

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
January 5th, 2023, 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/82154159897>

Meeting ID: 821 5415 9897

Or call in by phone (669) 900-9128

AGENDA

- I. Call to Order
SWCAA Vice Chair Ryan Smith
- II. Roll Call/Determination of Quorum
SWCAA Vice Chair Ryan Smith
- III. Board of Directors Minutes
Board of Directors Minutes – November Meeting
- IV. Changes to the Agenda
SWCAA Vice Chair Ryan Smith
- 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. Election of Chair and Vice Chair

Summary – SWCAA’s Chair and Vice Chair need to be elected for each calendar year. The Chair position is currently vacant. The current Vice Chair position is held by Ryan Smith.

Recommendation – Elect the Chair and Vice Chair for Calendar Year 2023.

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 definitions, update incorporation by reference of federal regulations, revise explanations of application and registration fees, move NSR applicability citations for coffee roasters, add minor registration and permitting exemptions, clarify source description in selected sections, revise emission test report requirements, revise permit application completeness criteria, revise NSPS adoptions, revise severability language, and make minor administrative edits. Attachment A provides a summary of the proposed changes. Attachment B provides 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 September 20, 2022, and ended on November 30, 2022. 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. No comments were received during the comment period and no one from the public attended the public hearing. Attachment C provides the Hearings Officer Report.

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

IX. Control Officer Report

A. EPA Releases Final Heavy-Duty Truck NO_x Rule (December 20, 2022) - EPA Administrator Michael S. Regan announced the agency’s final rule to reduce emissions of nitrogen oxide (NO_x) from on-road heavy-duty (HD) vehicles and engines. Beginning with model year (MY) 2027, all heavy-duty trucks are required to meet a numeric NO_x emissions limit of 35 milligrams per horsepower-hour (mg/hp-hr), compared to the current standard, set by EPA 20 years ago, of 200 mg/hp-hr. According to EPA, its standards are 80 percent lower than the current standards. EPA also provides manufacturers with a 15-mg/hp-hr in-use compliance margin, without sunset, for the HHD and MHD NO_x emission standards. In addition to the new numeric NO_x emission standards and UL and warranty provisions, EPA also includes in the final rule provisions related to in-use test procedures and compliance, allowances, exceptions, and credits. These provisions may have an impact on the overall effectiveness of the numeric standards and on real-world emission reductions. According to the 1,150-page pre-publication version of the action the final rule is effective 60 days after the date of publication in the *Federal Register*. In announcing the final rule, Administrator Regan stated, “EPA is taking significant action to protect public health, especially the health of 72 million people living near truck freight routes in America, including our most vulnerable populations in historically overburdened communities. But we’re not stopping there. This is just the first action under EPA’s Clean Trucks Plan to pave the way toward a zero-emission future.” The Clean Trucks Plan also includes new HD greenhouse gas (GHG)

emission standards for MYs 2027 to 2030+ in a rule that builds on the incentives and support of the Inflation Reduction Act. EPA intends to propose the HD GHG rule in March 2023 and finalize it in December 2023. For further information:

<https://www.epa.gov/regulations-emissions-vehicles-and-engines/final-rule-and-related-materials-control-air-pollution>; and <https://www.epa.gov/newsreleases/final-epa-standards-heavy-duty-vehicles-slash-dangerous-pollution-and-take-key-step>

B. EPA Issues 2019 Data Updates to AirToxScreen (December 21, 2022) - EPA has released data updates for 2019 to its Air Toxics Screening Assessment (AirToxScreen) tool, following on from the addition of 2017 and 2018 data in the past year. AirToxScreen is a web-based tool that maps air toxics in the United States and is intended to be used as a screening tool for state, local and tribal air agencies to understand outdoor air quality with respect to these emissions. AirToxScreen estimates the cancer risks from air toxics and estimates noncancer health effects for other pollutants and displays concentrations and risks at the census tract level. The 2019 AirToxScreen data update used the 2017 National Emissions Inventory (NEI) as a starting point and updated its data up to 2019 based on comments provided by state, local and tribal agencies. For further information:

<https://www.epa.gov/AirToxScreen/2019-airtoxscreen-assessment-results>

C. Washington and Oregon Approve Transition to Zero Emission Vehicles (December 19, 2022) – Washington and Oregon have approved plans to transition vehicles in their states to meet zero-emission standards by 2035. The Washington Department of Ecology updated its Clean Vehicles Program to require all new, light-duty vehicles sold in the state to meet zero emissions by that year. The Oregon Environmental Quality Commission voted to require all new cars, trucks and SUVs sold in the state to meet zero-emission standards, by 2035. Washington and Oregon join a number of other states that are adopting California’s zero-emission vehicles policies. (The Clean Air Act allows California to establish emissions standards that are stricter than national standards and other states, under Section 177 of the Act, to adopt California’s but not set their own.) Washington State adopted Heavy-Duty Engine and Vehicle Omnibus rules and associated amendments. Starting in model year 2026, these rules require that new internal combustion engines for heavy-duty vehicles have 90 percent lower emissions of NOx, as well as reductions in PM, and greenhouse gases (GHGs). Oregon adopted this rule in October 2022. Washington and Oregon both adopted California’s Advanced Clean Cars II rule, which will increase the percentage of passenger cars, light duty trucks, and medium duty vehicles sold in these states that are zero-emission vehicles (ZEVs). The sales mandate would take effect in model year 2026 and begin by requiring 35% of new passenger vehicles sales to be zero-emission vehicles. That percent will increase 6-9% per year until zero-emission vehicles make up 100% of new sales starting in model year 2035. It will also require light and medium duty vehicles to meet stronger emission standards.

For further information: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-423-400Jan18>; and <https://www.oregon.gov/newsroom/Pages/NewsDetail.aspx?newsid=76539>

X. Board Policy Discussion Issues
As Necessary

- XI. Issues for Upcoming Meetings
Review Evaluation Processes for ED (February)
COLA decision for 2023 (April)
SWCAA Budget (May)
Air Toxics Rulemaking Proposal (TBD)

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"

January 5, 2022

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.

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

Update definition for volatile organic compound.

SWCAA 400-040 General Standards for Maximum Emissions

Administrative editing. Remove "A" reference in section (1)(f).

SWCAA 400-045 Permit Application for Nonroad Engines

Revise explanation of application fees.

SWCAA 400-070 General Requirements for Certain Source Categories

Remove affirmative New Source Review applicability citations from section (12). Add pool heater exemption in section (13)(b). Adopt federal plan in 40 CFR 62 Subpart OOO. Administrative editing.

