

NEW SECTION

**SWCAA 400-025 Adoption of Federal Rules**

Federal rules cited in this rule are adopted by reference as in effect on July 1, 2019.

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

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

(1) **Applicability.**

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

(2) **Requirements.**

- (a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.
- (b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.
- (c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable ambient air quality standards. Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A (as in effect on the date cited in SWCAA 400-025). If the ambient impact of a proposed project could potentially exceed an applicable ambient air standard, the Agency may require that the applicant demonstrate compliance with available ambient air increments and applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(3) **Application processing / completeness determination.** Within 30 calendar days of receipt of a nonroad engine permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application.

(4) **Final determination.**

- (a) Within 60 calendar days of receipt of a complete nonroad engine permit application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. 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 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 a second registration fee, as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098, must be paid.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-050 Emission Standards for Combustion and Incineration Units**

- (1) **Particulate matter emissions.** Combustion and incineration emission units shall meet all requirements of SWCAA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emission unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emission unit combusting wood derived fuels for the production of steam in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 in 40 CFR Part 60, Appendix A **(as in effect on the date cited in SWCAA 400-025)** or other acceptable sampling methods approved in advance by both the Agency and EPA.
- (2) **Fuel oil sulfur content limit.** Effective January 1, 2015, combustion and/or incineration units shall not be fired on a fuel oil with a sulfur content greater than 15 ppm by weight (ppmw). Affected emission units include, but are not limited to, process boilers, aggregate dryers, internal combustion engines, small incinerators, and space heaters. This prohibition supersedes existing permit terms allowing the use of fuel oil with higher sulfur contents. Noncompliant fuel purchased prior to the effective date of this requirement may be fired in affected units.
- (3) **Incinerators.**
  - (a) For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by Ecology Test Method 14. Total carbonyls means the concentration of organic compounds containing the =C=O radical. An applicable EPA reference method or other procedures approved in advance by the Agency may be used to collect and analyze for the same compounds collected in Ecology Test Method 14.
  - (b) Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Agency.
- (4) **Measurement correction.** Measured concentrations for combustion and incineration units shall be corrected to 7% oxygen, except when the Agency determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.
- (5) **Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.** (See SWCAA 400-115(1) for the requirements for a commercial and industrial solid waste incineration unit constructed after November 30, 1999, or modified or reconstructed after June 1, 2001.)
  - (a) Definitions.
    - (i) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:
      - (A) The combustion unit flue gas system, which ends immediately after the last combustion chamber.
      - (B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It

- includes all ash handling systems connected to the bottom ash handling system.
- (ii) "Commercial and industrial solid waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.
- (b) Applicability. This section applies to incineration units that meet all three criteria:
- (i) The incineration unit meets the definition of CISWI unit in this subsection.
  - (ii) The incineration unit commenced construction on or before November 30, 1999.
  - (iii) The incineration unit is not exempt under (4)(c) of this subsection.
- (c) Exempted units. The following types of incineration units are exempt from this subsection:
- (i) Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 (as in effect on ((January 30, 2015)) the date cited in SWCAA 400-025) that meet the two requirements specified in (c)(i)(A) and (B) of this subsection.
    - (A) Notify the permitting agency that the unit meets these criteria.
    - (B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.
  - (ii) Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 (as in effect on ((January 30, 2015)) the date cited in SWCAA 400-025) that meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.
    - (A) Notify the permitting agency that the unit meets these criteria.
    - (B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.
  - (iii) Municipal waste combustion units. Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.
    - (A) Units regulated under 40 CFR Part 60, Subpart Ea or Subpart Eb (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025); 40 CFR Part 60, Subpart AAAA (as in effect on ((June 1, 2015)) the date cited in SWCAA 400-025); or WAC 173-400-050(5).
    - (B) Units burning greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR Part 60, Subparts Ea (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025), Eb (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025), and AAAA (as in effect on ((June 1, 2015)) the date cited in SWCAA 400-025), and SWCAA 400-050(5), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the two requirements in (c)(iii)(B)(I) and (II) of this subsection are met.
      - (I) Notify the Agency that the unit meets these criteria.

- (II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned and the weight of all other fuels and wastes burned in the unit.
- (iv) Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025);
- (v) Small power production facilities. Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.
- (A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
- (B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.
- (C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.
- (vi) Cogeneration facilities. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.
- (A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).
- (B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.
- (C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.
- (vii) Hazardous waste combustion units. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.
- (A) Units for which you are required to get a permit under Section 3005 of the Solid Waste Disposal Act.
- (B) Units regulated under Subpart EEE of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
- (viii) Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;
- (ix) Air curtain incinerators. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 CFR 60.2245 through 60.2260 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
- (A) 100 percent wood waste.
- (B) 100 percent clean lumber.
- (C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.
- (x) Cyclonic barrel burners. See 40 CFR 60.2265 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
- (xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
- (xii) Cement kilns. Kilns regulated under Subpart LLL of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).

- (xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) ~~(as in effect on ((July 1, 2015))~~ the date cited in SWCAA 400-025).
- (xiv) Chemical recovery units. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (G) of this subsection are considered chemical recovery units.
  - (A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.
  - (B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.
  - (C) Units burning only wood or coal feedstock for the production of charcoal.
  - (D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.
  - (E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.
  - (F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.
  - (G) Units burning only photographic film to recover silver.
- (xv) Laboratory analysis units. Units that burn samples of materials for the purpose of chemical or physical analysis.
- (d) Exceptions.
  - (i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 CFR 60.2815~~(c)~~) ~~(as in effect on ((July 1, 2015))~~ the date cited in SWCAA 400-025).
  - (ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 CFR 60.2815 ~~(as in effect on ((July 1, 2015))~~ the date cited in SWCAA 400-025) mean the CISWI unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart CCCC by reference.
- (e) A CISWI unit must comply with 40 CFR 60.2575 through 60.2875~~(c)~~ ~~(as in effect on ((July 1, 2015, which is adopted by reference))~~ the date cited in SWCAA 400-025).
  - (i) The federal rule contains these major components:
    - (A) Increments of progress towards compliance in 60.2575 through 60.2630;
    - (B) Waste management plan requirements in 60.2620 through 60.2630;
    - (C) Operator training and qualification requirements in 60.2635 through 60.2665;
    - (D) Emission limitations and operating limits in 60.2670 through 60.2685;
    - (E) Performance testing requirements in 60.2690 through 60.2725;
    - (F) Initial compliance requirements in 60.2700 through 60.2725;
    - (G) Continuous compliance requirements in 60.2710 through 60.2725;
    - (H) Monitoring requirements in 60.2730 through 60.2735;
    - (I) Recordkeeping and reporting requirements in 60.2740 through 60.2800;
    - (J) Title V operating permits requirements in 60.2805;
    - (K) Air curtain incinerator requirements in 60.2810 through 60.2870;
    - (L) Definitions in 60.2875; and



- (M) Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be achieved by June 1, 2005.
  - (ii) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the Agency.
  - (iii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.
  - (iv) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.
  - (v) Exception to adopting the federal rule. The Title V operating permit requirements in 40 CFR 60.2805(a) are not adopted by reference. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, Chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.
  - (vi) Exception to adopting the federal rule. The following compliance dates apply:
    - (A) The final control plan (Increment 1) must be submitted no later than July 1, 2003. (See Increment 1 in Table 1.)
    - (B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)
- (6) **Small municipal waste combustion units.** Small Municipal waste combustion units constructed on or before August 30, 1999. (See SWCAA 400-115(1) for the requirements for a municipal waste combustion unit constructed after August 30, 1999, or reconstructed or modified after June 6, 2001.)
- (a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved-air or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:
    - (i) Municipal waste combustion units do not include the following units:
      - (A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in (c)(viii) and (ix) of this subsection.
      - (B) Cement kilns that combust municipal solid waste as specified under the exemptions in (c)(x) of this subsection.
      - (C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.
    - (ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:
      - (A) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

