



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: January 11, 2023

TIME: 11:53 AM

WSR 23-03-057

Agency: Southwest Clean Air Agency

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose:

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.

Citation of rules affected by this order:

New: None

Repealed: None

Amended: SWCAA 400-025, SWCAA 400-030, SWCAA 400-040, SWCAA 400-045, SWCAA 400-070, SWCAA 400-072, SWCAA 400-100, SWCAA 400-101, SWCAA 400-105, SWCAA 400-106, SWCAA 400-109, SWCAA 400-110, SWCAA 400-115, SWCAA 400-200, SWCAA 400-290, SWCAA 400 Appendix C

Suspended: None

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

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 22-19-080 on September 20, 2022 (date).

Describe any changes other than editing from proposed to adopted version: None

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	___	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>0</u>	Amended	16	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>0</u>	Amended	16	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>0</u>	Amended	<u>16</u>	Repealed	___

Date Adopted: January 5, 2023

Name: Uri Papish

Title: Executive Director

Signature:

