



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: September 20, 2022

TIME: 10:46 AM

WSR 22-19-080

Agency: Southwest Clean Air Agency

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; or

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

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

Proposal is exempt under RCW 70A.15.2040(1).

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

SWCAA 400-025 – Adoption of Federal Rules

Existing rule section establishing an adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 – Definitions

Existing rule section containing definitions for words and phrases used throughout SWCAA 400.

SWCAA 400-040 – General Standards for Maximum Emissions

Existing rule section containing a minimum set of air emission standards applicable to all sources.

SWCAA 400-045 – Permit Application for Nonroad Engines

Existing rule section identifying requirements for nonroad engine permit applications.

SWCAA 400-070 – General Requirements for Certain Source Categories

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

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

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

SWCAA 400-100 – Registration Requirements

Existing rule section identifying requirements for registration and inspection of air contaminant sources.

SWCAA 400-101 – Emission Units Exempt from Registration Requirements

Existing rule section describing air contaminant sources exempt from registration requirements.

SWCAA 400-105 – Records, Monitoring and Reporting

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

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

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

SWCAA 400-109 – Air Discharge Permit Applications

Existing rule section identifying requirements for the submission and content of Air Discharge Permit applications.

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

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

SWCAA 400-115 – Standards of Performance for New Sources

Existing rule section adopting by reference federal standards for new sources contained in 40 CFR Part 60.

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

Existing rule section identifying presumptive requirements for new exhaust stack installations, and describes the procedure by which the maximum creditable stack height is to be determined.

SWCAA 400-290 – Severability

Existing rule section addressing severability of provisions in SWCAA 400.

SWCAA 400, Appendix C - Federal Standards Adopted by Reference.

Existing rule section containing informational lists of all federal regulations adopted by reference pursuant to SWCAA 400-075 and 400-115.

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
November 30, 2022	6:00 PM	Virtual online hearing	Contact Agency to register for online hearing.

Date of intended adoption: January 5, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Wess Safford

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

Email: wess@swcleanair.org

Fax: (360) 576-0925

Other:

By (date) November 30, 2022

Assistance for persons with disabilities:

Contact [Tina Hallock](#)

Phone: (360) 574-3058 x110

Fax: (360) 576-0925

TTY: (360) 574-3058

Email: tina@swcleanair.org

Other:

By (date) December 29, 2022

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

SWCAA 400-025 – Adoption of Federal Rules

The proposed rule changes update the adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 – Definitions

The proposed rule change updates the definition for volatile organic compound.

SWCAA 400-040 General Standards for Maximum Emissions

The proposed rule changes make administrative edits and remove "A" reference in section (1)(f).

SWCAA 400-045 Permit Application for Nonroad Engines

The proposed rule changes revise the explanation of application fees.

SWCAA 400-070 General Requirements for Certain Source Categories

The proposed rule changes remove affirmative New Source Review applicability citations from section (12), add a pool heater exemption in section (13)(b), adopt the federal plan found in 40CFR62 Subpart OOO, and make administrative edits.

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

The proposed rule changes add an EPA test method citation for small boilers/heaters, add gasoline to list of allowable fuels for emergency service engines, add a 40CFR60 Subpart JJJJ citation for emergency service engines, and make administrative edits.

SWCAA 400-100 Registration Requirements

The proposed rule changes revise the description of registration fees and make administrative edits.

SWCAA 400-101 Emission Units Exempt from Registration Requirements

The proposed rule changes add registration exemptions for gas fired rooftop comfort heating units and gas fired freeze protection units and make administrative edits.

SWCAA 400-105 Records, Monitoring and Reporting

The proposed rule changes change term 'source' to 'stationary source' in selected sections to improve clarity.

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

The proposed rule changes revise emission test report submission requirements and make administrative edits.

SWCAA 400-109 Air Discharge Permit Applications

The proposed rule changes add a section specifying equipment subject to mandatory permitting, add exemptions for gas fired rooftop comfort heating units and gas fired freeze protection units, and make administrative edits.

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

The proposed rule changes revise application completeness criteria to include applicable fees and make administrative edits.

SWCAA 400-115 Standards of Performance for New Sources

The proposed rule changes remove the adoption exemption for 40CFR60 Subpart JJJJ, revise the adoption exemption for 40CFR60 Subparts TTTT and UUUUa, and make administrative edits.

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

The proposed rule changes make administrative edits.

SWCAA 400-290 Severability

The proposed rule changes revise existing language for greater consistency with similar language in other statutes.

SWCAA 400 Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE

The proposed rule changes update the lists of adopted federal regulations.

Reasons supporting proposal:

The proposed changes are necessary to support the Agency's implementation of the Washington state Clean Air Act and associated federal standards.

Statutory authority for adoption: RCW 70A.15.2040(1)

Statute being implemented: RCW 70A.15.2040(1)

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

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

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

- | |
|--|
| <input type="checkbox"/> Private |
| <input type="checkbox"/> Public |
| <input checked="" type="checkbox"/> Governmental |

Name of agency personnel responsible for:			
	Name	Office Location	Phone
Drafting:	Wess Safford	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x126
Implementation:	Clint Lamoreaux	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x131
Enforcement:	Jerry Ebersole	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x122

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

If yes, insert statement here:

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

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

Is a cost-benefit analysis required under RCW 34.05.328?

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

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

No: Please explain: Pursuant to RCW 70A.15.2040(1), Section 201, Chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking Section 201, Chapter 403, Laws of 1995 for this action.

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

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

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

Citation and description:

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

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

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

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

This rule proposal, or portions of the proposal, is exempt under RCW 70A.15.2040(1).

Explanation of exemptions, if necessary: Pursuant to RCW 70A.15.2040(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with Chapter 42.30 RCW and selected portions of Chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of Chapter 19.85 RCW.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

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

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

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

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

Date: September 20, 2022

Name: Uri Papish

Title: Executive Director

Signature:

