsets or malfunctions.** Excess emissions due to upsets or equipment malfunctions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:
- (i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - (ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
 - (iii) The operator took immediate and appropriate corrective action in a manner consistent with safety and 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;
 - (iv) Repairs were made in an expeditious fashion if the emitting equipment could not be shutdown during the malfunction or upset to prevent the loss of life, prevent personal injury or severe property damage, or to minimize overall emissions;
 - ~~((iv))~~ (v) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage; ~~((and))~~
 - ~~((v))~~ (vi) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(vii) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

AMENDATORY SECTION (Amending WSR 17-11-078 filed 5/18/17, effective 6/18/17)

SWCAA 400-109 Air Discharge Permit Applications

- (1) **Purpose.** An air discharge permit application is the document 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.
- (2) **Applicability.**
 - (a) An air discharge permit application 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))~~ commence 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 control technology determinations (e.g., RACT, BACT, MACT, BART, LAER) or
 - (viii) Administrative amendment of an existing air discharge permit.
 - (b) Submittal of an air discharge permit application shall not automatically impose review requirements pursuant to SWCAA 400-110.
 - (c) Stationary sources subject to the PSD program (WAC 173-400-700 through -750) shall submit a PSD application to Ecology for air pollutants subject to PSD permitting, and submit an air discharge permit application to SWCAA for air pollutants that are not subject to PSD permitting. A copy of the PSD application shall also be submitted to SWCAA.
 - (d) Air discharge permit applications for new major stationary sources and major modifications located in a designated nonattainment area that emit the air pollutant or precursors of the air pollutant for which the area is designated nonattainment, and meet the applicability criteria in SWCAA 400-820, shall include all information necessary to meet the requirements of SWCAA 400-800 through -860.
 - (e) Applicability determination. If the owner or operator of a "new source" is unable to determine the applicability of this section, a formal determination may be requested from the Agency. A formal determination requires the submission of project related documentation sufficient for the Agency to identify affected "emission units" and quantify potential emissions, and the payment of a fee as described in the current

Consolidated Fee Schedule established in accordance with SWCAA 400-098. This fee provides for up to 4 hours of staff time to review and/or consult with the owner or operator regarding the submitted documentation. If more than 4 hours of staff time are needed to make a determination, additional staff time will be invoiced to the owner or operator at the rate as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. The Agency will provide written applicability determination to the owner or operator subsequent to reviewing the submitted documentation.

(f) Permit Extension. A permittee may request extension of a permit's eighteen-month construction period. To request an extension, the permittee must submit a complete application to the Agency at least 60 calendar days prior to permit expiration. The application shall clearly identify the justification for extension and include relevant supporting information. The permittee shall also pay a fee as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. The Agency will process the application as described in SWCAA 400-110(9).

- (3) **Exemptions.** The owner or operator of any "new source" that meets the exemption criteria specified below 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 calendar days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:

Name and location of "stationary source";
Description of primary processes at the "stationary source";
Description of "emission units" at the "stationary source"; and
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 below, an air discharge permit application shall be submitted pursuant to this section.

- (a) **Sources subject to SWCAA 400-072.** A "new source" ~~((is exempt from))~~ may choose to comply with the requirements of SWCAA 400-072 in lieu of this section if it meets ~~((the))~~ applicable category criteria contained in SWCAA 400-072 and SWCAA has confirmed compliance in writing prior to installation or operation.
- (b) **Sources subject to SWCAA 400-036.** Portable stationary sources that meet the criteria provided in SWCAA 400-036(1) are exempt from the requirements of this section. Sources subject to SWCAA 400-036 must maintain compliance with all provisions of that section and applicable out of jurisdiction requirements in order to remain exempt.
- (c) **Greenhouse gas emission sources.** Greenhouse gas emissions are exempt from new source review requirements except to the extent required under WAC 173-400-720 for major stationary sources. However, the owner or operator of a source or "emission unit" may request that the permitting authority impose emission limits and/or operational limitations for greenhouse gas ~~((in any new air discharge permit))~~ emissions as part of a permitting action.
- (d) **Exempt emission thresholds.** A "new source" is exempt from this section if uncontrolled potential emissions from all "emission units" at the affected site or

facility are less than all of the following exemption emission thresholds.

<u>Pollutant</u>	<u>Exemption Threshold</u>
NO _x , CO, SO ₂	1.0 tpy (individual pollutant)
PM ₁₀	0.75 tpy
PM _{2.5}	0.5 tpy
VOC	1.0 tpy
Lead	0.005 tpy
Ozone depleting substances	1.0 tpy (combined)
Toxic air pollutants	The lesser of 1.0 tpy (combined) or the individual SQER per WAC 173-460 (effective 8/21/98)

(e) **Exempt equipment and activities.**

(i) The equipment and/or activities listed below are exempt from this section:

- (A) Relocation of a portable source that has an active air discharge permit from SWCAA allowing portable operation,
- (B) Wastewater treatment plants with a design annual average capacity of less than 1 million gallons per day,
- (C) Natural gas or propane fired water heaters with individual rated heat inputs of less than 400,000 Btu per hour. Standards for these units are contained in SWCAA 400-070,

~~((D)) (D) Emergency service internal combustion engines located at a facility where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered.)~~

~~((E)) (E) Asphalt roofing and application equipment (not manufacturing or storage equipment),~~

~~((F)) (F) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families,~~

~~((G)) (G) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes,~~

~~((H)) (H) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents at commercial laundromats,~~

~~((I)) (I) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business,~~

~~((J)) (J) 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 (e.g., truck mounted equipment),~~

~~((K)) (K) Retail paint sales establishments (not including manufacturing),~~

~~((L)) (L) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing,~~

~~((M)) (M) Sewing equipment,~~

~~((N))~~ (M) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other permanent structures provided operations are in compliance with the provisions of SWCAA 400-070(8),

~~((O))~~ (N) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-109(3)~~((e))~~(d). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses. This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations,

~~((P))~~ (O) Residential wood heaters (e.g., fireplaces and woodstoves),

~~((Q))~~ (P) Office equipment, operations and supplies,

~~((R))~~ (Q) Steam cleaning equipment used exclusively for that purpose,

~~((S))~~ (R) Refrigeration systems that are not in air pollution control service,

~~((T))~~ (S) Housekeeping activities and equipment,

~~((U))~~ (T) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks,

~~((V))~~ (U) Natural and forced air vents and stacks for bathroom/toilet facilities,

~~((W))~~ (V) Personal care activities,

~~((X))~~ (W) Lawn and landscaping activities,

~~((Y))~~ (X) Flares used to indicate danger to the public,

~~((Z))~~ (Y) Fire fighting and similar safety equipment and equipment used to train fire fighters. Burns conducted for fire fighting training purposes are regulated under SWCAA 425,

~~((AA))~~ (Z) 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,
~~((and))~~

~~((AB))~~ (AA) Emergency service internal combustion engines individually rated at less than 50 horsepower, and

(AB) Emergency service internal combustion engines located at a facility where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered.

(ii) The equipment and/or activities listed below are exempt from this section for the purposes of reviewing toxic air pollutant emissions:

(A) Emergency service internal combustion engines,

(B) Non-emergency internal combustion engines manufactured after January 1, 2008 in use at facilities with total engine capacity less than 500,000 horsepower-hours,

(C) Gasoline dispensing facilities regulated under SWCAA 491, and

(D) Asbestos projects as defined in SWCAA 476-030.

(4) **Fees.** Before the Agency may review a permit application or issue a permit, the applicant shall submit all applicable fees as detailed in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

- (5) **Final determination.**
- (a) Each complete air discharge permit application shall result in the issuance of a final determination **to approve or deny** consistent with the requirements of SWCAA 400-110 or confirmation of exempt status by the Agency.
 - (b) The requirements of SEPA (State Environmental Policy Act) shall be complied with for each air discharge permit application. Air discharge permit applications for actions that are subject to SEPA review shall include a completed environmental checklist as provided in WAC 197-11 or a copy of another agency's SEPA determination for the same action. A list of actions exempt from SEPA is found in WAC 197-11-800.
- (6) **Withdrawn or exempt applications.**
- (a) An air discharge permit application may be withdrawn by the applicant at any time prior to issuance of an air discharge permit or regulatory order. 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 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, a permit application may be determined to be exempt from the requirements of SWCAA 400-110 if it meets the exemption criteria provided in SWCAA 400-109(3). The Agency shall provide written notification 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 application.