- (B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.
  - (C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.
- (b) **Applicability.** This section applies to a municipal waste combustion unit that meets these three criteria:
  - (i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.
  - (ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.
  - (iii) The municipal waste combustion unit is not exempt under (c) of this section.
- (c) **Exempted units.** The following municipal waste combustion units are exempt from the requirements of this section:
  - (i) **Small municipal waste combustion units that combust less than 11 tons per day.** Units are exempt from this section if four requirements are met:
    - (A) The municipal waste combustion unit is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.
    - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (C) The owner or operator of the unit sends a copy of the federally enforceable permit to the permitting agency.
    - (D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.
  - (ii) **Small power production units.** Units are exempt from this section if four requirements are met:
    - (A) The unit qualifies as a small power production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).
    - (B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.
    - (C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.
  - (iii) **Cogeneration units.** Units are exempt from this section if four requirements are met:
    - (A) The unit qualifies as a small power production facility under Section 3(18)(C) of the Federal Power Act (16 U.S.C. 796(18)(C)).
    - (B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.
    - (C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.



- (iv) Municipal waste combustion units that combust only tires. Units are exempt from this section if three requirements are met:
    - (A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can co-fire coal, fuel oil, natural gas, or other nonmunicipal solid waste).
    - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (C) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.
  - (v) Hazardous waste combustion units. Units are exempt from this section if the units have received a permit under Section 3005 of the Solid Waste Disposal Act.
  - (vi) Materials recovery units. Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.
  - (vii) Co-fired units. Units are exempt from this section if four requirements are met:
    - (A) The unit has a federally enforceable permit limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.
    - (B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.
    - (C) The owner or operator submits a copy of the federally enforceable permit to the permitting agency.
    - (D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.
  - (viii) Plastics/rubber recycling units. Units are exempt from this section if four requirements are met:
    - (A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 CFR 60.1940 **(as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).**
    - (B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.
    - (C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.
    - (D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.
  - (ix) Units that combust fuels made from products of plastics/rubber recycling plants. Units are exempt from this section if two requirements are met:
    - (A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.
    - (B) The unit does not combust any other municipal solid waste.
  - (x) Cement kilns. Cement kilns that combust municipal solid waste are exempt.
  - (xi) Air curtain incinerators. If an air curtain incinerator as defined under 40 CFR 60.1910 **(as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025)** combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 **(as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).**
- (d) Exceptions.

- (i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
  - (ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025), mean the unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart AAAA (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
- (e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:
- (i) Class I units. Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025) for the specification of which units are included in the aggregate capacity calculation.
  - (ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025) for the specification of which units are included in the aggregate capacity calculation.
- (f) Compliance option 1.
- (i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 CFR 60.1610 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
  - (ii) The final control plan must, at a minimum, include two items:
    - (A) A description of the physical changes that will be made to accomplish the reduction.
    - (B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 CFR 60.1935 (d) and (e) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025) to calculate the combustion capacity of a municipal waste combustion unit.
  - (iii) A permit restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 CFR 60.1935 (d) and (e) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025) to calculate the combustion capacity of a municipal waste combustion unit.
- (g) Compliance option 2. The municipal waste combustion unit must comply with 40 CFR 60.1585 through 60.1905, and 60.1935 (as in effect on ((July 1, 2015), which is adopted by reference)) the date cited in SWCAA 400-025).
- (i) The rule contains these major components:
    - (A) Increments of progress towards compliance in 60.1585 through 60.1640;

- (B) Good combustion practices - operator training in 60.1645 through 60.1670;
  - (C) Good combustion practices - operator certification in 60.1675 through 60.1685;
  - (D) Good combustion practices - operating requirements in 60.1690 through 60.1695;
  - (E) Emission limits in 60.1700 through 60.1710;
  - (F) Continuous emission monitoring in 60.1715 through 60.1770;
  - (G) Stack testing in 60.1775 through 60.1800;
  - (H) Other monitoring requirements in 60.1805 through 60.1825;
  - (I) Recordkeeping reporting in 60.1830 through 60.1855;
  - (J) Reporting in 60.1860 through 60.1905;
  - (K) Equations in 60.1935; and
  - (L) Tables 2 through 8.
- (ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:
- (A) "State plan" in the federal rule means SWCAA 400-050(5);
  - (B) "You" in the federal rule means the owner or operator;
  - (C) "Administrator" includes the permitting agency;
  - (D) Table 1 in (h)(ii) of this subsection substitutes for Table 1 in the federal rule; and
  - (E) "The effective date of the state plan approval" in the federal rule means December 6, 2002.
- (h) Compliance schedule.
- (i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.
  - (ii) Small municipal waste combustion units must achieve compliance by May 6, 2005 for all Class II units, and by November 6, 2005 for all Class I units.
  - (iii) Class I units must comply with these additional requirements:
    - (A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 CFR 60.1790 (as in effect on ~~(July 1, 2015)~~ the date cited in SWCAA 400-025).
    - (B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 CFR Part 60, Subpart ~~BBBB~~ (as in effect on ~~(February 5, 2004)~~ the date cited in SWCAA 400-025) by the later of two dates:
      - (I) December 6, 2003; or
      - (II) One year following the issuance of an order of approval (revised construction permit or operation permit) if a permit modification is required.
  - (i) Air operating permit. Chapter 173-401 WAC, the air operating permit regulation, applicability begins on July 1, 2002. See WAC 173-401-500 for permit application requirements and deadlines.

**(7) Hospital/Medical/Infectious Waste Incinerators.** Hospital/medical/infectious waste incinerators constructed on or before December 1, 2008, must comply with the requirements in 40 CFR 62, Subpart HHH (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-060 Emission Standards for General Process Units**

General process units shall meet all applicable provisions of SWCAA 400-040, and no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter of exhaust gas at standard conditions (0.1 grain/dscf). EPA test methods from 40 CFR Parts 51, 60, 61 and 63 **(as in effect ((July 1, 2015)) on the date cited in SWCAA 400-025)** and any other appropriate test procedures approved in advance by both the Agency and EPA shall be used to determine compliance.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-070 General Requirements for Certain Source Categories**

- (1) **Wigwam burners.** The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.
- (2) **Hog fuel boilers.**
  - (a) Hog fuel boilers shall meet all provisions of SWCAA 400-040 and SWCAA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any consecutive eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. Soot blowing and grate cleaning is to be scheduled for the same specific times each day. The boiler operator shall maintain a written schedule on file with the Agency, and provide updates as necessary.
  - (b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.
- (3) **Orchard heating.**
  - (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
  - (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.
- (4) **Catalytic cracking units.** All new catalytic cracking units shall install BACT and meet all requirements applicable to a new "stationary source." As of January 1, 2002, there are no existing catalytic cracking units in SWCAA's jurisdiction.
- (5) **Sulfuric acid plants.** No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.
- (6) **Gasoline dispensing facilities.**
  - (a) All gasoline dispensing facilities shall meet all the provisions of SWCAA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors."
  - (b) Methyl tertiary-butyl ether (MTBE) may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in the state of Washington after December 31, 2003, and in no event may MTBE be knowingly mixed in gasoline above six-tenths of one percent by volume. [RCW 19.112.100]
  - (c) Each nozzle from which gasoline is dispensed shall have a maximum fuel flow rate not to exceed 10 gallons per minute. [40 CFR 80.22(j)]

(7) **Perchloroethylene dry cleaners.**

- (a) New installations prohibited. Effective July 1, 2010, the installation of new perchloroethylene dry cleaning systems or reinstallation of existing perchloroethylene dry cleaning systems is prohibited.
- (b) Applicability.
  - (i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 source categories by the type of equipment they use and the volume of PCE purchased.

