pscleanair.org
Puget Sound Clean Air Agency

PUGET SOUND CLEAN AIR AGENCY

1904 3rd Avenue, Suite 105
Seattle, Washington 98101-3317
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REGULATION I

Copies of Regulations I, II, and III are available by writing, calling, or visiting the Agency. Our regulations are also available on the Agency's web site at <www.pscleanair.org>.

Regulation I of the
PUGET SOUND CLEAN AIR AGENCY

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Regulation I of the
PUGET SOUND CLEAN AIR AGENCY

As originally adopted by Resolution No. 12 on March 13, 1968 by the Board of Directors of the Agency and as amended by subsequent resolutions as follows:

Resolution No.	Date Adopted	Sections Amended	
25	07/09/69	Revised	- 3.11, 3.12, and 7.01
		Adopted	- 3.29
115	02/11/70	Extended	- Regulation I to Kitsap County
126	07/08/70	Revised	- 1.07, 9.03, 9.04, 9.07, and 9.09
		Adopted	- 11.01, 11.03, and 11.05
135	11/10/71	Revised	- 1.01, 1.07, 3.09, 3.11, 3.12, 3.29, 5.03, 5.05, 6.03, 6.07, 7.01, 9.02, 9.09, 11.01, and 11.03
		Adopted	- 11.06, 11.07, 11.08, 11.09, and 12.01
141	04/12/72	Revised	- 1.07 and 9.02
142	05/10/72	Revised	- 1.07 and 11.03
149	07/12/72	Adopted	- 9.17
172	12/13/72	Adopted	- 7.02
178	03/14/73	Adopted	- 9.19
186	04/11/73	Revised	- 9.03
187	04/11/73	Revised	- 9.16
194	06/13/73	Revised	- 1.07 and 9.02
214	10/10/73	Revised	- 1.01, 3.07, 3.25, Exhibit A of Article 5, 6.07, and 9.09
		Adopted	- 6.04
		Deleted	- 9.17
218	12/12/73	Revised	- 6.04
230	02/21/74	Revised	- 9.07
251	06/20/74	Adopted	- 9.02A
264	08/15/74	Revised	- 7.01
285	11/21/74	Revised	- 6.03, 6.04, and 6.07
		Adopted	- 6.06
312	07/17/75	Adopted	- 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, and 18.09
332	09/18/75	Revised	- 18.01 and 18.05
361	03/18/76	Revised	- 1.07
		Adopted	- 8.01, 8.02, 8.03, 8.04, 8.05, 8.06, 8.07, 8.08, 8.09, 8.10, and 8.11
		Deleted	- 9.02 and 9.02A
383	11/18/76	Revised	- 18.02 and 18.03
417	12/08/77	Deleted	- 18.01, 18.02, 18.03, 18.04, 18.05, 18.06, 18.07, 18.08, and 18.09
461	03/13/80	Revised	- 1.07, Exhibit A of Article 5, 6.03, 6.04, and 6.06
465	05/08/80	Adopted	- 3.24
471	06/12/80	Adopted	- 6.08
472	06/12/80	Revised	- 3.24
477	08/14/80	Revised	- 11.01, 11.03, 11.05, 11.06, 11.07, and 11.09

Resolution No.	Date Adopted	Sections Amended	
530	12/09/82	Revised	- 5.03 and 5.05
		Adopted	- 5.02, 5.07, and 5.09
531	12/09/82	Revised	- 3.05, 6.03, and 7.02
		Adopted	- 3.06, 6.12, and 9.20
536	06/09/83	Revised	- 9.04, 9.11, and 9.15
547	10/13/83	Revised	- 1.07, 6.07, and 6.08
556	05/10/84	Revised	- 1.07, 3.25, and 3.29
557	05/10/84	Adopted	- 9.17
		Deleted	- 9.16
567	12/13/84	Revised	- Exhibit A of Article 5
573	01/10/85	Revised	- 5.07
579	06/13/85	Adopted	- 9.08
593	12/12/85	Adopted	- Article 10
597	02/13/86	Revised	- 1.07, 3.05, 3.06, Exhibit A of Article 5, 6.03, 6.04, 6.05, 6.07, 6.09, 7.02, 8.08, 9.06, 9.07, 9.08, and 9.09
		Deleted	- 9.19
616	11/12/87	Revised	- 1.07, 3.05, 3.09, 3.11, 3.29, 6.07, 6.12, 10.01, 10.02, 10.03, 10.04, and 10.05
		Adopted	- 5.08 and 6.10
		Deleted	- 3.12, 3.13, and 3.15
617	01/14/88	Revised	- 10.02, 10.03, 10.04, and 10.05
621	06/09/88	Revised	- 1.07, 3.07, 5.05, 6.04, 6.08, 8.10, 9.03, 9.05, 9.06, 9.07, 9.09, 9.13, 9.15, 9.20, and 12.01
		Adopted	- 9.10, 9.25, 11.04, 12.02, 12.03, 12.04, and 12.05
622	06/09/88	Adopted	- Delineation of Nonattainment Areas - 8.02
634	11/10/88	Revised	- 1.07
		Adopted	- Article 13
636	12/08/88	Revised	- 1.07 and 8.02
639	01/12/89	Revised	- 1.07, 7.02, 8.01, 8.02, 8.03, 8.04, 8.05, and Delineation of No-Burn Zones - 8.02(b) & (c)
		Deleted	- 8.06, 8.07, 8.08, 8.09, 8.10, and 8.11
640	02/09/89	Revised	- 13.02 and 13.04
643	05/11/89	Revised	- 6.04, 6.07, 9.03, and 9.09
644	08/10/89	Revised	- 1.07, 9.12, 9.15, 12.01, 12.02, 12.03, 12.04, and 12.05
649A1	11/16/89	Adopted	- 5.10
653	10/12/89	Revised	- 5.05 and 5.07
655	11/16/89	Revised	- 8.02 and Delineation of No-Burn Zones - 8.02(b)
660	03/08/90	Revised	- 8.01, 8.02, and 8.05
666	09/13/90	Deleted	- Article 10 *[effective 10/15/90]*
667	07/12/90	Revised	- 8.02(e)
		Deleted	- 8.02(f)
668	07/12/90	Deleted	- 5.10

Resolution No.	Date Adopted	Sections Amended	
670	08/09/90	Revised	- 5.03, 5.05 and 5.07 *[effective 10/01/90]*
671	10/11/90	Revised Adopted	- 13.02 and 13.05 - 13.03
676	10/11/90	Revised	- 6.08 *[effective 11/11/90]*
700	06/13/91	Revised Adopted	- 1.07 *[effective 07/15/91]* - 9.16 *[effective 07/15/91]*
702	08/08/91	Revised Deleted Re#'d/ Revised	- 3.01, 3.05, and 3.09 - 3.03, 3.06, 3.21, and 3.24 - 3.07 to 3.19, 3.11 to 3.17, 3.17 to 3.07, 3.19 to 3.03, 3.23 to 3.21, 3.25 to 3.13, 3.27 to 3.15, 3.29 to 3.11, Article 7 to Article 4, 7.01 to 4.01, 7.02 to 4.02
708	09/26/91	Revised	- 13.01, 13.02, 13.04, and 13.05
710	11/14/91	Revised Adopted	- 6.04 *[effective 12/01/91]* - 5.10 *[effective 12/01/91]*
713	12/12/91	Revised	- 5.07
716	01/09/92	Revised Deleted	- 1.07 *[effective 02/09/92]* - 9.25, 12.05, and 13.02 *[effective 02/09/92]*
724	04/09/92	Revised Deleted	- 8.01, 8.02, 8.03, and 8.04 *[effective 06/01/92]* - 8.05 *[effective 06/01/92]*
734	09/10/92	Revised	- 3.11 and 6.04 *[effective 11/01/92]*
738	11/19/92	Revised Deleted Adopted	- 1.07, 6.03, 6.04, 6.07, 6.08, 6.09 *[effective 01/01/93]* - 6.05, 6.11, and 6.12 *[effective 01/01/93]* - 5.11 *[effective 01/01/93]*
746	01/14/93	Re#'d/ Revised Adopted	- 4.02 (renumbered as 4.03) *[effective 03/04/93]* - 4.02 *[effective 03/04/93]*
751	05/13/93	Revised Deleted	- 8.02 and 8.03 *[effective 06/17/93]* - Addenda *[effective 06/17/93]*
756	07/08/93	Revised Deleted	- 3.11, 5.07, 5.11, 6.04, 6.07, 6.10 *[effective 08/14/93]* - 5.10 *[effective 08/14/93]*
760	08/12/93	Revised Adopted	- 5.03 *[effective 09/17/93]* - 6.11 *[effective 09/17/93]*
764	10/14/93	Revised	- 5.11 *[effective 11/15/93]*
765	10/28/93	Revised	- 6.04 *[effective 11/29/93]*
766	10/28/93	Adopted	- 7.01, 7.03, 7.05, 7.07 *[effective 11/29/93]*
769	12/09/93	Revised Deleted Adopted	- 9.05 *[effective 01/13/94]* - 9.06 *[effective 01/13/94]* - 3.23 *[effective 01/13/94]*
777	02/10/94	Revised Deleted Adopted	- 3.01, 3.05, 5.03, and 9.09 *[effective 03/17/94]* - 3.03, 3.07, 5.09, and 9.17 *[effective 03/17/94]* - 3.07 *[effective 03/17/94]*
783	04/14/94	Revised	- 8.03 and 8.04 *[effective 05/19/94]*

Resolution No.	Date Adopted	Sections Amended	
784	04/14/94	Revised	- 1.07, 6.06, 6.07, 6.09, 9.07, 9.08, Article 11 (title) *[effective 05/19/94]*
		Deleted	- 11.01, 11.03, 11.04, 11.05, 11.06, 11.07, 11.08, 11.09 *[effective 05/19/94]*
		Adopted	- 11.01 and 11.02 *[effective 05/19/94]*
798	09/08/94	Revised	- 3.11, 5.07, 6.11, 7.07, and 9.03 *[effective 10/14/94]*
808	12/08/94	Adopted	- 13.07 *[effective 01/09/95]*
813	02/09/95	Revised	- 3.07 and 8.03 *[effective 03/19/95]*
		Deleted	- 9.04 *[effective 03/19/95]*
821	09/14/95	Revised	- 3.11, 5.07, 5.11, 6.11, and 7.07 *[effective 10/19/95]*
825	02/08/96	Revised	- 8.02 *[effective 03/14/96]*
		Deleted	- 8.01 *[effective 03/14/96]*
		Adopted	- 8.05, 8.07, and 8.08 *[effective 03/14/96]*
832	06/13/96	Adopted	- 3.03 *[effective 07/18/96]*
838	09/12/96	Revised	- 5.02, 5.03, 5.05, and 6.03 *[effective 11/01/96]*
839	09/12/96	Revised	- 3.11, 3.23, 5.07, 6.04, 6.11, and 7.07 *[effective 11/01/96]*
		Deleted	- 5.08 and 5.11 *[effective 11/01/96]*
		Adopted	- 7.09 *[effective 11/01/96]*
842	12/12/96	Revised	- 5.03 and 6.04 *[effective 01/16/97]*
849	03/13/97	Revised	- 8.07 *[effective 04/17/97]*
856	09/11/97	Revised	- 3.03, 3.11, 5.05, 5.07, 6.04, 6.10, 6.11, 7.07, 7.09 *[effective 11/01/97]*
		Adopted	- 3.04 *[effective 11/01/97]*
865	04/09/98	Revised	- 9.03, 9.09, 12.01, and 12.03 *[effective 06/01/98]*
		Deleted	- 12.02 and 12.04 *[effective 06/01/98]*
		Adopted	- 9.04 *[effective 06/01/98]*
870	09/10/98	Revised	- 3.11, 5.03, 5.05, 6.11, and 7.09 *[effective 11/01/98]*
		Adopted	- 3.02 *[effective 11/01/98]*
871	09/10/98	Revised	- 5.07 and 7.07 *[effective 11/01/98]*
872	10/08/98	Revised	- 1.03, 1.07, and 3.17 *[effective 11/14/98]*
		Adopted	- 3.06 and 13.02 *[effective 11/14/98]*
873	10/08/98	Revised	- 8.02, 8.03, and 8.04 *[effective 11/14/98]*
		Adopted	- 8.01 and 8.06 *[effective 11/14/98]*
880	03/11/99	Revised	- 1.07, 6.03, 6.04, 6.06, and 6.07 *[effective 04/17/99]*
881	03/11/99	Revised	- 8.04 and 9.03 *[effective 04/17/99]*
882	03/11/99	Revised	- 3.03, 3.04, 9.11, and 9.15 *[effective 04/17/99]*
		Deleted	- 9.12 *[effective 04/17/99]*
886	07/08/99	Revised	- 5.03, 6.03, and 9.16 *[effective 08/13/99]*
894	09/09/99	Revised	- 5.07 and 7.07 *[effective 11/01/99]*
895	09/09/99	Revised	- 1.01, 1.03, 1.05, 1.07, 3.01, 3.03, 3.11, 6.11, 7.03, 8.07, 8.08, and 13.01 *[effective 11/01/99]*
905	12/09/99	Revised	- 4.01, 4.02, and 4.03 *[effective 01/10/00]*
925	07/13/00	Revised	- 3.11, 5.07, 6.11, and 7.07 *[effective 08/18/00]*
933	11/09/00	Revised	- 8.04 and 8.05 *[effective 01/01/01]*
		Deleted	- 8.01, 8.02, 8.03, and 8.06 *[effective 01/01/01]*
		Adopted	- 8.09, 8.10, 8.11, and 8.12 *[effective 01/01/01]*

Resolution No.	Date Adopted	Sections Amended	
943	05/10/01	Adopted	- 2.01 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.09, 2.10, 2.11, 2.12, 2.13, and 2.14 [effective 06/16/01]
944	07/12/01	Revised	- 6.03, 6.04, 6.09, 6.10, and 9.16 *[effective 09/01/01]*
946	06/14/01	Revised	- 3.02, 5.07, and 7.07 *[effective 07/20/01]*
954	09/13/01	Revised Adopted	- 3.11 and 6.11 *[effective 10/20/01]* - 3.25 *[effective 10/20/01]*
957	10/11/01	Revised Deleted	- 5.07 and 7.07 *[effective 11/16/01]* - 4.02 *[effective 11/16/01]*
968	05/23/02	Revised	- 5.07 *[effective 09/01/02]*
969	05/23/02	Revised	- 6.04 *[effective 09/01/02]*
970	05/23/02	Revised	- 7.07 *[effective 09/01/02]*
976	12/19/02	Adopted	- 8.06 *[effective 01/23/03]*
978	09/26/02	Revised	- 3.11, 3.25, and 6.11 *[effective 11/03/02]*
981	10/24/02	Revised	- 8.12 *[effective 11/30/02]*
992	05/22/03	Revised	- 3.03 and 6.04 *[effective 07/01/03]*
994	05/22/03	Revised	- 5.05 and 5.07 *[effective 07/01/03]*
995	05/22/03	Revised	- 7.07 *[effective 07/01/03]*
1009	09/25/03	Revised	- 3.11 and 3.25 *[effective 11/01/03]*
1024	03/25/04	Revised Deleted Adopted	- 1.07, 3.04, 6.03, 6.09, 9.03, 9.04, 9.08, and 12.03 *[effective 05/01/04]* - 6.06, 6.07, and 6.08 *[effective 05/01/04]* - 6.01 *[effective 05/01/04]*
1030	06/24/04	Revised Deleted	- 5.03, 5.05, and 5.07 *[effective 08/01/04]* - 5.02 *[effective 08/01/04]*
1031	07/22/04	Revised	- 7.03 and 7.07 *[effective 09/01/04]*
1036	09/23/04	Revised Deleted Adopted Re#'d	- 3.11, 3.25, and 12.03 *[effective 11/01/04]* - 11.01, 11.02, 13.02, 13.03, 13.04, and 13.05 *[effective 11/01/04]* - 13.02 *[effective 11/01/04]* - 13.07 (renumbered as 13.03) *[effective 11/01/04]*
1044	06/23/05	Revised	- 5.07 *[effective 08/01/05]*
1045	06/23/05	Revised	- 6.04 *[effective 08/01/05]*
1055	09/22/05	Revised	- 3.11 and 3.25 *[effective 11/01/05]*
1056	11/17/05	Revised	- 6.01 *[effective 01/01/06]*
1057	09/22/05	Revised	- 13.02 *[effective 11/01/05]*
1063	03/23/06	Revised	- 3.07, 6.01 *[effective 05/01/06]*
1064	03/23/06	Revised	- 6.03, 6.04 *[effective 05/01/06]*
1067	06/22/06	Revised	- 5.07 *[effective 08/01/06]*
1082	10/26/06	Revised	- 3.11 and 3.25 *[effective 12/01/06]*
1083	10/26/06	Revised	- 5.03 and 6.03 *[effective 12/01/06]*
1089	02/22/07	Revised	- 9.16 *[effective 09/01/07]*
1106	09/27/07	Revised	- 3.02, 3.11, and 3.25 *[effective 11/01/07]*

Resolution No.	Date Adopted	Sections Amended	
1107	09/27/07	Revised	- 6.01 *[effective 11/01/07]*
1112	02/28/08	Revised	- 8.09, 8.10, and 8.11 *[effective 04/01/08]*
		Adopted	- 8.13 *[effective 04/01/08]*
1117	05/22/08	Revised	- 5.07 *[effective 07/01/08]*
1118	05/22/08	Revised	- 6.04 *[effective 07/01/08]*
1119	05/22/08	Revised	- 7.07 *[effective 07/01/08]*
1131	09/25/08	Revised	- 3.11 and 3.25 *[effective 11/01/08]*
1132	09/25/08	Revised	- 5.03 and 6.03 *[effective 11/01/08]*
1133	09/25/08	Revised	- 7.09 *[effective 11/01/08]*
1134	09/25/08	Revised	- 8.04 and 8.05 *[effective 11/01/08]*
1149	03/26/09	Revised	- 2.02 and 2.06 *[effective 05/01/09]*
1154	04/23/09	Revised	- 8.13 *[effective 06/01/09]*
1147	05/28/09	Revised	- 8.08 *[effective 07/01/09]*
1170	09/24/09	Revised	- 3.11 and 3.25 *[effective 11/01/09]*
1171	09/24/09	Revised	- 5.03 and 6.03 *[effective 11/01/09]*
1172	09/24/09	Revised	- 6.01 *[effective 11/01/09]*
1184	03/25/10	Revised	- 5.03 and 5.07 *[effective 05/01/10]*
1192	07/22/10	Adopted	- 14.01, 14.02, 14.03, 14.04, 14.05, 14.06, 14.07, and 14.08 *[effective 09/01/10]*
1196	09/23/10	Revised	- 3.11 and 3.25 *[effective 11/01/10]*
1199	10/28/10	Revised	- 8.05 *[effective 01/01/11]*
1200	10/28/10	Revised	- 9.16 *[effective 12/02/10]*
1210	05/26/11	Revised	- 5.07 *[effective 07/01/11]*
1221	09/22/11	Revised	- 6.01, 6.03, and 6.04 *[effective 11/01/11]*
1222	09/22/11	Revised	- 3.11 and 3.25 *[effective 11/01/11]*
1231	12/15/11	Revised	- 3.03 *[effective 02/01/12]*
1233	12/15/11	Adopted	- 15.01, 15.03, and 15.05 *[effective 02/01/12]*
1232	01/26/12	Revised	- 5.03 and 6.03 *[effective 03/02/12]*
		Adopted	- 5.12 and 9.18 *[effective 03/02/12]*
1241	05/24/12	Revised	- 3.04 *[effective 07/01/12]*
1242	05/24/12	Revised	- 5.07 *[effective 07/01/12]*
1243	05/24/12	Revised	- 6.04 *[effective 07/01/12]*
1244	05/24/12	Revised	- 7.07 *[effective 07/01/12]*
1253	09/27/12	Revised	- 3.11 and 3.25 *[effective 11/01/12]*
1254	09/27/12	Revised	- 5.03 and 6.03 *[effective 11/01/12]*
1255	09/27/12	Revised	- 8.05 *[effective 11/01/12]*
1258	10/25/12	Revised	- 13.01, 13.02, 13.03 *[effective 12/01/12]*
		Adopted	- 13.04, 13.05, 13.06, and 13.07 *[effective 12/01/12]*
1270	03/28/13	Revised	- 6.01 *[effective 05/01/13]*

Resolution No.	Date Adopted	Sections Amended	
1280	07/25/13	Revised	- 14.04 and 14.07 *[effective 09/01/13]*
1283	09/26/13	Revised	- 2.02 *[effective 11/01/13]*
1284	09/26/13	Revised	- 3.11 and 3.25 *[effective 11/01/13]*
1285	09/26/13	Revised	- 6.03 *[effective 11/01/13]*
1286	09/26/13	Revised	- 7.07 *[effective 11/01/13]*
1308	09/25/14	Revised	- 2.02 *[effective 11/01/14]*
1309	09/25/14	Revised	- 3.11 and 3.25 *[effective 11/01/14]*
1313	12/18/14	Revised	- 6.03 *[effective 2/01/15]*
1328	09/24/15	Revised	- 3.11 and 3.25 *[effective 11/01/15]*
1329	09/24/15	Revised	- 5.03 and 6.03 *[effective 11/01/15]*
1330	09/24/15	Revised	- 12.03 *[effective 11/01/15]*
1350	09/22/16	Revised	- 3.11 and 3.25 *[effective 11/01/16]*
1351	09/22/16	Revised	- 5.03 *[effective 11/01/16]*
1352	09/22/16	Revised	- 5.07 *[effective 11/01/16]*
1353	09/22/16	Revised	- 14.05 *[effective 11/01/16]*
1356	12/15/16	Revised	- 5.05, 7.09, 14.02, and 14.08 *[effective 2/01/17]*
1371	09/28/17	Revised	- 3.11 and 3.25 *[effective 11/01/17]*
1374	10/26/17	Revised	- 14.03, 14.04, 14.05, 14.06, and 14.07 *[effective 12/01/17]*
1388	06/07/18	Revised	- 6.01 *[effective 8/01/18]*
1394	09/27/18	Revised	- 1.07, 3.11, and 3.25 *[effective 12/01/18]*
1407	09/26/19	Revised	- 3.11 and 3.25 *[effective 11/01/19]*

ARTICLE 1: POLICY, SHORT TITLE, AND DEFINITIONS

SECTION 1.01 POLICY Adopted 03/13/68 (12)*
Revised 11/10/71 (135), 10/10/73 (214), 09/09/99 (895)

The Puget Sound Clean Air Agency, consisting of the counties of Pierce, King, Snohomish, and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency, to provide for the uniform administration and enforcement of this Regulation, and to carry out the requirements and purposes of the Washington Clean Air Act and the Federal Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area.

SECTION 1.03 NAME OF AGENCY Adopted 03/13/68 (12)
Revised 10/08/98 (872), 09/09/99 (895)

The name of the multicounty air pollution control agency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County, and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Clean Air Agency" or "Agency".

SECTION 1.05 SHORT TITLE Adopted 03/13/68 (12)
Revised 09/09/99 (895)

This Regulation may be known and cited as "Regulation I of the Puget Sound Clean Air Agency".

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*Numbers in parentheses are Resolution #s.

SECTION 1.07 DEFINITIONS Adopted 03/13/68 (12)

Revised 07/08/70 (126), 11/10/71 (135), 04/12/72 (141), 05/10/72 (142), 06/13/73 (194), 03/18/76 (361), 03/13/80 (461), 10/13/83 (547), 05/10/84 (556), 02/13/86 (597), 11/12/87 (616), 06/09/88 (621), 11/10/88 (634), 12/08/88 (636), 01/12/89 (639), 08/10/89 (644), 06/13/91 (700), 01/09/92 (716), 11/19/92 (738), 04/14/94 (784), 10/08/98 (872), 03/11/99 (880), 09/09/99 (895), 03/25/04 (1024), 09/27/18 (1394)

When used herein:

(a) **AGENCY** means the Puget Sound Clean Air Agency.

(b) **AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(c) **AIR POLLUTION** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. Air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(d) **AMBIENT AIR** means the surrounding outside air.

(e) **BOARD** means the Board of Directors of the Puget Sound Clean Air Agency.

(f) **COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

(g) **CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

(h) **CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound Clean Air Agency.

(i) **EMISSION** means a release of air contaminants into the ambient air.

(j) **EMISSION STANDARD** means a requirement established under the Federal Clean Air Act (FCAA) or chapter 70.94 RCW that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the FCAA or chapter 70.94 RCW.

(k) **EQUIPMENT** or **EMISSIONS UNIT** means any part of a stationary source or source that emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, chapter 70.94 or 70.98 RCW.

(l) **FUEL BURNING EQUIPMENT** means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(m) **GASOLINE** means a petroleum distillate that is a liquid at standard conditions and has a true vapor pressure greater than 4 pounds per square inch absolute at 20°C, and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than 4 pounds per square inch absolute at 20°C shall be considered "gasoline" for purpose of this regulation.

(n) **GASOLINE STATION** means any site dispensing gasoline into motor vehicle, marine vessel, or aircraft fuel tanks from stationary storage tanks.

(o) **HAZARDOUS AIR POLLUTANT** means any air pollutant listed in or pursuant to section 112(b) of the federal Clean Air Act, 42 U.S.C. §7412.

(p) **MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(q) **MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(r) **OWNER** or **OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

(s) **PERSON** means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(t) **REASONABLY AVAILABLE CONTROL TECHNOLOGY** or **RACT** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(u) **REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.

(v) **SOURCE** means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related group of products. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same 2-digit code) as described in the *Standard Industrial Classification Manual*, 1972, as amended by the 1977 supplement.

~~(w) **TOXIC AIR POLLUTANT (TAP) or "toxic air contaminant"** means any toxic air pollutant listed in WAC 173-460-150. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.~~

(x) **TRUE VAPOR PRESSURE** means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporative Loss from External Floating Roof Tanks", May 1996.

(y) **URBANIZED AREA** means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

(z) **VOLATILE ORGANIC COMPOUND** or **VOC** means an organic compound that participates in atmospheric photochemical reactions as defined in 40 CFR 51.100(s) in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.

ARTICLE 3: GENERAL PROVISIONS

SECTION 3.01 DUTIES AND POWERS OF THE CONTROL OFFICER

Adopted 03/13/68 (12)
Revised 08/08/91 (702), 02/10/94 (777), 09/09/99 (895)

Pursuant to the provisions of the "Washington Clean Air Act" (Chapter 70.94 RCW), the Board has appointed a Control Officer whose sole responsibility is to observe and enforce the provisions of the Act and all orders, rules, and regulations pursuant thereto, including but not limited to Regulations I, II, and III of the Puget Sound Clean Air Agency. The Control Officer is empowered by the Board to sign official complaints, issue citations, initiate court suits, or use other legal means to enforce the provisions of the Act.

SECTION 3.02 MEETINGS OF THE BOARD OF DIRECTORS

Adopted 09/10/98 (870), Revised 06/14/01 (946), 09/27/07 (1106)

(a) **Regular Meetings.** The Agency Board of Directors shall meet at least ten (10) times per year. All Board of Director meetings are open to the public. Regular meetings of the Board are usually held on the fourth Thursday of each month at the Agency's offices. The Agency's offices are located at 1904 3rd Avenue, Suite 105, Seattle, WA 98101-3317. The Agency may be reached by telephone at (206) 343-8800 or 1-800-552-3565, or by facsimile at (206) 343-7522.

Notice of the meetings shall be published in the State Register, as well as in the local newspapers of general circulation of the largest city within each member county. The notices shall state the time, date, and place of each meeting. Notice shall be provided at least ten (10) days prior to each meeting. The agenda for any meeting may be obtained from the Agency's website or by contacting the Agency directly.

During any meeting, the Board may retire to Executive Session, at which time all members of the public shall be excluded from the meeting.

Written communications to the Board or individual Board members may be made by contacting the Agency at the above address and facsimile number.

(b) **Special Meetings.** The Chair or majority of the members of the Board may call a special meeting at any time. Notice of such meetings shall be provided as required by the Open Public Meetings Act, chapter 42.30 RCW.

(c) **Public Records.** All minutes and records of all regular and special Board meetings, including written communications provided to the Board, shall be available for public inspection and copying as provided in the Public Disclosure Law, chapter 42.17 RCW. Any person wishing to review or copy such records should contact the Agency's records administrator.

SECTION 3.03 GENERAL REGULATORY ORDERS Adopted 06/13/96 (832)

Revised 09/11/97 (856), 03/11/99 (882), 09/09/99 (895), 05/22/03 (992), 12/15/11 (1231)

(a) **Purpose**. The Board may, by regulatory order, apply to a specific source or sources any applicable provision of chapter 70.94 RCW or the rules adopted thereunder. In addition, federally enforceable regulatory orders that limit the potential to emit any air contaminant(s) pursuant to WAC 173-400-091 and modifications to such orders are issued under Section 3.03(f) of this regulation.

(b) **Public Involvement Process**. The Board may issue a regulatory order after the following public involvement process has been completed:

(1) Public notice of the proposed regulatory order shall be published in a newspaper of general circulation in the area where the source that is the subject of the order is located. Notice shall also be sent to the U.S. Environmental Protection Agency Regional Administrator. The public notice shall include, at a minimum, the following information:

(A) The name and address of the owner or operator and the source;

(B) A brief description of the purpose of the proposed regulatory order and the requirements included in the proposed regulatory order;

(C) The deadline for submitting written comments to the Agency; and

(D) The opportunity for a public hearing if the Agency determines that there is significant public interest in the proposed regulatory order.

(2) The initial public comment period shall be at least 30 days.

(3) During the initial 30-day public comment period, any person may request a public hearing be held. Any such request shall be submitted in writing to the Agency, shall indicate the interest of the entity filing it, and describe why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held before a hearing officer and upon such notice and at a time and place as the Agency deems reasonable. The hearing officer shall hear testimony at the public hearing and prepare a written summary of the testimony received at the hearing. The Agency shall provide at least 30 days prior notice of any hearing. If a public hearing is held, the public comment period shall extend through the hearing date.

(c) **Board Action**. The Board shall only issue a regulatory order under this section after:

(1) The public comment period has ended;

(2) Any public hearing scheduled has been held; and

(3) The Board has considered all information and data related to the proposed regulatory order received by the Agency, including all written comments received and any summary of testimony prepared by the hearing officer.

~~The Board shall take action on a proposed regulatory order at a Board meeting. Unless otherwise ordered by the Board, a regulatory order issued under this section shall be effective on the date the Board approves the regulatory order.~~

~~(d) **Appeals**. Regulatory orders issued by the Board under this section may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.~~

~~(e) **Fees**. When a regulatory order is requested by an applicant, the Agency shall assess a fee of $4,000 to cover the costs of processing and issuing a regulatory order under this section. The Agency shall also assess a fee equal to the cost of providing public notice in accordance with Section 3.03(b) of this regulation. These fees shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.~~

(f) When an applicant requests a federally enforceable regulatory order to limit the potential to emit any air contaminant or contaminants pursuant to WAC 173-400-091, or requests a modification to such an order, the Control Officer or a duly authorized representative may issue such order consistent with the requirements of WAC 173-400-091 and 173-400-171 and Section 3.03(e) above. Regulatory orders issued pursuant to this section are effective the day the Control Officer or representative approves the order and may be appealed to the Pollution Control Hearings Board pursuant to Section 3.17 of Regulation I and RCW 43.21B.310.

SECTION 3.04 REASONABLY AVAILABLE CONTROL TECHNOLOGY

Adopted 09/11/97 (856)
Revised 03/11/99 (882), 03/25/04 (1024), 05/24/12 (1241)

(a) Reasonably Available Control Technology (RACT) is required for all existing sources.

(b) RACT for each source category containing 3 or more sources shall be determined by rule by the Department of Ecology or the Agency, except as provided in Section 3.04(c) of this regulation.

(c) Source-specific RACT determinations may be performed under any of the following circumstances:

(1) For replacement of existing control equipment under Article 6 of this regulation;

(2) When required by the federal Clean Air Act;

(3) For sources in source categories containing fewer than 3 sources;

(4) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or

(5) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.

(d) The Control Officer or a duly authorized representative shall have the authority to perform a RACT determination; to hire a consultant to perform relevant RACT analyses in whole or in part; or to order the owner or operator to perform RACT analyses and submit the results to the Agency.

~~(e) The Agency shall assess a fee to be paid by any source included or covered in a RACT determination to cover the direct and indirect costs of developing, establishing or reviewing categorical or source-specific RACT determinations. The fee for RACT determinations shall be $150 an hour. For categorical RACT determinations, the amount of the fees to be paid by a source shall not exceed a source's pro rata portion as determined by the Agency. In addition, where the Agency hires a consultant to prepare RACT analyses, in whole or in part, pursuant to Section 3.04(d), the source shall be responsible for the consultant's fees. Fees shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.~~

(f) Where current controls are determined to be less than RACT, the Agency shall define RACT for that source or source category and issue a rule or a regulatory order under Section 3.03 of this regulation requiring the installation of RACT.