AMENDATORY SECTION (Amending WSR 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review)

- (1) **Applicability.**
- (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.
 - (b) Review of a modification shall be limited to the "emission unit(s)" 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, 400-800 through -860, and/or WAC 173-400-700 through -750.
 - (c) The requirements of this section are not applicable to:
 - (i) "Stationary sources" that meet the exemption criteria specified in SWCAA 400-109(3). 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;
 - (ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046; and

- (iii) Portable stationary sources subject to the provisions of SWCAA 400-036.
 - (d) Review is not required for the following:
 - (i) A process change that does not result in the emission of a type of toxic air pollutant, as provided in Chapter 173-460 WAC (as in effect 8/21/98), not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in WAC 173-460-150. The process change may not cause an existing emission limit to be exceeded; or
 - (ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate specified in WAC 173-460-150. The material change may not cause an existing emission limit to be exceeded.
- (2) **Application completeness determination.** Within 30 calendar days of receipt of an 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 to complete the application as provided under RCW (~~(70.94.152)~~) 70A.15.2210.
 - (a) Each application shall provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification. The application shall identify the location, design, construction, and operation the new source as necessary to enable the Agency to determine that the new source will meet applicable requirements.
 - (b) An application for a new major stationary source or major modification shall provide all information required for review pursuant to WAC 173-400-700 through -750 or SWCAA 400-800 through -860, as applicable.
 - (c) An application for a source subject to the Special Protection requirements for federal Class I areas in WAC 173-400-117(2) shall include all information required for review of the project under WAC 173-400-117(3).
 - (d) A completed SEPA checklist or relevant SEPA determination for the proposed action shall be submitted with each application, as provided in WAC 197-11. If a proposed action is exempt from SEPA, sufficient documentation shall be provided to confirm its exempt status.
 - (e) If an applicant fails to respond to Agency information requests within 60 calendar days, the Agency may presume the air discharge permit application is being withdrawn. The Agency will issue written notice of application withdrawal. No fees will be refunded if an application is withdrawn.
- (3) **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) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.
 - (c) Air discharge permit applications 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 include, but are not limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS and applicable ambient air quality standards. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151. If the ambient impact of a proposed project could potentially exceed an applicable ambient air increment, the Agency may require

that the applicant demonstrate compliance with available ambient air increments and Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on the date cited in SWCAA 400-025). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

- (d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" that meet the applicability criteria of WAC 173-400-720 shall demonstrate that all applicable requirements of WAC 173-400-700 through 750 have been met.
 - (e) Air discharge permit applications for "major stationary sources" or "major modifications" that are located within a designated nonattainment area and meet the applicability criteria of SWCAA 400-820 shall demonstrate that all applicable requirements of SWCAA 400-800 through -860 have been met.
 - (f) 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 and EPA.
- (4) **Final determination.**
- (a) Within 60 calendar days of receipt of a complete application, the Agency, Control Officer, or designated representative shall either issue a final decision approving or denying 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. The Agency will promptly ~~((mail))~~ provide copies of each order approving or denying an 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.

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))~~ 70A.15.2260 and the application required by this section. An application designated for integrated review shall be processed in accordance with Chapter 173-401 WAC procedures and deadlines and must comply with SWCAA 400-171. A PSD permit application subject to WAC 173-400-700 through -750 shall comply with the public process requirements of those sections.

- (b) An owner or operator who submits applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.
- (c) Permits issued pursuant to this section become effective on the date of issuance unless otherwise specified.
- (d) Permits issued pursuant to this section may supersede previously issued permits provided existing terms and conditions not affected by the permitting action or requested to be changed by the applicant are carried forward unchanged.
- (e) Every final determination on an air discharge permit application that results in the issuance of an 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.
- ~~((e))~~ (f) If the "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, the Agency shall submit any control technology determination(s) included in a final air discharge

permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.

~~((#))~~ (g) If SWCAA is the lead SEPA agency for the proposed action and mitigation measures are required as a result of the SEPA review, applicable mitigation measures shall be included in the final determination.

- (5) **Appeals.** An air discharge permit, any conditions contained in an air discharge permit, the denial of an air discharge permit application, or any other regulatory order issued by the Agency, 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.
- (6) **Portable sources.** The owner(s) or operator(s) of portable sources, as defined in SWCAA 400-030, shall be allowed to operate at temporary locations without filing an air discharge permit application for each location provided that:
- (a) The affected "emission units" are registered with the Agency pursuant to SWCAA 400-100.
 - (b) The affected "emission units" have an air discharge permit as a portable "stationary source" issued by SWCAA.
 - (c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location prior to starting the operation. This rule section supersedes corresponding notification requirements contained in existing air discharge permits.
 - (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 applicable emission standards, 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.

Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction as provided in SWCAA 400-036.

A portable source that does not operate within the jurisdiction of the Agency for a period of more than 5 years shall be removed from active registration unless the owner or operator demonstrates a need to maintain the registration. Any portable source removed from active registration shall submit a new permit application pursuant to SWCAA 400-109 and undergo review as a "new source" prior to operating again within the jurisdiction of the Agency.

- (7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or an air discharge permit issued pursuant to this section shall be considered a violation of this section. Noncompliance with any term of a regulatory order or air discharge permit used to satisfy the criteria of SWCAA 400-036 shall be considered a violation of this section.
- (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 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. 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. On a permit specific basis, the Agency may specify an earlier date for commencement of construction in an air discharge permit.
- (9) Extension. If construction has not commenced within eighteen months of permit issuance, the Agency may extend the ~~((eighteen-month))~~ start of construction period upon a satisfactory demonstration that an extension is justified. To obtain an extension the permittee must submit a ~~((written request to the Agency at least 60 calendar days prior to permit expiration. The~~

~~request shall clearly identify the justification for an extension and include relevant supporting information)) complete application as described in SWCAA 400-109(2)(f).~~ The Agency will review all submitted information, and then approve or deny the ~~((request)) extension~~ in writing. If the original permit action required a public comment period pursuant to SWCAA 400-171, the Agency shall provide an additional public comment period prior to approving an extension. An extension for a PSD permit must be approved by Ecology. The extension of a project that is either a major stationary source or a major modification, as those terms are defined in SWCAA 400-810, shall also require determination of LAER as it exists at the time of the extension for the pollutants that were subject to LAER in the original approval.

(10) Revocation. The Agency may revoke a source's Order of Approval or air discharge permit if applicable registration fees are delinquent for 2 or more consecutive years.

~~((9))~~**(11) Change of conditions.**

- (a) The owner or operator may request, at any time, a change in existing approval/permit conditions. The Agency may approve the request provided that:
- (i) The change will not cause an applicable emissions standard set by regulation or rule 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 (e.g., 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, 400-113, and 400-830(3) 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 as applicable.
- (d) The criteria in 40 CFR 52.21(r)(4), as adopted by reference in WAC 173-400-720 or SWCAA 400-830(3) as applicable, shall be considered when determining which new source review approvals are required.
- (e) A request to change approval/permit 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(4) shall apply to these requests.

~~((10))~~**(12) Reopening for cause.**

- ~~(a)~~ The Agency may, on its own initiative, reopen any order or permit issued pursuant to this section under the following circumstances:
- ~~((a))~~ **(i)** The order or permit contains a material mistake. Typographical errors are presumed to constitute a material mistake.
 - ~~((b))~~ **(ii)** Inaccurate statements were made in establishing the emission standards and/or conditions of the order or permit.
 - ~~((c))~~ **(iii)** The permit does not meet minimum federal standards.
- (b)** The Agency shall inform the permittee of its intent to reopen for cause and the reason for the action. Agency actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171 as applicable.

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

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 WAC 173-400-710.

"New sources" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO_x in a designated ozone maintenance plan area, shall meet the following requirements:

- (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))~~ 70A.15 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 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) **Control Technology Requirements – BACT / LAER.** Except as provided below, the owner or operator of the proposed "new source", "emission unit" 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. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.
- (3) **Source compliance.** The owner or operator of the proposed "new source", "emission unit" 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 Chapter ~~((70.94))~~ 70A.15 RCW.
- (4) **Alternative analysis.**
 - (a) Except as provided in subsection (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.

(5) **Emission offsets and industrial growth allowances.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available. Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.

- (a) Available growth allowances may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary source" or "major modification" to provide offsets as described in subsection (c) below.

- (b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, NO_x, or CO 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 application and allowance allocation request;

- (ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO_x emissions.

- (iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of the available 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 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.