TABLE 1. PCE Dry Cleaner Source Categories

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

- (ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2002).
- (c) Operations and maintenance record.
  - (i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.
  - (ii) The information in the operations and maintenance record must be kept on-site for five years.
  - (iii) The operations and maintenance record must contain the following information:
    - (A) Inspection. The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed;
    - (B) Repair. The date, time, and result of each repair of the dry cleaning system;
    - (C) Refrigerated condenser information. If a refrigerated condenser is being used, record the following information:
      - (I) The air temperature at the inlet of the refrigerated condenser,
      - (II) The air temperature at the outlet of the refrigerated condenser,
      - (III) The difference between the inlet and outlet temperature readings, and
      - (IV) The date the temperature was taken;
    - (D) Carbon adsorber information. If a carbon adsorber is being used, record the following information:
      - (I) The concentration of PCE in the exhaust of the carbon adsorber, and
      - (II) The date the concentration was measured;
    - (E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

- (F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;
  - (G) All receipts of PCE purchases; and
  - (H) A record of any pollution prevention activities that have been accomplished.
- (d) General operations and maintenance requirements:
- (i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.
  - (ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.
  - (iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.
  - (iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.
  - (v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.
  - (vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.
  - (vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

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

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

TABLE 3. Minimum Inspection Frequency

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

- (ii) An inspection must include an examination of these components for condition and perceptible leaks:
  - (A) Hose and pipe connections, fittings, couplings, and valves;
  - (B) Door gaskets and seatings;
  - (C) Filter gaskets and seatings;
  - (D) Pumps;
  - (E) Solvent tanks and containers;
  - (F) Water separators;
  - (G) Muck cookers;
  - (H) Stills;
  - (I) Exhaust dampers; and

- (J) Cartridge filter housings.
- (iii) The dry cleaning system must be inspected while it is operating.
- (iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.
- (f) Repair requirements:
  - (i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.
  - (ii) If repair parts are unavailable, they must be ordered within 2 business days of detecting the leak.
  - (iii) Repair parts must be installed as soon as possible, and no later than 5 business days after arrival.
  - (iv) The date and time each leak was discovered must be entered in the operations and maintenance record.
  - (v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.
- (g) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:
  - (i) Outlet air temperature requirements:
    - (A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.
    - (B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.
    - (C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.
    - (D) The air temperature sensor must meet these requirements:
      - (I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;
      - (II) The air temperature sensor must be accurate to within 2°F (1.1°C);
      - (III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and
      - (IV) The air temperature sensor must be labeled "RC outlet."
  - (ii) Inlet air temperature requirements:
    - (A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.
    - (B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.
    - (C) The air temperature sensor must meet these requirements:
      - (I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;
      - (II) The air temperature sensor must be accurate to within 2°F (1.1°C);
      - (III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and
      - (IV) The air temperature sensor must be labeled "RC inlet."



- (iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:
  - (A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.
  - (B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).
  - (C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.
- (iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;
- (v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and
- (vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.
- (h) Requirements for systems with carbon adsorbers. A dry cleaning system using a carbon adsorber must meet all of the following requirements:
  - (i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.
  - (ii) The concentration of PCE must be recorded in the operations and maintenance record each time the concentration is checked.
  - (iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.
  - (iv) The colorimetric tube must meet these requirements:
    - (A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.
    - (B) The colorimetric tube must be accurate to within 25 parts per million.
    - (C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.
  - (v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:
    - (A) The sampling port must be easily accessible.
    - (B) The sampling port must be located eight stack or duct diameters downstream from a bend, expansion, contraction or outlet.
    - (C) The sampling port must be two stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.
- (8) **Abrasive blasting.**
  - (a) Abrasive blasting shall be performed inside a fully enclosed booth or structure designed to capture the blast grit, overspray, and removed material. Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations shall comply with the general regulations found in SWCAA 400-040 at all times.

- (b) Outdoor blasting shall be performed with either steel shot, wet blasting methods, or an abrasive material containing less than one percent (by mass) of material that would pass through a No. 200 sieve.
- (c) All abrasive blasting of materials that contain, or have a coating that may contain, a substance that is identified as a toxic air pollutant in Chapter 173-460 WAC or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.
- (9) **Sewage sludge incinerators.** Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) ~~((in effect on July 1, 2015,))~~ are adopted by reference (as in effect on the date cited in SWCAA 400-025).
- (10) **Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991.** A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Resource Conservation and Recovery Act including the following: Commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be either publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion. All references in this subsection to 40 CFR Part 60 rules mean those rules in effect on ~~((July 1, 2000))~~ the date cited in SWCAA 400-025.
  - (a) Applicability. These rules apply to each MSW landfill constructed, reconstructed, or modified before May 30, 1991; and the MSW landfill accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition. (See SWCAA 400-115(1) for the requirements for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.) Terms in this subsection have the meaning given them in 40 CFR 60.751, except that every use of the word "administrator" in the federal rules referred to in this subsection includes the Agency.
  - (b) Exceptions. Any physical or operational change to an MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.
  - (c) Standards for MSW landfill emissions:
    - (i) An MSW landfill having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(a) in addition to the applicable requirements specified in this section.
    - (ii) An MSW landfill having design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable requirements specified in this section.
  - (d) Recordkeeping and reporting. An MSW landfill must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submittal of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements), as applicable, except as provided for under (d)(i) and (ii).
    - (i) The initial design capacity report for the facility is due before September 20, 2001.
    - (ii) The initial nonmethane organic compound (NMOC) emissions rate report is due before September 20, 2001.
  - (e) Test methods and procedures:
    - (i) An MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill nonmethane

- organic compound emission rates following the procedures listed in 40 CFR 60.754, as applicable, to determine whether the rate equals or exceeds 50 megagrams per year.
- (ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii) through the following procedures:
    - (A) The systems must follow the operational standards in 40 CFR 60.753.
    - (B) The systems must follow the compliance provisions in 40 CFR 60.755 (a)(1) through (a)(6) to determine whether the system is in compliance with 40 CFR 60.752 (b)(2)(ii).
    - (C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.
  - (f) Conditions. Existing MSW landfills that meet the following conditions must install a gas collection and control system:
    - (i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition;
    - (ii) The landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and
    - (iii) The landfill has an NMOC emission rate of 50 megagrams per year or greater.
  - (g) Change in conditions. After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.
  - (h) Gas collection and control systems:
    - (i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii).
    - (ii) The design plans must be prepared by a licensed professional engineer and submitted to the Agency within one year after the adoption date of this section.
    - (iii) The system must be installed within eighteen months after the submittal of the design plans.
    - (iv) The system must be operational within thirty months after the adoption date of this section.
    - (v) The emissions that are collected must be controlled in one of three ways:
      - (A) An open flare designed and operated according to 40 CFR 60.18;
      - (B) A control system designed and operated to reduce NMOC by 98 percent by weight; or
      - (C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis corrected to three percent oxygen or less.
  - (i) Air operating permit:
    - (i) An MSW landfill that has a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is not subject to the air operating permit regulation, unless the landfill is subject to WAC 173-401 for some other reason. If the design capacity of an exempted MSW landfill subsequently increases to equal or exceed 2.5 million megagrams or 2.5 million cubic meters by a change that is not a modification or reconstruction, the landfill is subject to Chapter 173-401 WAC on the date the amended design capacity report is due.