(g) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

(h) Replacement of control equipment under Section 3.04(c)(1) shall be subject to the notice of construction review fees under Section 6.04, in lieu of RACT fees under this section.

~~SECTION 3.05 INVESTIGATIONS BY THE CONTROL OFFICER~~

~~Adopted 03/13/68 (12)~~
~~Revised 12/09/82 (531), 02/13/86 (597), 11/12/87 (616), 08/08/91 (702), 02/10/94 (777)~~

~~(a) For the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the Control Officer or a duly authorized representative shall have the power to enter at reasonable~~

times upon any private or public property, excepting nonmultiple unit private dwellings housing two families or less. No person shall refuse access to the Control Officer or a duly authorized representative who requests entry for the purpose of inspection, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection.

(b) For the purpose of determining compliance with an emission standard, the Control Officer or a duly authorized representative shall have the authority to conduct testing of a source or to order the owner or operator of the source to have it tested and to report the results to the Agency. In the event the Agency conducts the test, the Agency shall provide the owner or operator an opportunity to observe the sampling and to obtain a sample at the same time.

SECTION 3.06 CREDIBLE EVIDENCE Adopted 10/08/98 (872)

For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70.94 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

SECTION 3.07 COMPLIANCE TESTS Adopted 02/10/94 (777) Revised 02/09/95 (813), 03/23/06 (1063)

(a) Testing of sources for compliance with emission standards shall be performed in accordance with current U.S. Environmental Protection Agency approved methods unless specific methods have been adopted by the Board. Where there is no federally approved or Board approved method, testing shall be performed in accordance with a method approved in writing by the Control Officer.

(b) The owner or operator of a source shall notify the Agency in writing at least 21 days prior to any compliance test. Notification of a compliance test shall be submitted on forms provided by the Agency. Test notifications using the Agency forms do not constitute test plans. Compliance with this notification provision does not satisfy any obligation found in an order or other regulatory requirement to submit a test plan for Agency review. Notification under Section 3.07(b) of this regulation does not waive or modify test notification requirements found in other applicable regulations.

(c) The owner or operator of any source required to perform a compliance test shall submit a report to the Agency no later than 60 days after the test. The report shall include:

(1) A description of the source and the sampling location;

(2) The time and date of the test;

~~information otherwise confidential under the provisions of this section: Provided further, that emission data furnished to or obtained by the Agency shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at offices of the Agency.~~

~~SECTION 3.21 SEPARABILITY~~ ~~Adopted 03/13/68 (12) Revised/Renumbered 08/08/91 (702)~~

~~If any provision of Regulation I, II, or III is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality or validity of every other provision of the Regulations shall not be affected thereby.~~

~~SECTION 3.23 ALTERNATE MEANS OF COMPLIANCE~~ ~~Adopted 12/09/93 (769) Revised 09/12/96 (839)~~

~~Other emission reduction methods may be employed to achieve compliance with the emissions standards of Regulations I, II, and III if the owner or operator demonstrates to the satisfaction of the Control Officer that they are at least as effective as the required methods and they are included in a regulatory order issued under Section 3.03 or a permit issued under Article 6 or 7 of this Regulation.~~

SECTION 3.25 FEDERAL REGULATION REFERENCE DATE

Adopted 09/13/01 (954)
Revised 09/26/02 (978), 09/25/03 (1009), 09/23/04 (1036), 09/22/05 (1055), 10/26/06 (1082), 09/27/07 (1106), 09/25/08 (1131), 09/24/09 (1170), 09/23/10 (1196), 09/22/11 (1222), 09/27/12 (1253), 09/26/13 (1284), 09/25/14 (1309), 09/24/15 (1328), 09/22/16 (1350), 9/28/17 (1371), 09/27/18 (1394), 09/26/19 (1407)

Whenever federal regulations are referenced in Regulation I, II, or III, the effective date shall be July 1, 2019.

ARTICLE 5: REGISTRATION

SECTION 5.03 APPLICABILITY OF REGISTRATION PROGRAM

Adopted 03/13/68 (12), Revised 11/10/71 (135), 10/10/73 (214), 03/13/80 (461), 12/09/82 (530), 12/13/84 (567), 02/13/86 (597), 08/09/90 (670), 08/12/93 (760), 02/10/94 (777), 09/12/96 (838), 12/12/96 (842), 09/10/98 (870), 07/08/99 (886), 06/24/04 (1030), 10/26/06 (1083), 09/25/08 (1132), 09/24/09 (1171), 03/25/10 (1184), 01/26/12 (1232), 09/27/12 (1254), 09/24/15 (1329), 09/22/16 (1351)

(a) The requirements of this article shall apply only to:

(1) Sources subject to a federal emission standard under:

(A) 40 CFR Part 60 (except Subparts B, S, BB, and AAA, the provisions of Subpart IIII pertaining to owners and operators of emergency stationary compression ignition internal combustion engines and the provisions of Subpart JJJJ pertaining to owners and operators of emergency stationary spark ignited internal combustion engines);

(B) 40 CFR Part 61 (except Subparts B, H, I, K, Q, R, T, W, and the provisions of Subpart M pertaining to asbestos on roadways, asbestos demolition and renovation activities, and asbestos spraying);

(C) 40 CFR Part 62; or

(D) 40 CFR Part 63 (except Subpart LL, the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills, the provisions of Subpart ZZZZ pertaining to emergency and limited-use stationary reciprocating internal combustion engines, Subpart BBBBBB pertaining to bulk gasoline plants, and Subparts WWWWW, CCCCCC, HHHHHH, WWWWWW, XXXXXX, YYYYYY, and ZZZZZZ);

(2) Sources with a federally enforceable emission limitation established in order to avoid operating permit program applicability under Article 7 of this regulation;

(3) Sources with annual emissions:

(A) Greater than or equal to 2.50 tons of any single hazardous air pollutant (HAP);

(B) Greater than or equal to 6.25 tons of total hazardous air pollutants (HAP); or

(C) Greater than or equal to 25.0 tons of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter ($PM_{2.5}$ or PM_{10}), sulfur oxides (SO_x), or volatile organic compounds (VOC);

(4) Sources subject to the following sections of Regulation I, II, or III:

(A) Refuse burning equipment subject to Section 9.05 of Regulation I (including crematories);

(B) Fuel burning equipment or refuse burning equipment burning oil that exceeds any limit in Section 9.08 of Regulation I and sources marketing oil to such sources;

(C) Fuel burning equipment subject to Section 9.09 of Regulation I with a rated heat input greater than or equal to 1 MMBtu/hr of any fuel other

than natural gas, propane, butane, or distillate oil, or greater than or equal to 10 MMBtu/hr of any fuel;

(D) Sources with spray-coating operations subject to Section 9.16 of Regulation I;

(E) Petroleum refineries subject to Section 2.03 of Regulation II;

(F) Gasoline loading terminals subject to Section 2.05 of Regulation II;

(G) Gasoline dispensing facilities subject to Section 2.07 of Regulation II;

(H) Volatile organic compound storage tanks subject to Section 3.02 of Regulation II;

(I) Can and paper coating facilities subject to Section 3.03 of Regulation II;

(J) Motor vehicle and mobile equipment coating operations subject to Section 3.04 of Regulation II;

(K) Flexographic and rotogravure printing facilities subject to Section 3.05 of Regulation II;

(L) Polyester, vinylester, gelcoat, and resin operations subject to Section 3.08 of Regulation II;

(M) Aerospace component coating operations subject to Section 3.09 of Regulation II;

(N) Crushing operations subject to Section 9.18; or

(O) Ethylene oxide sterilizers subject to Section 3.07 of Regulation III;

(5) Sources with any of the following gas or odor control equipment having a rated capacity of greater than or equal to 200 cfm (≥4" diameter inlet):

(A) Activated carbon adsorption;

(B) Afterburner;

(C) Barometric condenser;

(D) Biofilter;

(E) Catalytic afterburner;

(F) Catalytic oxidizer;

(G) Chemical oxidation;

(H) Condenser;

(I) Dry sorbent injection;

(J) Flaring;

(K) Non-selective catalytic reduction;

(L) Refrigerated condenser;

(M) Selective catalytic reduction; or

(N) Wet scrubber;

(6) Sources with any of the following particulate control equipment having a rated capacity of greater than or equal to 2,000 cfm (≥10" diameter inlet):
   (A) Baghouse;
   (B) Demister;
   (C) Electrostatic precipitator;
   (D) HEPA (high efficiency particulate air) filter;
   (E) HVAF (high velocity air filter);
   (F) Mat or panel filter;
   (G) Mist eliminator;
   (H) Multiple cyclones;
   (I) Rotoclone;
   (J) Screen;
   (K) Venturi scrubber;
   (L) Water curtain; or
   (M) Wet electrostatic precipitator;

(7) Sources with a single cyclone having a rated capacity of greater than or equal to 20,000 cfm (≥27" diameter inlet);

(8) Sources with any of the following equipment or activities:
   (A) Asphalt batch plants;
   (B) Burn-off ovens;
   (C) Coffee roasters;
   (D) Commercial composting with raw materials from off-site;
   (E) Commercial smokehouses with odor control equipment;
   (F) Concrete batch plants (ready-mix concrete);
   (G) Galvanizing;
   (H) Iron or steel foundries;
   (I) Microchip or printed circuit board manufacturing;
   (J) Rendering plants;
   (K) Rock crushers or concrete crushers;
   (L) Sewage treatment plants with odor control equipment;
   (M) Shipyards;
   (N) Steel mills;
   (O) Wood preserving lines or retorts;
   (P) Dry cleaners using perchloroethylene; or

~~(Q) Marijuana production; and~~

(9) Sources with equipment (or control equipment) that has been determined by the Control Officer to warrant registration through review of a Notice of Construction application under Section 6.03(a) or a Notification under Section 6.03(b) of this regulation, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, and with special reference to effects on health, economic and social factors, and physical effects on property.

(b) The requirements of this article shall not apply to:

(1) Motor vehicles;

(2) Nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act;

(3) Sources that require an operating permit under Article 7 of this regulation;

(4) Solid fuel burning devices subject to Article 13 of this regulation; or

~~(5) Any source, including any listed in Sections 5.03(a)(4) through 5.03(a)(9) of this regulation, that has been determined through review by the Control Officer not to warrant registration, due to the amount and nature of air contaminants produced or the potential to contribute to air pollution, and with special reference to effects on health, economic and social factors, and physical effects on property.~~

(c) It shall be unlawful for any person to cause or allow the operation of any source subject to registration under this section, unless it meets all the requirements of Article 5 of this regulation.

(d) An exemption from new source review under Article 6 of this regulation shall not be construed as an exemption from registration under this article. In addition, an exemption from registration under this article shall not be construed as an exemption from any other provision of Regulation I, II, or III.

SECTION 5.05 REGISTRATION REQUIREMENTS

Adopted 03/13/68 (12)
Revised 11/10/71 (135), 12/09/82 (530), 06/09/88 (621), 10/12/89 (653), 08/09/90 (670), 09/12/96 (838), 09/11/97 (856), 09/10/98 (870) 05/22/03 (994), 06/24/04 (1030), 12/15/16 (1356)

(a) The owner or operator of a source requiring registration under Section 5.03 of this regulation shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The owner or operator shall be responsible for obtaining the proper forms from the Agency, notifying the Agency of its existence (including changes in its ownership or name), and for the accuracy, completeness, and timely submittal of all registration reports and fees.

(b) The owner or operator of a source requiring registration under Section 5.03 of this regulation shall submit a report by June 30th of each year, listing the emissions of those air contaminants emitted during the previous calendar year that equaled or exceeded:

~~(1) 2.50 tons of any single hazardous air pollutant (HAP);~~

~~(2) 6.25 tons of total hazardous air pollutants (HAP);~~

(3) 25.0 tons of carbon monoxide (CO), nitrogen oxides (NO_x), particulate matter ($PM_{2.5}$ or PM_{10}), sulfur oxides (SO_x), or volatile organic compounds (VOC); or

(4) 0.5 tons of lead.

(c) The owner or operator of a registered source shall develop and implement an operation and maintenance plan to ensure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

(1) Periodic inspection of all equipment and control equipment;

(2) Monitoring and recording of equipment and control equipment performance;

(3) Prompt repair of any defective equipment or control equipment;

(4) Procedures for start up, shut down, and normal operation;

(5) The control measures to be employed to ensure compliance with Section 9.15 of this regulation; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

~~SECTION 5.07 ANNUAL REGISTRATION FEES~~ ~~Adopted 12/09/82 (530) Revised 01/10/85 (573), 10/12/89 (653), 08/09/90 (670), 12/12/91 (713), 07/08/93 (756), 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (871), 09/09/99 (894), 07/13/00 (925), 06/14/01 (946), 10/11/01 (957), 05/23/02 (968), 05/22/03 (994), 06/24/04 (1030), 06/23/05 (1044), 06/22/06 (1067), 05/22/08 (1117), 03/25/10 (1184), 05/26/11 (1210), 05/24/12 (1242), 09/22/16 (1352)~~

~~(a) The Agency shall assess annual fees as set forth in Section 5.07(c) of this regulation for services provided in administering the registration program. Fees received under the registration program shall not exceed the cost of administering the program, which shall be defined as initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution registration, on-site inspections necessary to verify compliance with registration requirements, data storage and retrieval systems necessary for support of the registration program, emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration program requirements, staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements, clerical and other office support provided in direct furtherance of the registration program, and~~

ARTICLE 6: NEW SOURCE REVIEW

SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM

Adopted 03/25/04 (1024)
Revised 11/17/05 (1056), 03/23/06 (1063), 09/27/07 (1107), 09/24/09 (1172), 09/22/11 (1221), 03/28/13 (1270), 06/07/18 (1388)

(a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions of the new source review program established by the Washington State Department of Ecology:

WAC 173-400-030	Definitions. (effective 12/29/12)
WAC 173-400-081	Startup and shutdown. (effective 4/01/11)
WAC 173-400-110	New source review (NSR) for sources and portable sources. (effective 12/29/12) (1)(c)(i), (1)(d) and (1)(e)
WAC 173-400-111	Processing notice of construction applications for sources, stationary sources and portable sources. (effective 7/01/16)
WAC 173-400-112	Requirements for new sources in nonattainment areas. (effective 12/29/12)
WAC 173-400-113	Requirements for new sources in attainment or unclassifiable areas. (effective 12/29/12)
~~WAC 173-400-114~~	~~Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 12/29/12)~~
WAC 173-400-117	Special protection requirements for federal Class I areas. (effective 12/29/12)
WAC 173-400-171	Public notice. (effective 7/01/16)
WAC 173-400-200	Creditable stack height and dispersion techniques. (effective 2/10/05)
WAC 173-400-560	General order of approval. (effective 12/29/12)
~~WAC 173-400-700~~	~~Review of major stationary sources of air pollution. (effective 4/01/11)~~
~~WAC 173-400-710~~	~~Definitions. (effective 7/01/16)~~
~~WAC 173-400-720~~	~~Prevention of significant deterioration (PSD). (effective 7/01/16)~~
~~WAC 173-400-730~~	~~Prevention of significant deterioration application processing procedures. (effective 7/01/16)~~
~~WAC 173-400-740~~	~~PSD permitting public involvement requirements. (effective 7/01/16)~~

~~WAC 173-400-750~~	~~Revisions to PSD permits. (effective 12/29/12)~~
WAC 173-400-800	Major stationary source and major modification in a nonattainment area. (effective 4/01/11)
WAC 173-400-810	Major stationary source and major modification definitions. (effective 7/01/16)
WAC 173-400-820	Determining if a new stationary source or modification to a stationary source is subject to these requirements. (effective 12/29/12)
WAC 173-400-830	Permitting requirements. (effective 7/01/16)
WAC 173-400-840	Emission offset requirements. (effective 7/01/16)
WAC 173-400-850	Actual emissions plantwide applicability limitation (PAL). (effective 7/01/16)
WAC 173-400-860	Public involvement procedures. (effective 4/01/11)
~~WAC 173-460-020~~	~~Definitions. (effective 6/20/09)~~
~~WAC 173-460-030~~	~~Applicability. (effective 6/20/09)~~
~~WAC 173-460-040 (2)-(3)~~	~~New source review. (effective 6/20/09)~~
~~WAC 173-460-050~~	~~Requirement to quantify emissions. (effective 6/20/09)~~
~~WAC 173-460-060 (1)~~	~~Control technology requirements. (effective 6/20/09)~~
~~WAC 173-460-070~~	~~Ambient impact requirement. (effective 6/20/09)~~
~~WAC 173-460-071~~	~~Voluntary limits on emissions. (effective 6/20/09)~~
~~WAC 173-460-080 (2)-(4)~~	~~First tier review. (effective 6/20/09)~~
~~WAC 173-460-090~~	~~Second tier review. (effective 6/20/09)~~
~~WAC 173-460-100~~	~~Third tier review. (effective 6/20/09)~~
~~WAC 173-460-150~~	~~Table of ASIL, SQER and de minimis emission values. – excluding references to de minimis emission values (effective 6/20/09)~~

(b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under WAC 173-400-700 through WAC 173-400-750 ~~(as delegated by agreement with the US Environmental Protection Agency, Region 10)~~, and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.