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

Add EPA test method citation for small boilers/heaters. Add gasoline to list of allowable fuels for emergency service engines. Add 40 CFR 60 Subpart JJJJ citation for emergency service engines. Administrative editing.

SWCAA 400-100 Registration Requirements

Revise description of registration fees. Administrative editing.

SWCAA 400-101 Emission Units Exempt from Registration Requirements

Add exemptions for gas fired rooftop comfort heating units and gas fired freeze protection units. Administrative editing.

SWCAA 400-105 Records, Monitoring and Reporting

Change existing term 'source' to 'stationary source' in selected sections to improve clarity.

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

Revise emission test report submission requirements. Administrative editing.

SWCAA 400-109 Air Discharge Permit Applications

Add section specifying equipment subject to mandatory permitting. Add exemptions for gas fired rooftop comfort heating units and gas fired freeze protection units. Administrative editing.

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

Revise application completeness criteria to include applicable fees. Administrative editing.

SWCAA 400-115 Standards of Performance for New Sources

Remove adoption exemption for 40 CFR 60 Subpart JJJJ. Revise adoption exemption for 40 CFR 60 Subparts TTTT and UUUUa. Administrative editing.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques.

Administrative editing.

SWCAA 400-290 Severability

Revise language for greater consistency with similar language in other statutes.

SWCAA 400 Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE

Update list of adopted federal regulations.

Public Involvement

SWCAA held a public comment period for proposed changes to SWCAA 400. The comment period began on September 20, 2022 and ended on November 30, 2022. 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. No public comments were received during the comment period.

Public Hearing

An online public hearing for the proposed changes to SWCAA 400 was held on November 30, 2022. 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"

January 5, 2022

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

SWCAA 400-025 Adoption of Federal Rules

Federal rules cited in this rule are adopted by reference as in effect on ~~((May 1, 2021))~~ September 1, 2022.

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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 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 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.
 - (34) "**Director**" means the director of the Washington State Department of Ecology or duly authorized representative.
 - (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.

- (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, 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.
- (37) "**Ecology**" means the Washington State Department of Ecology.
- (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.
- (39) "**Emission**" means a release of air contaminants into the ambient air.
- (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).
- (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.
- (42) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter 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 70A.15 RCW.
- (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 70A.15 RCW, or Chapter 70.98 RCW.
- (44) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.
- (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).
- (46) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.
- (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.
- (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.
- (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.
- (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.
- (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.

- (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.
- (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.
- (54) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (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.
- (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.
- (57) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200(2)(a)(ii).
- (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).
- (59) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.
- (60) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."
- (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.
- (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.
- (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.
- (64) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.
- (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.
- (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.

- (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.
- (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.
- (69) **"Masking"** means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.
- (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.
- (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.
- (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.
- (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).

- (74) **"National Emission Standards for Hazardous Air Pollutants"** (NESHAPS) means the federal rules in 40 CFR Part 61.
- (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.
- (76) **"Natural conditions"** means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
- (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.
- (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
- (h) Modification of a combustion source to fire a fuel that the source was not previously capable of firing.
- (79) **"New Source Performance Standards"** (NSPS) means the federal rules in 40 CFR Part 60.
- (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.
- (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)
- (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.
- (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.
- (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.)
- (85) **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.
- (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.
- (87) **"Operating permit"** means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.
- (88) **"Operating permit application"** means the same as "application" as described in WAC 173-401-500 and -510.
- (89) **"Order"** means any regulatory order issued by the Agency or Ecology pursuant to Chapter 70A.15 RCW, including, but not limited to RCW 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.
- (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.

- (91) **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.
- (92) **"Particulate matter"** (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- (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.
- (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.
- (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.
- (96) **"Permitting agency"** means Ecology or the local air pollution control agency with jurisdiction over a "source."
- (97) **"Person"** means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.
- (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.
- (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.
- (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.
- (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.
- (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.
- (103) **"Pollutant"** means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))
- (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).
- (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."
- (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))
- (107) "**Prevention of Significant Deterioration**" (PSD) means the program set forth in WAC 173-400-700 through WAC 173-400-750.
- (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.
- (109) "**Reasonably attributable**" means attributable by visual observation or any other technique the Agency deems appropriate.
- (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."
- (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 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.
- (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.
- (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.

- (114) "**Shutdown**" means the cessation of operation of an affected source or portion of an affected source for any purpose.
- (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.
- (116) "**SIP**" means the same as "State Implementation Plan".
- (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.
- (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.
- (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 70A.15 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.
- (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.
- (121) "**Stack height**" means the height of an emission point measured from the round-level elevation at the base of the stack.
- (122) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.
- (123) "**Startup**" means the setting in operation of an affected source or portion of an affected source for any purpose.
- (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.
- (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.
- (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.
- (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.
- (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.

- (129) **"Total suspended particulate"** (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.
- (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.
- (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.
- (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.
- (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 overflow protection that involves removal of ground or ground cover above a portion of the product piping.
- (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.
- (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.
- (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.
- (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; t-butyl 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)₂CF₂OC₂H₅); 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.

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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 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 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 emissions occur due to soot blowing/grate cleaning of a hog fuel or wood-fired boiler, visible emissions ~~((shall))~~ **must** not exceed 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))~~ **must** 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 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))~~ **must** 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))~~ **must**:
 - (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))~~ must 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 9~~((A))~~) ~~((shall))~~ must 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))~~ must meet all of the following requirements:
- (i) The total duration of refractory curing ~~((shall))~~ must 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.
- (g) Military training. Visible emissions resulting from military obscurant training exercises are exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:
- (i) ~~((No))~~ Visible emissions ~~((shall))~~ must not cross the boundary of the military training site/reservation.
 - (ii) The operation ~~((shall))~~ must 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))~~ must 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~~) are 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~~) must 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~~) must use reasonable and available control methods, (~~which shall~~) including 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. 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 70A.15.4530, no violation of this section (~~shall~~) will 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)~~) **must** take reasonable precautions to prevent fugitive dust from becoming airborne and (~~(shall)~~) **must** maintain and operate the "source" or activity 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)~~) **must** 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).

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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 those identified in section (3) below.
- (3) Exemptions
 - (a) Engines 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.

- (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.
- (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:))~~

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

- (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.
- (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 21-17-054 filed 8/10/21, effective 9/10/21)

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))~~ **must** meet all provisions of SWCAA 400-040 and SWCAA 400-050(1).
- (b) All hog fuel boilers ~~((shall))~~ **must** 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~~) must 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~~) must be expressed as one hundred percent H₂SO₄.
- (6) **Gasoline dispensing facilities.**
 - (a) All gasoline dispensing facilities (~~shall~~) must 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~~) must 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))~~ must 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))~~ must employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations ~~((shall))~~ must comply with the general regulations found in SWCAA 400-040 at all times.
 - (b) Outdoor blasting ~~((shall))~~ must 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))~~ must be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material ~~((shall))~~ must 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)~~ **must** 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 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)) burned as fuel must not exceed((s)) 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))~~ must install and operate an afterburner or equivalent control device that treats all roasting 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 (excluding pool heaters) 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)) do 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)) must 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)) must 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)) must 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))~~ **must** follow manufacturer-recommended fuel loading times and amounts.
~~((In no case, shall a))~~ **An outdoor wood-fired** boiler **must not** 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.

(17) **Municipal Solid Waste Landfills.** The federal plan found under 40 CFR 62 Subpart OOO is adopted by reference (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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 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))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.
 - (C) Each coffee roaster ~~((shall))~~ **must** be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.
 - (D) Afterburners ~~((shall))~~ **must** be operated whenever the associated coffee roaster is in operation. The afterburner ~~((shall))~~ **must** be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner ~~((shall))~~ **must** be operated in a manner that minimizes emissions.
 - (E) The exhaust point for each coffee roaster ~~((shall))~~ **must** be a minimum of 200 feet from the nearest residential structure.

- (F) Each coffee roaster and afterburner ~~((shall))~~ must only be fired on natural gas or propane.
 - (G) Afterburner exhaust ~~((shall))~~ must 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))~~ must 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))~~ must include the date and the name of the person making the record entry.
- (A) Afterburner operating temperature ~~((shall))~~ must be recorded weekly;
 - (B) Quantity of coffee roasted ~~((shall))~~ must be recorded weekly;
 - (C) Upset conditions that cause excess emissions ~~((shall))~~ must 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))~~ must be recorded promptly after each occurrence.
- (v) ~~((Testing))~~ **Emission monitoring requirements.** None.
- (vi) **Reporting requirements.**
- (A) The owner or operator of an affected "emission unit" ~~((shall))~~ must 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))~~ must be reported to SWCAA within 3 business days of receipt.
 - (C) The owner or operator of an affected coffee roaster ~~((shall))~~ must 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))~~ must 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))~~ **must** 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, or equivalent, must be used to determine compliance.
- (iii) **General requirements.**
- (A) Each boiler/heater ~~((shall))~~ **must** only be fired on natural gas, propane, or LPG.
- (iv) ~~((Monitoring and))~~ **Recordkeeping requirements.** The information listed below ~~((shall))~~ **must** 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))~~ **must** include the date and the name of the person making the record entry.
- (A) Quantity of fuel consumed by the boiler/heater ~~((shall))~~ **must** be recorded for each calendar month;
- (B) Maintenance activities for the boiler/heater ~~((shall))~~ **must** be logged for each occurrence;
- (C) Upset conditions that cause excess emissions ~~((shall))~~ **must** 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))~~ **must** be recorded promptly after each occurrence.
- (v) ~~((Testing))~~ **Emission monitoring requirements.**
- (A) Each boiler/heater ~~((shall))~~ **must** undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring ~~((shall))~~ **must** be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring ~~((shall))~~ **must** 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))~~ **must** either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_x emissions, or initiate corrective action. Corrective action ~~((shall))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** be reported to the Agency within 3 business days of receipt.

- (C) Emission monitoring results for each boiler/heater ~~((shall))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **does** not apply during periods of cold startup.
 - (iii) **General requirements.**
 - (A) Liquid fueled engines ~~((shall))~~ **must** only be fired on gasoline, #2 diesel, or biodiesel. Fuel sulfur content of liquid fuels ~~((shall))~~ **must** 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))~~ **must** only be fired on natural gas or propane.
 - (C) Each compression ignition engine ~~((shall))~~ **must** be EPA Tier certified and manufactured no earlier than January 1, 2008.
 - (D) Each spark ignition engine must be comply with the provisions of 40 CFR 60 Subpart JJJJ (as in effect on the date cited in SWCAA 400-025).
 - (E) Engine operation ~~((shall))~~ **must** be limited to maintenance checks, readiness testing, and actual emergency use.
 - ~~((E))~~ (F) Engine operation for maintenance checks and readiness testing ~~((shall))~~ **must** not exceed 100 hours per year. Actual emergency use is unrestricted.
 - ~~((F))~~ (G) Each engine ~~((shall))~~ **must** be equipped with a nonresettable hourmeter for the purpose of documenting hours of operation.
 - ~~((G))~~ (H) Engine exhaust ~~((shall))~~ **must** be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.
 - (iv) ~~((Monitoring and))~~ **Recordkeeping requirements.** The information listed below ~~((shall))~~ **must** 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))~~ **must** include the date and the name of the person making the record entry.
 - (A) Total hours of operation for each engine ~~((shall))~~ **must** be recorded annually;

- (B) Hours of emergency use for each engine ~~((shall))~~ must be recorded annually;
 - (C) Fuel sulfur certifications ~~((shall))~~ must be recorded for each shipment of liquid fuel;
 - (D) Maintenance activities ~~((shall))~~ must be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;
 - (E) Upset conditions that cause excess emissions ~~((shall))~~ must 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))~~ must be recorded promptly after each occurrence.
- (v) ~~((Testing))~~ **Emission monitoring requirements.** None.
- (vi) **Reporting requirements.**
- (A) The owner or operator of an affected "emission unit" ~~((shall))~~ must 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))~~ must be reported to SWCAA within three calendar days of receipt.
 - (C) The owner or operator of an affected emergency engine ~~((shall))~~ must 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) **Non-perchloroethylene dry cleaners.**
- (i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use 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))~~ must not exceed 1.0 ton per year. Emissions ~~((shall))~~ must 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 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))~~ must 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))~~ must 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))~~ must use DF-2000 cleaning fluid or an equivalent solvent.