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

(11) **Used oil burners.**

- (a) **Applicability.** The requirements of this section do not apply to:
  - (i) Facilities operating in accordance with an air discharge permit or other regulatory order issued by the Agency;
  - (ii) Used oil burned in used oil fired space heaters (40 CFR 279.23) provided that:
    - (a) The space heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators,
    - (b) The space heater is designed to have a maximum heat output of not more than 0.5 million Btu per hour, and
    - (c) Combustion gases from the space heater are vented to the ambient air;
  - (iii) Ocean-going vessels (40 CFR 279.20(a)(2)); and
  - (iv) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles (40 CFR 279.20(a)(3)).
- (b) **Requirements.** No person shall burn as fuel used oil that exceeds any of the following specification levels:
  - (i) Arsenic – 5 ppm maximum;
  - (ii) Ash – 0.1 percent maximum;
  - (iii) Cadmium – 2 ppm maximum;
  - (iv) Chromium – 10 ppm maximum;
  - (v) Lead – 100 ppm maximum;
  - (vi) Polychlorinated biphenyls (PCB's) – 2 ppm maximum;
  - (vii) Sulfur – 1.0 percent maximum;
  - (viii) Flash point – 100 °F minimum; and
  - (ix) Total halogens – 1,000 ppm maximum.

(12) **Coffee roasters.**

- (a) **Applicability.** The following equipment is subject to the provisions of SWCAA 400-109 and 400-110:
  - (i) All batch process coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch;
  - (ii) Batch process coffee roasters with a capacity of 10 pounds or less of green coffee beans per batch on a case-by-case basis;
  - (iii) Continuous process coffee roasters regardless of capacity; and
  - (iv) Coffee roasting processes involving decaffeination regardless of capacity.

- (b) Requirements. Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch shall install and operate an afterburner or equivalent control device that treats all roasting and cooling exhaust streams prior to discharge to the ambient air.
- (13) **Natural gas fired water heaters.**
- (a) Applicability. The requirements of this section apply to all natural gas fired water heaters with a rated heat input less than 400,000 Btu/hr. For the purposes of this subsection, the term "water heater" means a closed vessel in which water is heated by combustion of gaseous fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F.
- (b) Requirements.
- (i) On or after January 1, 2010, no person shall offer for sale, or install, a water heater that emits NO<sub>x</sub> at levels in excess of 55 ppmv at 3% O<sub>2</sub>, dry (0.067 lb per million Btu of heat input).
- (ii) On or after January 1, 2013, no person shall offer for sale, or install, a water heater that emits NO<sub>x</sub> at levels in excess of 20 ppmv at 3% O<sub>2</sub>, dry (0.024 lb per million Btu of heat input).
- (14) **Rendering plants.**
- (a) Applicability. The requirements of this section apply to any equipment or process used for the reduction of animal matter. For the purpose of this section, reduction is defined as any heated process (i.e., rendering, cooking, drying, dehydration, digesting, evaporating or protein concentrating). The requirements of this section shall not apply to any equipment or process used exclusively for the processing of food for human consumption.
- (b) Requirements. All gases, vapors, and gas-entrained effluents emitted by reduction operations shall be captured and:
- (i) Incinerated at temperatures of not less than 1,400 degrees F for a period of not less than 0.5 seconds; or
- (ii) Processed in a manner determined by the Agency to be equal to or more effective than the method specified in section (i) above.
- (15) **Outdoor wood-fired boilers.**
- (a) Applicability. For the purposes of this subsection, the term "outdoor wood-fired boiler" means an outdoor wood-fired hydronic heater or outdoor wood-fired furnace that is an accessory outdoor structure, designed and intended, through the burning of wood, to heat the principal structure or any other site, building, or structure on the premises. The requirements of this subsection shall apply to units with rated heat inputs of 1,000,000 Btu/hr or less.
- (b) No person shall sell, install, or operate an outdoor wood-fired boiler unless the affected unit meets the applicable requirements of WAC 173-433.
- (c) Outdoor wood-fired boilers shall only be installed:
- (i) For use outside urban growth areas as defined in chapter 36.70A RCW;
- (ii) A minimum of fifty feet from the residence it is serving;
- (iii) A minimum of two hundred feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor wood-fired boiler; and

- (iv) With a minimum chimney height of fifteen feet. If there is a residence that is not located on the same property within five hundred feet of the outdoor wood-fired boiler, the chimney must extend at least as high as the roof height of all such residences.
- (d) Outdoor wood-fired boilers shall only be fired on clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer of the outdoor wood-fired boiler. The owner or operator of an outdoor wood-fired boiler shall follow manufacturer-recommended fuel loading times and amounts. In no case, shall a boiler be fired on any prohibited fuel cited in WAC 173-433.

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

**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 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 15<sup>th</sup> 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<sub>x</sub> and CO emissions at, or below, 30 ppmv and 50 ppmv, respectively (corrected to 3% O<sub>2</sub>, dry, 1-hr avg). EPA test methods from 40 CFR 60((;)) (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025)((;)) shall be used to determine compliance.
  - (iii) **General requirements.**
    - (A) Each boiler/heater shall only be fired on natural gas, propane, or LPG.
  - (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data

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

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

(v) **Testing requirements.**

- (A) Each boiler/heater shall undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring shall be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring shall be conducted in accordance with the requirements of SWCAA 400-106(2).
- (B) If emission monitoring results for a boiler/heater indicate that emission concentrations may exceed 30 ppmvd NO<sub>x</sub> or 50 ppmvd CO, corrected to 3% O<sub>2</sub>, the owner or operator shall either perform 60 minutes of additional monitoring to more accurately quantify CO and NO<sub>x</sub> 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<sub>x</sub> or 50 ppmvd CO, corrected to 3% O<sub>2</sub>.

(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 15<sup>th</sup> 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 15<sup>th</sup> 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 15<sup>th</sup> 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 **(as in effect on the date cited in SWCAA 400-025)**.
  - (F) For portable rock crushing operations, the owner or operator shall notify the Agency in advance of relocating approved equipment and shall submit operational information (such as production quantities, hours of operation, location of nearest neighbor, etc.) sufficient to demonstrate that proposed operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards, and if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.
- (iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.
- (A) Visual inspection of spray/fog nozzles shall be recorded weekly;
  - (B) Maintenance, repair, or replacement of affected equipment shall be recorded for each occurrence;
  - (C) Quantity and size of crushed/screened material shall be recorded monthly;
  - (D) Relocation of rock crushing equipment shall be recorded for each occurrence.
  - (E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and
  - (F) All air quality related complaints received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.
- (v) **Testing requirements.** An initial emissions test shall be conducted for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" that has not previously been tested. Testing shall be conducted within 90 calendar days of commencing operation. All emission testing shall be conducted in accordance with the requirements of that regulation **(as in effect on the date cited in SWCAA 400-025)**.
- (vi) **Reporting requirements.**
- (A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.
  - (B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.
  - (C) The owner or operator of an affected rock crusher or aggregate screen shall report the following information to the Agency no later than March 15<sup>th</sup> 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 000 shall be reported to the Agency within 45 calendar days of test completion.