(c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

(d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-78 WAC.

SECTION 6.03 NOTICE OF CONSTRUCTION Adopted 03/13/68 (12)
Revised 11/10/71 (135), 11/21/74 (285), 03/13/80 (461), 12/09/82 (531), 02/13/86 (597), 11/19/92 (738), 09/12/96 (838), 03/11/99 (880), 07/08/99 (886), 07/12/01 (944), 03/25/04 (1024), 03/23/06 (1064), 10/26/06 (1083), 09/25/08 (1132), 09/24/09 (1171), 09/22/11 (1221), 01/26/12 (1232), 09/27/12 (1254), 09/26/13 (1285), 12/18/14 (1313), 09/24/15 (1329)

(a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued by the Agency. The exemptions in Sections 6.03(b) and (c) of this regulation shall not apply to:

(1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), Subpart S (Primary Aluminum Reduction Plants), Subpart OOO (Nonmetallic Mineral Processing Plants), Subpart IIII pertaining to owners and operators of emergency stationary compression ignition internal combustion engines, and Subpart JJJJ pertaining to owners and operators of emergency stationary spark ignited internal combustion engines; and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) for which an Order of Approval has been previously issued by the Agency;

(2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);

(3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except for the provisions of Subpart M (Dry Cleaning Facilities) pertaining to area source perchloroethylene dry cleaners, Subpart LL (Primary Aluminum Reduction Plants), the provisions of Subpart S (Pulp and Paper Industry) and Subpart MM (Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills) pertaining to kraft and sulfite pulp mills, the

provisions of Subpart ZZZZ (Reciprocating Internal Combustion Engines) pertaining to emergency and limited-use stationary reciprocating internal combustion engines, Subpart DDDDD (Industrial, Commercial, and Institutional Boilers and Process Heaters), Subpart WWWWW (Hospitals: Ethylene Oxide Sterilizers), Subpart CCCCCC (Gasoline Dispensing Facilities), Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations), Subpart WWWWWW (Plating and Polishing Operations), Subpart XXXXXX (Nine Metal Fabrication and Finishing Source Categories), Subpart YYYYYY (Ferroalloys Production Facilities), and Subpart ZZZZZZ (Aluminum, Copper, and Other Nonferrous Foundries);

(4) Any new major stationary source or major modification as defined under WAC 173-400-030; and

(5) Any stationary source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.

(b) **Notifications.** A Notice of Construction application and Order of Approval are not required for the new sources identified in this section, provided that a complete notification is filed with the Agency. It shall be unlawful for any person to cause or allow establishment of a new source identified in this section unless a complete notification has been filed with the Agency:

Liquid Storage and Transfer

(1) Storage tanks used exclusively for:

(A) Gasoline dispensing and having a rated capacity of ≥1,001 gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;

(B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or

(C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity ≥40,000 gallons.

(2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

Relocation of Portable Batch Plants

(3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, and concrete batch plants for which an Order of Approval has been previously issued by the Agency. *All the conditions in the previously issued Order of Approval remain in effect.*

Dry Cleaning

(4) Unvented, dry-to-dry, dry-cleaning system that uses perchloroethylene as the cleaning solvent and is equipped with emission control equipment to recover the cleaning solvent, PROVIDED THAT the system and installation comply with all requirements of 40 CFR 63, Subpart M (Dry Cleaning Facilities).

Printing

(5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with ≤6% VOC by volume or ≤8.5% if refrigerated to <60°F, and cleaning solvents with a vapor pressure ≤25mm Hg or a VOC content ≤30% by volume.

Water Treatment

(6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). *A letter from the local sewer district documenting compliance is required in order to use this exemption.*

Sanding Equipment

(7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of <3.5:1 (for reverse-air or manual cleaning) or <12:1 (for pulse-jet cleaning).

Ventilation and Control Equipment

(8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of <3.5:1 (for mechanical or manual cleaning) or <12:1 (for pulse-jet cleaning).

(9) Replacement of an existing paint spray booth that has previously received an Order of Approval, with like kind equipment and for spray coating operations that continue to operate consistent with the previously issued Order of Approval. *All the conditions in the previously issued Order of Approval remain in effect.*

~~**Miscellaneous**~~

~~(10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an~~

~~Order of Approval because it has a de minimis impact on air quality and does not pose a threat to human health or the environment.~~

Coffee Roasters

(11) Batch coffee roasters with a maximum rated capacity of 10 lbs per batch or less.

(c) **Exemptions.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that sufficient records are kept to document the exemption:

Combustion

(1) Fuel-burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:

(A) <10 million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane, biodiesel that meets ASTM D 6751 specifications (or any combination thereof);

(B) <0.5 million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or

(C) <1 million Btu per hour heat input burning any other fuel.

(2) All stationary gas turbines with a rated heat input <10 million Btu per hour.

(3) Stationary internal combustion engines having a rated capacity:

(A) <50 horsepower output;

(B) Used solely for instructional purposes at research, teaching, or educational facilities; or

(C) Portable or standby units operated <500 hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.

(4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.

(5) All nonroad compression ignition engines subject to 40 CFR Part 89 and land-based nonroad compression engines subject to 40 CFR Part 1039.

Metallurgy

(6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity ≤1,000 pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing >50% aluminum, magnesium, tin, zinc, or copper is melted.

(7) Crucible furnaces or pot furnaces with a capacity ≤450 cubic inches of any molten metal.

(8) Ladles used in pouring molten metals.

(9) Foundry sand-mold forming equipment.

(10) Shell core and shell-mold manufacturing machines.

(11) Molds used for the casting of metals.

(12) Die casting machines with a rated capacity ≤1,000 pounds that are not used for copper alloys.

(13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.

(14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.

(15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.

(16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.

(17) Atmosphere generators used in connection with metal heat-treating processes.

(18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

(19) Welding equipment, and thermal cutting of metals other than stainless steel. Exceptions or specific conditions that apply to these exemptions are identified as follows:

(A) Thermal cutting of stainless steel (defined as an alloy with a minimum chromium content of 10.5%, by weight) installed after November 1, 2013 shall not be exempt;

(B) Thermal cutting of stainless steel performed solely for plant maintenance activities shall be exempt;

(C) Thermal cutting of stainless steel refers to all thermal cutting technologies, including but not limited to, plasma arc, air carbon arc, laser, powder torch, and oxy-fuel technologies.

(20) Soldering or brazing, or equipment, including brazing ovens.

(21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that meets all of the following tank content criteria:

(A) ≤50 grams of VOC per liter;

(B) No acids other than boric, formic, acetic, phosphoric, sulfuric, or ≤12% hydrochloric; and

(C) May contain alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and water in any concentration.

Associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment are also exempt. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of ≤20% by weight and using ≤10,000 amp-hours per day, or phosphoric acid anodizing with a bath concentration of ≤15% by weight of phosphoric acid and using ≤20,000 amp-hours per day.)

(22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. Also, equipment used to electrolytically recover metals from spent or pretreated plating solutions that qualify for this exemption.

Ceramics and Glass

(23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.

(24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.

(25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity ≤1,000 pounds of glass.

(26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

(27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

Plastics and Rubber and Composites

(28) Equipment used exclusively for conveying and storing plastic pellets.

(29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.

(30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is ≤1% by weight.

(31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.

(32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.

(33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter ≤26 inches, PROVIDED THAT it is operated at ≤400°F.

(34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.

(35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.

(36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.

(37) Hot wire cutting of expanded polystyrene foam and woven polyester film.

(38) Mixers, roll mills, and calenders for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

Material Working and Handling

(39) Equipment used for mechanical buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic

artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon, graphite, or composites.

(40) Hand-held sanding equipment.

(41) Sanding equipment controlled by a fabric filter with an airflow of <2,000 cfm.

(42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoggers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.

(43) Paper shredding and associated conveying systems and baling equipment.

(44) Hammermills used exclusively to process aluminum and/or tin cans.

(45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

Abrasive Blasting

(46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with ≥66% by volume water.

(47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.

(48) Hydroblasting equipment using exclusively water as the abrasive.

(49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is ≤100 cubic feet.

(50) Shot peening operations, PROVIDED THAT no surface material is removed.

Cleaning

(51) Solvent cleaning:

(A) Non-refillable, hand-held aerosol spray cans of solvent; or

(B) Closed-loop solvent recovery systems with refrigerated or water-cooled condensers used for recovery of waste solvent generated on-site.

(52) Steam-cleaning equipment.

(53) Unheated liquid solvent tanks used for cleaning or drying parts:

(A) With a solvent capacity ≤10 gallons and containing ≤5% by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(B) Using a solvent with a true vapor pressure ≤0.6 psi containing ≤5% by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;

(C) With a remote reservoir and using a solvent containing ≤5% by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or

(D) With a solvent capacity ≤2 gallons; or

(E) Using solutions with a Volatile Organic Compound (VOC) content of ≤1% by weight and no identified Hazardous Air Pollutant (HAP), and are heated below the boiling point of the solution.

(54) Hand-wipe cleaning.

Coating, Resin, and Adhesive Application

(55) Powder-coating equipment.

(56) Portable coating equipment and pavement stripers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.

(57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity ≤8 fluid ounces, PROVIDED THAT it is not used to coat >9 square feet per day and is not used to coat motor vehicles or aerospace components.

(58) Airbrushes having a cup capacity ≤2 fluid ounces and an airflow of 0.5-2.0 cfm.

(59) Hand-held aerosol spray cans having a capacity of ≤1 quart of coating and hand-held brush and rollers for coating application.

(60) Spray-coating equipment used exclusively for application of automotive undercoating or bed liner materials with a flash point >100°F.

(61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

(62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)

(63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.

(64) Hand lay, brush, and roll-up resins equipment and operations.

(65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.

(66) Hot-melt adhesive equipment.

(67) Any adhesive application equipment that exclusively uses materials containing <1% VOC by weight and <0.1% HAP.

(68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

Printing

(69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).

(70) Presses using exclusively UV-curable inks.

(71) Presses using exclusively plastisols.

(72) Presses using exclusively water-based inks (<1.5 lbs VOC per gallon, excluding water, or <10% VOC by volume) and cleaning solvents without VOC.

(73) Presses used exclusively for making proofs.

(74) Electrostatic, ink jet, laser jet, and thermal printing equipment.

(75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

Photography

(76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

Liquid Storage and Transfer

(77) Storage tanks permanently attached to a motor vehicle.

(78) Storage tanks used exclusively for:

(A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;

(B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, hot mix asphalt plants, or petroleum refinery;

(C) *Any* liquids (other than asphalt) that also have a rated capacity ≤1,000 gallons;

(D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity <20,000 gallons;

(E) Organic liquids (other than asphalt) with a true vapor pressure <2.2 psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity <40,000 gallons;

(F) Organic liquids (other than asphalt) with a true vapor pressure <0.5 psia that also have a rated capacity ≥40,000 gallons;

(G) Sulfuric acid or phosphoric acid with an acid strength ≤99% by weight;

(H) Nitric acid with an acid strength ≤70% by weight;

(I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength ≤30% by weight;

(J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains ≤1% VOC by weight;

(K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;

(L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;

(M) Water emulsion intermediates and products, including latex, with a VOC content ≤5% by volume or a VOC composite partial pressure of ≤0.1 psi at 68°F; or

(N) Wine, beer, or other alcoholic beverages.

(79) Loading and unloading equipment used exclusively for the storage tanks exempted above.

(80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity <60 gallons, except equipment transferring >1,000 gallons per day of liquid with a true vapor pressure >0.5 psia.

(81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

Mixing

(82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains <1% VOC by weight.

(83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.

(84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.

(85) Equipment used exclusively for the mixing and packaging of lubricants or greases.

(86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.

(87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.

(88) Batch mixers with a rated working capacity ≤55 gallons.

(89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts ≥90% of the rim.

Water Treatment

(90) Oil/water separators, except those at petroleum refineries.

(91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.

(92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.

(94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

Landfills and Composting

(95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.

(96) Closed landfills that do not have an operating, active landfill gas collection system.

(97) Non-commercial composting.

Agriculture, Food, and Drugs

(98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.

(99) Insecticide, pesticide, or fertilizer spray equipment.

(100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.

(101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.

(102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.

(103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.

(104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.

(105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.

(106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.

(107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.

(108) Brewing operations at facilities producing <3 million gallons per year of beer.

(109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).

(110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.

(111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants

(112) Portable nonmetallic mineral processing plants.

(113) Fixed nonmetallic mineral processing plants.

(114) (Reserved).

(115) Mixers and other ancillary equipment at concrete batch plants (or aggregate product production facilities) with a rated capacity <15 cubic yards per hour.

(116) Concrete mixers with a rated working capacity of ≤1 cubic yard.

(117) Drilling or blasting (explosives detonation).

(118) Asphaltic concrete crushing/recycling equipment with a throughput <5,000 tons per year.

Construction

(119) Asphalt paving application.

(120) Asphalt (hot-tar) roofing application.

(121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

Ventilation and Control Equipment

(122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.

(123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.

(124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

(125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.

(126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.

(127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.

(128) Portable control equipment used exclusively for storage tank degassing.

(129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow <2,000 cfm.

(130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.

(131) Routine maintenance, repair, or similar parts replacement of control equipment.

Testing and Research

(132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, used specifically in achieving the purpose of the analysis, test, or teaching activity. Non-production bench scale research equipment is also included.

Miscellaneous

(133) Single-family and duplex dwellings.

(134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.

(135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.

(136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of ≤2 cubic feet used by healthcare facilities.

(137) Ozone generators that produce <1 pound per day of ozone.

(138) Fire extinguishing equipment.

(d) Each Notice of Construction application and Section 6.03(b) notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of this Article are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

~~SECTION 6.04 NOTICE OF CONSTRUCTION FEES~~ ~~Adopted 10/10/73 (214) Revised 12/12/73 (218), 11/21/74 (285), 03/13/80 (461), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 11/14/91 (710), 09/10/92 (734), 11/19/92 (738), 07/08/93 (756), 10/28/93 (765), 09/12/96 (839), 12/12/96 (842), 09/11/97 (856), 03/11/99 (880), 07/12/01 (944), 05/23/02 (969), 05/22/03 (992), 06/23/05 (1045), 03/23/06 (1064), 05/22/08 (1118), 09/22/11 (1221), 05/24/12 (1243)~~

~~(a) A Notice of Construction application is incomplete until the Agency has received fees as shown below:~~

~~Filing Fee (for each application, to be paid prior to any review)..... $1,150~~

~~Coffee Roaster (less than 40 pounds/batch, with thermal oxidizer) ..... $600~~

~~Hot Mix Asphalt Batch Plant..... $8,000~~

~~Soil Thermal Desorption Unit..... $5,000~~

~~Electric Generation Project: (combined heat input capacity)~~

~~10 - 100 million Btu/hr ..... $5,000~~
~~101 - 250 million Btu/hr ..... $10,000~~
~~≥250 million Btu/hr ..... $25,000~~

~~Composting Facility..... $10,000~~

~~Commercial Solid Waste Handling Facility ..... $10,000~~

~~Landfill Gas System..... $2,500~~

~~Refuse Burning Equipment: (rated charging capacity)~~

~~≤12 tons per day ..... $5,000~~
~~>12 tons and ≤250 tons per day ..... $20,000~~
~~>250 tons per day ..... $50,000~~

~~Other (not listed above) for each Piece of Equipment and Control Equipment ..... $600~~

~~Additional Charges (for each application):~~

~~SEPA Threshold Determination ..... $800 (DNS, under Regulation I, Section 2.04)~~

~~SEPA Threshold Determination ..... $4,000~~

SECTION 6.09 NOTICE OF COMPLETION Adopted 03/13/68 (12)
Revised 02/13/86 (597), 11/19/92 (738), 04/14/94 (784), 07/12/01 (944), 03/25/04 (1024)

Within 30 days of completion of the installation or modification of a stationary source subject to the provisions of Article 6 of this regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the stationary source has commenced or will commence.