- (C) Solvent or waste containing solvent ~~((shall))~~ must be stored in closed solvent tanks or containers with no perceptible leaks.
 - (D) All cartridge filters ~~((shall))~~ must be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.
 - (E) Perceptible leaks ~~((shall))~~ must be repaired within twenty-four hours unless repair parts must be ordered. If parts must be ordered to repair a leak, the parts ~~((shall))~~ must be ordered within 2 business days of detecting the leak and repair parts ~~((shall))~~ must be installed within 5 business days after receipt.
 - (F) Pollution control devices associated with each piece of dry cleaning equipment ~~((shall))~~ must be operated whenever the equipment served by that control device is in operation. Control devices ~~((shall))~~ must be operated and maintained in accordance with the manufacturer's specifications.
- (iv) **~~((Monitoring and))~~ Recordkeeping requirements.** The information listed below ~~((shall))~~ must be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record ~~((shall))~~ must include the date and the name of the person making the record entry.
- (A) Each dry cleaning machine ~~((shall))~~ must be visually inspected at least once per week for perceptible leaks. The results of each inspection ~~((shall))~~ must be recorded in an inspection log and maintained on-site. The inspection ~~((shall))~~ must 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))~~ must be recorded monthly.
 - (C) Upset conditions that cause excess emissions ~~((shall))~~ must 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))~~ must be recorded promptly after each occurrence.
- (v) **~~((Testing))~~ Emission monitoring requirements.** None.
- (vi) **Reporting requirements.**
- (A) The owner or operator of an affected "emission unit" ~~((shall))~~ must 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))~~ must be reported to SWCAA within 3 calendar days of receipt.
 - (C) The owner or operator of an affected petroleum dry cleaner ~~((shall))~~

must 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 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))~~ must 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))~~ must be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system ~~((shall))~~ must be maintained at 80 psig or greater. A functional pressure gauge ~~((shall))~~ must 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))~~ must be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles ~~((shall))~~ must 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))~~ must be watered at reasonable intervals as necessary to control fugitive dust emissions.
- (D) Additional wet suppression measures ~~((shall))~~ must 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))~~ must 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))~~ must 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))~~ must be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record ~~((shall))~~ must include the date and the name of the person making the record entry.
 - (A) Visual inspection of spray/fog nozzles ~~((shall))~~ must be recorded weekly;
 - (B) Maintenance, repair, or replacement of affected equipment ~~((shall))~~ must be recorded for each occurrence;
 - (C) Quantity and size of crushed/screened material ~~((shall))~~ must be recorded monthly;
 - (D) Relocation of rock crushing equipment ~~((shall))~~ must be recorded for each occurrence.
 - (E) Upset conditions that cause excess emissions ~~((shall))~~ must 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))~~ must be recorded promptly after each occurrence.
- (v) **~~((Testing))~~ Emission monitoring requirements.** An initial emissions test ~~((shall))~~ must 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))~~ must be conducted within 90 calendar days of commencing operation. All emission testing ~~((shall))~~ must 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))~~ must 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))~~ must be reported to SWCAA within 3 business days of receipt.
 - (C) The owner or operator of an affected rock crusher or aggregate screen ~~((shall))~~ must 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))~~ must be reported to the Agency within 45 calendar days of test completion.

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))~~ **must** be registered with the Agency in accordance with this section as set forth in RCW 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:
 - (i) "Emission units" or activities exempted under SWCAA 400-101; and
 - (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) Dry cleaners with VOC or TAP emissions.
- (2) **General requirements.**
 - (a) The owner or operator of a "source" for which registration is required ~~((shall))~~ **must** initially register affected "emission units" with the Agency. A unique identification number ~~((shall))~~ **will** be assigned to each "source" and a separate registration fee ~~((shall))~~ **will** 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))~~ **will** not be collected for exempt "emission units" identified in SWCAA 400-101.
 - (b) The owner or operator of a registered "source" ~~((shall))~~ **must** submit annual reports to the Agency. Each report ~~((shall))~~ **must** 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 70A.15 RCW. The owner, operator, or their designated representative ~~((shall))~~ **must** 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))~~ **must** be paid before the Agency may register any "emission unit". Annual registration fees are **typically** based on the number of registered "emission units" and the quantity of "source" emissions during the previous calendar year, **but may vary based on source category**. 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))~~ **are** 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))~~ **will** be considered a violation of this section. Annual

registration fees ~~((shall))~~ must be paid according to the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

Exceptions:

- (a) An annual registration fee ~~((shall))~~ will 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 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 70A.15.1030(17), are not subject to Registration and ~~((shall))~~ must 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))~~ will be considered delinquent. Pursuant to RCW 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))~~ must 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))~~ must 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))~~ must file a written report with the Agency within 90 calendar days of completing transfer of ownership and/or assuming operational control. The report ~~((shall))~~ must 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))~~ must 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))~~ must 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 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))~~ may refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection.
- (d) No person ~~((shall))~~ may obstruct, hamper or interfere with any such inspection.

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

SWCAA 400-101 Emission Units Exempt from Registration Requirements

- (1) **Applicability.** The emission units listed in subsection (4) of this section are exempt from the registration requirements of SWCAA 400-100. If an exempt emission unit is located at a "stationary source" that is otherwise required to be registered, the Agency may require that the exempt emission unit be included in the "stationary source" registration. If an exempt emission unit is located at a Title V facility, it must be included in the facility's Title V permit in accordance with Chapter 173-401 WAC. The owner or operator of any emission unit exempted from registration under this section ~~((shall))~~ must maintain documentation sufficient to verify that the emission unit is entitled to exemption under this section.

An exemption from new source review pursuant to SWCAA 400-109 ~~((shall not be construed as))~~ does not constitute an exemption from registration under this section.

- (2) Wherever a "stationary source" has multiple emission units, which are similar in function and purpose, exemption status ~~((shall))~~ must be determined based on aggregate capacity (e.g., horsepower, Btu per hour, airflow, etc.) or the aggregate emissions of similar emission units.
- (3) **Exempt emission thresholds.** A "stationary source" ~~((shall be))~~ is exempt from registration if the uncontrolled potential to emit from all emission units at that site or facility is less than all of the applicable emission thresholds listed below. To qualify for an emission threshold exemption, the owner or operator ~~((shall))~~ must submit to the Agency a summary of all activities/equipment that emit air pollutants, and calculate potential emissions from the facility based on maximum levels of production/operation. The Agency ~~((shall))~~ must review and validate the submitted documentation prior to granting an exemption.

<u>Pollutant</u>	<u>Exemption Threshold</u>
Criteria pollutants and VOC	1.0 tpy, combined
Lead	0.005 tpy (10 lb/yr)
Ozone depleting substances	1.0 tpy, combined (as defined in SWCAA 400-030)
Toxic air pollutants	1.0 tpy (combined) or less than applicable SQER per Chapter 173-460 WAC, whichever is less.