- (iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA may limit the quantity of VOC and NO_x growth allowances made available each year. SWCAA will track use of VOC and NO_x allocations from the growth allowances.

- (v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

- (c) If no emissions remain in the respective growth allowance, or the Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.
- (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 (as in effect on the date cited in SWCAA 400-025).
 - (ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants 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_x emissions at a ratio of 1.1 to 1, if the NO_x 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_x 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.
 - (iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM₁₀ shall be offset with particulate in the same size range.
 - (v) 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 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 unit" providing the reduction must be less than the current level of actual emissions of that "stationary source" or "emission unit". No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or "emission unit" 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.
- (6) **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 WAC 173-400-700 through 173-400-750, 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 requirements of this section.
- (7) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), the "new source" shall meet all applicable requirements of that regulation.
- (8) **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 WAC 173-400-117.
- (9) **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 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

"New sources" or modifications within a designated nonattainment area shall meet the following requirements:

- (1) **Emission standards.** 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)~~ 70A.15 RCW and the applicable emission standards of the Agency.
- (2) **Control technology requirement.** The proposed "new source" or modification will employ BACT for all air contaminants not subject to LAER that the "new source" will emit or for which the modification will cause an emissions increase. If the "new source" is a "major stationary source" or the proposed modification is a "major modification" it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed "new source" is major or for which the existing source is major and the modification is significant.
- (3) **Ambient air quality standards.** 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 SIP and will comply with SWCAA 400-113(3) for all air contaminants for which the area has not been designated nonattainment.
- (4) **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.
- (5) **Major new source review.** 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 400-810, it shall meet the requirements of SWCAA 400-800 through 400-860.
- (6) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.
- (7) **Visibility.** 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.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

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

"New sources" or modifications in an area that is in attainment or unclassifiable shall meet the following requirements:

- (1) **Emission standards.** The proposed "new source", "emission unit" or modification 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)~~ 70A.15 RCW and the applicable emission standards of the Agency.
- (2) **Control technology requirement.** The proposed "new source" or modification 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 impact levels.** Allowable emissions from the proposed "new source", "emission unit" or modification shall not delay the attainment date for an area not in attainment, nor cause or contribute to a violation of any ambient air quality standard. This requirement will 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 impact 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 ³	-	2 mg/m ³
SO ₂	1.0 µg/m ³	5 µg/m ³	-	25 µg/m ³	30 µg/m ³
PM ₁₀	1.0 µg/m ³	5 µg/m ³	-	-	-
PM _{2.5}	0.3 µg/m ³	1.2 µg/m ³	-	-	-
NO ₂	1.0 µg/m ³	-	-	-	-

If the projected impact of the proposed "new source" or modification exceeds an applicable value from the table above, the owner or operator shall provide offsetting emission reductions sufficient to reduce the projected impact to below the allowable impact level. For a proposed "new source" or modification with a projected impact within a maintenance area, this offset requirement may be met in whole, or in part, by an allocation from an industrial growth allowance. Emission offsets and growth allowance allocations used to satisfy the requirements of this section shall comply with the provisions of SWCAA 400-840.

- (4) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification", as those terms are defined in WAC 173-400-710, it shall meet all applicable requirements of WAC 173-400-700 through 173-400-750.
- (5) **Toxics.** If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.
- (6) **Visibility.** 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.
- (7) **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 03-21-045 filed 10/9/03, effective 11/9/03)

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

- (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 with the Agency and shall be subject to the 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

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:
 - (a) Require that the owner or operator employ RACT and/or T-RACT for the affected "emission unit";
 - (b) Require that the owner or operator employ a level of emission control equivalent to the existing emission control technology;
 - ~~((b))~~(c) Prescribe reasonable operation and maintenance conditions for the control equipment; and
 - ~~((e))~~(d) Prescribe other requirements authorized by Chapter ~~((70.94))~~ 70A.15 RCW.
- (3) Within thirty calendar days of receipt of an 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 application under this section, the Agency shall either issue an air discharge permit or a proposed RACT determination for the proposed project.
- (4) Construction shall not commence on a project subject to review under this section until the Agency issues a final air discharge permit or other regulatory order. However, any 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 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 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, 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 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 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-115 Standards of Performance for New Sources

- (1) **Adoption by reference.** The standards of performance for "new sources" presented in 40 CFR Part 60 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA and the Control Officer of the Agency. Exceptions to this adoption by reference are listed in subsection (2). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

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 B Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20 et seq.)
 - ~~(d)~~ Subpart Ba Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20a et seq.)
 - ~~((d))~~ (e) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
 - ~~((e))~~ (f) Subpart Cb Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.30b et seq.)
 - ~~((f))~~ (g) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
 - ~~((g))~~ (h) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
 - ~~((h))~~ (i) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
 - ~~((i))~~ (j) Subpart Cf Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30f et seq.)
 - (k) 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(4)
 - ~~((k))~~ (l) 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)
 - ~~((l))~~ (m) Subpart FFFF Emission guidelines and compliance times for other solid waste incineration units that commenced construction on or before December 9, 2004 (ref. 40 CFR 60.2980 et seq.)
 - ~~((m))~~ (n) Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.)
 - ~~((n))~~ (o) Subpart MMMM Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
 - ~~((o))~~ (p) Subpart TTTT Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.)
 - ~~((p))~~ (q) Subpart UUUU a Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700a et seq.)

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

- (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)~~ 70A.15.6230.
- (2) **Conditions for ERC bank.**
 - (a) ERCs established under SWCAA 400-131 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 available for public allocation unless specifically requested by the owner(s) of the ERCs.
- (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 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 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 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 Agency 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 Agency 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 unit" the remaining amount of the emission reduction credit shall be reviewed by the Agency and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Agency 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 SIP review. The results of the review shall be reported to the Board with recommendations for correction if the Agency 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) 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.
 - (b) Emission reduction credits deposited into the public bank shall not be available to be assigned to any "stationary source" after July 8, 1996.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-151 Retrofit Requirements for Visibility Protection

- (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 Best Available Retrofit Technology (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 20-06-003 filed 2/19/20, effective 3/21/20)

SWCAA 400-171 Public Involvement

- (1) **Public notice/application 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 (e.g., open for cause, permit extension, etc.). Notice shall be published for a minimum of 15 calendar 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. When notice is published via newspaper, the Agency shall not issue

a final determination on the affected action for a minimum of 15 calendar days following the date of publication. 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 or fax. A request may be submitted via electronic mail provided the sender confirms receipt by the Agency via telephone or electronic receipt confirmation. 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 provided may be processed without further public involvement.

(2) **Provision of public comment period.**

- (a) A public comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following:
- (i) 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 the date cited in SWCAA 400-025) as part of review under SWCAA 400-046, 400-110, or WAC 173-400-117;
 - (ii) Any order or permit to determine RACT;
 - (iii) Any order or permit to establish a compliance schedule pursuant to SWCAA 400-161 or a variance pursuant to SWCAA 400-180;
 - (iv) 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;
 - (v) Any order or permit to authorize a bubble;
 - (vi) Any order or permit used to establish a creditable emission reduction;
 - (vii) An Order of Discontinuance as provided in SWCAA 400-230(1)(g);
 - (viii) Any order or permit used to establish a "synthetic minor" or modification thereof;
 - (ix) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;
 - (x) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or
 - (xi) Any proposed action for which the Executive Director determines there is a substantial public interest including:
 - Air discharge permit applications
 - Nonroad engine permit applications
 - Other actions of significance
 - (xii) Any order or permit to approve a new or modified source if the associated increase in emissions of any toxic air pollutant is greater than the applicable acceptable source impact level specified in WAC 173-460, as in effect 8/21/98.
- (b) Any air discharge permit application designated for integrated review that includes a PSD permit application must comply with the public notice requirements of WAC 173-400-740.

- (3) **Public comment period requirements.** A public comment period shall be provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made.
- (a) Availability for public inspection. The information submitted by the applicant, and 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))~~ [70A.15.2510](#) and SWCAA 400-270.
 - (b) Publication of comment period notice. Notice shall be given by prominent advertisement in the area of the proposed project. 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) A brief description of the proposal, including a description of the processes subject to permitting;
 - (iii) A description of the air pollutant emissions associated with the proposal;
 - (iv) Identification of Agency staff from whom interested persons may obtain additional information;
 - (v) The location of the documents made available for public inspection;
 - (vi) Identification of a 30 calendar day period for submitting written comment to the Agency;
 - (vii) A statement that a public hearing may be held if the Agency determines within a 30 calendar day period that significant public interest exists;
 - (viii) The length of the public comment period in the event of a public hearing; and
 - (ix) 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 draft decision.
 - (c) EPA Notification. A copy of each comment period notice shall be sent to the EPA Region 10 Regional Administrator.
 - (d) Consideration of public comment. The Agency shall make no final decision on any application or other action 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.
 - (e) Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Agency may hold a public hearing if the Executive Director determines significant public interest exists. The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, a minimum of 30 days notice will be provided to the public prior to the hearing date. The public comment period for the affected action 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, those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to PSD permit applications processed by Ecology.