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

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

- (1) The national emission standards for hazardous air pollutants ~~((promulgated by EPA as in effect July 1, 2015, as))~~ contained in 40 CFR Part 61~~(;)~~ are hereby adopted by reference ~~(as in effect on the date cited in SWCAA 400-025)~~. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency. A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.
- (2) The Agency may require that emission tests be conducted and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Part 61, Part 62, Part 63, or Part 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.
- (3) Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of 40 CFR Part 51, Part 60, Part 61, Part 63 and/or Part 65~~(;)~~ ~~(as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025)~~.
- (4) This section shall not apply to any "stationary source" operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.
- (5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by EPA.
  - (a) ~~((As of July 1, 2015,))~~ 40 CFR Part 63 and appendices are hereby adopted by reference ~~(as in effect on the date cited in SWCAA 400-025)~~. A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.
  - (b) Exceptions to 40 CFR Part 63 adoption by reference.
    - (i) The term "administrator" in 40 CFR Part 63 includes the Executive Director of the Agency.
    - (ii) The following subparts of 40 CFR Part 63 are not adopted by reference:
      - (A) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;
      - (B) Subpart E, Approval of State Programs and Delegation of Federal Authorities;
      - (C) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;
      - (D) Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;
      - (E) Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources;
      - (F) Subpart JJJJJJ, Industrial, Commercial, and Institutional Boilers Area Sources – as it applies to non-Title V sources; and
      - (G) Subpart XXXXXX, Area Source Standards for Nine Metal Fabrication and Finishing Source Categories - as it applies to non-Title V sources.
- (6) **Consolidated requirements for the synthetic organic chemical manufacturing industry.** (SOCMI) 40 CFR Part 65~~(; as in effect on July 1, 2015,))~~ is hereby adopted by reference ~~(as in effect on the date cited in SWCAA 400-025)~~.



AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-105 Records, Monitoring and Reporting**

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

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

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

(b) Large "sources." At a minimum, "sources" satisfying the criteria of 40 CFR 51, Subpart A will be submitted to EPA by the Agency for inclusion in the national emission database. Upon request, the "sources" described below shall complete and return the emission inventory form supplied by the Agency for this purpose by March 15. An extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis provided the affected source makes a written request. Extension of the emission submittal deadline shall not exceed a maximum period of 60 calendar days.

(i) "Stationary sources" with the potential to emit over 100 tons of criteria pollutants per year, 10 tons of a single hazardous air pollutant per year or 25 tons of combined hazardous air pollutants per year are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for the purpose of determining those "stationary sources" required to submit an emissions inventory under this section.

(ii) In ozone nonattainment or maintenance plan areas, those "stationary sources" with the potential to emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO<sub>x</sub> are also required to submit emission inventories. "Stationary sources" subject to this section are also required to submit average daily emissions or process throughput data for NO<sub>x</sub> and VOCs for ozone season in preparation for the SIP update.

(iii) "Stationary sources" with the potential to emit greater than 50 percent of the Title V permit thresholds as identified in (i) above.

(iv) "Synthetic minor" or Title V opt out "stationary sources."

- (c) Greenhouse gases. The Agency may require that "sources" submit an inventory of greenhouse gas emissions. Affected "sources" shall be notified of the inventory requirement and submittal deadline in writing.
- (2) **Monitoring.** The Agency shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the Executive Director or an authorized representative may require any "source" under the jurisdiction of the Agency to conduct stack and/or ambient air monitoring and to report the results to the Agency.
- (3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the Agency shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.
- (4) **Continuous monitoring and recording.** Owners and operators of the following "source categories" shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.
- (a) Fossil fuel-fired steam generators:
- (i) Opacity, except where:
- (A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or
- (B) Only gaseous fuel is burned.
- (ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.
- (iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.
- (iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency by the owner(s) or operator(s).
- (b) Sulfuric acid plants. Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.
- (c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.
- (d) Wood residue fuel-fired steam generators:
- (i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.
- (ii) Continuous monitoring equipment. The requirements of SWCAA 400-105(4)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWCAA 400-105(4)(d) shall be subject to approval by the Agency.
- (e) Owners and operators of those "sources" required to install continuous monitoring equipment under this section shall demonstrate to the Agency, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025), and 40 CFR Part 60, Appendices B through F, as appropriate, as adopted by reference in SWCAA 400-115.

- (f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Agency determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.
- (g) Exemptions. This subsection (SWCAA 400-105(4)) does not apply to any "stationary source" pollutant emission that is:
  - (i) Required to be continuously monitored due to a standard or requirement contained in 40 CFR Parts 60, 61, 62, 63 or 75.
  - (ii) Not subject to an applicable emission standard.
- (5) **Misrepresentation.** No person shall make any false material statement, representation or certification in any form, notice, or report required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.
- (6) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.
- (7) **Requirements for Continuous Emission Monitoring Systems.** The Agency may require any continuous emission monitoring system (CEMS) installed pursuant to an air discharge permit, PSD permit, or agency regulation, and not subject to CEMS requirements imposed by 40 CFR Parts 60, 61, 62, 63, or 75, to meet the following requirements:
  - (a) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025), and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/1-86-010.
  - (b) Data Availability. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, continuous monitoring systems shall be in operation whenever the associated generating equipment is in operation.
    - (i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.
    - (ii) Continuous monitoring systems for measuring emissions other than opacity shall complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.
  - (c) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95 percent of the hours that the associated generating equipment is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrates that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonable preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.
  - (d) Data Recording. Monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data must be reduced to one hour averages. Monitoring data for opacity is to be reduced to six minute block averages unless otherwise specified in the order of approval, permit, or regulation. All monitoring data will be included in these averages except for data collected during calibration drift tests and cylinder gas

- audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, no valid data is collected until the monitoring system passes a quality assurance test or audit.
- (e) **Data Retention.** The owner or operator shall retain all monitoring data averages for at least five years, including copies of all reports submitted to the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.
  - (f) **Data Reporting.** The owner or operator shall submit a report to SWCAA within thirty days after the end of each month in which data were recorded or as otherwise directed by the terms of the applicable air discharge permit, PSD permit, or regulation. The report required by this section may be combined with an excess emission report required by SWCAA 400-107. The report shall include the following information:
    - (i) The number of hours that the monitored emission unit operated during the month and the number of valid hours of monitoring data that the monitoring system recovered during the month;
    - (ii) The date, time period, and cause of each failure to meet the data recovery requirements of section (c) above and any actions taken to ensure adequate collection of such data;
    - (iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the associated generating equipment was operated each day;
    - (iv) The results of all cylinder gas audits conducted during the month; and
    - (v) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

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

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

- (1) **Emission testing requirements.**
  - (a) **Requirement to test.** The Agency may conduct or require that emission testing be conducted of any "source" or emission unit within the jurisdiction of the Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions.
  - (b) **Test methods.** Any required emission testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Agency including, but not limited to, approved EPA test methods from 40 CFR Parts 51, 60, 61, and 63 which are hereby adopted by reference **(as in effect on ((January 1, 2015)) the date cited in SWCAA 400-025)**, approved test methods from Ecology's Test Manual Procedures for Compliance Testing, Opacity Determination Method (SWCAA Method 9 - Appendix A to SWCAA 400), Oregon Department of Environmental Quality (DEQ) Method 8 "Sampling Particulate Emissions from Stationary Sources (High Volume Method)" hereby adopted by reference, or alternate procedures approved by both the Agency and EPA.
  - (c) **Accommodations for sampling.** The operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform a test of an emission unit. The Agency shall be allowed to obtain a sample from any emission unit. The operator of the "source" shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