- (4) **Exempt equipment and activities.**
 - (a) Asphalt roofing and application equipment (not manufacturing or storage equipment).
 - (b) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families.
 - (c) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes.
 - (d) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

- (e) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business.
- (f) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process (e.g., truck mounted equipment).
- (g) Retail paint sales establishments (not including manufacturing).
- (h) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
- (i) Sewing equipment.
- (j) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other structures provided operations are in compliance with the provisions of SWCAA 400-070(8).
- (k) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-101(3). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses that do not exceed the emission thresholds specified in SWCAA 400-101(3). This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations.
- (l) Residential wood heaters (e.g., fireplaces and woodstoves).
- (m) Office equipment, operations and supplies.
- (n) Internal combustion engines used for emergency service that have an individual power rating of less than 50 horsepower.
- (o) Internal combustion engines used for emergency service that are located at a facility with a maximum ~~((aggregate))~~ combined power rating less than 200 horsepower. In determining the ~~((aggregate))~~ combined power rating of a facility, individual units with a rating of less than 50 horsepower ~~((shall not be))~~ are not considered.
- (p) Steam cleaning equipment used exclusively for that purpose.
- (q) Refrigeration systems that are not in air pollution control service.
- (r) Housekeeping activities and equipment.
- (s) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.
- (t) Natural and forced air vents and stacks for bathroom/toilet facilities.
- (u) Personal care activities.
- (v) Lawn and landscaping activities.
- (w) Flares used to indicate danger to the public.
- (x) 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 and SWCAA 476.
- (y) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question.
- (z) Natural gas or propane fired, rooftop air heating units operated for the purpose of comfort heating.
- (aa) Natural gas or propane fired heating units with individual rated heat inputs of less than 200,000 Btu per hour operated solely for the purpose of freeze protection.

SWCAA 400-105 Records, Monitoring and Reporting

The owner or operator of each registered or Title V "stationary source" shall maintain records of the type and quantity of emissions from the "stationary source" and other information deemed necessary to determine whether the "stationary source" is in compliance with applicable emission limitations, operating limitations, and control measures. "Stationary 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 "stationary sources" shall submit an inventory of emissions from the "stationary 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.
 - (b) Small "stationary 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.
 - (c) Large "stationary sources." At a minimum, "stationary 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 "stationary 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 "stationary 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."
- (d) Greenhouse gases. The Agency may require that "stationary sources" submit an inventory of greenhouse gas emissions. Affected "stationary 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 "stationary 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 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 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 "stationary 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 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 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 17-054 filed 8/10/21, effective 9/10/21)

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~~) **must** 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))~~ must 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))~~ may obtain a sample from any "emission unit". The operator of the "source" ~~((shall))~~ must 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))~~ must 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))~~ must 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))~~ must 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))~~ must 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))~~ must be kept during emissions testing to correlate operations with emissions and ~~((shall))~~ must be recorded in the final test report.
- (g) **Test reports.** Results of all required emission testing ~~((shall))~~ must 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))~~ must 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))~~ must 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))~~ must 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))~~ **must** be determined before sampling commences and after sampling has concluded. These "calibration error" measurements ~~((shall))~~ **must** 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))~~ **must** include a two point (zero/span gas) calibration error check using EPA Protocol 1 reference gases. Results of the sampling ~~((shall))~~ **are** 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))~~ **must** 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))~~ **must** 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))~~ **must** 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))~~ **must** be recorded every 30 seconds during data collection. All emission data collected following the ramp-up phase(s) ~~((shall))~~ **must** be reported to the Agency.
- (e) **Monitoring records.** A complete record of production related parameters ~~((shall))~~ **must** be kept during emission monitoring to correlate operations with emissions and ~~((shall))~~ **must** 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))~~ **must** 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))~~ **must** be submitted on forms provided by the Agency or in an alternative format approved by the Agency. The report ~~((shall))~~ **must** 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;
- (vii) Calibration error check documentation, and
- (viii) Copy of calibration gas certificates.

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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))~~ **must** be identified as set forth in SWCAA 400-270.
- (2) **Applicability.**
 - (a) An air discharge permit application ~~((shall))~~ **must** 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 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))~~ **(b)** An air discharge permit application must be submitted for the following equipment:
 - ~~((i))~~ **(i)** All batch process coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch;
 - ~~((ii))~~ **(ii)** Continuous process coffee roasters regardless of capacity; and
 - ~~((iii))~~ **(iii)** Coffee roasting processes involving decaffeination regardless of capacity.
 - ~~((c))~~ **(c)** Submittal of an air discharge permit application ~~((shall))~~ **does** not automatically impose review requirements pursuant to SWCAA 400-110.
 - ~~((e))~~ **(d)** Stationary sources subject to the PSD program (WAC 173-400-700 through -750) ~~((shall))~~ **must** 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))~~ must also be submitted to SWCAA.

~~((d))~~ (e) 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))~~ must include all information necessary to meet the requirements of SWCAA 400-800 through -860.

~~((e))~~ (f) 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))~~ (g) 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))~~ written request to the Agency at least 60 calendar days prior to permit expiration. The ~~((application))~~ request 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))~~ request 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))~~ must, 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))~~ must 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))~~ must be submitted pursuant to this section.

(a) **Sources subject to SWCAA 400-072.** A "new source" may choose to comply with the requirements of SWCAA 400-072 in lieu of this section if it meets 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 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) Natural gas or propane fired, rooftop air heating units operated for the purpose of comfort heating.
 - (E) Natural gas or propane fired heating units with individual rated heat inputs of less than 200,000 Btu per hour operated solely for the purpose of freeze protection.
 - ~~((F))~~ (F) Asphalt roofing and application equipment (not manufacturing or storage equipment),
 - ~~((G))~~ (G) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families,
 - ~~((H))~~ (H) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes,
 - ~~((I))~~ (I) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents at commercial laundromats,
 - ~~((J))~~ (J) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal

place of business,

~~((H))~~ (K) 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),

~~((H))~~ (L) Retail paint sales establishments (not including manufacturing),

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

~~((L))~~ (N) Sewing equipment,

~~((M))~~ (O) 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),

~~((N))~~ (P) 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)(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,

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

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

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

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

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

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

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

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

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

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

~~((Y))~~ (AA) 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,

~~((Z))~~ (AB) 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,

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

~~((AB))~~ (AD) Emergency service internal combustion engines located at a facility where the ~~((aggregate))~~ combined power rating of all internal combustion engines is less than 200 horsepower. In determining the ~~((aggregate))~~ combined power rating of a facility, individual units with a rating of less than 50 horsepower ~~((shall not be))~~ are not 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))~~ **must** 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))~~ **must** 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))~~ **must** be complied with for each air discharge permit application. Air discharge permit applications for actions that are subject to SEPA review ~~((shall))~~ **must** 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))~~ **will** 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))~~ **will** 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))~~ **must** 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 21-17-054 filed 8/10/21, effective 9/10/21)

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))~~ **will** be reviewed and approved in accordance with the requirements of this section.
 - (b) Review of a modification ~~((shall be))~~ **is** 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))~~ must 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))~~ must 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 and applicable fees, the Agency ~~((shall))~~ will 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 70A.15.2210.

