

SWCAA 400-036 Portable Sources From Other Washington Jurisdictions

- (1) **Applicability.** Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction without filing an air discharge permit application pursuant to SWCAA 400-109 or obtaining an air discharge permit pursuant to SWCAA 400-110 provided the requirements of this section are met. If the owner or operator of such a portable source does not wish to utilize the provisions of this section, an air discharge permit application must be filed for the portable source pursuant to SWCAA 400-109. Portable sources that have a valid air discharge permit issued by SWCAA must operate in accordance with the SWCAA permit, and may not use the provisions of this section. This section does not apply to nonroad engines of any type.
- (2) **Nonattainment areas.** If a portable source is locating in a nonattainment area and emits the pollutant(s) or pollutant precursors for which the area is classified as nonattainment, the source must acquire a site-specific air discharge permit from SWCAA.
- (3) **Major Stationary Source.** If a portable source is a major stationary source then the source must also comply with applicable requirements from WAC 173-400-700 through 173-400-750.
- (4) **General Requirements.** Portable sources must comply with the requirements listed below in order to gain coverage under this section.
 - (a) The portable source must possess a valid approval issued by a Washington air pollution control authority after July 1, 2010. The approval must identify the affected emission units as a portable source.
 - (b) Approval for the portable source must contain emission limitations and operational requirements that are consistent with BACT as determined by SWCAA for similar sources.
 - (c) The owner/operator of the portable source must pay a review fee (~~(of \$500)~~) as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.
 - (d) The owner/operator must obtain written confirmation from SWCAA that the portable source complies with the provisions of this section prior to commencing operation within SWCAA jurisdiction.
 - (e) The owner/operator of the portable source must submit a relocation notice and a copy of the applicable order of approval or air discharge permit to SWCAA at least 15 calendar days prior to commencing operation within SWCAA jurisdiction. An additional relocation notice shall be submitted for each subsequent location at which the source operates.
 - (f) The owner/operator shall register the portable source with SWCAA, and pay a registration fee (~~(of \$90 per emission unit)~~) as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 prior to commencement of operation. For the purposes of this registration, the term emission unit means each rock crusher and aggregate screen and associated haul roads. Registration expires at the end of the Agency's fiscal year. If a permitted unit is still operating after its registration expires, it shall be reregistered including payment of the annual registration fee.

- (g) The owner/operator must submit an emission inventory report to SWCAA as described in SWCCA 400-105(1). The inventory report must contain information sufficient to enable calculation of air emissions from operation of the portable source within SWCAA jurisdiction. If the portable source operated at multiple locations, the inventory report must identify emissions specific to each location.
- (5) **Enforcement of approval conditions.** SWCAA will enforce all terms and conditions contained in the portable source's order of approval or air discharge permit, regardless of which permitting authority approved the portable source.
- (6) **Modification of approval conditions.** Terms and conditions contained in the portable source's order of approval or air discharge permit may only be modified by obtaining a new air discharge permit from SWCAA.

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

SWCAA 400-045 Permit Application for Nonroad Engines

- (1) **Purpose.** A nonroad engine permit application is the document used by the Agency to record and track requests to approve the installation, replacement, or other alteration of a nonroad engine.
- (2) **Applicability.** The requirements of this section apply to all nonroad engines as defined in SWCAA 400-030 except for the following:
 - (a) Engines put into service prior to November 9, 2003;
 - (b) Nonroad engine installations with an aggregate power rating less than 500 horsepower;
 - (c) Individual nonroad engines with a power rating less than 50 horsepower;
 - (d) Small/residential water well drilling rigs;
 - (e) Portable firefighting equipment;
 - (f) Mobile cranes and pile drivers;
 - (g) Engines used for emergency flood control;
 - (h) Engines used to power carnival or amusement rides;
 - (i) Engines used to power portable equipment (sign boards, lights, compressors, etc.) operating in support of short term construction or maintenance projects (< 1 year in duration);
 - (j) Engines used to replace utility power or utility powered equipment on a temporary basis (< 30 days in duration) provided that such engines are EPA Tier certified and use fuel with a maximum sulfur content of 0.0015% by weight;
 - (k) Engines used in, or on, a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (e.g., mobile cranes, bulldozers, forklifts, etc.); or
 - (l) Engines integral to a stationary source (e.g., portable power units dedicated to supporting sources such as rock crushers, asphalt plants, rock screens, etc.). These engines are subject to permitting under SWCAA 400-109.
- (3) **Application Submittal.** The owner or operator shall submit a complete nonroad engine permit application for each new installation, replacement, or other alteration of a nonroad engine.

- (4) **Application Fees.** A filing fee ((of \$500)) plus a review fee, as ((shown in Table A)) provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098, shall be submitted with the application prior to Agency review. ((If additional types of review, as identified in Table B, are required by the Agency as a result of the proposed installation, replacement or alteration, an additional review fee shall be paid as described in Table B. (Total Application Fee = Filing Fee + Application Review Fee [Table A] + Additional Review Fee [Table B])))).

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.