- (d) **Notification/test plan submission.** The owner or operator of a "source" shall submit a test plan to the Agency in writing at least 10 business days prior to any required emissions test or as otherwise approved by the Agency. Agency personnel shall be informed at least 3 business days prior to testing so that they have an opportunity to be present during testing.
- (e) **Test duration.** A minimum of 3 test runs, at least 1 hour in length, shall be performed at maximum achievable operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. The results of the individual test runs shall be averaged together for the purpose of demonstrating compliance with applicable emission limits.
- (f) **Test records.** A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emissions testing to correlate operations with emissions and shall be recorded in the final test report.
- (g) **Test reports.** Results of all required emission testing shall be submitted to the Agency within 45 calendar days of test completion or as specified in the applicable air discharge permit. Test reports shall be submitted in both printed and electronic formats. Measured concentrations for combustion and incineration emission units shall be corrected as provided in the applicable air discharge permit or nonroad engine permit, or as specified in SWCAA 400-050(3). The Agency may reject test reports that do not contain the information listed below, and require resubmittal of a complete report. Test reports shall include the following information:
  - (i) A description of the emission unit including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations;
  - (ii) Time and date of the test and identification and qualifications of the personnel involved;
  - (iii) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit, or as specified in the applicable air discharge permit. Where applicable, results shall be reported both as measured and as corrected to the appropriate oxygen correction;
  - (iv) A summary of control system or equipment operating conditions;
  - (v) A summary of production related parameters;
  - (vi) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation;
  - (vii) A description of the analytical procedures used including all laboratory data; quality assurance/quality control procedures and documentation;
  - (viii) Copies of field data and example calculations;
  - (ix) Chain of custody information;
  - (x) Calibration documentation;
  - (xi) Discussion of any abnormalities associated with the results; and
  - (xii) A statement signed by the senior management official of the testing firm certifying the validity of the emission test report.
- (2) **Emission monitoring requirements for combustion sources.**
  - (a) **Requirement to monitor.** The Agency may require in an air discharge permit or nonroad engine permit that emission monitoring be conducted for any "source" within the jurisdiction of the Agency to evaluate process equipment operation or control equipment performance.
  - (b) **Monitoring method.** Emission monitoring may be performed with a portable analyzer or EPA reference methods. Alternative methodologies may be used if approved by both EPA and SWCAA.

- (i) For any portable analyzer used to perform emission monitoring pursuant to this section, the response of the analyzer to a calibration gas of known concentration shall be determined before sampling commences and after sampling has concluded. These "calibration error" measurements shall be conducted as close as practical to the time of the monitoring event, but in no case on a different day than the event. At a minimum, the calibration error procedure shall include a two point (zero/span gas) calibration error check using EPA Protocol 1 reference gases. Results of the sampling shall not be valid if the pre and post calibration error check results vary by more than 10 percent of the span value; and
- (ii) Span gas concentrations shall be no less than 50 percent and no more than 200 percent of the emission concentration corresponding to the permitted emission limit. When actual emission concentrations are significantly less than the permitted emission limit, a lower concentration span gas may be used if it is more representative of measured concentrations. Ambient air may be used to zero CO and NO<sub>x</sub> cells/analyzer(s) and span oxygen cells/analyzer.
- (c) **Accommodations for sampling.** The owner or operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform monitoring of an emission unit.
- (d) **Data collection.** Emission data shall be collected for at least five minutes following a "ramp-up" phase. The "ramp-up" phase ends when analyzer readings have stabilized (less than five percent per minute change in emission concentration value). Emission concentrations shall be recorded every 30 seconds during data collection. All emission data collected following the ramp-up phase(s) shall be reported to the Agency.
- (e) **Monitoring records.** A complete record of production related parameters shall be kept during emission monitoring to correlate operations with emissions and shall be recorded in the final monitoring report. Typical production parameters include, but are not limited to, startups, shutdowns, unit load, fuel flow, operating temperature, etc.
- (f) **Monitoring reports.** Results of all required emission monitoring shall be submitted to the Agency within 15 calendar days of completion or as specified in the applicable regulatory order or air discharge permit. Results shall be submitted on forms provided by the Agency or in an alternative format approved by the Agency. The report shall include the following information:
  - (i) A description of the emission unit including manufacturer, model number and facility designation;
  - (ii) Time and date of the emission monitoring;
  - (iii) Identification of the personnel involved;
  - (iv) A summary of results, reported in units consistent with the applicable emission standard or limit;
  - (v) A summary of control system or equipment operating conditions, including firing rate at time of monitoring;
  - (vi) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation; and
  - (vii) Calibration error check documentation.

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review)****(1) Applicability.**

- (a) Air discharge permit applications submitted to the Agency pursuant to SWCAA 400-109 shall be reviewed and approved in accordance with the requirements of this section.
- (b) Review of a modification shall be limited to the emission unit(s) proposed to be added to an existing "stationary source" or modified and the air contaminants whose emissions would increase as a result of the modification except that review of a "major modification" shall comply with the requirements of SWCAA 400-111, 400-112, 400-113, 400-800 through -860, and/or WAC 173-400-700 through -750.
- (c) The requirements of this section are not applicable to:
  - (i) "Stationary sources" that meet the exemption criteria specified in SWCAA 400-109(3). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Agency to substantiate that the "stationary source" is entitled to exemption under this section; ~~((and))~~
  - (ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046; and
  - (iii) Portable stationary sources subject to the provisions of SWCAA 400-036.
- (d) Review is not required for the following:
  - (i) A process change that does not result in the emission of a type of toxic air pollutant, as provided in Chapter 173-460 WAC (as in effect 8/21/98), not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in WAC 173-460-150. The process change may not cause an existing emission limit to be exceeded; or
  - (ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate specified in WAC 173-460-150. The material change may not cause an existing emission limit to be exceeded.

**(2) Application completeness determination.** Within 30 calendar days of receipt of an air discharge permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application as provided under RCW 70.94.152.

- (a) Each application shall provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification. The application shall identify the location, design, construction, and operation the new source as necessary to enable the Agency to determine that the new source will meet applicable requirements.
- (b) An application for a new major stationary source or major modification shall provide all information required for review pursuant to WAC 173-400-700 through -750 or SWCAA 400-800 through -860, as applicable.
- (c) An application for a source subject to the Special Protection requirements for federal Class I areas in WAC 173-400-117(2) shall include all information required for review of the project under WAC 173-400-117(3).
- (d) A completed SEPA checklist or relevant SEPA determination for the proposed action shall be submitted with each application, as provided in WAC 197-11. If a proposed action is exempt from SEPA, sufficient documentation shall be provided to confirm its exempt status.

**(3) Requirements.**

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



- (b) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.
  - (c) Air discharge permit applications must demonstrate that all applicable emission standards have been or will be met by the proposed modification or "new source." Examples of applicable emissions standards include, but are not limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS and applicable ambient air quality standards. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151. If the ambient impact of a proposed project could potentially exceed an applicable ambient air increment, the Agency may require that the applicant demonstrate compliance with available ambient air increments and Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.
  - (d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" that meet the applicability criteria of WAC 173-400-720 shall demonstrate that all applicable requirements of WAC 173-400-700 through 750 have been met.
  - (e) Air discharge permit applications for "major stationary sources" or "major modifications" that are located within a designated nonattainment area and meet the applicability criteria of SWCAA 400-820 shall demonstrate that all applicable requirements of SWCAA 400-800 through -860 have been met.
  - (f) An applicant filing an air discharge application for a project described in WAC 173-400-117(2), Special Protection Requirements for Federal Class I Areas, must send a copy of the application to the responsible federal land manager and EPA.
- (4) **Final determination.**
- (a) Within 60 calendar days of receipt of a complete application, the Agency shall either issue a final decision approving or denying the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. The Agency will promptly mail copies of each order approving or denying an air discharge permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.
- An owner or operator seeking to construct or modify a "stationary source" that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the application required by this section. An application designated for integrated review shall be processed in accordance with Chapter 173-401 WAC procedures and deadlines and must comply with SWCAA 400-171. A PSD permit application subject to WAC 173-400-700 through -750 shall comply with the public process requirements of those sections.
- (b) An owner or operator who submits applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.
  - (c) Permits issued pursuant to this section become effective on the date of issuance unless otherwise specified.
  - (d) Every final determination on an air discharge permit application that results in the issuance of an air discharge permit by the Agency shall be reviewed and signed prior to issuance by a



professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.