- (a) Each application ~~((shall))~~ must 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))~~ must 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))~~ must 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))~~ must 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))~~ must be submitted with each application, as provided in WAC 197-11. If a proposed action is exempt from SEPA, sufficient documentation ~~((shall))~~ must 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))~~ must be met, and an air discharge permit ~~((shall))~~ must be issued by the Agency, prior to construction of any "new source," new "emission unit", or modification.

- (b) All review requirements ~~((shall))~~ must be met, and an air discharge permit ~~((shall))~~ must 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))~~ must 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))~~ must 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))~~ must 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 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 70A.15.2260 and the application required by this section. An application designated for integrated review ~~((shall))~~ must 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))~~ must 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))~~ **must** 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.
 - (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))~~ **must** 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))~~ **must** 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))~~ **may** 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))~~ **may** 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))~~ **must** 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))~~ **will** 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))~~ will be considered a violation of this section.

- (8) **Expiration.** Approval to construct or modify a "stationary source" ~~((shall))~~ will 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 start of construction period upon a satisfactory demonstration that an extension is justified. To obtain an extension, the permittee must submit a ~~((complete application))~~ written request as described in SWCAA 400-109(2)~~((f))~~(g). The Agency will review all submitted information, and then approve or deny the extension in writing. If the original permit action required a public comment period pursuant to SWCAA 400-171, the Agency ~~((shall))~~ will 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))~~ must 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.
- (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))~~ must be considered when determining which new source review approvals are required.
- (e) A request to change approval/permit conditions ~~((shall))~~ must be filed as an air discharge permit application in accordance with SWCAA 400-109. The application ~~((shall))~~ must 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~~) will apply to these requests.

(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:
 - (i) The order or permit contains a material mistake. Typographical errors are presumed to constitute a material mistake.
 - (ii) Inaccurate statements were made in establishing the emission standards and/or conditions of the order or permit.
 - (iii) The permit does not meet minimum federal standards.
- (b) The Agency (~~shall~~) must 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.

AMENDATORY SECTION (Amending WSR 21-17-054 filed 8/10/21, effective 9/10/21)

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~~) means 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.)
 - (e) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
 - (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.)
 - (g) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
 - (h) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
 - (i) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)

- (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)
- (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)
- (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.)
- ~~((n)) Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.)~~
- ~~((o))~~ (n) Subpart MMMM Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
- ~~((p))~~ (o) Subpart TTTT Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.) – as it applies to non-Title V sources
- ~~((q))~~ (p) Subpart UUUUa Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700a et seq.) – as it applies to non-Title V sources

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

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques

- (1) **Vertical Dispersion Requirement.** Effective December 14, 2006, all new exhaust stacks ~~((shall))~~ **must** be configured to discharge vertically to the ambient atmosphere. Stack devices, such as rain caps, that obstruct or prevent vertical discharge are prohibited. Where possible, exhaust stacks ~~((shall))~~ **must** discharge at a point higher than surrounding buildings and/or terrain. Alternate exhaust stack configurations may be approved by SWCAA on a case-by-case basis provided the owner/operator demonstrates that the alternate configuration will not cause or contribute to a violation of increment or a NAAQS.

The following source categories are not subject to the provisions of this section:

- (a) Combustion units used for space heating provided the units are fired on natural gas, propane, or ultra low sulfur diesel (≤ 15 ppmw S content) and have an individual heat input rating of 2.0 MMBtu/hr or less.
- (2) **Creditable Stack Height and Dispersion Techniques - Applicability.** The provisions of subsections (3) and (4) of this section are applicable to all sources except:
 - (a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

- (b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;
- (c) Flares;
- (d) Open or outdoor burning for agricultural or silvicultural purposes as covered under an applicable Smoke Management Plan;
- (e) Residential wood combustion and open or outdoor burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

- (3) **Creditable Stack Height and Dispersion Techniques - Prohibitions.** No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

- (a) Excess stack height. Excess stack height is that portion of a stack that exceeds the greater of:
 - (i) Sixty-five meters (213.25 feet), measured from the ground level elevation at the base of the stack; or
 - (ii) $H_g = H + 1.5L$ where:
 - H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,
 - H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,
 - L = lesser dimension, height or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

- (b) Dispersion techniques. **Dispersion techniques include increasing** final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:
 - (i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;
 - (ii) The merging of gas streams where:
 - (A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).
 - (B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion **((shall)) applies** only to the emission limitation for the pollutant affected by such change in operation.
 - (C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

- (4) **Creditable Stack Height - Exception.** The Agency may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to

that established by the GEP formula. A fluid model or field study ~~((shall))~~ **must** be performed according to the procedures described in the *EPA Guideline for Determination of Good Engineering Practice Height* (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study ~~((shall))~~ **must** ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

- (a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.
- (b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-720 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect that contributes to excursion over a PSD increment. The emission rate used in this demonstration ~~((shall))~~ **must** be the emission rate specified in the State Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

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

SWCAA 400-290 Severability

The provisions of this regulation are severable. If any provision ~~((, meaning phrase, clause, subsection or section, or its application to any person or circumstance))~~ of SWCAA 400 is held to be invalid by any court of competent jurisdiction, ~~((the application of such provision to other circumstances and))~~ the remainder of the regulation ~~((to other persons or circumstances))~~ will not be affected.

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 (ref. 40 CFR 60.40 et seq.)
Subpart Da	Electric Utility Steam Generating Units (ref. 40 CFR 60.40a et seq.)
Subpart Db	Industrial-Commercial-Institutional Steam Generating Units (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 (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 Modification 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 (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 for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, (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) for Which Construction, Reconstruction, or Modification Commenced 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	Secondary Brass and Bronze Production Plants (ref. 40 CFR 60.130 et seq.)
Subpart N	Primary Emissions From Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 (ref. 40 CFR 60.140 et seq.)

Subpart Na	Secondary Emissions From Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 (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 and Processing Plants (ref. 40 CFR 60.250 et seq.)
Subpart Z	Ferrous Alloy Production Facilities (ref. 40 CFR 60.260 et seq.)
Subpart AA	Steel Plants: Electric Arc Furnaces Constructed After October 21, 1974, and on or Before August 17, 1983 (ref. 40 CFR 60.270 et seq.)
Subpart AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983 (ref. 40 CFR 60.270a et seq.)
Subpart BB	Kraft Pulp Mills (ref. 40 CFR 60.280 et seq.)
Subpart BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013 (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	Surface Coating of 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 Manufacturing 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	Graphic Arts Industry: 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	Metal Coil Surface Coating (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 Industry (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 for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 (ref. 40 CFR 60.630 et seq.)
Subpart LLL	SO ₂ Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 (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 Systems (ref. 40 CFR 60.690 et seq.)
Subpart RRR	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry 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 that Commenced Construction, Reconstruction or Modification on or After May 30, 1991, but Before July 18, 2014 (ref. 40 CFR 60.750 et seq.) <i>(See SWCAA 400-070(8) for rules regulating MSW landfills constructed or modified before May 30, 1991)</i>
Subpart XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014 (ref. 40 CFR 60.760 et seq.)
Subpart AAAA	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999, or for Which Modification or Reconstruction is Commenced After June 6, 2001 (ref. 40 CFR 60.1000 et seq.) <i>(See SWCAA 400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999)</i>
Subpart CCCC	Commercial and Industrial Solid Waste Incineration Units (ref. 40 CFR 60.2000 et seq.) <i>(See SWCAA 400-050(4) for Rules Regulating Commercial and Industrial 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	Stationary Spark Ignition Internal Combustion Engines (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	New Sewage Sludge Incineration Units (ref. 40 CFR 60.4760 et seq.)
Subpart OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 (ref. 40 CFR 60.5360 et seq.)
Subpart OOOOa	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015 (ref. 40 CFR 60.5360a et seq.)
Subpart QQQQ	New Residential Hydronic Heaters and Forced-air Furnaces (ref. 40 CFR 60.5472 et seq.)
<u>Subpart TTTT</u>	<u>Greenhouse Gas Emissions for Electric Generating Units</u> <u>(ref. 40 CFR 60.5508 et seq.)</u> <i>Title V Sources Only</i>
<u>Subpart UUUUa</u>	<u>Greenhouse Gas Emissions From Existing Electric Utility Generating Units</u> <u>(ref. 40 CFR 60.5700a et seq.)</u> <i>Title V Sources Only</i>
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 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 J	Equipment Leaks (Fugitive Emission Sources) of Benzene (ref. 40 CFR 61.110 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 V	Equipment Leaks (Fugitive Emission Sources) (ref. 40 CFR 61.240 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 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 Dry Cleaning Facilities (ref. 40 CFR 63.320 et seq.) <i>Title V Sources Only</i>
Subpart N	Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (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.)
Subpart KK	Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)
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.)
Subpart OO	Tanks – Level 1 (ref. 40 CFR 63.900 et seq.)
Subpart PP	Containers (ref. 40 CFR 63.920 et seq.)
Subpart QQ	Surface Impoundments (ref. 40 CFR 63.940 et seq.)
Subpart RR	Individual Drain Systems (ref. 40 CFR 63.960 et seq.)
Subpart SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (ref. 40 CFR 63.980 et seq.)
Subpart TT	Equipment Leaks – Control Level 1 (ref. 40 CFR 63.1000 et seq.)
Subpart UU	Equipment Leaks – Control Level 2 (ref. 40 CFR 63.1019 et seq.)
Subpart VV	Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)
Subpart WW	Storage Vessels (Tanks) – Control Level 2 (ref. 40 CFR 63.1060 et seq.)
Subpart XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (ref. 40 CFR 63.1080 et seq.)
Subpart YY	Generic Maximum Achievable Control Technology Standards (ref. 40 CFR 63.1100 et seq.)
Subpart CCC	Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants (ref. 40 CFR 63.1155 et seq.)
Subpart DDD	Mineral Wool Production (ref. 40 CFR 63.1175 et seq.)
Subpart EEE	Hazardous Waste Combustors (ref. 40 CFR 63.1200 et seq.)
Subpart GGG	Pharmaceuticals Production (ref. 40 CFR 63.1250 et seq.)

Subpart HHH	Natural Gas Transmission and Storage Facilities (ref. 40 CFR 63.1270 et seq.)
Subpart III	Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)
Subpart JJJ	Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)
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.)
Subpart OOO	Manufacture of Amino/Phenolic Resins (ref. 40 CFR 63.1400 et seq.)
Subpart PPP	Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)
Subpart QQQ	Primary Copper Smelting (ref. 40 CFR 63.1440 et seq.)
Subpart RRR	Secondary Aluminum Production (ref. 40 CFR 63.1500 et seq.)
Subpart TTT	Primary Lead Smelting (ref. 40 CFR 63.1541 et seq.)
Subpart UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (ref. 40 CFR 63.1560 et seq.)
Subpart VVV	Publicly Owned Treatment Works (ref. 40 CFR 63.1580 et seq.)
Subpart XXX	Ferrous Alloys Production: Ferromanganese and Silicomanganese (ref. 40 CFR 63.1650 et seq.)
Subpart AAAA	Municipal Solid Waste Landfills (ref. 40 CFR 63.1930 et seq.)
Subpart CCCC	Manufacturing of Nutritional Yeast (ref. 40 CFR 63.2130 et seq.)
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.)
Subpart FFFF	Miscellaneous Organic Chemical Manufacturing (ref. 40 CFR 63.2430 et seq.)
Subpart GGGG	Solvent Extraction for Vegetable Oil Production (ref. 40 CFR 63.2830 et seq.)
Subpart HHHH	Wet-Formed Fiberglass Mat Production (ref. 40 CFR 63.2980 et seq.)
Subpart IIII	Surface Coating of Automobiles and Light-Duty Trucks (ref. 40 CFR 63.3080 et seq.)
Subpart JJJJ	Paper and Other Web Coating (ref. 40 CFR 63.3280 et seq.)
Subpart KKKK	Surface Coating of Metal Cans (ref. 40 CFR 63.3480 et seq.)
Subpart MMMM	Surface Coating of Miscellaneous Metal Parts and Products (ref. 40 CFR 63.3880 et seq.)
Subpart NNNN	Surface Coating of Large Appliances (ref. 40 CFR 63.4080 et seq.)
Subpart OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles (ref. 40 CFR 63.4280 et seq.)
Subpart PPPP	Surface Coating of Plastic Parts and Products (ref. 40 CFR 63.4480 et seq.)
Subpart QQQQ	Surface Coating of Wood Building Products (ref. 40 CFR 63.4680 et seq.)
Subpart RRRR	Surface Coating of Metal Furniture (ref. 40 CFR 63.4880 et seq.)
Subpart SSSS	Surface Coating of Metal Coil (ref. 40 CFR 63.5080 et seq.)
Subpart TTTT	Leather Finishing Operations (ref. 40 CFR 63.5280 et seq.)
Subpart UUUU	Cellulose Products Manufacturing (ref. 40 CFR 63.5480 et seq.)
Subpart VVVV	Boat Manufacturing (ref. 40 CFR 63.5680 et seq.)
Subpart WWWW	Reinforced Plastic Composites Production (ref. 40 CFR 63.5780 et seq.)
Subpart XXXX	Rubber Tire Manufacturing (ref. 40 CFR 63.5980 et seq.)
Subpart YYYY	Stationary Combustion Turbines (ref. 40 CFR 63.6080 et seq.)