~~((TABLE A
Nonroad Engine Permit Application Review Fees~~

Equipment/Activity	Associated Work Hours*	Review Fee
i. Nonroad Engine (Aggregate horsepower rating):		
500 or more but less than 2,000	14	1,000.00
2,000 or more but less than 5,000	21	1,500.00
5,000 or more but less than 10,000	42	3,000.00
10,000 or more	85	6,000.00
ii. Minor Change to Existing Permit Conditions:	8	\$ 600.00
iii. Other (Not classified above):	\$200.00 per ton of emission	
iv. Emergency Applications	Double the normal application and review fee	

~~TABLE B
Additional Review Fees~~

Equipment/Activity	Associated Work Hours*	Review Fee
v. State Environmental Policy Act (SEPA) – Lead Agency		
Minor	14	\$1,000.00
Major	35	2,500.00

vi.	Environmental Impact Statement (EIS) Review		
	Minor	11	\$ 800.00
	Major	28	2,000.00
vii.	Variance request	11	\$ 800.00
viii.	Review of ambient impact analysis		\$ 70.00/hr

~~* If the staff time required to review a permit application exceeds the number of work hours associated with the applicable fee specified in Tables A and B, the applicant will be invoiced for each additional work hour at the rate of \$70.00 per hour.)~~

- (5) **Agency actions.** Each acceptable and complete nonroad engine permit application shall result in the issuance of a nonroad engine permit or other regulatory order by the Agency in accordance with SWCAA 400-046. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each application.
- (6) **Withdrawn or exempt applications.**
- (a) An applicant may withdraw an application at any time prior to issuance of a final nonroad engine permit. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application and certification that the proposed equipment or alteration will not be installed or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.
 - (b) After review by the Agency, an application may be determined to be exempt from the requirements of SWCAA 400-046 and 400-100. The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exemption status shall not take effect until confirmed in writing.
 - (c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

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

SWCAA 400-046 Application Review Process for Nonroad Engines

- (1) **Applicability.**
- (a) All nonroad engine permit applications submitted to the Agency pursuant to SWCAA 400-045 shall be reviewed and processed as described in this section.
 - (b) Review of a permit application shall be limited to the nonroad engine proposed to be installed, replaced or altered and the air contaminants whose emissions would increase as a result.
 - (c) The requirements of this section do not apply to "stationary sources" as defined in SWCAA 400-030(115). Permit applications for "stationary sources" are reviewed and processed in accordance with SWCAA 400-110.

- (2) **Requirements.**
- (a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.
 - (b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.
 - (c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable ambient air quality standards. Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A. If the ambient impact of a proposed project could potentially exceed an applicable ambient air standard, the Agency may require that the applicant demonstrate compliance with available ambient air increments and applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2015). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.
- (3) **Application processing / completeness determination.** Within 30 calendar days of receipt of a nonroad engine permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.
- (4) **Final determination.**
- (a) Within 60 calendar days of receipt of a complete nonroad engine permit application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. An owner or operator seeking approval of a project involving applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.
 - (b) Nonroad engine permits issued under this section shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.
 - (c) Nonroad engine permits issued under this section become effective on the date of issuance unless otherwise specified.
- (5) **Appeals.** A nonroad engine permit, any conditions contained in a nonroad engine permit, the denial of a nonroad engine permit application, or any other regulatory order issued pursuant to this section, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each nonroad engine permit or order to the applicant and any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.
- (6) **Compliance.** Noncompliance with any term or condition identified in a nonroad engine permit issued pursuant to this section shall be considered a violation of this section.
- (7) **Expiration.** Nonroad engine permits issued pursuant to this section shall become invalid if installation or alteration does not occur within eighteen months after the date of issuance of a permit or if installation or alteration is discontinued for a period of eighteen months or

more. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. The Agency may specify an earlier date for installation or alteration in a nonroad engine permit.

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

(8) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an existing nonroad engine permit. The request may be approved provided the Agency finds that:

- (i) No ambient air quality standard will be exceeded as a result of the change;
- (ii) The change will not adversely impact the ability of the Agency to determine compliance with an applicable permit term or condition; and
- (iii) The revised permit meets the requirements of SWCAA 400-046.

(b) A request to change existing approval conditions shall be filed as a nonroad engine permit application. The application shall demonstrate compliance with the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The ~~((fee schedule found in SWCAA 400-045(3)))~~ current Consolidated Fee Schedule established in accordance with SWCAA 400-098 shall apply to these requests.

(c) Actions taken under this subsection may be subject to the public involvement provisions of SWCAA 400-171.

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

((Engine Rating (per unit)))	<u>Registration Fee</u>
500 horsepower or less	\$250
More than 500 horsepower	\$350

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

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. Emission units subject to the provisions of this section may be incorporated into a facility's Air Discharge Permit during subsequent permitting actions.

The provisions of this section do not apply to emission units that are part of a major stationary source or major modification.

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

(1) **Exceptions.**

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

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

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

- (a) Location of installation and/or operation;
- (b) Identification of responsible party (owner or operator);
- (c) Applicable processing fee;
- (d) Purpose of installation and/or operation (e.g., replace an existing unit, expansion of facility, new facility, etc.). If intended as a replacement for an existing unit, the existing unit must be clearly identified in the notification to allow SWCAA to make necessary changes in the registration program;
- (e) Equipment specifications (equipment type, make, model number, serial number, year of manufacture, rated capacity, exhaust stack configuration, fuel type, etc.);
- (f) Control equipment specifications;
- (g) Vendor performance guarantees; and
- (h) Operational information (hours of operation, maximum product throughput, fuel type, fuel consumption, etc.).