- (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))~~ [70A.15.2510](#) and SWCAA 400-270. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-180 Variance

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 ~~((70.94.184))~~ [70A.15.2310](#).

- (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 EPA.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-230 Regulatory Actions and Civil Penalties

- (1) The Agency shall have the power to issue such orders as necessary to effectuate the purpose of [Chapter 70A.15](#) RCW ~~((70.94))~~ and [Chapter 43.21B](#) RCW ~~((43.21B))~~ as provided in, but not limited to: RCW ~~((70.94.141))~~ [70A.15.2040](#), RCW ~~((70.94.152))~~ [70A.15.2210](#), RCW ~~((70.94.153))~~ [70A.15.2220](#), RCW ~~((70.94.332))~~ [70A.15.3010](#) and RCW 43.21B.300. For informational purposes, a list of specific regulatory orders issued by the Agency in the past is presented below.
 - (a) **Order of Approval.** An order issued by the Agency to provide approval for an air discharge permit or ERC application. Orders of Approval are also known as air discharge permits.
 - (b) **Order of Denial.** An order 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.
 - (c) **Order of Violation.** An order issued by the Agency to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation.
 - (d) **Order of Prevention.** An order issued by the Agency 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 being conducted in addition to a previous Agency approval without prior approval.

- (e) **Consent Order.** An order 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 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. Consent Orders 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. A Consent Order does not sanction noncompliance with applicable requirements.
 - (f) **Compliance Schedule Order.** An order 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.
 - (g) **Order of Discontinuance.** An order issued by the Agency for any "source" that has permanently shutdown, has not maintained registration for affected "emission units", or that continues to operate in violation of applicable regulations and requirements.
 - (h) **Corrective Action Order.** An order issued by the Agency to any "source" to provide measures to correct or rectify a situation that 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.
 - (i) **Administrative Order.** An order issued 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.
 - (j) **Resolutions.** A document issued by the Agency as a means to record a Board of Directors decision, authorize or approve budget transactions, establish Agency policies, or take other actions as determined by the Agency.
- (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) **Notice of Violation.** At least thirty days prior to the commencement of any formal enforcement action under RCW ~~((70.94.430))~~ [70A.15.3150](#) and ~~((70.94.431))~~ [RCW 70A.15.3160](#), 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.

- (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))~~ 70A.15 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))~~ 70A.15.3160. 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))~~ 70A.15.3160 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))~~ 70A.15.3160 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.
 - (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))~~ 70A.15.3170 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 whenever an air pollution episode forecast is declared.

- (6) **Compliance Orders.** The Agency may issue a Compliance Order 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.

NEW SECTION

SWCAA 400-235 Credible Evidence

For the purpose of establishing whether or not a person has violated or is in violation of any provision of Chapter 70A.15 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation precludes the use, including the exclusive use, of any credible evidence or information relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

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

SWCAA 400-240 Criminal Penalties

Persons in violation of the Agency's regulations or Title 173 WAC may be subject to the provisions of RCW ~~((70.94.430))~~ 70A.15.3150.

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

SWCAA 400-260 Conflict of Interest

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act (Section 128), as it pertains to conflict of interest ~~((, and 40 CFR 103(d) which is incorporated by reference))~~.

NEW SECTION

SWCAA 400-265 Duty to Provide Information

The owner or operator of a "source" must furnish, within a time frame specified by the Agency, any information requested by the Agency in writing specific to the control, recovery or release of air contaminants into the atmosphere. The Executive Director may allow an extension of the submittal deadline on a case-by-case basis.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

SWCAA 400-270 Confidentiality of Records and Information

- (1) The owner or operator of a "source" (or the agent submitting the information) is responsible for clearly identifying 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, 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))~~ 70A.15.2510. Such information 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, shall be only for the confidential use of the Agency as provided in RCW ~~((70.94.205))~~ 70A.15.2510.
- (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)

SWCAA 400-280 Powers of Agency

In addition to any other powers vested in the Agency, consistent with RCW ~~((70.94.141))~~ 70A.15.2040, the Agency shall have the power to:

- (1) Adopt, amend, and repeal its own rules and regulations, implementing Chapter 70A.15 RCW ~~((70.94))~~ and consistent with it, after consideration at a public hearing held in accordance with Chapter 42.30 RCW ~~((42.30))~~. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with Chapter 42.30 RCW ~~((42.30))~~, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with Chapter 34.08 RCW ~~((34.08))~~, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the Agency shall be in accordance with Part V of Chapter 34.05 RCW ~~((34.05))~~.
- (2) Hold hearings relating to any aspect of or matter in the administration of Chapter 70A.15 RCW ~~((70.94))~~ not prohibited by the provisions of Chapter 62, Laws of 1970 ex.sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.
- (3) Issue such orders as may be necessary to effectuate Chapter 70A.15 RCW ~~((70.94))~~ and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.
- (4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

- (5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.
- (6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the Agency.
- (7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of [Chapter 70A.15 RCW \(\(70.94\)\)](#).
- (8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.
- (9) Collect and disseminate information and conduct educational and training programs relating to air pollution.
- (10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.
- (11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with [Chapter 70A.15 RCW \(\(70.94\)\)](#), ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.
- (12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of [Chapter 70A.15 RCW \(\(70.94\)\)](#).

except:

- (13) SWCAA may not hold adjudicative proceedings pursuant to the Administrative Procedures Act ([Chapter 34.05 RCW \(\(34.05\)\)](#)). Such hearings shall be held by the Pollution Control Hearings Board as provided at RCW 43.21B.240.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)

SWCAA 400-810 Major Stationary Source and Major Modification Definitions

The definitions in this section must be used in the major stationary source nonattainment area permitting requirements in SWCAA 400-800 through 400-860. If a term is defined differently in the federal program requirements for issuance, renewal and expiration of a Plant Wide Applicability Limit which are adopted by reference in SWCAA 400-850, then that definition is to be used for purposes of the Plant Wide Applicability Limit (PAL) program.

- (1) "**Actual emissions**" means:
 - (a) The actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with (b) through (d) of this subsection. This definition does not apply when calculating whether a significant emissions increase has occurred, or for establishing a PAL under SWCAA 400-850. Instead, "projected actual emissions" and "baseline actual emissions" as defined in subsections [\(24\)](#) ~~and (23)~~ of this section apply for those purposes.
 - (b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive 24 month period which precedes the particular date and which is representative of normal source operation. The permitting authority 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 unit's actual operating

hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

- (c) The permitting authority may presume that source specific allowable emissions for the unit are equivalent to the actual emissions of the unit.
 - (d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.
- (2) **"Baseline actual emissions"** means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with (a) through (d) of this subsection.
- (a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive 24 month period selected by the owner or operator within the 5 year period immediately preceding when the owner or operator begins actual construction of the project. The permitting authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.
 - (i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).
 - (ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive 24 month period.
 - (iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.
 - (iv) The average rate shall not be based on any consecutive 24 month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by (a)(ii) of this subsection.
 - (b) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive 24 month period selected by the owner or operator within the ten-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the permitting authority for a permit required either under SWCAA 400-800 through 400-860 or under a plan approved by the administrator, whichever is earlier, except that the 10 year period shall not include any period earlier than November 15, 1990.
 - (i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).