Subpart ZZZZ	Stationary Reciprocating Internal Combustion Engines (ref. 40 CFR 63.6580 et seq.)	<i>Title V Sources Only</i>
Subpart AAAAA	Lime Manufacturing Plants (ref. 40 CFR 63.7080 et seq.)	
Subpart BBBB	Semiconductor Manufacturing (ref. 40 CFR 63.7180 et seq.)	
Subpart CCCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks (ref. 40 CFR 63.7280 et seq.)	
Subpart DDDDD	Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (ref. 40 CFR 63.7480 et seq.)	
Subpart EEEEE	Iron and Steel Foundries (ref. 40 CFR 63.7680 et seq.)	
Subpart FFFFF	Integrated Iron and Steel Manufacturing Facilities (ref. 40 CFR 63.7780 et seq.)	
Subpart GGGGG	Site Remediation (ref. 40 CFR 63.7880 et seq.)	
Subpart HHHHH	Miscellaneous Coating Manufacturing (ref. 40 CFR 63.7980 et seq.)	
Subpart IIII	Mercury Emissions from Mercury Cell Chlor-Alkali Plants (ref. 40 CFR 63.8180 et seq.)	
Subpart JJJJ	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.)	
Subpart MMMMM	Flexible Polyurethane Foam Fabrication Operations (ref. 40 CFR 63.8780 et seq.)	
Subpart NNNNN	Hydrochloric Acid Production (ref. 40 CFR 63.8980 et seq.)	
Subpart PPPPP	Engine Test Cells/Standards (ref. 40 CFR 63.9280 et seq.)	
Subpart QQQQQ	Friction Materials Manufacturing Facilities (ref. 40 CFR 63.9480 et seq.)	
Subpart RRRRR	Taconite Iron Ore Processing (ref. 40 CFR 63.9580 et seq.)	
Subpart SSSSS	Refractory Products Manufacturing (ref. 40 CFR 63.9780 et seq.)	
Subpart TTTTT	Primary Magnesium Refining (ref. 40 CFR 63.9880 et seq.)	
Subpart UUUUU	Coal and Oil Fired Electric Utility Steam Generating Units (ref. 40 CFR 63.9980 et seq.)	
Subpart WWWW	Hospital Ethylene Oxide Sterilizers (ref. 40 CFR 63.10382 et seq.)	
Subpart YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities (ref. 40 CFR 63.10680 et seq.)	
Subpart ZZZZZ	Iron and Steel Foundries Area Sources (ref. 40 CFR 63.10880 et seq.)	
Subpart BBBB	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 JJJJ	Industrial, Commercial, and Institutional Boilers Area Sources (ref. 40 CFR 63.11193 et seq.)	<i>Title V Sources Only</i>

Subpart LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources (ref. 40 CFR 63.11393 et seq.)
Subpart MMMMMM	Carbon Black Production Area Sources (ref. 40 CFR 63.11400 et seq.)
Subpart NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds (ref. 40 CFR 63.11407 et seq.)
Subpart OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources (ref. 40 CFR 63.11414 et seq.)
Subpart PPPPPP	Lead Acid Battery Manufacturing Area Sources (ref. 40 CFR 63.11421 et seq.)
Subpart QQQQQQ	Wood Preserving Area Sources (ref. 40 CFR 63.11428 et seq.)
Subpart RRRRRR	Clay Ceramics Manufacturing Area Sources (ref. 40 CFR 63.11435 et seq.)
Subpart SSSSSS	Glass Manufacturing Area Sources (ref. 40 CFR 63.11448 et seq.)
Subpart TTTTTT	Secondary Nonferrous Metals Processing Area Sources (ref. 40 CFR 63.11462 et seq.)
Subpart VVVVVV	Chemical Manufacturing Area Sources (ref. 40 CFR 63.11494 et seq.)
Subpart WWWWWW	Area Source Standards for Plating and Polishing Operations (ref. 40 CFR 63.11504 et seq.)
Subpart XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories (ref. 40 CFR 63.11514 et seq.) <i>Title V Sources Only</i>
Subpart YYYYYY	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 AAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.11559 et seq.)
Subpart BBBBBB	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 DDDDDD	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)

**SOUTHWEST CLEAN AIR AGENCY
PUBLIC HEARING – NOVEMBER 30, 2022
END OF COMMENT PERIOD – NOVEMBER 30, 2022
for
PROPOSED AMENDMENTS TO SWCAA 400 CONCERNING
GENERAL REGULATIONS FOR AIR POLLUTION SOURCES**

**HEARINGS OFFICER REPORT/
RESPONSE TO COMMENTS**

The Southwest Clean Air Agency (SWCAA) sought comment on proposed rule changes that will update definitions, update incorporation by reference of federal regulations, revise explanations of application and registration fees, move NSR applicability citations for coffee roasters, add minor registration and permitting exemptions, clarify source description in selected sections, revise emission test report requirements, revise permit application completeness criteria, revise NSPS adoptions, revise severability language, and make minor administrative edits. The text of the proposed rule changes was available for review and comment at <https://www.swcleanair.gov/regs/proposedrules.asp?nav=regs>. Notice was sent to all registered sources and interested parties via email and/or postcard.

SWCAA held an online public hearing regarding these proposals on November 30, 2022 at 6 pm. The Hearings Officer was Uri Papish, Executive Director. The hearing was opened promptly at 6:00 pm and closed at 6:30 pm. The hearing was attended by Wess Safford, Air Quality Engineer. No one from the public attended the hearing.

The comment period for this rulemaking action was from September 20, 2022 to November 30, 2022. Comments received during the comment period will be presented to SWCAA's Board of Directors before a final decision is made. The proposed revisions to the General Regulations for Air Pollution Sources will be considered for adoption at a hearing on January 5, 2022 at SWCAA's August Board of Director's meeting. The Board of Director's meeting will be held at SWCAA's business office at 3:00 p.m.

Summary:

- No one from the public attended the public hearing.
- No written comments were received during the comment period.