- (3) **Processing fee.** Each notification shall be accompanied by the payment of a processing fee ~~((of \$250.00))~~ as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 for each piece of equipment subject to notification.
- (4) **Effective date.** Emission units subject to the provisions of this section shall not be installed or operated until the Agency provides written confirmation that the affected emission units are capable of complying with applicable requirements.
- (5) **Source categories.**
- (a) **Coffee roasters.**
- (i) **Applicability.** The provisions of this section apply to batch configuration coffee roasters with a capacity of less than 100 pounds of green coffee beans per batch.
- (ii) **Emission limits and standards.**
- (A) Visible emissions from the coffee roaster exhaust stack shall not exceed five percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).
- (B) Operations that cause or contribute to odors that could unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce those odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).
- (iii) **General requirements.**
- (A) Each coffee roaster shall be equipped with an afterburner designed for a minimum residence time of 0.5 seconds, and capable of maintaining an operating temperature of not less than 1,200°F.
- (B) Each coffee roaster shall have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.
- (C) Each coffee roaster shall be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.
- (D) Afterburners shall be operated whenever the associated coffee roaster is in operation. The afterburner shall be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner shall be operated in a manner that minimizes emissions.
- (E) The exhaust point for each coffee roaster shall be a minimum of 200 feet from the nearest residential structure.
- (F) Each coffee roaster and afterburner shall only be fired on natural gas or propane.
- (G) Afterburner exhaust shall be discharged vertically at least four feet above the roof peak of the building containing the afterburner, and at a point higher than surrounding buildings. Any device that obstructs or prevents vertical discharge is prohibited.
- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

- (A) Afterburner operating temperature shall be recorded weekly;
 - (B) Quantity of coffee roasted shall be recorded weekly;
 - (C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
 - (D) All air quality related complaints, including odor complaints, received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** None.
 - (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints, including odor complaints, received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.
 - (C) The owner or operator of an affected coffee roaster shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity of natural gas consumed by the roaster and afterburner;
 - (II) Quantity of coffee roasted; and
 - (III) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).
- (b) **Small gas fired boilers/heaters.**
 - (i) **Applicability.** The provisions of this section apply to gas fired (natural gas/propane/LPG) boilers and heaters with individual rated heat inputs equal to or greater than 0.4 MMBtu/hr and equal to or less than 2.0 MMBtu/hr. For the purposes of this subsection, the term "boiler" means any combustion equipment designed to produce steam or to heat water that is not used exclusively to produce electricity for sale.
 - (ii) **Emission limits and standards.**
 - (A) Visible emissions from the boiler exhaust stack shall not exceed zero percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9. (SWCAA 400, Appendix A).
 - (B) Each boiler/heater shall be equipped with combustion technology capable of maintaining NO_x and CO emissions at, or below, 30 ppmv and 50 ppmv, respectively (corrected to 3% O₂, dry, 1-hr avg). EPA test methods from 40 CFR 60, as in effect on July 1, 2015, shall be used to determine compliance.
 - (iii) **General requirements.**
 - (A) Each boiler/heater shall only be fired on natural gas, propane, or LPG.
 - (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily

accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

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

(v) **Testing requirements.**

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

(vi) **Reporting requirements.**

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

- (c) **Emergency service internal combustion engines.**
- (i) **Applicability.** The provisions of this section apply to emergency service internal combustion engines with a rating of 50 or more, but less than 1,000 horsepower (e.g., emergency generators, fire pumps, sewer lift stations, etc.).
 - (ii) **Emission limits and standards.**
 - (A) Visible emissions from diesel fired engine exhaust stacks shall not exceed ten percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (See SWCAA 400, Appendix A). This limitation shall not apply during periods of cold start-up.
 - (iii) **General requirements.**
 - (A) Liquid fueled engines shall only be fired on #2 diesel or biodiesel. Fuel sulfur content of liquid fuels shall not exceed 0.0015% by weight (15 ppmw). A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement.
 - (B) Gaseous fueled engines shall only be fired on natural gas or propane.
 - (C) Each compression ignition engine shall be EPA Tier certified and manufactured no earlier than January 1, 2008.
 - (D) Engine operation shall be limited to maintenance checks, readiness testing, and actual emergency use.
 - (E) Engine operation for maintenance checks and readiness testing shall not exceed 100 hours per year. Actual emergency use is unrestricted.
 - (F) Each engine shall be equipped with a nonresettable hourmeter for the purpose of documenting hours of operation.
 - (G) Engine exhaust shall be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.
 - (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.
 - (A) Total hours of operation for each engine shall be recorded annually;
 - (B) Hours of emergency use for each engine shall be recorded annually;
 - (C) Fuel sulfur certifications shall be recorded for each shipment of liquid fuel;
 - (D) Maintenance activities shall be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;
 - (E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
 - (F) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
 - (v) **Testing requirements.** None.

- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within three calendar days of receipt.
 - (C) The owner or operator of an affected emergency engine shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Hours of engine operation; and
 - (II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(d) **Petroleum dry cleaners.**

- (i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use petroleum solvent and have a total manufacturer's rated dryer capacity less than 38 kilograms (84 pounds). The total manufacturers' rated dryer capacity is the sum of the manufacturers' rated dryer capacity for each existing and proposed petroleum solvent dryer at the facility.
- (ii) **Emission limits and standards.**
 - (A) VOC emissions from each dry cleaning facility shall not exceed 1.0 ton per year. Emissions shall be calculated using a mass balance approach assuming that all cleaning fluid utilized at the facility is emitted to the ambient air. Documented quantities of cleaning fluid shipped offsite as waste may be deducted from the calculated emissions.
 - (B) Operations which cause or contribute to odors that unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce these odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).
- (iii) **General requirements.**
 - (A) Each dry cleaning facility shall be operated in a business space zoned for commercial activity, located a minimum of 200 feet from the nearest residential structure.
 - (B) Dry cleaning machines shall use DF-2000 cleaning fluid or an equivalent solvent.
 - (C) Solvent or waste containing solvent shall be stored in closed solvent tanks or containers with no perceptible leaks.
 - (D) All cartridge filters shall be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.
 - (E) Perceptible leaks shall be repaired within twenty-four hours unless repair parts must be ordered. If parts must be ordered to repair a leak, the parts shall be ordered within 2 business days of detecting the leak and repair parts shall be installed within 5 business days after receipt.

- (F) Pollution control devices associated with each piece of dry cleaning equipment shall be operated whenever the equipment served by that control device is in operation. Control devices shall be operated and maintained in accordance with the manufacturer's specifications.
- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.
 - (A) Each dry cleaning machine shall be visually inspected at least once per week for perceptible leaks. The results of each inspection shall be recorded in an inspection log and maintained on-site. The inspection shall include, but not be limited to the following:
 - (I) Hose connections, unions, couplings and valves;
 - (II) Machine door gaskets and seating;
 - (III) Filter gaskets and seating;
 - (IV) Pumps;
 - (V) Solvent tanks and containers;
 - (VI) Water separators;
 - (VII) Distillation units;
 - (VIII) Diverter valves; and
 - (IX) Filter housings.
 - (B) The amount of cleaning fluid (e.g., DF-2000) purchased, used, and disposed of shall be recorded monthly.
 - (C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
 - (D) All air quality related complaints, including odor complaints, received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** None.
- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints, including odor complaints, received by the permittee shall be reported to SWCAA within 3 calendar days of receipt.
 - (C) The owner or operator of an affected petroleum dry cleaner shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity of cleaning fluid (e.g., DF-2000) consumed; and
 - (II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(e) **Rock crushers and aggregate screens.**

- (i) **Applicability.** The provisions of this section apply to individual rock crushers and aggregate screens proposed for installation at existing rock crushing operations subject to facilitywide emission limits established by SWCAA. The affected rock crushing operation, including the new rock crusher and/or aggregate screen, must continue to comply with existing emission and/or process limits subsequent to installation.

The provisions of this section do not apply to internal combustion engines associated with proposed rock crushers or aggregate screens. Such engines are subject to the requirements of SWCAA 400-045 or 400-109, as applicable.

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

- (A) Visible emissions from rock crushing operations shall not exceed 0% opacity for more than three (3) minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).

(iii) **General requirements.**

- (A) Each rock crusher and aggregate screen shall be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system shall be maintained at 80 psig or greater. A functional pressure gauge shall be maintained onsite with a connection point provided for the purpose of demonstrating compliance with the minimum pressure requirement.
- (B) Spray/fog nozzles in the high pressure water spray system shall be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles shall be replaced or repaired prior to subsequent operation.
- (C) Material handling points including, but not limited to, conveyor transfer points, aggregate storage piles, and haul roads shall be watered at reasonable intervals as necessary to control fugitive dust emissions.
- (D) Additional wet suppression measures shall be employed, as necessary, to control fugitive dust from haul roads, rock crushing, and material handling equipment in the event that process changes or weather patterns result in insufficient water application to control fugitive dust from plant operations.
- (E) Each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" shall comply with the applicable requirements of that regulation.
- (F) For portable rock crushing operations, the owner or operator shall notify the Agency in advance of relocating approved equipment and shall submit operational information (such as production quantities, hours of operation, location of nearest neighbor, etc.) sufficient to

demonstrate that proposed operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards, and if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.
 - (A) Visual inspection of spray/fog nozzles shall be recorded weekly;
 - (B) Maintenance, repair, or replacement of affected equipment shall be recorded for each occurrence;
 - (C) Quantity and size of crushed/screened material shall be recorded monthly;
 - (D) Relocation of rock crushing equipment shall be recorded for each occurrence.
 - (E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
 - (F) All air quality related complaints received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** An initial emissions test shall be conducted for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" that has not previously been tested. Testing shall be conducted within 90 calendar days of commencing operation. All emission testing shall be conducted in accordance with the requirements of that regulation.
- (vi) **Reporting requirements.**
 - (A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
 - (B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.
 - (C) The owner or operator of an affected rock crusher or aggregate screen shall report the following information to the Agency no later than March 15th for the preceding calendar year:
 - (I) Quantity and size of crushed/screened material throughput;
 - (II) Air emissions of criteria air pollutants.
 - (D) Emission testing results for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO shall be reported to the Agency within 45 calendar days of test completion.

AMENDATORY SECTION (Amending WSR 09-21-056 filed 10/15/09, effective 11/15/09)

SWCAA 400-074 Gasoline Transport Tanker Registration

- (1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within SWCAA jurisdiction shall register the transport tank with SWCAA prior to being placed into service. Such registration shall be made annually with SWCAA as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.
- (2) Each registered gasoline transport tanker shall pay an annual registration fee as provided in the ~~((schedule provided in SWCAA 400-100(3)(a)))~~ current Consolidated Fee Schedule established in accordance with SWCAA 400-098. Each transport tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.
- (3) Prior to registration, SWCAA shall review the leak test certification documentation from the testing company required under SWCAA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, SWCAA shall issue a registration sticker that shall be applied to the tanker.
- (4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid SWCAA registration sticker is displayed on the tank(s) or remain with the tank.
- (5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within SWCAA jurisdiction shall notify SWCAA of a change in status of a tanker. Change in status shall include sale, operating only out of SWCAA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to SWCAA within 10 days of the change of status.