SECTION 6.10 WORK DONE WITHOUT AN APPROVAL Adopted 11/12/87 (616)
Revised 07/08/93 (756), 09/11/97 (856), 07/12/01 (944)

Where work for which an Order of Approval is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the fees of Section 6.04. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

~~SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS~~
~~Adopted 08/12/93 (760)~~
~~Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (870), 09/09/99 (895), 07/13/00 (925), 09/13/01 (954), 09/26/02 (978)~~

~~It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (excluding Subparts B, S, BB, and AAA) in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.~~

ARTICLE 7: OPERATING PERMITS

SECTION 7.01 PURPOSE Adopted 10/28/93 (766)

The purpose of this article is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code.

SECTION 7.03 APPLICABILITY Adopted 10/28/93 (766), Revised 09/09/99 (895), 07/22/04 (1031)

The provisions of this article apply to all Chapter 401 sources subject to the requirements of chapter 173-401 WAC.

SECTION 7.05 COMPLIANCE Adopted 10/28/93 (766)

It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of WAC 173-401 without complying with the provisions of WAC 173-401 and any permit issued under its authority.

SECTION 7.07 OPERATING PERMIT FEES Adopted 10/28/93 (766) Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (871), 09/09/99 (894), 07/13/00 (925), 06/14/01 (946), 10/11/01 (957), 05/23/02 (970), 05/22/03 (995), 07/22/04 (1031), 05/22/08 (1119), 05/24/12 (1244), 09/26/13 (1286)

(a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.

(b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed $6,500. In addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70.94 RCW).

(1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 1997), or sources subsequently determined by the control officer to be assigned to either Section 7.07(b)(1)(i) or 7.07(b)(1)(ii) shall be subject to the following facility fees:

SECTION 7.09 GENERAL REPORTING REQUIREMENTS FOR OPERATING PERMITS

Adopted 09/12/96 (839)
Revised 09/11/97 (856), 09/10/98 (870), 09/25/08 (1133), 12/15/16 (1356)

(a) **Emission Reporting.** An emission report shall be required from each owner or operator of an operating permit source, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions 25

~~facility combined total of all toxic air contaminant (TAC) emissions ..... 6~~

any single toxic air contaminant (TAC) emissions (excluding lead, but including lead compounds) 2

nitrogen oxide (NOx) emissions 25

particulate matter (PM10) emissions 25

particulate matter (PM2.5) emissions 25

sulfur oxide (SOx) emissions 25

volatile organic compounds (VOC) emissions 25

lead 0.5

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above, except lead which must be reported to the nearest tenth of a ton. The owner or operator of a source requiring a Title V operating permit under this Article shall maintain records of information necessary to document any reported emissions or to demonstrate that the emissions were less than the above amounts.

(b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Article 7 of this regulation shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

(1) Periodic inspection of all equipment and control equipment;

(2) Monitoring and recording of equipment and control equipment performance;

(3) Prompt repair of any defective equipment or control equipment;

(4) Procedures for start up, shut down, and normal operation;

(5) The control measures to be employed to assure compliance with Section 9.15 of this regulation; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(c) **Compliance Reports.** After June 30, 2009, owners or operators of air contaminant sources subject to Article 7 of this regulation shall submit complete copies of all required compliance reports to this Agency in electronic format as an attachment to an e-mail message. The date the document is received by the Agency e-mail system shall be considered the submitted date of the report. Original written documents shall also be submitted for record purposes. Nothing in this section waives or modifies any requirements established under other applicable regulations.

REGULATION I - ARTICLE 8: OUTDOOR BURNING

SECTION 8.04 GENERAL CONDITIONS FOR OUTDOOR BURNING

Adopted 03/18/76 (361)
Revised 01/12/89 (639), 04/09/92 (724), 04/14/94 (783), 10/08/98 (873), 03/11/99 (881), 11/09/00 (933)

(a) The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference. It shall be unlawful for any person to cause or allow any outdoor burning unless the burning is in compliance with Chapter 173-425 WAC.

(b) The provisions of Sections 9.05 and 9.15 of Regulation I shall not apply to outdoor burning.

(c) Nothing contained in Article 8 shall be construed to allow outdoor burning in those areas in which outdoor burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(d) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with the Uniform Fire Code

SECTION 8.05 AGRICULTURAL BURNING Adopted 02/08/96 (825)

Revised 11/09/00 (933)

(a) **Applicability.** This section applies to burning related to agricultural operations. The definitions and requirements contained in Chapter 173-430 WAC also apply to this section.

(b) **General Requirements.** Agricultural burning will be permitted if the following requirements are met:

(1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and

(2) Burning is necessary for crop propagation or rotation, disease or pest control; and

(3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in RCW 70.94.650 as referenced in WAC 173-430-050); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards.

(c) **Permit Applications.** Agricultural burning permits shall be approved by the Agency prior to burning. The permit application shall be submitted on forms provided by the Agency and shall include:

(1) A copy of the applicant's most recent year’s Schedule F (as filed with the Internal Revenue Service);

(2) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and

(3) A non-refundable permit fee:

(A) For burning up to 10 acres (or equivalent), the fee is $25.00 (base fee);

(B) For burning over 10 acres, the fee is $25.00 plus $2.50 for each additional acre.

(d) **Permit Action and Content.**

(1) The Agency will act on a complete application within 7 days of receipt.

(2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.

(3) All permits shall expire 12 months from date of issuance.

(e) **Permit Denial.** No permit shall be issued if the Agency determines that the proposed burning will cause a nuisance. All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

REGULATION I SECTION 8.06 OUTDOOR BURNING OZONE CONTINGENCY MEASURE Adopted 12/19/02 (976)

(a) Applicability. This section shall apply to open burning within King, Kitsap, Pierce, and Snohomish Counties if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on July 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow outdoor burning within King, Kitsap, Pierce, or Snohomish Counties during the months of July through August.

SECTION 8.09 DESCRIPTION OF THE KING COUNTY NO-BURN AREA Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of King County:

(a) The King County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

SECTION 8.10 DESCRIPTION OF THE PIERCE COUNTY NO-BURN AREA Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Pierce County:

(a) The Pierce County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

SECTION 8.11 DESCRIPTION OF THE SNOHOMISH COUNTY NO-BURN AREA Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Snohomish County:

(a) The Snohomish County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA Adopted 11/09/00 (933) Revised 10/24/02 (981)

(a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

(1) The Kingston Urban Growth Area as shown in Figure 8-1;

(2) The City of Bainbridge Island;

(3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in Figure 8-2:

- Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
- head directly west to Waaga Way;
- continue west on Waaga Way to Nels Nelson Road NW;
- head north following the Silverdale Urban Growth Area boundary to Island Lake;
- head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
- follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
- continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
- head directly west to NW Mountain View Road;
- follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;
- follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific railroad track leaves the Bangor Naval Reservation property at its southern boundary;
- head south along the Northern Pacific railroad track to NW Westgate Road;
- follow NW Westgate Road west to Olympic View Road NW;
- head south on Olympic View Road NW to Anderson Hill Road;
- head west on Anderson Hill Road to Willamette Meridian Road NW;
- head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;
- head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
- follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
- head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;
- head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
- head south to State Highway 3;

- head southwest on State Highway 3 to the Mason County line;
- head east to the line separating T23N, R1W, Sections 22 and 23;
- head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
- head east 1.33 miles;
- head north to State Highway 3;
- head west 0.42 mile;
- head north to the Bremerton city limits;
- head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
- head east another 0.33 mile;
- head south to the intersection of Feigley Road SW and SW Old Clifton Road;
- head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
- include the entire Urban Growth Area of McCormick Woods;
- at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
- start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
- head southeast along State Highway 16 to Bethel Road SE;
- head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
- start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
- continue east along SE Sedgwick Road to Longlake Road SE;
- head north along Longlake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive;
- head east along SE Mile Hill Drive to Bullman Road SE;
- head north 0.5 mile along and past Bullman Rd SE;
- head west to SE Horstman Road and continue to Baby Doll Road SE;
- head north along Baby Doll Road SE to E Collins Road;

- head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
- head directly north to the center line of Port Orchard Bay;
- follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and

(4) The Poulsbo area as follows and as shown in Figure 8-3:

(A) The Poulsbo Urban Growth Area (UGA);

(B) The following areas adjacent to the Poulsbo UGA:

(i) Southeast of Poulsbo UGA and east of State Highway 305:

- from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
- follow the UGA west, north, and west again until it intersects State Highway 305;
- head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.

(ii) Northeast of Poulsbo UGA:

That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.

(iii) North of Poulsbo UGA along State Highway 307:

- from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
- follow the UGA west and then north until it intersects State Highway 307;
- head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.

(iv) North of Poulsbo UGA and east of State Highway 3:

- from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
- head south 0.05 mile to the Poulsbo UGA;
- head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.

(v) West of Poulsbo UGA:

- from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;
- head east 0.25 mile on Rude Road;
- head south 0.25 mile;
- head east to the Poulsbo UGA;
- head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.

(vi) South of Poulsbo UGA and east of State Highway 3:

- from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
- head east to Liberty Bay;
- follow the shore of Liberty Bay north to the Poulsbo UGA;
- follow the Poulsbo UGA west to Viking Way NW.

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in Figure 8-2:

- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

Figure 8-1

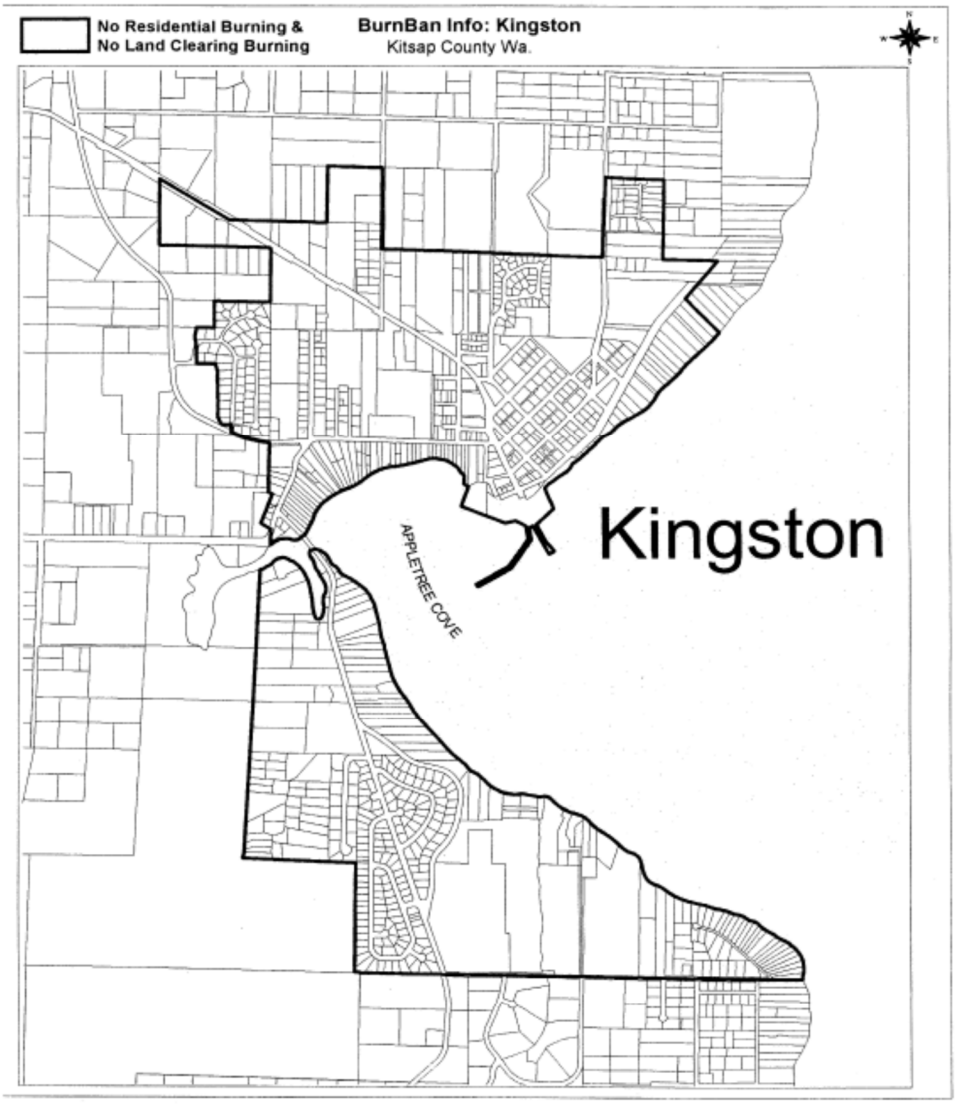

No Residential Burning &
No Land Clearing Burning
BurnBan Info: Kingston
Kitsap County Wa.
Kingston
APPLETREE COVE