- (e) If the "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, the Agency shall submit any control technology determination(s) included in a final air discharge permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.
  - (f) If SWCAA is the lead SEPA agency for the proposed action and mitigation measures are required as a result of the SEPA review, applicable mitigation measures shall be included in the final determination.
- (5) **Appeals.** An air discharge permit, any conditions contained in an air discharge permit, the denial of an air discharge permit application, or any other regulatory order issued by the Agency, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC.
- (6) **Portable sources.** The owner(s) or operator(s) of portable sources, as defined in SWCAA 400-030, shall be allowed to operate at temporary locations without filing an air discharge permit application for each location provided that:
- (a) The affected emission units are registered with the Agency pursuant to SWCAA 400-100.
  - (b) The affected emission units have an air discharge permit as a portable "stationary source" issued by SWCAA.
  - (c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location prior to starting the operation. This rule section supersedes corresponding notification requirements contained in existing air discharge permits.
  - (d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Agency to determine that the operation will comply with applicable emission standards, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

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

- (7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or an air discharge permit issued pursuant to this section shall be considered a violation of this section. Noncompliance with any term of a regulatory order or air discharge permit used to satisfy the criteria of SWCAA 400-036 shall be considered a violation of this section.
- (8) **Expiration.** Approval to construct or modify a "stationary source" shall become invalid if construction is not commenced within eighteen months after the date of issuance of an air discharge permit, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. On a permit specific basis, the Agency may specify an earlier date for commencement of construction in an air discharge permit.

The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. To obtain an extension the permittee must submit a written request to the Agency at least 60 calendar days prior to permit expiration. The request shall clearly identify the justification for an extension and include relevant supporting information. The Agency will review all submitted information, and then approve or deny the request in writing. If the original permit action required a public comment period pursuant to SWCAA 400-171, the Agency shall provide an additional public comment period prior to approving an extension. An extension for a PSD permit must be approved by Ecology. The extension of a project that is either a major stationary source or a major modification, as those terms are defined in SWCAA 400-810, shall also require determination of LAER as it exists at the time of the extension for the pollutants that were subject to LAER in the original approval.

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

(9) **Change of conditions.**

- (a) The owner or operator may request, at any time, a change in existing approval/permit conditions. The Agency may approve the request provided that:
  - (i) The change will not cause an applicable emissions standard set by regulation or rule to be exceeded;
  - (ii) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;
  - (iii) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;
  - (iv) The revised approval conditions will continue to require BACT, as defined at the time of the original approval, for each approved "stationary source" except where the Federal Clean Air Act requires LAER (e.g., any change that meets the definition of a "new source" must complete a new BACT determination); and
  - (v) The revised approval conditions meet the requirements of SWCAA 400-110, 400-111, 400-112, 400-113, and 400-830(3) as applicable.
- (b) Requests for a change in PSD permit conditions must be made directly to Ecology. The Agency does not have authority to issue or modify PSD permits.
- (c) Actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171 as applicable.
- (d) The criteria in 40 CFR 52.21(r)(4), as adopted by reference in WAC 173-400-720 or SWCAA 400-830(3) as applicable, shall be considered when determining which new source review approvals are required.
- (e) A request to change approval/permit conditions shall be filed as an air discharge permit application in accordance with SWCAA 400-109. The application shall meet the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-109(4) shall apply to these requests.

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

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

AMENDATORY SECTION (Amending WSR 16-19-009 filed 9/8/16, effective 10/9/16)**SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area**

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in WAC 173-400-710.

"New sources" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO<sub>x</sub> in a designated ozone maintenance plan area, shall meet the following requirements:

- (1) **Emission standards.** The proposed "new source" or modification shall:
  - (a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter 70.94 RCW, and the applicable emission standards of the Agency; and
  - (b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be violated; and
  - (c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and
  - (d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.
- (2) **Control Technology Requirements – BACT / LAER.** Except as provided below, the owner or operator of the proposed "new source", "emission unit" or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.
- (3) **Source compliance.** The owner or operator of the proposed "new source", "emission unit" or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act Chapter 70.94 RCW.
- (4) **Alternative analysis.**
  - (a) Except as provided in subsection (c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis;
  - (b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;
  - (c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

- (5) **Emission offsets and industrial growth allowances.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available. Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.
- (a) Available growth allowances may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary source" or "major modification" to provide offsets as described in subsection (c) below.
- (b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, NO<sub>x</sub>, or CO may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:
- (i) Access is on a first-come-first-served basis, based on the date of a complete application and allowance allocation request;
- (ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO<sub>x</sub> emissions.
- (iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of the available growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board of Directors may approve an emissions allocation of greater than 50 percent upon consideration of the following:
- (A) Information submitted by the "stationary source" to SWCAA justifying its request for exceeding the 50 percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";
- (B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and
- (C) Other relevant information submitted by the "stationary source" or SWCAA.
- (iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA may limit the quantity of VOC and NO<sub>x</sub> growth allowances made available each year. SWCAA will track use of VOC and NO<sub>x</sub> allocations from the growth allowances.
- (v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.
- (c) If no emissions remain in the respective growth allowance, or the Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.
- (i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W,

Guideline on Air Quality Models ~~(((Revised)))~~ as in effect on the date cited in SWCAA 400-025).

- (ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants may be from inside or outside of the same maintenance plan area.
- (iii) "New sources" or modifications shall meet the following offset requirements:
  - (A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;
  - (B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and
  - (C) The emission reductions must provide for a net air quality benefit.
    - (I) New "major stationary sources" within an ozone maintenance plan area shall:
      - (a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
      - (b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
    - (II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:
      - (a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
      - (b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
    - (III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:
      - (a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
    - (IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:
      - (a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
- (iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.
- (v) Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete application for the "new source" or modification. This time limitation

may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

- (vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:
  - (A) The proposed new level of allowable emissions of the "stationary source" or emission unit providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit. No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission unit providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.
  - (B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facilitywide emissions do not exceed the new emission limit.
- (6) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in WAC 173-400-700 through 173-400-750, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the requirements of this section.
- (7) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), the "new source" shall meet all applicable requirements of that regulation.
- (8) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility protection requirements of WAC 173-400-117.
- (9) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

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

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

- (1) **Adoption by reference.** The standards of performance for "new sources" presented in 40 CFR Part 60 and appendices ~~((as in effect on July 1, 2015))~~ are hereby adopted by reference ~~(as in effect on ((July 1, 2015))~~ the date cited in SWCAA 400-025). The term "Administrator" in 40 CFR Part 60 shall mean the Administrator of EPA and the Control Officer of the Agency. Exceptions to this adoption by reference are listed in subsection (2). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

Pursuant to RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the Energy Facility Site Evaluation Council (EFSEC) under WAC 463-39-115.