NEW SECTION

SWCAA 400-098 Procedure for Adoption and Revision of the Consolidated Fee Schedule

The Consolidated Fee Schedule must be adopted or changed by resolution of SWCAA's Board of Directors. A proposed resolution that adopts or changes the Consolidated Fee Schedule and the Consolidated Fee Schedule described in this section shall be posted on the SWCAA website for not less than 30 days prior to the Board of Directors meeting at which the Board takes action on the resolution. In addition, notice of proposed fee schedule changes shall be provided by e-mail to any person requesting notice, not less than 30 days prior to the Board meeting at which such changes are considered provided sufficient advanced request for notice is made. It shall be the ongoing responsibility of a person requesting electronic notice of proposed fee schedule amendments to provide their current e-mail address to SWCAA; however, no person is required to request such notice. Each notice of a proposed fee schedule or proposed fee schedule change shall provide for a comment period on the proposal of not less than 30 days. Any such proposal shall be subject to public review and comment at the Board meeting where such changes are considered. No final decision on a proposed fee schedule or proposed fee schedule change shall

be taken until the public comment period has ended and any comments received during the public comment period have been considered.

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

SWCAA 400-099 Per Capita Fees

Each component city or town and county shall pay such proportion of the supplemental income to the Agency as determined by either one of two methods as provided under RCW 70.94.093. The first method is based on the assessed valuation of property within such city or town and county limits bears to the total assessed valuation of taxable property within the jurisdiction of SWCAA. The second method is based on the total population of such city or town and county bears to the total population of the jurisdiction of SWCAA. In addition, a combination of the two methods is allowable provided that such combination is shared at 50 percent each. The SWCAA Board of Directors has elected to use the second method based on population (per capita). The population shall be determined by the most recent State of Washington Office of Financial Management (OFM) population estimate. The "per capita" assessment (~~(has been)~~) is established (~~(at the following rates:~~

<u>Assessment Rate</u>	<u>Effective Date</u>
\$0.33 per citizen	January 1, 2008)

in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

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

SWCAA 400-100 Registration Requirements

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

- (1) **Applicability.** All "sources" or emission units shall be registered with the Agency in accordance with this section as set forth in RCW 70.94.151. 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.

Registration requirements are not applicable to the following:

- (a) Emission units or activities exempted under SWCAA 400-101; and
- (b) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.

Regardless of the exemptions provided above, gasoline stations with an annual throughput of 200,000 gallons or more (highest annual throughput in last 3 calendar years) and all dry cleaners with VOC or TAP emissions shall be registered.

(2) **General requirements.**

(a) The owner or operator of a "source" for which registration is required shall initially register affected emission units with the Agency. A unique identification number shall be assigned to each "source" and a separate registration fee shall be provided for each emission unit; provided that, an owner may request to register a process with a detailed inventory of air contaminant sources and emissions related to the process as a single unit. A registration fee shall not be collected for exempt emission units identified in SWCAA 400-101.

(b) The owner or operator of a registered "source" shall submit annual reports to the Agency. Each report shall contain information as may be required by the Agency concerning location, size and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission and such other information as is relevant to air pollution and available or reasonably capable of being assembled. Relevant information may include air pollution requirements established by rule, regulatory order, air discharge permit or ordinance pursuant to Chapter 70.94 RCW. The owner, operator, or their designated representative shall sign the annual report for each "source," and be responsible for the accuracy, completeness, and timely submittal of all required information.

(3) **Registration fees.** An annual registration fee shall be paid before the Agency may register any emission unit. Annual registration fees are based on the number of registered emission units and the quantity of "source" emissions during the previous calendar year. Collected registration fees are used by the Agency in the next fiscal year (July 1 through June 30). "Sources" or emission units that permanently shutdown prior to January 1 of the current registration period shall not be liable for registration fees. This provision does not apply to "temporary sources" or portable sources. Operation of equipment subject to registration without payment of applicable registration fees shall be considered a violation of this section. Annual registration fees shall be paid according to the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 (~~following schedule:~~

<u>Emission Unit Fee</u>	<u>Pollution Emission Fee</u>	<u>Effective Date</u>
\$90 per emission unit	\$45/ton of criteria pollutant or VOC emission	January 1, 2008
	\$25/ton of toxic air pollutant emission	

Exceptions:

(a) An annual registration fee (~~of \$50.00~~) shall be charged to each gasoline transport tank as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(b) The registration fee for a small operation may be waived or reduced provided sufficient demonstration of circumstances is presented, subject to the discretion of the Executive Director.

(c) "Stationary sources" subject to the Operating Permit Program, as defined in RCW 70.94.030(17), are not subject to Registration and shall pay an operating permit fee in accordance with SWCAA 400-103.

- (4) **Delinquent registration fees.** Annual registration fees that are unpaid after June 30 for the effective year shall be considered delinquent. Pursuant to RCW 70.94.431(7), "sources" with delinquent registration fees may be subject to a penalty equal to three times the amount of the original fee owed. If registration fees for an emission unit are delinquent for two consecutive years or more, the Agency may revoke the affected emission unit's air discharge permit or Order of Approval.
- (5) **Reporting requirements for transfer or permanent shutdown of registered emission units.**
- (a) The registered owner or operator shall report the transfer of ownership or permanent shutdown of registered emission units to the Agency within 90 calendar days of shutdown or transfer. The report shall contain the following information:
 - (i) Legal name of the registered owner or operator;
 - (ii) Effective date of the shutdown or transfer;
 - (iii) Comprehensive description of the affected emission units; and
 - (iv) Name and telephone number of the registered owner's or operator's authorized representative.
 - (b) Any party that assumes ownership and/or operational control of registered emission units shall file a written report with the Agency within 90 calendar days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:
 - (i) Legal name of the company or individual involved in the transfer;
 - (ii) Effective date of the transfer;
 - (iii) Description of the affected emission units; and
 - (iv) Name and telephone number of the owner's or operator's authorized representative.
 - (c) In the case of a permanent shutdown, affected process and air pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g.; disconnection of power to equipment, mechanical positioning that inhibits processing, placing of padlocks on equipment to prevent operation).
- (6) **Inspections.**
- (a) Periodic onsite inspections of emission units and "sources" shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a "source" as set forth in RCW 70.94.200.
 - (b) Agency personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.
 - (c) No person shall refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection.
 - (d) No person shall obstruct, hamper or interfere with any such inspection.