Figure 8-2

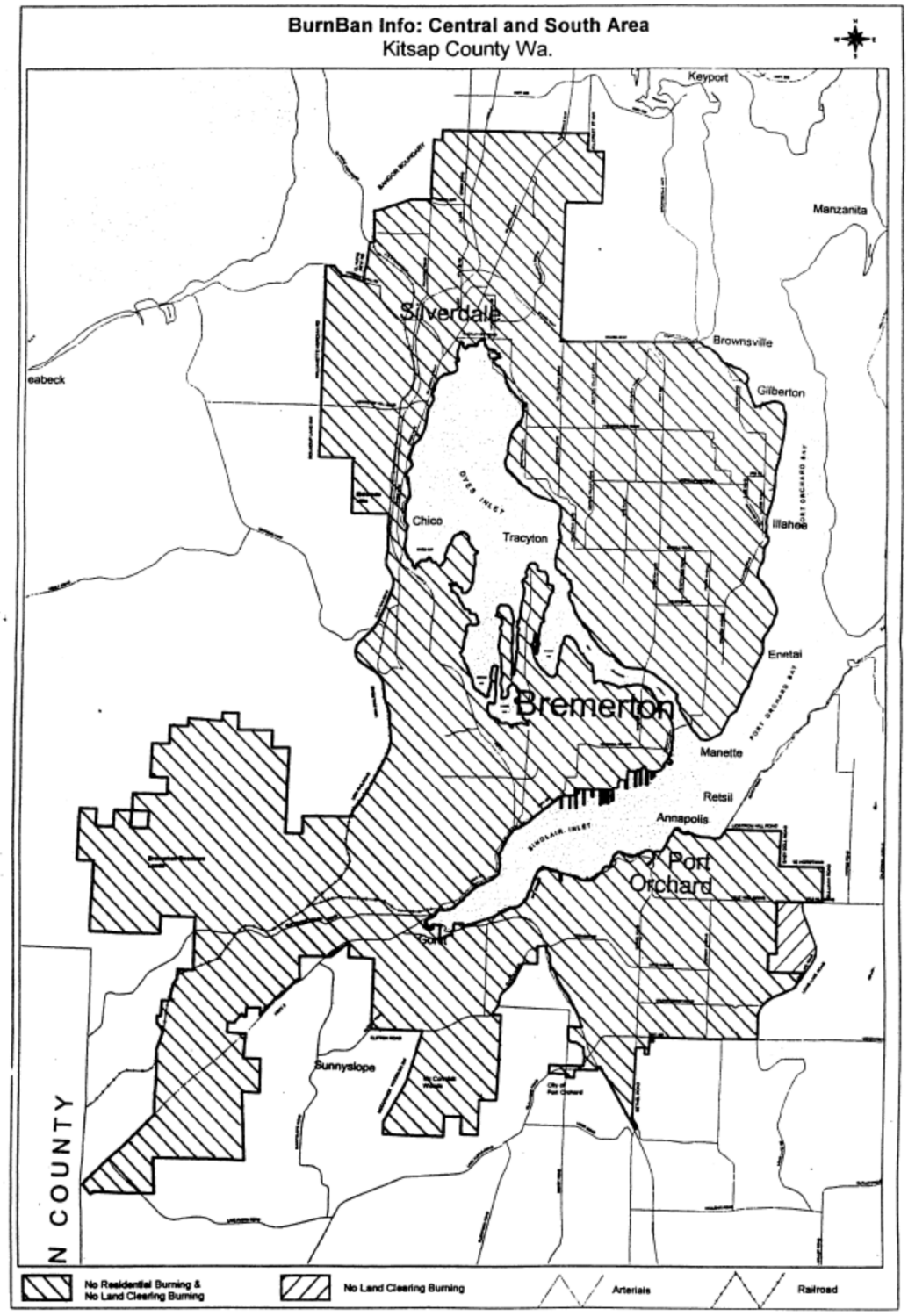
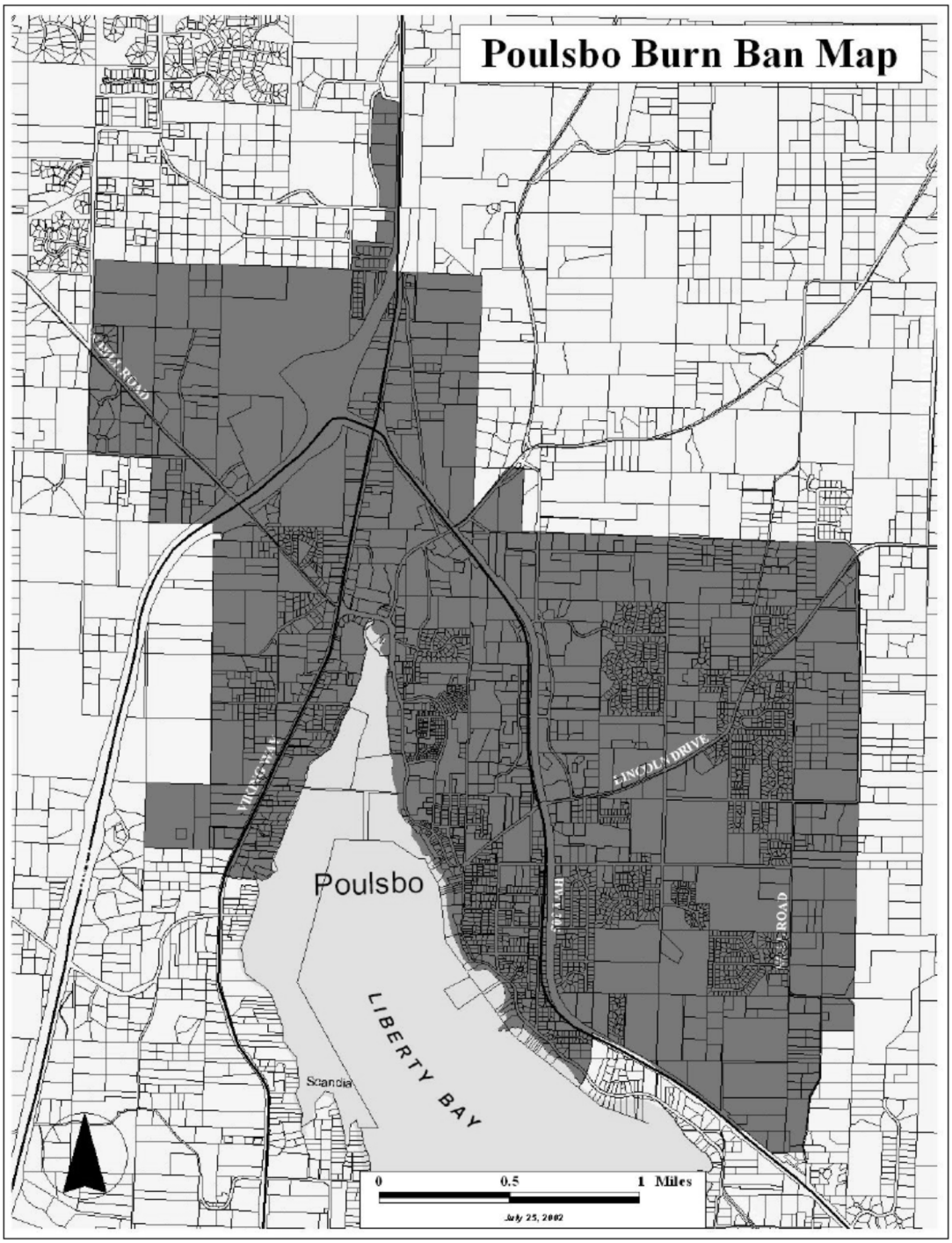

BurnBan Info: Central and South Area
Kitsap County Wa.
Keyport
Manzanita
Silverdale
Brownsville
Gilberton
Chico
Tracyton
Illahee
Enetai
Bremerton
Manette
Retsil
Annapolis
Port Orchard
Sunnyslope
N COUNTY
No Residential Burning & No Land Clearing Burning
No Land Clearing Burning
Arterials
Railroad

Figure 8-3


Poulsbo Burn Ban Map
Poulsbo
LIBERTY BAY
Scandia
0
0.5
1 Miles
July 25, 2002

ARTICLE 9: EMISSION STANDARDS

SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

Adopted 03/13/68 (12)
Revised 07/08/70 (126), 04/11/73 (186), 06/09/88 (621) 05/11/89 (643), 09/08/94 (798), 04/09/98 (865), 03/11/99 (881), 03/25/04 (1024)

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03(a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, permitted obscurant usage during military training operations, outdoor fires, motor vehicles when operated on public roads, aircraft, or equipment subject to Section 9.04 of this regulation.

~~(e) This section shall not apply to equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09 of this regulation.~~

SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS

Adopted 04/09/98 (865)
Revised 03/25/04 (1024)

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:

(1) Cement kilns;

(2) Clinker coolers;

(3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;

(4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and

(5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

(1) Averages greater than 5% opacity; or

(2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04(c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation; or

~~(2) Equipment with an alternate opacity standard issued under Section 3.03 or Article 6 of this regulation that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09 of this regulation.~~

(e) This section shall not apply to sources controlled by a venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09 of this regulation;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

~~(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Article 6 of this regulation.~~

SECTION 9.05 REFUSE BURNING Adopted 03/13/68 (12)
Revised 06/09/88 (621), 12/09/93 (769)

(a) It shall be unlawful for any person to cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment.

(b) It shall be unlawful for any person to cause or allow the operation of refuse burning equipment any time other than daylight hours.

SECTION 9.07 SULFUR DIOXIDE EMISSION STANDARD

Adopted 03/13/68 (12)
Revised 07/08/70 (126), 02/21/74 (230), 02/13/86 (597), 06/09/88 (621), 04/14/94 (784)

It shall be unlawful for any person to cause or allow the emission of sulfur dioxide from any source in excess of 1,000 parts per million by volume on a dry basis, 1-hour average (corrected to 7% oxygen for fuel burning equipment and refuse burning equipment).

SECTION 9.08 FUEL OIL STANDARDS

Adopted 06/13/85 (579)
Revised 02/13/86 (597), 04/14/94 (784), 03/25/04 (1024)

(a) It shall be unlawful for any person to cause or allow the combustion of oil in fuel burning equipment or refuse burning equipment that exceeds any of the following limits unless that person has obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation:

Ash	0.1% (maximum)
Sulfur	1.0% (maximum for used oil)
Sulfur	2.00% (maximum for fuel oil)
Lead	100 ppm (maximum)
Arsenic	5 ppm (maximum)
Cadmium	2 ppm (maximum)
Chromium	10 ppm (maximum)
Total Halogens	1,000 ppm (maximum)
Polychlorinated Biphenyls (PCBs)	2 ppm (maximum)
Flash Point	100°F (minimum)

(b) It shall be unlawful for any person to sell or make available for sale any oil in excess of the limits of this section to any person who has not obtained an Order of Approval from the Agency in accordance with Article 6 of this regulation. Any person who sells or makes available for sale such oil shall submit a report to the Agency within 15 days of the end of the month that includes the name and address of the recipient, the amount of oil delivered, and the concentration of contaminants therein.

(c) The provisions of this section shall not apply to:

(1) Ocean-going vessels;

(2) Used oil burned in space heaters that have a maximum heat output of not greater than 0.5 million Btu per hour; and

(3) Persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

SECTION 9.09 PARTICULATE MATTER EMISSION STANDARDS

Adopted 03/13/68 (12)
Revised 07/08/70 (126), 11/10/71 (135), 10/10/73 (214), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 02/10/94 (777), 04/09/98 (865)

It shall be unlawful for any person to cause or allow the emission of particulate matter in excess of the following concentrations:

Refuse Burning Equipment:

1. Rated at 12 tons per day or less without heat recovery and without hydrochloric acid control equipment ..... 0.10 gr/dscf @ 7% O_2
2. Rated at 12 tons per day or less without heat recovery and with hydrochloric acid control equipment ..... 0.05 gr/dscf @ 7% O_2
3. Rated at 12 tons per day or less with heat recovery ..... 0.02 gr/dscf @ 7% O_2
4. Rated at greater than 12 tons per day ..... 0.01 gr/dscf @ 7% O_2

Fuel Burning Equipment:

1. Burning wood ..... 0.20 gr/dscf @ 7% O_2
2. Burning wood and installed after March 13, 1968 or located within the urbanized area ..... 0.10 gr/dscf @ 7% O_2
3. Burning wood, rated at 100 million Btu per hour or greater, and located within the urbanized area ..... 0.04 gr/dscf @ 7% O_2
4. Burning wood and installed after March 1, 1986 ..... 0.02 gr/dscf @ 7% O_2
5. Burning fuel other than wood ..... 0.05 gr/dscf @ 7% O_2
6. Burning coal or other solid fossil fuel and installed after March 1, 1986 ..... 0.01 gr/dscf @ 7% O_2

Equipment Used in a Manufacturing Process: ..... 0.05 gr/dscf

~~SECTION 9.10 EMISSION OF HYDROCHLORIC ACID~~ ~~Adopted 06/09/88 (621)~~

~~(a) It shall be unlawful for any person to cause or allow the emission of hydrochloric acid from any equipment in excess of 100 ppm on a dry basis, 1-hour average corrected to 7% oxygen for combustion sources.~~

~~(b) It shall be unlawful for any person to cause or allow the emission of hydrochloric acid from any refuse burning equipment rated at greater than 12~~

~~tons per day in excess of 30 ppm on a dry basis, 1-hour average corrected to 7% oxygen.~~

SECTION 9.11 EMISSION OF AIR CONTAMINANT: DETRIMENT TO PERSON OR PROPERTY Adopted 03/13/68 (12)

Revised 06/09/83 (536), 03/11/99 (882)

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

~~(b) With respect to odor, the Agency may take enforcement action under this section if the Control Officer or a duly authorized representative has documented all of the following:~~

~~(1) The detection by the Control Officer or a duly authorized representative of an odor at a level 2 or greater, according to the following odor scale:~~

~~level 0 – no odor detected;~~

~~level 1 – odor barely detected;~~

~~level 2 – odor is distinct and definite, any unpleasant characteristics recognizable;~~

~~level 3 – odor is objectionable enough or strong enough to cause attempts at avoidance; and~~

~~level 4 – odor is so strong that a person does not want to remain present;~~

~~(2) An affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property; and~~

~~(3) The source of the odor.~~

~~(c) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.~~

SECTION 9.13 EMISSION OF AIR CONTAMINANT: CONCEALMENT AND MASKING RESTRICTED Adopted 03/13/68 (12)

Revised 06/09/88 (621)

(a) It shall be unlawful for any person to cause or allow the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate this article.

(b) It shall be unlawful for any person to cause or allow the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

SECTION 9.15 FUGITIVE DUST CONTROL MEASURES

Adopted 03/13/68 (12)
Revised 06/09/83 (536), 06/09/88 (621), 08/10/89 (644), 03/11/99 (882)

(a) It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions include, but are not limited to, the following:

(1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;

(2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;

(3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or

(4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

(b) Compliance with the provisions of this section shall not relieve any person from the responsibility to comply with Section 9.11 of this regulation.

SECTION 9.16 SPRAY-COATING OPERATIONS

Adopted 06/13/91 (700)
Revised 07/08/99 (886), 07/12/01 (944), 02/22/07 (1089), 10/28/10 (1200)

(a) Applicability. This section applies to indoor and outdoor spray-coating operations when a coating that protects or beautifies a surface is applied with spray-coating equipment, except as exempted in Section 9.16(b) of this regulation. Mobile spray-coating operations for motor vehicles or motor vehicle components are subject to Section 9.16(e) of this regulation.

(b) Exemptions. The following activities are exempt from the provisions of Sections 9.16(c), (d), and (e) of this regulation. Persons claiming any of the following exemptions shall have the burden of demonstrating compliance with the claimed exemption.

(1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);

(3) Use of high-volume, low-pressure (HVLP) spray guns when:

(A) spray-coating operations do not involve motor vehicles or motor vehicle components;

(B) the gun cup capacity is 8 fluid ounces or less;

(C) the spray gun is used to spray-coat less than 9 square feet per day per facility;

(D) coatings are purchased in containers of 1 quart or less; and

(E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.

(4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces, provided that persons claiming exemption from Section 9.16(e) of this regulation register with the Agency in accordance with Article 5 of this regulation and provide a copy of the current Agency registration document to each new customer before starting work at a site;

(5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

(c) General Requirements for Indoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless all of the following requirements are met:

(1) Spray-coating is conducted inside an enclosed spray area;

(2) The enclosed spray area employs either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray; and

(3) All emissions from the spray-coating operation are vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) General Requirements for Outdoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless reasonable precautions are employed to minimize the overspray. Reasonable precautions include, but are not limited to the use of:

(1) Enclosures and curtailment during high winds; and

(2) High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) General Requirements for Mobile Spray-Coating Operations. It shall be unlawful for any person to cause or allow the spray-coating of any motor vehicle or motor vehicle component outside of a structure required by Section 9.16(c) of this regulation, unless all the following requirements are met:

(1) Conduct all spray-coating in a portable frame-and-fabric shelter consisting of a fabric roof and three fabric sides or similar portable shelter consisting of a roof and three sides.

(A) Disassemble and remove the portable shelter from the site at the end of each day.

(B) Do not conduct mobile spray-coating operations for more than 5 consecutive calendar days at any site and not more than 14 days during any calendar month at the same site.

(2) Do not apply more than 8 ounces of coating to any single vehicle.

(3) Do not apply coating to more than 9 square feet of any single vehicle.

(4) Do not prepare a surface area for spray-coating greater than 9 square feet per any single vehicle. The measured surface area prepared for spray-coating shall include, but is not limited to all areas that are filled, ground, sanded, or inside masking.

(5) Use only HVLP spray guns or spray equipment with equivalent transfer efficiency (greater than or equal to 65%) and with a paint cup capacity less than or equal to 3.0 fluid ounces.

(6) Minimize evaporative emissions by collecting all organic solvents used for cleanup of equipment in a closed-loop or contained system; keeping all containers of paints and organic solvents closed except when materials are being added, mixed, or removed; and storing solvent rags in closed containers.

(7) Post a sign that is visible to the public and shows the name of the company and current telephone contact information for complaints. Record information regarding complaints received and investigate complaints regarding odor, overspray, or nuisance as soon as possible, but no later than 1 hour after receipt of a complaint. As part of the investigation, determine the wind direction during the time of the complaint. If the cause of a valid complaint cannot be corrected within 2 hours of the time the complaint was received, shut down the operation until corrective action is completed.

(8) Complete the following records for each vehicle when finished with that vehicle:

(A) Customer identification, address where work was performed, date, time, and the name of the person completing the record;

(B) Identification of each vehicle and vehicle component repaired; and

(C) Quantity (in ounces) of each VOC-containing material used on each vehicle.

All records must be kept current, retained for at least 2 years, and made available to Agency representatives upon request.

(9) Provide a copy of the current Agency registration document to each customer prior to starting work at a site.

(f) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, Section 9.11 and all other applicable regulations including those of other agencies.

SECTION 9.18 CRUSHING OPERATIONS Adopted 01/26/12 (1232)

(a) This section shall apply to all equipment processing nonmetallic minerals located at a source crushing nonmetallic minerals as defined in 40 CFR 60.671.

(b) General Requirements. It shall be unlawful for any person subject to the provisions of this section to cause or allow the emission of any air contaminant in excess of the following emission limits:

(1) The visible emission limits in (A), (B), and (C) are applicable for any period or periods aggregating more than 3 minutes in any one hour.

(A) Each grinding mill, screening operation, bucket elevator, transfer points on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station with operating control equipment shall not exhibit greater than 7 percent opacity.

(B) Each crusher with operating control equipment shall not exhibit greater than 12 percent opacity.

(C) Each crusher, grinding mill, screening operation, bucket elevator, transfer points on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station exhausting particulate through a stack equipped with an operating fabric filter or operating wet scrubber exhaust shall not exhibit greater than 7 percent opacity.