- (2) **Exceptions.** The following sections and subparts of 40 CFR 60 are not adopted by reference:
- (a) 40 CFR 60.5 Determination of construction or modification
  - (b) 40 CFR 60.6 Review of plans
  - (c) Subpart B Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20 et seq.)
  - (d) Subpart C Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
  - (e) Subpart Cb Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.30b et seq.)
  - (f) Subpart Cc Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
  - (g) Subpart Cd Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
  - (h) Subpart Ce Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
  - (i) Subpart BBBB Emission guidelines and compliance times for small municipal waste combustion units constructed on or before august 30, 1999 (ref. 40 CFR 60.1500 et seq.)  
Note: These sources are regulated under SWCAA 400-050(4)
  - (j) Subpart DDDD Emissions guidelines and compliance times for commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (ref. 40 CFR 60.2500 et seq.)  
Note: These sources are regulated under SWCAA 400-050(4)
  - (k) Subpart FFFF Emission guidelines and compliance times for other solid waste incineration units that commenced construction on or before December 9, 2004. (ref. 40 CFR 60.2980 et seq.)
  - (l) Subpart JJJJ Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.)
  - (m) Subpart MMMM Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
  - (n) Subpart TTTT Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.)
  - (o) Subpart UUUU Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700 et seq.)

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

#### **SWCAA 400-171 Public Involvement**

- (1) **Public notice.**
- (a) Notice shall be published on the SWCAA Internet website announcing the receipt of air discharge permit applications, nonroad engine permit applications and other proposed actions. Notice shall be published for a minimum of 15 calendar days. Publication of a

notice on the SWCAA website at the time of application receipt is not required for any application or proposed action that automatically requires a public comment period pursuant to subsection (2) of this section. In the event that publication on the SWCAA Internet website does not occur for the prescribed time period, notice will be published for a minimum of one (1) day in a newspaper of general circulation in the area of the proposed action. When notice is published via newspaper, the Agency shall not issue a final determination on the affected action for a minimum of 15 calendar days following the date of publication. Each notice shall, at a minimum, include the following information:

- (i) The name and address of the owner or operator and the affected facility;
  - (ii) A brief description of the proposed action;
  - (iii) Agency contact information;
  - (iv) A statement that a public comment period will be provided upon request pursuant to SWCAA 400-171(3); and
  - (v) The date by which a request for a public comment period is due.
- (b) Requests for a public comment period shall be submitted to the Agency in writing via letter or fax. A request may be submitted via electronic mail provided the sender confirms receipt by the Agency via telephone or electronic receipt confirmation. A public comment period shall be provided pursuant to subsection (3) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not provided may be processed without further public involvement.

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

- (a) A public comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following:
- (i) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025) as part of review under SWCAA 400-046, 400-110, or WAC 173-400-117;
  - (ii) Any order or permit to determine RACT;
  - (iii) Any order or permit to establish a compliance schedule pursuant to SWCAA 400-161 or a variance pursuant to SWCAA 400-180;
  - (iv) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;
  - (v) Any order or permit to authorize a bubble;
  - (vi) Any order or permit used to establish a creditable emission reduction;
  - (vii) An Order of Discontinuance as provided in SWCAA 400-230(1)(g);
  - (viii) Any order or permit used to establish a "synthetic minor" or modification thereof;
  - (ix) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;
  - (x) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or
  - (xi) Any proposed action for which the Executive Director determines there is a substantial public interest including:
    - Air discharge permit applications
    - Nonroad engine permit applications
    - Other actions of significance
  - (xii) Any order or permit to approve a new or modified source if the associated increase in emissions of any toxic air pollutant is greater than the applicable acceptable source impact level specified in WAC 173-460, as in effect 8/21/98.



- (b) Any air discharge permit application designated for integrated review that includes a PSD permit application must comply with the public notice requirements of WAC 173-400-740.
- (3) **Public comment period requirements.** A public comment period shall be provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made.
- (a) Availability for public inspection. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270.
- (b) Publication of comment period notice. Notice shall be given by prominent advertisement in the area of the proposed project. Notice for a public comment period shall include the following information:
- (i) The name and address of the owner or operator and the affected facility;
  - (ii) A brief description of the proposal, including a description of the processes subject to permitting;
  - (iii) A description of the air pollutant emissions associated with the proposal;
  - (iv) Identification of Agency staff from whom interested persons may obtain additional information;
  - (v) The location of the documents made available for public inspection;
  - (vi) Identification of a 30 calendar day period for submitting written comment to the Agency;
  - (vii) A statement that a public hearing may be held if the Agency determines within a 30 calendar day period that significant public interest exists;
  - (viii) The length of the public comment period in the event of a public hearing; and
  - (ix) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117(5)(c), the comment period notice shall explain the Agency's draft decision.
- (c) EPA Notification. A copy of each comment period notice shall be sent to the EPA Region 10 Regional Administrator.
- (d) Consideration of public comment. The Agency shall make no final decision on any application or other action for which a public comment period has been provided until the public comment period has ended and any comments received during the public comment period have been considered.
- (e) Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Agency may hold a public hearing if the Executive Director determines significant public interest exists. The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, a minimum of 30 days notice will be provided to the public prior to the hearing date. The public comment period for the affected action shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.
- (4) **Public involvement for integrated review with an operating permit.** Any air discharge permit application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).
- (5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu

of the provisions of this section (e.g., SEPA). This subsection does not apply to PSD permit applications processed by Ecology.

- (6) **Public information.** All information is available for public inspection at the Agency, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

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

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

The Actuals Plantwide Applicability limit program contained in Section IV.K of 40 CFR Part 51, Appendix S, Emission Offset Ruling ~~((, as of May 1, 2012,))~~ is adopted by reference (as in effect on the date cited in SWCAA 400-025) with the following exceptions:

- (1) The term "reviewing agency" means "permitting agency" as defined in SWCAA 400-030.
- (2) "PAL permit" means the major or minor new source review permit issued that establishes the PAL and those PAL terms as they are incorporated into an air operating permit issued pursuant to WAC 173-401.
- (3) The reference to 40 CFR 70.6 (a)(3)(iii)(B) in subsection IV.K.14 means WAC 173-401-615 (3)(b).
- (4) No PAL permit can be issued under this provision until EPA adopts this section into the state implementation plan.

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

### **APPENDIX A SWCAA METHOD 9 VISUAL OPACITY DETERMINATION METHOD**

1. Principle  
The opacity of emissions from stationary sources is determined visually by a qualified observer.
2. Procedure  
The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9 ~~((;))~~ (as in effect on ((July 1, 2015)) the date cited in SWCAA 400-025).
  - 2.1 Position  
The observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his/her back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his/her observations from a position such that his/her line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his/her observations with his/her line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).
  - 2.2 Field Records  
The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, a sketch of the observer's position relative to the source, and the date on a field data

sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

### 2.3 Observations

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

#### 2.3.1 Attached Steam Plumes

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

#### 2.3.2 Detached Steam Plumes

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

### 2.4 Recording Observations

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

### 2.5 Data Reduction

The number of observations at each opacity level shall be determined and recorded on the field data sheet. Opacity shall be determined by the highest 13 observations in any consecutive 60-minute period. The opacity standard or emissions limit is exceeded if there are more than 12 observations during any consecutive 60-minute period for which an opacity greater than the standard or emission limit is recorded. The opacity standard is a 1 hour standard (rolling 60 minutes). Only one violation of the standard per hour may be recorded meaning that a violation for any given consecutive 60-minute period may be recorded in substantially fewer than 60 minutes. No one-hour time sets shall overlap for purpose of determining a violation or violations. Data used to establish a violation in one consecutive 60-minute period can not be used to establish a violation in a second consecutive 60-minute period.

## 3. References

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

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

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

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