SWCAA 400-103 Operating Permit Fees

- (1) **Applicability.** The owner or operator of all "stationary sources" required to obtain an Operating Permit under 40 CFR Part 70, Chapter 173-401 WAC or RCW 70.94.161, shall pay an annual fee as specified in this section, or the equivalent over some other time period as approved by the Executive Director, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program.
- (2) **Fee applicable pollutants.** The following pollutants shall be considered fee applicable for the purposes of fee assessment.
 - (a) A volatile organic compound.
 - (b) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.
 - (c) Each pollutant for which a national primary ambient air quality standard (NAAQS) has been promulgated except that carbon monoxide shall be excluded from this reference. PM₁₀ emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the "stationary source." Emission test data is required to demonstrate the PM₁₀ portion of total particulate matter emissions.

Fugitive pollutant emissions shall be included in determining the fee assessment for a "stationary source." Emissions of each fee applicable pollutant emitted in excess of 7,500 tons from a "stationary source" shall be excluded from fee assessment.

- (3) **Program cost projections.** The Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWCAA 400-103(6), Ecology's development and oversight costs, as provided in RCW 70.94.162, and the program reserve fund shall be considered in the workload analysis. The Executive Director shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine Operating Permit Program fees.
- (4) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three-part fee assessment methodology as described in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 below:

~~(((a) Participation Fee. Fees sufficient to cover one third of the Board approved Operating Permit Program budget shall be assessed such that each "stationary source" shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:~~

~~PF = B ÷ 3 ÷ n, where;~~

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

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

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

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

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

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

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

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

(5) Accountability.

- (a) The sum of the fees assessed by the Agency to all "stationary sources" required to obtain Operating Permits within the Agency's jurisdiction shall not exceed the cost of developing and administering the program and maintaining a program reserve fund. All fees collected from permit program "stationary sources" as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program. The purpose of the program reserve fund is to ensure that permit program costs are not funded by fees from "stationary sources" not participating in the operating permit program. The value of monies held in the program reserve fund shall not exceed 15 percent of the average permit program budget over the most recent three-year period.
- (b) The Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual "stationary source's" fee.
- (c) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, including the program reserve fund, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

(6) Fee eligible activities.

- (a) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;
- (b) Inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;
- (c) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;
- (d) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;
- (e) Modeling necessary to establish permit limits or to determine compliance with permit limits;
- (f) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;
- (g) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a "stationary source" is complying with permit conditions;

- (h) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;
 - (i) The share attributable to permitted "stationary sources" for the development and maintenance of emissions inventories;
 - (j) The share attributable to permitted "stationary sources" of ambient air quality monitoring and associated recording and reporting activities;
 - (k) Training for permit administration and enforcement;
 - (l) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;
 - (m) Required fiscal audits, periodic performance audits and reporting activities;
 - (n) Tracking of time, revenues and expenditures and accounting activities;
 - (o) Administering the permit program including costs of clerical support, supervision and management;
 - (p) Provision of assistance to small business under jurisdiction of SWCAA as required under Section 507 of the Federal Clean Air Act; and
 - (q) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.
- (7) **Activities not eligible for fee.**
- (a) New Source Review activity that does not include processing or preparing an operating permit;
 - (b) Development of BACT, LAER, BART, or RACT requirements for criteria and toxic air pollutants; and
 - (c) Acting on an application for a PSD permit.
- (8) **Schedules of payment.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit "stationary source." An operating permit "stationary source" shall be allowed to pay its annual operating permit fees in one, two, or four installments. Each schedule of payment shall specify the terms and dates of payments.
- (9) **Late fee payments.** Delinquent fees are subject to a late fee equal to three times the operating permit fee as provided under RCW 70.94.431(7). The penalties authorized by this subsection are additional to and in no way prejudice SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a "stationary source's" operating permit for failure to pay all or part of its permit fee.
- (10) **Transfer of ownership.** Transfer of ownership of a source shall not affect that "stationary source's" obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a "stationary source."

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

SWCAA 400-109 Air Discharge Permit Applications

- (1) **Purpose.** An air discharge permit application is the document used by the Agency to record and track requests from individual "stationary sources," registered and non-

registered, for the purpose of obtaining information regarding proposed changes or activities at a "stationary source." Confidential information shall be identified as set forth in SWCAA 400-270.

