



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 17, 2019
TIME: 2:28 PM

WSR 19-21-110

Agency: Southwest Clean Air Agency

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; or

Expedited Rule Making--Proposed notice was filed as WSR _____ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW 70.94.141(1).

Title of rule and other identifying information: (describe subject)

SWCAA 400-025 - Adoption of Federal Rules

New rule section establishing a general adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-046 - Application Review Process for Nonroad Engines

Existing rule section identifying requirements for the processing and approval of permit applications for nonroad engines.

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

Existing rule section containing general air emission standards for combustion and incineration units. Additional requirements are provided for specific categories of combustion and incineration units.

SWCAA 400-060 - Emission Standards for General Process Units

Existing rule section containing particulate matter emission standards applicable to all general processes.

SWCAA 400-070 - General Requirements for Certain Source Categories

Existing rule section containing minimum air emission standards and work practices for selected source categories.

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

Existing rule section containing air emission standards, work practices, and monitoring/reporting requirements that may be used in lieu of New Source Review for selected small source categories.

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

Existing rule section that adopts by reference the federal standards relating to hazardous air pollutant standards contained in 40 CFR Parts 61, 63, and 65.

SWCAA 400-105 - Records, Monitoring and Reporting

Existing rule section identifying requirements for emission monitoring, emission sampling and reporting, and submission of emission inventories.

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

Existing rule section that establishes minimum standards for emission testing and monitoring at air contaminant sources.

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

Existing rule section identifying requirements for the processing and approval of Air Discharge Permit applications.

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

Existing rule section identifying requirements specific to new sources located in a Maintenance Plan Area.

SWCAA 400-115 - Standards of Performance for New Sources

Existing section that adopts by reference the federal standards for new sources contained in 40 CFR Part 60.

SWCAA 400-171 - Public Involvement

Existing section identifying requirements for public notice of agency actions, and the process by which public involvement is to be administered. This section also identifies those documents that are subject to a formal public notice and those that are not subject to a formal public notice.

SWCAA 400-850 - Actual Emissions - Plantwide Applicability Limitation (PAL)

Existing rule section adopting by reference the Actuals Plantwide Applicability limit program contained in Section IV.K of 40 CFR 51, Appendix S.

SWCAA 400, Appendix A - SWCAA Method 9 – Visual Opacity Determination Method

Existing rule section establishing the agency's required method for determining visual opacity.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
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January 22, 2020	6:00 PM	SWCAA Business Office	
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Date of intended adoption: February 6, 2020 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wess Safford

Address: 11815 NE 99th Street, Suite 1294, Vancouver, WA 98682t

Email: wess@swcleanair.org

Fax: (360) 576-0925

Other:

By (date) January 24, 2020

Assistance for persons with disabilities:

Contact Tina Hallock

Phone: (360) 574-3058 x110

Fax: (360) 576-0925

TTY: (360) 574-3058

Email: tina@swcleanair.org

Other:

By (date) January 23, 2020

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

SWCAA 400-025 - Adoption of Federal Rules

The proposed rule changes establish a new section identifying a generally applicable adoption by reference date for federal regulations cited in other sections of SWCA 400.

SWCAA 400-046 - Application Review Process for Nonroad Engines.

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

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

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025 and add a new federal regulation citation for Hospital/Medical/Infectious Waste Incinerators.

SWCAA 400-060 - Emission Standards for General Process Units

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-070 - General Requirements for Certain Source Categories

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

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

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

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

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-105 - Records, Monitoring and Reporting.

The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-106 - Emission Testing and Monitoring at Air Contaminant Sources
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-110 - Application Review Process for Stationary Sources (New Source Review).
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-111 - Requirements for New Sources in a Maintenance Plan Area.
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-115 - Standards of Performance for New Sources.
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-171 - Public Involvement.
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400-850 - Actual Emissions - Plantwide Applicability Limitation (PAL).
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

SWCAA 400, Appendix A - SWCAA Method 9 – Visual Opacity Determination Method
The proposed rule changes revise adoption by reference citations to cite the date in SWCAA 400-025.

Reasons supporting proposal:

The proposed changes are necessary to support the Agency's implementation of affected federal standards.

Statutory authority for adoption: RCW 70.94.141

Statute being implemented: RCW 70.94.141

Is rule necessary because of a:

- Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

Name of proponent: (person or organization) Southwest Clean Air Agency Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Wess Safford	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x126
Implementation:	Paul Mairose	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x130
Enforcement:	Jerry Ebersole	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x122

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: Pursuant to RCW 70.94.141(1), Section 201, Chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking Section 201, Chapter 403, Laws of 1995 for this action.

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g)
((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 70.94.141(1).

Explanation of exemptions, if necessary: Pursuant to RCW 70.94.141(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with Chapter 42.30 RCW and selected portions of Chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of Chapter 19.85 RCW.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

No Briefly summarize the agency's analysis showing how costs were calculated. _____

Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Other:

Date: October 17, 2019

Signature:

Name: Uri Papish



Title: Executive Director