- (ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive 24 month period.
 - (iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive 24 month period. However, if an emission limitation is part of a maximum achievable control technology standard that the administrator proposed or promulgated under 40 CFR Part 63, the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan as part of the demonstration of attainment or as reasonable further progress to attain the NAAQS.
 - (iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.
 - (v) The average rate shall not be based on any consecutive 24 month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required under (b)(ii) and (iii) of this subsection.
- (c) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit. In the latter case, fugitive emissions, to the extent quantifiable, shall be included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories.
- (d) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in (a) of this subsection, for other existing emissions units in accordance with the procedures contained in (b) of this subsection, and for a new emissions unit in accordance with the procedures contained in (c) of this subsection, except that fugitive emissions (to the extent quantifiable) shall be included regardless of the source category.
- (3) **"Best available control technology"** (BACT) means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines if it is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60 or 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or

combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

- (4) "**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) except the activities of any vessel. 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 (U.S. Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).
- (5) "**Clean coal technology**" means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.
- (6) "**Clean coal technology demonstration project**" means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of two and one-half billion dollars for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least twenty percent of the total cost of the demonstration project.
- (7) "**Construction**" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.
- (8) "**Continuous emissions monitoring system**" (CEMS) means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.
- (9) "**Continuous parameter monitoring system**" (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and to record average operational parameter value(s) on a continuous basis.
- (10) "**Continuous emissions rate monitoring system**" (CERMS) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).
- (11) "**Electric utility steam generating unit**" means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.
- (12) "**Emissions unit**" means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric steam generating unit. For purposes of this section, there are two types of emissions units:

- (a) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 years from the date such emissions unit first operated.
 - (b) An existing emissions unit is any emissions unit that is not a new emissions unit. A replacement unit, as defined in subsection (25) of this section is an existing emissions unit.
- (13) **"Fugitive emissions"** means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. Fugitive emissions, to the extent quantifiable, are addressed as follows for the purposes of this section:
- (a) In determining whether a stationary source or modification is major, fugitive emissions from an emissions unit are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or the emissions unit is located at a stationary source that belongs to one of those source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source and that are not, by themselves, part of a listed source category.
 - (b) For purposes of determining the net emissions increase associated with a project, an increase or decrease in fugitive emissions is creditable only if it occurs at an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.
 - (c) For purposes of determining the projected actual emissions of an emissions unit after a project, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.
 - (d) For purposes of determining the baseline actual emissions of an emissions unit, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories, except that, for a PAL, fugitive emissions shall be included regardless of the source category. With the exception of PALs, fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.
 - (e) In calculating whether a project will cause a significant emissions increase, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition

of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

- (f) For purposes of monitoring and reporting emissions from a project after normal operations have been resumed, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.
 - (g) For all other purposes of this section, fugitive emissions are treated in the same manner as other, nonfugitive emissions. This includes, but is not limited to, the treatment of fugitive emissions for offsets (see SWCAA 400-840(7)) and for PALs (see SWCAA 400-850).
- (14) "**Lowest achievable emission rate**" (LAER) means, for any source, the more stringent rate of emissions based on the following:
- (a) The most stringent emissions 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 stationary source demonstrates that such limitations are not achievable; or
 - (b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.
- (15) "**Major stationary source**" means:
- (a) Any stationary source of air pollutants that emits, or has the potential to emit, 100 tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds apply in areas subject to sections 181-185B, sections 186 and 187, or sections 188-190 of the Federal Clean Air Act. In those areas the following thresholds apply:
 - (i) 50 tons per year of volatile organic compounds in any serious ozone nonattainment area;
 - (ii) 50 tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area;
 - (iii) 25 tons per year of volatile organic compounds in any severe ozone nonattainment area;
 - (iv) 10 tons per year of volatile organic compounds in any extreme ozone nonattainment area;

- (v) 50 tons per year of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by the administrator);
- (vi) 70 tons per year of PM-10 in any serious nonattainment area for PM-10.
- (b) For the purposes of applying the requirements of SWCAA 400-830 to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, 100 tons per year or more of nitrogen oxides emissions, except that the emission thresholds in (b)(i) through (vi) of this subsection shall apply in areas subject to sections 181-185B of the Federal Clean Air Act.
 - (i) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.
 - (ii) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.
 - (iii) 100 tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Federal Clean Air Act as attainment or unclassifiable for ozone that is located in an ozone transport region.
 - (iv) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.
 - (v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.
 - (vi) 10 tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone.
- (c) Any physical change that would occur at a stationary source not qualifying under (a) and (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.
- (d) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.
- (e) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of subsection ~~((14))~~(15) of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (i) Coal cleaning plants (with thermal dryers);
 - (ii) Kraft pulp mills;
 - (iii) Portland cement 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 50 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 - the term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (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, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(16) **"Major modification"** means:

- (a) Any physical change in or change in the method of operation of a major stationary source that would result in:
 - (i) A significant emissions increase of a regulated NSR pollutant; and
 - (ii) A significant net emissions increase of that pollutant from the major stationary source.
- (b) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.
- (c) A physical change or change in the method of operation shall not include:
 - (i) Routine maintenance, repair and replacement;
 - (ii) 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 Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
 - (iii) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;
 - (iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (v) Use of an alternative fuel or raw material by a stationary source which:
 - (A) 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, pursuant to 40 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or section 51.166; or
 - (B) The source is approved to use under any permit issued under regulations approved by the administrator implementing 40 CFR 51.165.
 - (vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 CFR 52.21

or regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 51.166;

- (vii) Any change in ownership at a stationary source;
 - (viii) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:
 - (A) The state implementation plan for the state in which the project is located; and
 - (B) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.
 - (d) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements for a PAL for that pollutant. Instead, the definitions in 40 CFR Part 51, Appendix S adopted by reference in SWCAA 400-850 shall apply.
 - (e) For the purpose of applying the requirements of SWCAA 400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.
 - (f) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act.
 - (g) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in subsection ~~((+4))~~(15)(e) of this section, the definition of major stationary source.
- (17) **"Necessary preconstruction approvals or permits"** means those permits or orders of approval required under federal air quality control laws and regulations or under air quality control laws and regulations which are part of the applicable state implementation plan.
- (18) **"Net emissions increase"** means:
- (a) With respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:
 - (i) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to SWCAA 400-820(2) and (3); and
 - (ii) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. In determining the net emissions increase, baseline actual emissions for calculating increases and decreases shall be determined as provided in the definition of baseline actual emissions, except that subsection (2)(a)(iii) and (b)(iv) of this section, in the definition of baseline actual emissions, shall not apply.
 - (b) 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;

- (c) An increase or decrease in actual emissions is creditable only if:
 - (i) It occurred no more than 1 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 (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; and
 - (ii) The permitting authority has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 CFR 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs; and
 - (iii) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or it occurs at an emissions unit that is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.
 - (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 emission or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;
 - (ii) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;
 - (iii) The permitting authority has not relied on it as part of an offsetting transaction under SWCAA 400-113(3) or 400-830 or in issuing any permit under regulations approved pursuant to 40 CFR Part 51, Subpart I or the state has not relied on it in demonstrating attainment or reasonable further progress;
 - (iv) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
 - (f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant.
 - (g) Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.
 - (h) Subsection (1)(b) of this section, in the definition of actual emissions, shall not apply for determining creditable increases and decreases or after a change.
- (19) **"Nonattainment major new source review (NSR) program"** means the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.165, or a program that implements 40 CFR Part 51 Appendix S, sections I through VI. Any permit issued under either program is a major NSR permit.
- (20) **"Pollution prevention"** means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to

- the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.
- (21) **"Predictive emissions monitoring system"** (PEMS) means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O₂ or CO₂ concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.
- (22) **"Prevention of significant deterioration (PSD) permit"** means any permit that is issued under the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.
- (23) **"Project"** means a physical change in, or change in the method of operation of, an existing major stationary source.
- (24) **"Projected actual emissions"** means:
- (a) The maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (12 month period) following the date the unit resumes regular operation after the project, or in any one of the 10 years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.
- (b) In determining the projected actual emissions before beginning actual construction, the owner or operator of the major stationary source:
- (i) Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved plan; and
- (ii) Shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, shall include fugitive emissions (to the extent quantifiable); and
- (iii) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive 24 month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or
- (iv) In lieu of using the method set out in (b) of this subsection, the owner or operator may elect to use the emissions unit's potential to emit, in tons per year. For this purpose, if the emissions unit is part of one of the source categories listed in subsection ~~((14))~~(15)(e) of this section, the definition of major stationary source or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories, the unit's potential to emit shall include fugitive emissions (to the extent quantifiable).