(2) **Applicability.**

- (a) An air discharge permit application shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of "new source." The application must be submitted and an air discharge permit must be issued or written confirmation of exempt status must be received before the proposed installations, modifications, changes, or alterations may begin actual 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).
- (b) Submittal of an air discharge permit application shall not automatically impose review requirements pursuant to SWCAA 400-110.
- (c) Stationary sources subject to the PSD program (WAC 173-400-700 through -750) shall submit a PSD application to Ecology for air pollutants subject to PSD permitting, and submit an air discharge permit application to SWCAA for air pollutants that are not subject to PSD permitting. A copy of the PSD application shall also be submitted to SWCAA.
- (d) Air discharge permit applications for new major stationary sources and major modifications located in a designated nonattainment area that emit the air pollutant or precursors of the air pollutant for which the area is designated nonattainment, and meet the applicability criteria in SWCAA 400-820, shall include all information necessary to meet the requirements of SWCAA 400-800 through -860.
- (e) Applicability determination. If the owner or operator of a "new source" is unable to determine the applicability of this section, a formal determination may be requested from the Agency. A formal determination requires the submission of project related documentation sufficient for the Agency to identify affected emission units and quantify potential emissions, and the payment of a fee equal to \$300 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 of \$70/hr 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.

- (3) **Exemptions.** The owner or operator of any "new source" that meets the exemption criteria specified below may provide written notification to SWCAA in lieu of a permit application. The Agency will review each notification, and provide written confirmation of exempt status to the owner or operator of the affected "new source" within 30 calendar days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:

Name and location of "stationary source";
Description of primary processes at the "stationary source";
Description of emission units at the "stationary source"; and
Estimated air contaminant emissions from "stationary source" operations.

Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time. No further action is required from "stationary sources" deemed to be exempt. However, if the Agency determines that the "new source" does not meet the exemption criteria specified below, an air discharge permit application shall be submitted pursuant to this section.

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

- (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) Emergency service internal combustion engines located at a facility where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered,
 - (E) Asphalt roofing and application equipment (not manufacturing or storage equipment),
 - (F) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families,
 - (G) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes,
 - (H) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents at commercial laundromats,
 - (I) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business,
 - (J) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process (e.g., truck mounted equipment),
 - (K) Retail paint sales establishments (not including manufacturing),

- (L) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing,
 - (M) Sewing equipment,
 - (N) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other permanent structures provided operations are in compliance with the provisions of SWCAA 400-070(8),
 - (O) 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)(c). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses. This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations,
 - (P) Residential wood heaters (e.g., fireplaces and woodstoves),
 - (Q) Office equipment, operations and supplies,
 - (R) Steam cleaning equipment used exclusively for that purpose,
 - (S) Refrigeration systems that are not in air pollution control service,
 - (T) Housekeeping activities and equipment,
 - (U) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks,
 - (V) Natural and forced air vents and stacks for bathroom/toilet facilities,
 - (W) Personal care activities,
 - (X) Lawn and landscaping activities,
 - (Y) Flares used to indicate danger to the public,
 - (Z) Fire fighting and similar safety equipment and equipment used to train fire fighters. Burns conducted for fire fighting training purposes are regulated under SWCAA 425,
 - (AA) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question, and
 - (AB) Emergency service internal combustion engines individually rated at less than 50 horsepower.
- (ii) The equipment and/or activities listed below are exempt from this section for the purposes of reviewing toxic air pollutant emissions:
- (A) Emergency service internal combustion engines,
 - (B) Non-emergency internal combustion engines manufactured after January 1, 2008 in use at facilities with total engine capacity less than 500,000 horsepower-hours,
 - (C) Gasoline dispensing facilities regulated under SWCAA 491, and
 - (D) Asbestos projects as defined in SWCAA 476-030.

- (4) **Fees.** Before the Agency may review a permit application or issue a permit, the applicant shall submit all applicable fees as detailed in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. ~~((following paragraphs. [Total Application Fee = Filing Fee + Legal Notice Fee (if applicable) + Permit Application Review Fee / Table A + Additional Review Fee / Table B (if applicable) + Major NSR Review Fee / Table C (if applicable)]~~

~~———— Filing Fee~~

~~———— A filing fee of \$500.00 shall be submitted for each permit application.~~

~~———— Legal Notice Fee~~

~~———— An applicant who submits an Air Discharge Permit application that requires newspaper publication of a Legal Notice pursuant to SWCAA 400-171 will be invoiced for an additional fee. The additional fee will be equal to the actual cost of publication plus \$70 to compensate for the staff time required to prepare, mail and invoice the public notice.~~

~~———— Permit Application Review Fee~~

~~———— A permit application review fee shall be paid for each permit application. The applicable permit application review fee for each permit application shall be determined from Table A based on the primary emission unit or activity of the proposed new, modified or altered "stationary source." Permit application review fees based on emissions are to utilize actual or proposed allowable emissions, after controls, as supported by test data or emission factors, not potential to emit. Permit application review fees based on equipment capacity or size are to utilize the design capacities of affected equipment. If the staff time required to review a permit application exceeds the number of work hours associated with the applicable review fee specified in Table A, the applicant will be invoiced for each additional work hour at the rate of \$70.00 per hour.~~

~~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 processing, the applicant must pay double the normal filing and review fees. An expedited permit application will be processed as soon as possible and receives priority over non-expedited applications. However, the Agency will not guarantee an issue date for expedited permits since the development and issuance of a permit is highly dependent on the accuracy/completeness of the application and the responsiveness of the applicant.~~

~~———— Additional / Major NSR Review Fees~~

~~If additional actions, as identified in Tables B and C, must be performed by the Agency as a result of the proposed installation, alteration or modification, the applicant shall pay additional fees as specified in those Tables. The fees identified in Tables B and C are cumulative. If the staff time required to complete the additional review exceeds the number of work hours associated with the applicable review fee specified in Tables B and C, the applicant will be invoiced for each additional work hour at the rate of \$70.00 per hour.~~