(2) Each crusher, grinding mill, screening operation, bucket elevator, transfer points on belt conveyors, bagging operation, storage bin, enclosed truck or railcar loading station exhausting particulate through a stack shall meet a particulate matter limit of 0.01 grains per dry standard cubic foot of exhaust as measured by EPA Method 5.

(3) Each crusher, grinding mill, screening operation, bucket elevator, transfer point on a conveyor belt, bagging operation, storage bin, enclosed truck or railcar loading station without operating control equipment shall not exhibit visible emissions.

(4) For the purpose of this section, "Control Equipment" shall mean either fabric filter, wet scrubber, water sprays, or other dust suppression techniques which effectively reduce visible emissions from the emission units observed.

(c) Testing conducted to verify compliance with the requirements of this section shall be performed in accordance with the Puget Sound Clean Air Agency Regulation I, Section 3.07.

(d) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, Sections 9.03, 9.11, 9.15 and all other applicable regulations including those of other agencies.

SECTION 9.20 MAINTENANCE OF EQUIPMENT

Adopted 12/09/82 (531)
Revised 06/09/88 (621)

(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order.

(b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control equipment not subject to Section 9.20(a) unless the equipment or control equipment is maintained in good working order.

ARTICLE 12: STANDARDS OF PERFORMANCE FOR CONTINUOUS EMISSION MONITORING SYSTEMS

SECTION 12.01 APPLICABILITY

Adopted 11/10/71 (135)
Revised 06/09/88 (621), 08/10/89 (644), 04/09/98 (865)

This article shall apply to all continuous emission monitoring systems (CEMS) required under an order, operating permit, or regulation of the Agency. This article shall not be construed to relieve any person of the responsibility to comply with any requirement of 40 CFR Part 60, 61, or 63. Portions of these federal requirements that are less stringent than the provisions of Article 12 shall not supercede the requirements of Article 12.

SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS

Adopted 06/09/88 (621)
Revised 08/10/89 (644), 04/09/98 (865), 03/25/04 (1024), 09/23/04 (1036), 09/24/15 (1330)

(a) **Continuous Monitoring.** It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) **Data Recovery.** The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) 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 reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.

(c) **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 in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.

(d) **Data Recording.** Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall 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.

(e) **Data Retention.** The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) **Data Reporting.** The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;

(6) The results of all cylinder gas audits conducted during the month; and

(7) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(g) **Relative Accuracy Tests.** All relative accuracy tests shall be subject to the provisions of Section 3.07 of this regulation.

(h) **Exemptions.** The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

ARTICLE 13: SOLID FUEL BURNING DEVICE STANDARDS

SECTION 13.01 POLICY AND PURPOSE Adopted 11/10/88 (634)
Revised 09/26/91 (708), 09/09/99 (895), 10/25/12 (1258)

The Board of Directors of the Puget Sound Clean Air Agency (Board) declares it to be the public policy of the Agency to control and reduce air pollution caused by solid fuel burning devices such as wood stoves, pellet stoves, and fireplaces. It is the Agency's policy to educate the public about the health effects of wood stove emissions and cleaner heating alternatives. It is the intent of this regulation to secure and maintain levels of air quality that protect human health and to comply with the requirements of the state and federal Clean Air Acts.

The Board encourages cities, towns and counties within its jurisdiction to enhance public education and assist in the enforcement of this Regulation during declared air quality episodes and periods of impaired air quality.

SECTION 13.02 DEFINITIONS Adopted 09/23/04 (1036)
Revised 09/22/05 (1057), 10/25/12 (1258)

When used herein:

(a) Adequate Source of Heat means a heating system designed to maintain seventy degrees Fahrenheit at a point three feet above the floor in each normally inhabited room. If any part of the heating system has been disconnected, damaged, or is otherwise nonfunctional, the Agency shall base the assessment of the adequacy of the design on the system’s capability prior to the disconnection, damage, improper maintenance, malfunction, or occurrence that rendered the system nonfunctional.

(b) AGENCY means the Puget Sound Clean Air Agency.

(c) Certified Wood Stove means a wood stove that:
- (1) has been determined by Ecology to meet Washington emission performance standards, pursuant to RCW 70.94.457 and WAC 173-433-100; or
- (2) has been certified and labeled in accordance with procedures and criteria specified in "40 C.F.R. 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or
- (3) meets the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and is certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(d) Coal-only heater means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking and has all of the following characteristics:

(1) An opening for emptying ash which is located near the bottom or the side of the appliance;
(2) A system which admits air primarily up and through the fuel bed;
(3) A grate or other similar device for shaking or disturbing the fuel bed or power driven mechanical stoker; and
(4) The model is listed by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

(e) Ecology means the Washington State Department of Ecology.

(f) EPA means the United States Environmental Protection Agency.

(g) Fine particulate or PM2.5 means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(h) Fireplace means any permanently installed masonry fireplace or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

(i) Nonaffected pellet stove means a pellet stove that has an air-to-fuel ratio equal to or greater than 35.0 to 1.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in "40 CFR 60 Appendix A, Test Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-Fired Appliances" as amended through July 1, 1990.

(j) Nonattainment area means a geographical area designated by EPA at 40 C.F.R. Part 81 as exceeding a National Ambient Air Quality Standard for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(k) PM10 means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(l) PROPERLY SEASONED FUEL WOOD means untreated wood or untreated lumber with moisture content of 20% or less, wet basis, or 25% or less, dry basis.

(m) Solid Fuel Burning Device or solid fuel heating device means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel which has a heat input less than one million British thermal units per hour. This includes, but is not limited to,

devices used for aesthetic or space-heating purposes in a private residence or commercial establishment.

(n) SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

(o) TACOMA, WASHINGTON Fine Particulate Nonattainment Area means the area of Pierce County that is designated by EPA as not meeting the 2006 federal 24-hr fine particulate National Ambient Air Quality Standard and described in 40 CFR 81.348. This area is also known as the Tacoma, Pierce County Nonattainment Area.

(p) Treated wood means wood or lumber of any species that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.

(q) Wood stove or wood heater means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;
(2) A useable firebox volume of less than twenty cubic feet;
(3) A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28; and
(4) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to: doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

SECTION 13.03 OPACITY STANDARDS Adopted 12/08/94 (808)
Renumbered 09/23/04 (1036); Revised 10/25/12 (1258)

(a) A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

(b) Test method and procedures. Methods and procedures specified by the EPA in “40 CFR 60 Appendix A reference method 9 –Visual Determinations of the Opacity of Emissions from Stationary Sources" as amended through July

1, 1990, shall be used to determine compliance with subsection (a) of this section.

(c) Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of a solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device. The provisions of this section shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

SECTION 13.04 ALLOWED AND PROHIBITED FUEL TYPES

Adopted 10/25/12 (1258)

(a) A person shall cause or allow only the following materials to be burned in a solid fuel burning device:

(1) Properly seasoned fuel wood; or

(2) An amount of paper necessary for starting a fire; or

(3) Wood pellets; or

(4) Biomass fire logs intended for burning in a wood stove or fireplace; or

(5) Coal with sulfur content less than 1.0% by weight burned in a coal-only heater.

(b) All other materials are prohibited from being burned in a solid fuel burning device, including, but not limited to: garbage; pallets; treated lumber; fencing; treated wood; plastic and plastic products; rubber products; animal carcasses; asphaltic products; waste petroleum products; paints and chemicals; paper (other than an amount necessary to start a fire); or any substance that emits dense smoke or obnoxious odors.

SECTION 13.05 RESTRICTIONS ON OPERATION OF SOLID FUEL BURNING DEVICES

Adopted 10/25/12 (1258)

(a) No person in a residence or commercial establishment shall operate a solid fuel burning device under any of the following conditions:

(1) Whenever the Agency has declared the first stage of impaired air quality for a geographical area in accordance with RCW 70.94.473(1)(b)(i) or (ii), unless an exemption for the residence or commercial building has been obtained from the Agency pursuant to subsection (d) of this section or the solid fuel burning device is one of the following:

(A) A nonaffected pellet stove; or

(B) A wood stove certified and labeled by the EPA under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or

(C) A wood stove meeting the "Oregon Department of Environmental Quality Phase 2" emission standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 – Woodstove Certification" dated November 1984; or

(D) A solid fuel burning device approved by Ecology as meeting the standards in RCW 70.94.457(1)(a)-(b).

(2) Whenever the Agency has declared the second stage of impaired air quality for a geographical area in accordance with RCW 70.94.473(1)(c)(i), (ii), or (iii) unless an exemption for the residence or commercial building has been obtained from the Agency pursuant to subsection (d) of this section.

(b) Whenever a first stage of impaired air quality is declared under subsection (a)(1):

(1) New solid fuel shall be withheld from any solid fuel burning device already in operation for the duration of the first stage of impaired air quality if that device is restricted from operating under subsection (a)(1) of this section during the first stage of impaired air quality;

(2) Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of a first stage of impaired air quality shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating during a first stage of impaired air quality. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

(c) Whenever a second stage of impaired air quality is declared under subsection (a)(2):

(1) New solid fuel shall be withheld from any solid fuel burning device already in operation for the duration of the second stage of impaired air quality if that device is restricted from operating under subsection (a)(2) of this section during the second stage of impaired air quality.

(2) Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of a second stage of impaired air quality shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating during a second stage of impaired air quality. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

(d) Any person desiring an exemption from the Agency for the purposes of subsections (a)(1) or (2) of this section shall apply to the Agency using procedures specified by the Agency.

(1) The following are eligible for exemption:

(A) A residence or commercial building that has no adequate source of heat other than a solid fuel burning device and the building was neither constructed nor substantially remodeled after July 1, 1992.

(B) A residence or commercial building that has no adequate source of heat other than a solid fuel heating device and the building:

i. was constructed or substantially remodeled after July 1, 1992; and

ii. is outside an urban growth area, as defined in RCW 36.70A; and

iii. is outside an area designated by EPA as a PM2.5 or PM10 particulate nonattainment area.

(2) Exemptions shall be valid for a period determined by the Agency. Exemptions may be renewed using procedures specified by the Agency, provided the applicant meets the applicable requirements at the time of exemption renewal. Exemptions may be revoked if the Agency determines the residence or commercial building for which the exemption was approved no longer qualifies for an exemption.

SECTION 13.06 EMISSION PERFORMANCE STANDARDS

Adopted 10/25/12 (1258)

(a) Solid fuel burning devices. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install a solid fuel burning device unless it meets both subsections (1) and (2):

(1) It has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of

Performance for Residential Wood Heaters" as amended through July 1, 1990; and

(2) It meets the following particulate air contaminant emission standards and the test methodology of EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by EPA subsequent to such date:

(A) Two and one-half grams per hour for catalytic woodstoves; and

(B) Four and one-half grams per hour for all other solid fuel burning devices.

(3) For purposes of subsection (a)(2) of this section, "equivalent" shall mean the emissions limits specified in subsection (a)(2) multiplied by a statistically reliable conversion factor determined by Ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the test results from the methodology subsequently adopted by EPA.

(b) Fireplaces. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install a factory-built fireplace unless it meets the 1990 EPA standards for wood stoves or an equivalent standard that may be established by the state building code council by rule.

(c) Subsection (a) of this section shall not apply to fireplaces, including factory-built fireplaces and masonry fireplaces.

SECTION 13.07 PROHIBITIONS ON WOOD STOVES THAT ARE NOT CERTIFIED WOOD STOVES Adopted 10/25/12 (1258)

(a) Subsections (a)(1) – (a)(4) of this section shall be effective January 1, 2015 and apply only to PM2.5 nonattainment areas or areas where required by EPA.

(1) Any person who owns or is responsible for a wood stove that is both (a) not a certified wood stove and (b) is located in the Tacoma, Washington fine particulate nonattainment area must remove and dispose of it or render it permanently inoperable by September 30, 2015.

(2) Any person who owns or is responsible for a coal-only heater located in the Tacoma, Washington fine particulate nonattainment area must remove and dispose of it or render it permanently inoperable by September 30, 2015.

(3) Subsection (a)(1) of section does not apply to:

(A) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or

(B) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood.

(4) The owner or person responsible for removing or rendering permanently inoperable a wood stove under subsection (a)(1) of this section or a coal-only heater under subsection (a)(2) of this section must provide documentation of the removal and disposal or rendering permanently inoperable to the Agency using the Agency's procedures within 30 days of the removal or rendering permanently inoperable.

(b) PM10. Subsection (b) of this section is established for the sole purpose of a contingency measure for PM10 nonattainment and maintenance areas. If the EPA makes written findings that: (1) an area has failed to attain or maintain the National Ambient Air Quality Standard for PM10, and (2) in consultation with Ecology and the Agency, finds that the emissions from solid fuel burning devices are a contributing factor to such failure to attain or maintain the standard, the use of wood stoves not meeting the standards set forth in RCW 70.94.457 shall be prohibited within the area determined by the Agency to have contributed to the violation. This provision shall take effect one year after such a determination.

REGULATION II - ARTICLE 1: PURPOSE, POLICY, SHORT TITLE, AND DEFINITIONS

SECTION 1.01 PURPOSE Adopted 03/13/80 (462)
Revised 09/09/99 (895)

The Puget Sound Clean Air Agency, consisting of the counties of King, Kitsap, Pierce, and Snohomish, having been activated by the Washington Clean Air Act, RCW 70.94, adopted Regulation I on March 13, 1968 to control the emission of air contaminants from all sources, to provide for the uniform administration and enforcement of air pollution control in its jurisdiction and to carry out the requirements and purposes of the Washington Clean Air Act.

The Board of Directors of the Puget Sound Clean Air Agency has amended Regulation I from time to time as necessary and now recognizes the need for a special regulation to reduce ozone concentrations as required by the Federal Clean Air Act as amended. Accordingly, the Board has adopted Regulation II to provide for control of photochemically reactive volatile organic compounds (VOC), which are precursors to ozone, to meet the National Ambient Air Quality Standard for ozone.

SECTION 1.02 POLICY Adopted 03/13/80 (462)
Revised 12/13/84 (568), 06/13/91 (700), 09/09/99 (895)

The Puget Sound Clean Air Agency hereby reaffirms its public policy as defined in Section 1.01 of Regulation I and further asserts its intent to secure and maintain control of emissions of volatile organic compounds to the extent needed to attain and maintain the National Ambient Air Quality Standard for ozone, and minimize the emission of stratospheric ozone depleting and toxic organic compounds, thus protecting the health and welfare of the people of the central Puget Sound region.

It is therefore the policy of the Board that water-based, high solids, or powder coatings and water-based cleaning materials are preferred to be used to comply with this regulation. The substitution of negligibly reactive VOCs for photochemically reactive VOCs shall not be an accepted method of compliance

SECTION 1.03 SHORT TITLE Adopted 12/11/80 (482)
Revised 09/09/99 (895)

This regulation may be known and cited as "Regulation II of the Puget Sound Clean Air Agency".

SECTION 1.04 GENERAL DEFINITIONS Adopted 03/13/80 (462)
Revised/Renumbered 12/11/80 (482)

All definitions in Regulation I Section 1.07, Definitions, are fully applicable to Regulation II.

SECTION 1.05 SPECIAL DEFINITIONS Adopted 03/13/80 (462)
Revised/Renumbered 12/11/80 (482), Revised 02/11/82 (510), 06/13/91 (700), 02/10/94 (777), 07/08/99 (885), 09/09/99 (895), 07/24/03 (1002)

When used in Regulation II of the Puget Sound Clean Air Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTIGLARE/SAFETY COATING** means a coating that does not reflect light.

(c) **COMMERCIAL AEROSPACE PRIMER** means BMS 10-11, Type I.

(d) **COMMERCIAL AEROSPACE TOPCOAT** means BMS 10-11, Type II.

(e) **CUTBACK ASPHALT** means an asphalt that has been blended with more than 7% petroleum distillates by weight.

(f) **FLEXOGRAPHIC PRINTING** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(g) **GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

(h) **METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such particles are visible in the dried film.

(i) **MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

(j) **MILITARY AEROSPACE TOPCOAT** means the current version of MILC-85285.

(k) **PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(l) **POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

(m) **PRECOAT** means any coating that is applied to bare metal primarily to deactivate the

metal surface for corrosion resistance to a subsequent waterbased primer.