- (25) **"Regulated NSR pollutant"** means the following pollutants:
- (a)
 - (i) Nitrogen oxides or any volatile organic compounds;
 - (ii) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;
 - (iii) Any pollutant that is identified under this subsection as a constituent or precursor of a general pollutant listed in (a)(i) or (ii) of this subsection, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. For purposes of NSR precursor pollutants are the following:
 - (A) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.
 - (B) Sulfur dioxide and nitrogen oxides are precursors to PM-2.5 in all PM-2.5 nonattainment areas.
 - (b) PM-2.5 emissions and PM-10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM-2.5 in nonattainment major NSR permits. Compliance with emissions limitations for PM-2.5 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations for PM-2.5 made prior to the effective date of SWCAA 400-800 through 400-850 made without accounting for condensable particulate matter shall not be considered in violation of SWCAA 400-800 through 400-850.
- (26) **"Replacement unit"** means:
- (a) An emissions unit for which all the criteria listed below are met:
 - (i) The emissions unit is a reconstructed unit within the meaning of 40 CFR 60.15 (b)(1), or the emissions unit completely takes the place of an existing emissions unit.
 - (ii) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.
 - (iii) The replacement does not alter the basic design parameters of the process unit. Basic design parameters are:
 - (A) Except as provided in (a)(iii)(C) of this subsection, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British thermal units content must be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.
 - (B) Except as provided in (a)(iii)(C) of this subsection, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or

primary raw material of the process unit when selecting a basic design parameter.

- (C) If the owner or operator believes the basic design parameter(s) in (a)(iii)(A) and (B) of this subsection is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the reviewing authority an alternative basic design parameter(s) for the source's process unit(s). If the reviewing authority approves of the use of an alternative basic design parameter(s), the reviewing authority will issue a new permit or modify an existing permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).
 - (D) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in (a)(iii)(A) and (B) of this subsection.
 - (E) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.
 - (F) Efficiency of a process unit is not a basic design parameter.
- (iv) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.
- (b) No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.
- (27) **"Reviewing authority"** means the same as "permitting authority" as defined in SWCAA 400-030.
- (28) **"Significant"** means:
- (a) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide	100 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Ozone	40 tpy of volatile organic compounds; or 40 tpy of nitrogen oxides
Lead	0.6 tpy
PM-10	15 tpy
PM-2.5	10 tpy of direct PM-2.5 emissions; or 40 tpy of nitrogen oxide emissions; or 40 tpy of sulfur dioxide emissions

- (b) Notwithstanding the significant emissions rate for ozone, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical

change in, or change in the method of operation of, a major stationary source locating in a serious or severe ozone nonattainment area that is subject to sections 181-185B, of the Federal Clean Air Act, if such emissions increase of volatile organic compounds exceeds 25 tons per year.

- (c) For the purposes of applying the requirements of SWCAA 400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in (a), (b), and (e) of this subsection, of the definition of significant, shall apply to nitrogen oxides emissions.
 - (d) Notwithstanding the significant emissions rate for carbon monoxide under (a) of this subsection, the definition of significant, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of carbon monoxide that would result from any physical change in, or change in the method of operation of, a major stationary source in a serious nonattainment area for carbon monoxide if such increase equals or exceeds 50 tons per year, provided the administrator has determined that stationary sources contribute significantly to carbon monoxide levels in that area.
 - (e) Notwithstanding the significant emissions rates for ozone under (a) and (b) of this subsection, the definition of significant, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to sections 181-185B of the Federal Clean Air Act shall be considered a significant net emissions increase.
- (29) "**Significant emissions increase**" means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.
 - (30) "**Source**" and "stationary source" means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.
 - (31) "**Temporary clean coal technology demonstration Project**" means a clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the state implementation plan for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

APPENDIX C
FEDERAL STANDARDS ADOPTED BY REFERENCE

The following lists of affected subparts are provided for informational purposes only.

**STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES
(NSPS) 40 CFR 60**

Subpart A	General Provisions (re105f. 40 CFR 60.1 et seq.)
Subpart D	Fossil Fuel-fired Steam Generators (((for Which Construction is 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 Ga	Nitric Acid Plants for Which Construction, Reconstruction, or <u>Modification</u> Commenced After October 14, 2011 (ref. 40 CFR 60.70a 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 Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (ref. 40 CFR 60.100a et seq.)
Subpart K	Storage Vessels for Petroleum Liquids (((Constructed))) <u>for Which Construction, Reconstruction, or Modification Commenced</u> 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) <u>for Which Construction, Reconstruction, or Modification Commenced</u> 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	<u>Secondary</u> Brass and Bronze ((Ingot)) Production Plants (ref. 40 CFR 60.130 et seq.)
Subpart N	((Iron and Steel Plants)) <u>Primary Emissions From Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973</u> (ref. 40 CFR 60.140 et seq.)
Subpart Na	Secondary Emissions From Basic Oxygen Process Steelmaking Facilities <u>for Which Construction is Commenced After January 20, 1983</u> (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 <u>and Processing</u> Plants (ref. 40 CFR 60.250 et seq.)
Subpart Z	Ferroalloy Production Facilities (ref. 40 CFR 60.260 et seq.)
Subpart AA	Steel Plants: Electric Arc Furnaces <u>Constructed After October 21, 1974, and on or Before August 17, 1983</u> (ref. 40 CFR 60.270 et seq.)
Subpart AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels <u>Constructed After August 17, 1983</u> (ref. 40 CFR 60.270a et seq.)
Subpart BB	Kraft Pulp Mills (ref. 40 CFR 60.280 et seq.)
<u>Subpart BBa</u>	<u>Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013</u> (ref. 40 CFR 60.280a 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((:)) <u>of</u> 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 <u>Manufacturing</u> 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	<u>Graphic Arts Industry</u> : 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 Coil ((s)) <u>Surface Coating</u> (ref. 40 CFR 60.460 et seq.)
Subpart UU	Asphalt Processing and Asphalt Roofing Manufacture (ref. 40 CFR 60.470 et seq.)
Subpart VV	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or before November 7, 2006 (ref. 40 CFR 60.480 et seq.)
Subpart VVa	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.480a et seq.)
Subpart WW	Beverage Can Surface Coating ((Operations)) <u>Industry</u> (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	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or before November 7, 2006 (ref. 40 CFR 60.590 et seq.)
Subpart GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.590a 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 <u>for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011</u> (ref. 40 CFR 60.630 et seq.)
Subpart LLL	((Onshore Natural Gas Processing:)) SO ₂ Emissions <u>From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011</u> (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 Wastewater (((Emissions))) <u>Systems</u> (ref. 40 CFR 60.690 et seq.)
Subpart RRR	((Volatile Organic Compound)) <u>VOC</u> 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	Municipal Solid Waste Landfills <u>that Commenced Construction,</u> <u>Reconstruction or Modification on or After May 30, 1991, but Before July 18,</u> <u>2014</u> (ref. 40 CFR 60.750 et seq.) <i>(See SWCAA 400-070(8) for rules regulating MSW landfills constructed or</i> <i>modified before May 30, 1991)</i>
Subpart XXX	<u>Municipal Solid Waste Landfills that Commenced Construction,</u> <u>Reconstruction, or Modification After July 17, 2014</u> (ref. 40 CFR 60.760 et seq.)
Subpart AAAA	Small Municipal Waste Combustion Units (((Constructed))) <u>for Which</u> <u>Construction is Commenced</u> After August 30, 1999, or (((Modified or Reconstructed))) <u>for Which Modification or Reconstruction is Commenced</u> After June 6, 2001 (ref. 40 CFR 60.1000 et seq.) <i>(See SWCAA 400-050(5) for rules regulating small municipal waste</i> <i>combustion units constructed on or before August 30, 1999)</i>
Subpart CCCC	Commercial and Industrial Solid Waste (((Incinerators Constructed After November 30, 1999; or Modified or Reconstructed on or After June 1, 2001))) <u>Incineration Units</u> (ref. 40 CFR 60.2000 et seq.) <i>(See SWCAA 400-050(4) for Rules Regulating Commercial and Industrial</i> <i>Solid Waste Incinerators Constructed on or Before November 30, 1999)</i>
Subpart EEEE	Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006 (ref. 40 CFR 60.2880 et seq.)
Subpart IIII	Stationary Compression Ignition Internal Combustion Engines (ref. 40 CFR 60.4200 et seq.)
Subpart JJJJ	<u>Stationary Spark Ignition Internal Combustion Engines</u> (ref. 40 CFR 60.4230 et seq.) <i>Title V Sources Only</i>
Subpart KKKK	Stationary Combustion Turbines (ref. 40 CFR 60.4300 et seq.)
Subpart LLLL	<u>New</u> Sewage Sludge Incineration Units (ref. 40 CFR 60.4760 et seq.)
Subpart OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution <u>for</u> <u>Which Construction, Modification or Reconstruction Commenced After</u> <u>August 23, 2011, and on or Before September 18, 2015</u> (ref. 40 CFR 60.5360 et seq.)
Subpart OOOOa	<u>Crude Oil and Natural Gas Facilities for Which Construction, Modification or</u> <u>Reconstruction Commenced After September 18, 2015</u> (ref. 40 CFR 60.5360a et seq.)
Subpart QQQQ	New Residential Hydronic Heaters and Forced-air Furnaces

(ref. 40 CFR 60.5472 et seq.)