TABLE A
Permit Application Review Fees

Equipment/Activity	Associated Work Hours	Review Fee
i. Fuel burning equipment (Million Btu/hr heat input @ design capacity):		
0.4 or more but less than 5	8	\$ 600.00
5 or more but less than 10	10	700.00
10 or more but less than 30	12	850.00
30 or more but less than 50	14	1,000.00
50 or more but less than 100	17	1,200.00
100 or more but less than 250	35	2,500.00
250 or more but less than 500	57	4,000.00
500 or more	85	6,000.00
Change in fuel type	One half of the applicable fee listed above	
ii. Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):		
Less than 50	8	\$ 600.00
50 or more but less than 5,000	10	700.00
5,000 or more but less than 20,000	11	800.00
20,000 or more but less than 50,000	12	900.00
50,000 or more but less than 100,000	13	950.00
100,000 or more but less than 250,000	14	1,000.00
250,000 or more but less than 500,000	28	2,000.00
500,000 or more	57	4,000.00
iii. Refuse burning equipment (Incinerators) (Tons/day capacity):		
Less than 0.5	10	\$ 700.00
0.5 or more but less than 5	11	800.00
5 or more but less than 12	14	1,000.00
12 or more but less than 50	42	3,000.00
50 or more	85	6,000.00
iv. Storage tanks, reservoirs, or containers (Gallons total capacity): (Other than gasoline or diesel fuel dispensing facilities):		
250 or more but less than 10,000	8	\$ 600.00
10,000 or more but less than 40,000	14	1,000.00
40,000 or more but less than 100,000	21	1,500.00
100,000 or more	28	2,000.00

v.	Gasoline dispensing facilities:		
	Stage I	8	\$ 600.00
	Stage II	10	700.00
	Stages I & II, combined	11	800.00
	Toxics review for gasoline facility	21	1,500.00
	Stage II removal	8	600.00
vi.	Other:		\$200.00 per ton of emission
	(Not classified in Subsection i., ii., iii., iv. or v. above)		
vii.	Toxic air contaminants		\$200.00 per ton of emission
viii.	Complex stationary source or modification:	85	\$ 6,000.00
ix.	Synthetic minor application:	35	\$ 2,500.00
	(Including, but not limited to: Title V, HAP)		
x.	Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions— tons per year):		
	Less than or equal to 10	8	\$ 600.00
	More than 10 but less than or equal to 50	14	1,000.00
	More than 50 but less than or equal to 100	21	1,500.00
	More than 100 but less than 250	35	2,500.00
	250 or greater	85	6,000.00
xi.	Minor modifications to existing permit conditions:	8	\$ 600.00
xii.	Dry cleaner:	8	\$ 600.00
xiii.	Internal combustion engines (Aggregate horsepower rating):		
	Less than 500	10	700.00
	500 or more but less than 2,000	14	1,000.00
	2,000 or more but less than 5,000	21	1,500.00
	5,000 or more but less than 10,000	42	3,000.00
	10,000 or more	85	6,000.00
xiv.	Crematory/small incinerators/small flares:	10	\$ 700.00
xv.	Gluing/flow coating operations without active ventilation:		
		11	\$ 800.00
xvi.	Soil/groundwater remediation:	11	\$ 800.00

xvii.	Composting facilities (Average material throughput – tons per day):		
	Less than 50	8	\$ 600.00
	50 or more but less than 100	14	1,000.00
	100 or more but less than 200	21	1,500.00
	200 or more but less than 500	42	3,000.00
	500 or more	85	6,000.00
xviii.	Coffee roasters:	10	\$ 700.00
xix.	Municipal wastewater treatment plants: (Million gallons per day – annual average design capacity)		
	More than 1 but less than 5	11	\$ 800.00
	5 or more but less than 10	21	1,500.00
	10 or more	35	2,500.00

TABLE B
Additional Fees

	Equipment/Activity	Associated Work Hours	Fee
xx.	Emission offset analysis or bubble:	10	\$ 700.00
xxi.	Emission reduction credit (ERC) application: (Deposit or withdrawal)	10	\$ 700.00
xxii.	RACT/BACT/MACT/BART/LAER determination:		\$ 70.00/hr
(xxiii.)	Variance request:	11	\$ 800.00
(xxiv)	Review of ambient impact analysis:		\$ 70.00/hr
(xxv.)	Review of Ecology agreed orders and consent orders pursuant to RCW 70.105D.090(1):		\$ 70.00/hr

TABLE C
Major NSR Fees

Equipment/Activity	Associated Work Hours	Fee
(xxvi.) Plantwide applicability limitations:	142	\$ 10,000.00))

(5) **Final determination.**

- (a) Each complete air discharge permit application shall result in the issuance of a final determination consistent with the requirements of SWCAA 400-110 or confirmation of exempt status by the Agency.
- (b) The requirements of SEPA (State Environmental Policy Act) shall be complied with for each air discharge permit application. Air discharge permit applications for actions that are subject to SEPA review shall include a completed environmental checklist as provided in WAC 197-11 or a copy of another agency's SEPA determination for the same action. A list of actions exempt from SEPA is found in WAC 197-11-800.

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

- (a) An air discharge permit application may be withdrawn by the applicant at any time prior to issuance of an air discharge permit or regulatory order. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.
- (b) After review by the Agency, a permit application may be determined to be exempt from the requirements of SWCAA 400-110 if it meets the exemption criteria provided in SWCAA 400-109(3). The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time.
- (c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.