Appendix A	Test Methods (ref. 40 CFR 60, Appendix A)
Appendix B	Performance Specifications (ref. 40 CFR 60, Appendix B)
Appendix C	Determination of Emission Rate Change (ref. 40 CFR 60, Appendix C)
Appendix D	Required Emission Inventory Information (ref. 40 CFR 60, Appendix D)
Appendix F	Quality Assurance Procedures (ref. 40 CFR 60, Appendix F)
Appendix I	Removable Label and Owner's Manual (ref. 40 CFR 60, Appendix I)

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) 40 CFR 61

Subpart A	General Provisions (ref. 40 CFR 61.01 et seq.)
((Subpart B	Radon Emissions from Underground Uranium Mines (ref. 40 CFR 61.20 et seq.))
Subpart C	Beryllium (ref. 40 CFR 61.30 et seq.)
Subpart D	Beryllium Rocket Motor Firing (ref. 40 CFR 61.40 et seq.)
Subpart E	Mercury (ref. 40 CFR 61.50 et seq.)
Subpart F	Vinyl Chloride (ref. 40 CFR 61.60 et seq.)
((Subpart H	Emissions of Radionuclides Other Than Radon from Department of Energy Facilities (ref. 40 CFR 61.90 et seq.)
Subpart I	Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and not Covered by Subpart H (ref. 40 CFR 61.100 et seq.))
Subpart J	Equipment Leaks (Fugitive Emission Sources) of Benzene (ref. 40 CFR 61.110 et seq.)
((Subpart K	Radionuclide Emissions from Elemental Phosphorus Plants (ref. 40 CFR 61.120 et seq.))
Subpart L	Benzene Emissions from Coke by Product Recovery Plants (ref. 40 CFR 61.130 et seq.)
Subpart M	Asbestos (ref. 40 CFR 61.140 et seq.)
Subpart N	Inorganic Arsenic Emissions from Glass Manufacturing Plants (ref. 40 CFR 61.160 et seq.)
Subpart O	Inorganic Arsenic Emissions from Primary Copper Smelters (ref. 40 CFR 61.170 et seq.)
Subpart P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (ref. 40 CFR 61.180 et seq.)
((Subpart Q	Radon Emissions from Department of Energy Facilities (ref. 40 CFR 61.190 et seq.)
Subpart R	Radon Emissions from Phosphogypsum Stacks (ref. 40 CFR 61.200 et seq.)
Subpart T	Radon Emissions from the Disposal of Uranium Mill Tailings (ref. 40 CFR 61.220 et seq.))
Subpart V	Equipment Leaks (Fugitive Emission Sources) (ref. 40 CFR 61.240 et seq.)
((Subpart W	Radon Emissions from Operating Mill Tailings (ref. 40 CFR 61.250 et seq.))
Subpart Y	Benzene Emissions from Benzene Storage Vessels (ref. 40 CFR 61.270 et seq.)
Subpart BB	Benzene Emissions from Benzene Transfer Operations (ref. 40 CFR 61.300 et seq.)
Subpart FF	Benzene Waste Operations (ref. 40 CFR 61.340 et seq.)

**NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR
SOURCE CATEGORIES
(MACT) 40 CFR 63**

Subpart A	General Provisions (ref. 40 CFR 63.1 et seq.)
((Subpart B	Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections 112(G) and 112(J) (ref. 40 CFR 63.50 et seq.)
Subpart D	Compliance Extensions for Early Reductions of Hazardous Air Pollutants (ref. 40 CFR 63.70 et seq.))
Subpart F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)
Subpart G	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	Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)
Subpart I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)
Subpart J	Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 60.210 et seq.)
Subpart L	Coke Oven Batteries (ref. 40 CFR 63.300 et seq.)
Subpart M	Perchloroethylene ((Air Emission Standards for)) Dry Cleaning Facilities ((as it applies to major sources only)) (ref. 40 CFR 63.320 et seq.) <i>Title V Sources Only</i>
Subpart N	<u>Chromium Emissions From</u> Hard and Decorative Chromium Electroplating and Chromium Anodizing ((Operations)) <u>Tanks</u> (ref. 40 CFR 63.340 et seq.)
Subpart O	Ethylene Oxide Emissions Standards for Sterilization Facilities (ref. 40 CFR 63.360 et seq.)
Subpart Q	Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)
Subpart R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations) (ref. 40 CFR 63.420 et seq.)
Subpart S	Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)
Subpart T	Halogenated Solvent Cleaning (ref. 40 CFR 63.460 et seq.)
Subpart U	Group I Polymers and Resins (ref. 40 CFR 63.480 et seq.)
Subpart W	Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)
Subpart X	Secondary Lead Smelting (ref. 40 CFR 63.541 et seq.)
Subpart Y	Marine Tank Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)
Subpart AA	Phosphoric Acid Manufacturing Plants (ref. 40 CFR 63.600 et seq.)
Subpart BB	Phosphate Fertilizers Production Plants (ref. 40 CFR 63.620 et seq.)
Subpart CC	Petroleum Refineries (ref. 40 CFR 63.640 et seq.)
Subpart DD	Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)
Subpart EE	Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.701 et seq.)
Subpart GG	Aerospace Manufacturing and Rework Facilities

	(ref. 40 CFR 63.741 et seq.)
Subpart HH	Oil and Natural Gas Production Facilities (ref. 40 CFR 63.760 et seq.)
Subpart II	Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)
Subpart JJ	Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)
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Subpart LL	Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)
Subpart MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semichemical Pulp Mills (ref. 40 CFR 63.860 et seq.)
Subpart NN	Wool Fiberglass Manufacturing at Area Sources (ref. 40 CFR 63.880 et seq.)
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Subpart PP	Containers (ref. 40 CFR 63.920 et seq.)
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Subpart LLL	Portland Cement Manufacturing Industry (ref. 40 CFR 63.1340 et seq.)
Subpart MMM	Pesticide Active Ingredient Production (ref. 40 CFR 63.1360 et seq.)
Subpart NNN	Wool Fiberglass Manufacturing (ref. 40 CFR 63.1380 et seq.)
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Subpart PPP	Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)
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Subpart UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (ref. 40 CFR 63.1560 et seq.)
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Subpart DDDD	Plywood and Composite Wood Products (ref. 40 CFR 63.2230 et seq.)
Subpart EEEE	Organic Liquids Distribution (Non-Gasoline) (ref. 40 CFR 63.2330 et seq.)
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Subpart MMMM	Surface Coating of Miscellaneous Metal Parts and Products (ref. 40 CFR 63.3880 et seq.)
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Subpart XXXX	Rubber Tire Manufacturing (ref. 40 CFR 63.5980 et seq.)
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Subpart EEEEE	Iron and Steel Foundries (ref. 40 CFR 63.7680 et seq.)
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Subpart IIIII	<u>Mercury Emissions from</u> Mercury Cell Chlor-Alkali Plants (ref. 40 CFR 63.8180 et seq.)
Subpart JJJJJ	Brick and Structural Clay Products Manufacturing (ref. 40 CFR 63.8380 et seq.)
Subpart KKKKK	Clay Ceramics Manufacturing (ref. 40 CFR 63.8530 et seq.)
Subpart LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.8680 et seq.)
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	(ref. 40 CFR 63.8780 et seq.)
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Subpart YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities (ref. 40 CFR 63.10680 et seq.)
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Subpart BBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (ref. 40 CFR 63.11080 et seq.)
Subpart CCCCC	Gasoline Dispensing Facilities (ref. 40 CFR 63.11110 et seq.)
Subpart DDDDD	Polyvinyl Chloride and Copolymers Production Area Sources (ref. 40 CFR 63.11140 et seq.)
Subpart EEEEE	Primary Copper Smelting Area Sources (ref. 40 CFR 63.11146 et seq.)
Subpart FFFFF	Secondary Copper Smelting Area Sources (ref. 40 CFR 63.11153 et seq.)
Subpart GGGGG	Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium (ref. 40 CFR 63.11160 et seq.)
Subpart HHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (ref. 40 CFR 63.11169 et seq.) <i>Title V Sources Only</i>
Subpart JJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources (ref. 40 CFR 63.11193 et seq.) <i>Title V Sources Only</i>
Subpart LLLLL	Acrylic and Modacrylic Fibers Production Area Sources (ref. 40 CFR 63.11393 et seq.)
Subpart MMMMM	Carbon Black Production Area Sources (ref. 40 CFR 63.11400 et seq.)
Subpart NNNNN	Chemical Manufacturing Area Sources: Chromium Compounds (ref. 40 CFR 63.11407 et seq.)
Subpart OOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources (ref. 40 CFR 63.11414 et seq.)
Subpart PPPPP	Lead Acid Battery Manufacturing Area Sources (ref. 40 CFR 63.11421 et seq.)
Subpart QQQQQ	Wood Preserving Area Sources (ref. 40 CFR 63.11428 et seq.)
Subpart RRRRR	Clay Ceramics Manufacturing Area Sources (ref. 40 CFR 63.11435 et seq.)
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Subpart TTTTT	Secondary Nonferrous Metals Processing Area Sources (ref. 40 CFR 63.11462 et seq.)
Subpart VVVVV	Chemical Manufacturing Area Sources (ref. 40 CFR 63.11494 et seq.)
Subpart WWWWW	Area Source Standards for Plating and Polishing Operations (ref. 40 CFR 63.11504 et seq.)
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Subpart YYYYY	Area Sources: Ferroalloys Production Facilities (ref. 40 CFR 63.11524 et seq.)

Subpart ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries (ref. 40 CFR 63.11544 et seq.)
Subpart AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.11559 et seq.)
Subpart BBBBBBB	Area Sources: Chemical Preparations Industry (ref. 40 CFR 63.11579 et seq.)
Subpart CCCCCC	Area Sources: Paints and Allied Products Manufacturing (ref. 40 CFR 63.11599 et seq.)
Subpart DDDDDDD	Area Sources: Prepared Feeds Manufacturing (ref. 40 CFR 63.11619 et seq.)
Subpart EEEEEEE	Gold Mine Ore Processing and Production Area Source Category (ref. 40 CFR 63.11640 et seq.)
Subpart HHHHHHH	Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 63.11860 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)



June 23, 2021

Attention: Wess Safford
Southwest Clean Air Agency
11815 NE 99th Street
Suite 1294
Vancouver, WA 98682

Subject: Revisions to SWCAA 400 - General Regulations for Air Pollution Sources

Dear Mr. Safford:

SWCAA is proposing to make changes to SWCAA 400 "General Regulations for Air Pollution Sources." Subsequent to adoption, SWCAA intends to request implementation authority from US EPA Region 10 for the compliance plans in 40 CFR 62 Subparts HHH, III, JJJ, and LLL. The City of Vancouver's Westside Water Reclamation Facility (WWRF) is subject to 40 CFR 62 Subpart LLL, Federal Plan Requirements for Sewage Sludge Incineration Units Constructed on or Before October 14, 2010, (SSI rule). Therefore, the City understands review and enforcement of the SSI operation and monitoring procedures at the WWRF will transfer from EPA Region 10 to SWCAA.

WWRF SSI and other SSI's Nationwide Working With Issues with New Technology for Control of Mercury Emissions

The effective date of the SSI rule was May 31, 2016. The rule significantly reduced permitted emission levels from existing sewage sludge incineration facilities, most of which are located at Publicly Owned Treatment Works (POTWs). In order to meet the new emission limit for mercury, many facilities had to add a new control technology that uses a proprietary fixed sorbent system developed with the intention of assisting SSI facilities meet the new lower mercury emission limit. Since the technology was new it had a limited history of operation. Discussions amongst different SSI facilities and with the manufacturer revealed significant challenges for the facilities with implementing the new control technology and thus significantly delaying compliance dates. For the WWRF SSI the City addressed performance issues by installing an additional layer of sorbent material and installing a hot air blower to reduce relative humidity in mercury module.

SWCAA should understand that effective source control for mercury in municipal wastewater and sewage sludge have been in place for nearly 20 years by implementing state and local programs, including installation of dental amalgam units at dental facilities, and awareness and outreach to residents and business for proper handling and disposal of mercury-containing products such as pesticides, thermometers and thermostatic devices. The efforts have significantly reduced concentrations of mercury in sewage and sewage sludge.

Challenges with Emissions Testing Methods and Analytical Detection

Once it was determined that the mercury modules were operating as designed additional issues were discovered. The new lower emission limit of 0.037 mg/dscm, challenged the mercury method's detection limits, exposed the methods sensitivity to interferences from other pollutants in the emissions, and exposed new sources of laboratory contamination. It was also discovered that two different test methods for mercury would provide significantly different emission results due to detection limits and sensitivity to interferences. Despite adding an additional layer of sorbent material and making modifications to lower the relative humidity within the mercury control module, the average results for testing conducted in 2020 and 2021, 0.031 and 0.035 mg/dscm respectively, were not significantly below the emission limit for the City of Vancouver's sewage sludge incinerator.

In addition to mercury, the sub-parts per million limits for hydrogen chloride (HCl) and some of the other metals also proved challenging. Some SSI facilities failed emission tests due to laboratory solvents contaminating blanks because the purity of the solvents were not high enough, and cross contamination occurred between test methods. It is suspected that issues with some HCl tests may have been caused by performing metals testing, which uses a HCl rinse, before performing HCl test methods. A lack of sufficient cleaning of equipment between the metals test and HCl tests may have contaminated the equipment. These issues with the test methods were insignificant at the previous higher emission rates but became significant at the new lower emission rates.

The performance of the mercury control module has improved but issues with ongoing operation and testing remain. It is believed that the issues with the HCl testing methods are resolved but will not be confirmed until future testing demonstrates no issues.

Since EPA currently implements the SSI rule for multiple facilities in Washington and the rest of the United States, the Agency was aware of these issues and that they affected multiple facilities. EPA allowed the facilities to keep working on solutions to the issues and requested the facilities keep them informed but did not issue violations.

Tray Scrubber Pressure Differential Operating Parameter Limit is Challenging

The sewage sludge incinerator at WWRF is equipped with a venturi scrubber, a tray scrubber, and a mercury sorbent control module in series. In November of 2019, EPA informed the City of the requirement to monitor and record the differential pressure (dP) across the venturi and tray scrubber separately. WWRF had been monitoring and recording the total dP across the wet scrubbers and the mercury control module.

In a tray scrubber, the gas to be cleaned flows vertically upward into the tray section through the holes in a series of static, stainless steel trays welded into the body of the scrubber. Scrubbing liquid is introduced to the top tray where it flows in a horizontal cross flow direction to the gas rising over the trays' surfaces. Because of the way the tray scrubber is designed with no moving parts and to have a layer of water on the top tray, adding more water appears to marginally increase the dP across the scrubber, unlike a venturi scrubber.

The minimum dP for the tray scrubber was established during the 2021 compliance test. During compliance tests the facility tries to operate at 85 percent of their maximum permitted capacity or higher. The more sludge sent to the SSI unit, the more material to be combusted, and the higher the exhaust gas flow rate. The higher the exhaust gas flow rate the greater the dP across the tray scrubber. WWRF has discovered that the dP across the tray scrubber frequently drops below the minimum pressure set in the compliance test. This appears to occur when sludge feed rates decrease, which

causes the exhaust flow rate to decrease and therefore the pressure across the tray scrubber decreases. It is not believed that the efficiency of the scrubber is reduced when the dP decreases, as long as the pressure drop stays within the manufacturer's recommended range. WWRF is working with EPA to better understand the issue and how to resolve it.

The City of Vancouver understands that it operates the only SSI unit in the SWCAA region and requests that SWCAA work with EPA and the City to continue to resolve issues in emissions testing and in operating parameter monitoring and recordkeeping requirements presented by the still relatively new SSI rule. In addition, the City requests that SWCAA;

- Heed to EPA Headquarters interpretations of rules and guidance in the rule preamble as published in the Federal Register, and any further guidance EPA may issue for the SSI rule.
- Evaluate their enforcement procedures and allow for discretion much in the way EPA has.

The City of Vancouver appreciates SWCAA for allowing public comment on the recent rule changes and looks forward to future discussions with the agency.

Respectfully submitted,



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