(n) **PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

(o) **PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

(p) **PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

(q) **PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

(r) **PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

(s) **ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

(t) **TEMPORARY PROTECTIVE COATING** means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

(u) **TOPCOAT** means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

REGULATION II - ARTICLE 2: GASOLINE MARKETING EMISSION STANDARDS

SECTION 2.01 DEFINITIONS Adopted 07/08/99 (885)

When used in this Article:

(a) **GASOLINE** means any petroleum distillate or petroleum distillate/alcohol blend with a Reid vapor pressure of 4 pounds per square inch (27.6 kPa) or greater, which is used as a fuel for motor vehicles, marine vessels, or aircraft.

(b) **GASOLINE STATION** means any site that dispenses gasoline from stationary storage tanks into fuel tanks of motor vehicles, marine vessels, or aircraft.

(c) **PETROLEUM REFINERY** means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting, or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste

chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(d) **SUBMERGED FILL LINE** means any discharge pipe or nozzle that meets either of the following conditions:

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6 inches (15 cm) from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18 inches (46 cm) from the bottom of the tank.

(e) **TRANSPORT TANK** means a container with a capacity greater than 264 gallons (1000 liters) used for shipping gasoline over roadways.

(f) **VAPOR RECOVERY SYSTEM** means a process that prevents the emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

SECTION 2.03 PETROLEUM REFINERIES Adopted 03/13/80 (462)
Revised 06/13/91 (700)

(a) Section 2.03 shall apply to all petroleum refineries.

(b) It shall be unlawful for any person to cause or allow the operation of any vacuum-producing system unless all noncondensable VOC is piped to an appropriate firebox, flare, or incinerator for combustion or collected, compressed and added to the fuel gas system or contained and treated so as to prevent their emission to the atmosphere.

(c) It shall be unlawful for any person to cause or allow the operation of a wastewater separator unless such separator meets the following requirements:

(1) Wastewater separator forebays shall incorporate a fixed solid cover with all openings sealed, totally enclosing the compartmented liquid contents.

(2) All other compartments of the separator shall be equipped with a floating pontoon or fixed solid cover equipped with closure seals that have no tears or leaks, installed and maintained so that gaps between the compartment wall and the seal shall not exceed 0.32 centimeters (_ inch) for an accumulative length of 97% of the perimeter of the compartment. No gap between the compartment wall and the seal shall exceed 1.3 centimeters (½ inch).

(3) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use. There shall be no visible gaps between the forebay cover and the compartment when the cover is closed.

(d) It shall be unlawful for any person to cause or allow a process unit turnaround unless:

(1) The VOC contained in a process unit to be depressurized for turnaround is combusted by a flare or vented to an equally effective disposal system; and

(2) The pressure in a process unit following depressurization for turnaround is less than 5 pounds per square inch gauge (psig) before venting to the ambient air; and

(3) The owner or operator keeps a record of each process unit turnaround listing the date the unit was shut down and the pressure in the vessel when it was vented to the ambient air.

(e) It shall be unlawful for any person to cause or allow the operation of a component handling volatile organic compounds with a true vapor pressure greater than 10.5 kPa (1.5 psia) at 20°C unless such person:

(1) Develops and conducts a monitoring program as follows:

(A) Monitor all pump seals, pipeline valves in liquid service and process drains yearly;

(B) Monitor all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service quarterly;

(C) Visually monitor all pump seals weekly;

(D) Monitor any dripping pump seal immediately;

(E) Monitor any relief valve within 24 hours after it has vented to the atmosphere; and

(F) Monitor immediately after repair any component that was found leaking.

(2) Maintains a leaking component monitoring log that shall contain, at a minimum, the following:

(A) The name of the process unit where the component is located;

(B) The type of component;

(C) The tag number of the component;

(D) The date on which a leaking component is discovered;

(E) The date on which a leaking component is repaired;

(F) The date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) A record of the calibration of the monitoring instrument;

(H) A record of those leaks that cannot be repaired until turnaround;

(I) The total number of components checked and the total number of components found leaking.

Copies of the monitoring log shall be retained for a minimum of 2 years after the date on which the record was made or the report prepared.

(3) Records all leaking components that have a VOC concentration greater than 10,000 ppm and places a weatherproof tag bearing an identification number and the date the leak was located on each leaking component.

(4) Corrects and retests the leaking component, as soon as practicable, but not later than 15 days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(5) Identifies all leaking components that cannot be corrected until the refinery unit is shut down for turnaround.

(f) It shall be unlawful to install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device shall be removed only when a sample is being taken or during maintenance operations.

(g) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves and valves that are not externally regulated are exempt from the monitoring requirements of Section 2.03.

SECTION 2.05 GASOLINE LOADING TERMINALS Adopted 03/13/80 (462)
Revised 12/11/80 (482), 02/11/82 (510), 06/13/91 (700), 01/09/92 (717), 12/09/93 (769)

(a) Section 2.05 shall apply to all gasoline loading terminals with an annual gasoline throughput greater than 7,200,000 gallons.

(b) It shall be unlawful for any person to cause or allow the loading of gasoline into any transport tank unless all the following conditions are met:

(1) The loading terminal shall employ bottom loading and be equipped with a vapor recovery system;

(2) All loading lines and vapor lines shall be equipped with vapor-tight fittings that close automatically upon disconnect;

(3) All vapor return lines shall be connected between the transport tank and the vapor recovery system such that all displaced volatile organic compounds are vented to the vapor recovery system; and

(4) The back-pressure in the vapor lines shall not exceed 4.5 kPa (18 inches) of water pressure.

(c) The vapor recovery system required by this section shall prevent the emission of at least 90% by weight of the volatile organic compounds and shall limit the emission of volatile organic compounds to no more than 35 milligrams per liter (mg/l) of gasoline transferred.

(d) The vapor recovery system required by Section 2.05(b) shall be equipped with a continuous emission monitoring system meeting the requirements of Article 12 of Regulation I.

SECTION 2.06 BULK GASOLINE PLANTS Adopted 03/13/80 (462)
Revised 12/11/80 (482), 06/13/91 (700),

(a) Section 2.06 shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than 15,140 liters (4,000 gallons).

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank with a capacity greater than 3,785 liters (1,000 gallons) unless the following conditions are met:

(1) Such stationary storage tank is equipped with a permanent submerged fill pipe and "CARB-certified" vapor recovery system; and

(2) Such transport tank is equipped to balance vapors and is maintained in a leak-tight condition in accordance with Section 2.08 of Regulation II; and

(3) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

(c) It shall be unlawful for any person to cause or allow transfer of gasoline between a stationary storage tank and a transport tank except under the following conditions:

(1) All transport tanks shall be bottom loaded;

(2) The loading of all transport tanks, shall be performed such that 90% by volume of the gasoline vapors displaced during filling are prevented from being released into the ambient air;

(3) Such transport tanks shall be equipped to balance vapors; and

(4) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

SECTION 2.07 GASOLINE STATIONS Adopted 03/13/80 (462)Revised 02/11/82 (510), 06/13/91 (700), 01/09/92 (717), 10/14/93 (764), 02/10/94 (777), 07/08/99 (885), 12/09/99 (905)

(a) **Applicability**. This section shall apply to all facilities that load gasoline into the fuel tanks of motor vehicles, marine vessels, or aircraft directly from stationary storage tanks.

(1) Stage 1 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons:

(A) Installed after January 1, 1979; or

(B) Located at facilities with a gasoline throughput greater than 200,000 gallons per calendar year.

(2) Stage 2 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons (except those used exclusively for aviation or marine gasoline):

(A) Installed after August 2, 1991;

(B) Located at facilities in King, Pierce, and Snohomish Counties with a gasoline throughput greater than 600,000 gallons per calendar year; or

(C) Located at facilities in Kitsap County with a gasoline throughput greater than 840,000 gallons per calendar year.

(b) **Stage 1 Requirements**. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless:

(1) The stationary storage tank is equipped with a submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements; and

(2) The system is visually inspected after each product delivery and any equipment found to be defective (e.g., loose caps or adaptors, stuck poppet valves, damaged gaskets) is repaired or replaced as soon as possible but no later than 7 days after the inspection.

(c) **Stage 2 Requirements**. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from the stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless:

(1) The stationary storage tank and dispenser are equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;

(2) Operating instructions are conspicuously posted and include a warning against topping off and the Department of Ecology's toll-free telephone number for complaints about the system;

(3) The system is inspected on a weekly basis and any equipment found to be defective (e.g., torn bellows, mini-boots or hoses, leaking spouts, swivels or hoses, missing latch coils, stiff swivels) is taken out of service until repaired or replaced; and

(4) The system is tested for compliance with its certification requirements (e.g., pressure decay, back-pressure, air/liquid ratio) and any equipment found to be defective is repaired/replaced and retested for compliance within 30 days. In the event that repair and retesting of defective equipment cannot be accomplished within 30 days, a 30-day extension may be granted in writing, provided that the owner or operator demonstrates in advance to the Control Officer that the equipment is being repaired and retested as soon as possible.

(d) **Compliance Tests**. Compliance with the requirements in Section 2.07(c)(4) of this regulation shall be achieved no later than July 1, 2000. Tests shall be performed in

accordance with the test methods and Executive Orders of the California Air Resources Board in effect July 1, 1998. (Testing frequencies are specified in the Executive Orders.) These tests shall be exempt from the requirements of Section 3.07 of Regulation I. However, notification of the test date shall be submitted to the Agency at least 5 days in advance of the test and copies of all test results shall be kept on site for at least 2 years from the date of the test.

SECTION 2.08 GASOLINE TRANSPORT TANKS Adopted 12/11/80 (482)
Revised 02/11/82 (510), Revised/Renumbered 06/13/91 (700), Revised 07/08/99 (885)

(a) This section shall apply to all transport tanks that deliver gasoline to gasoline stations or bulk gasoline distribution facilities equipped with a vapor recovery system.

(b) It shall be unlawful for the owner or operator of a transport tank to cause or allow the transfer of gasoline at a facility equipped with a vapor recovery system unless:

(1) The transport tank is also equipped with a vapor recovery system;

(2) The transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by pressurizing the tank to gauge pressures of 18 and –6 inches of water and waiting for a time period of 5 minutes during which the pressure change is no more than:

tank capacity(gallons)	pressure change (inches of water)
2,500 or more	1.0
1,500-2,499	1.5
1,000-1,499	2.0
999 or less	2.5

(3) The internal vapor valve of the transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by repressurizing the tank to 18 inches of water, closing the vapor valve, relieving all the pressure in the vapor return line, resealing the vapor return line, and waiting for a time period of 5 minutes during which the pressure change in the vapor return line and manifold is no more than 5 inches of water;

(4) The transport tank carries a certificate that includes the following information:

(A) Testing company name, date, and test location;

(B) Tester’s name, title, and signature;

(C) Transport tank owner's name and address;

(D) Transport tank identification number;

(E) Type of test: pressure decay, vacuum decay, or internal vapor valve;

(F) Vapor tightness repair (if any): nature of repair work and when performed in relation to the test; and

(G) Test results: pressure or vacuum change, time period of test.

(5) The transport tank displays a sticker near the Department of Transportation certification plate, which shows the identification number of the transport tank and the date the transport tank last passed the tests specified in this section; and

(6) The vapor recovery system is employed and the concentration of gasoline vapors is below the lower explosive limit (measured as propane) at all points a distance of 1 inch or greater from any potential leak source on the transport tank. (Any transport tank that fails to meet this requirement shall be repaired and retested for compliance with Sections 2.08(b)(2) and (b)(3) of this regulation within 10 days, and a copy of the revised compliance certificate shall be sent to the Agency within 5 days after completing the required leak test.)

(c) Transport tanks tested prior to August 1, 1999 shall be subject to the requirements in Sections 2.08(b)(2) and (b)(3) of this regulation at the time of their next annual test.

SECTION 2.09 OXYGENATED GASOLINE CARBON MONOXIDE CONTINGENCY MEASURE AND FEE SCHEDULE Adopted 10/14/93 (764)
Revised 05/12/94 (787), 07/11/96 (834), 12/19/02 (976)

(a) Applicability. This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February if, in consultation with the Washington Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) Quality-assured violations of the national ambient air quality standard for carbon monoxide have occurred at multiple monitoring sites within the jurisdiction of the Agency,

(2) Local mitigation measures have not improved traffic conditions sufficiently to help prevent future violations, and

(3) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than May 1 to all registered gasoline stations and blenders. This section shall take effect on November 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.7% by weight.

(c) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

(d) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January, and February, shall apply:

Volume (gallons)	
less than 100,000	$ 500.00
100,000 or more, but less than 1,000,000	$1,000.00
1,000,000 or more, but less than 15,000,000	$10,000.00
15,000,000 or more	$25,000.00

(e) Upon assessment by the Agency, this registration fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days.

(f) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of this section were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

SECTION 2.10 GASOLINE STATION OZONE CONTINGENCY MEASURE Adopted 12/19/02 (976)

(a) Applicability. This section shall apply to gasoline stations that use coaxial Stage 1 vapor recovery systems and dispense 600,000 gallons or more of gasoline per year if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on May 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless a California Air Resources Board (CARB) Stage I system, approved after July 1, 2002, is installed and operated in accordance with CARB system certification requirements.

(c) The systems required in Section 2.10(b) of this regulation shall be installed within 1 year of the May 1 effective date listed in Section 2.10(a) of this regulation.

REGULATION II - ARTICLE 3: MISCELLANEOUS VOLATILE ORGANIC COMPOUND EMISSION STANDARDS

SECTION 3.01 CUTBACK ASPHALT PAVING Adopted 03/13/80 (462)
Revised/Renumbered 06/13/91 (700)

(a) It shall be unlawful for any person to cause or allow the use of cutback asphalt in paving during the months of June, July, August, and September, except as provided for in Section 3.01(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year:

(1) As a penetrating prime coat on aggregate bases prior to paving.

(2) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(3) All paving uses when the temperature during application is below 10°C (50°F).

SECTION 3.02 VOLATILE ORGANIC COMPOUND STORAGE TANKS Adopted 03/13/80 (462)
Revised 12/11/80 (482), 06/13/91 (700), Revised/Renumbered 07/08/99 (885)

(a) This section shall apply to all stationary storage tanks with a capacity of 40,000 gallons (151,400 liters) or greater storing volatile organic compounds with a true vapor pressure of 1.5 pounds per square inch (10.5 kPa) or greater at actual monthly average storage temperatures.

(b) It shall be unlawful for any person to cause or allow such storage unless the storage tank is a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices:

(1) An external floating roof, consisting of a pontoon-type or double deck-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device between the tank shell and the roof edge. The closure device shall consist of two seals, a primary seal and a rim mounted secondary seal above the primary; or

(2) A fixed roof with an internal floating-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device. The closure device shall prevent the emission of organic vapors such that the concentration of such vapors in the vapor space above the internal floating roof does not exceed 50% of the lower explosive limit (LEL) measured as propane; or

(3) A fixed roof tank with control equipment that reduces emissions by 95% or greater.

(c) All primary seals or closure devices shall meet the following requirements:

(1) The primary seal shall contain no visible holes, tears, or other openings.

(2) No gap between the tank shell and the primary seal shall exceed 1½ inches (3.8 cm). No continuous gap greater than 1/8 inch (0.32 cm) shall exceed

(d) All secondary seals or closure devices shall meet the following requirements:

(1) There shall be no visible holes, tears, or other openings in the secondary seal or seal fabric;

(2) The secondary seal shall be intact and uniformly in place around the circumference of the floating roof between the roof and the tank wall; and

(3) No gap between the tank shell and the secondary seal shall exceed ½ inch (1.3 cm). The cumulative length of all gaps exceeding ⅛ inch (0.32 cm) in width between the secondary seal and the tank wall shall not exceed 5% of the circumference of the tank.

(e) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall be:

(1) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(2) Equipped with projections into the tank that remain below the liquid surface at all times.

(f) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports.

(g) Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(h) Emergency roof drains shall be provided with slotted membrane fabric covers or equivalent that cover at least 90% of the area of the opening.

(i) Routine inspections shall be performed by the owner or operator as follows:

(1) For external floating roof tanks, conduct a semiannual visual inspection of all seals and closure devices and measure the primary and secondary seal gap annually;

(2) For internal floating roof tanks, visually inspect all seals and measure the concentration of VOC in the vapor space above the internal floating roof semiannually; and

(3) Maintain records of the results of any inspections performed for a period of 2 years after the date on which the record was made.

SECTION 3.03 CAN AND PAPER COATING OPERATIONS Adopted 03/13/80 (462)
Revised 12/11/80 (482), Revised/Renumbered 06/13/91 (700), Revised 02/10/94 (777)

It shall be unlawful for any person to cause or allow the application of any coating from the following processes that has a VOC content in excess of the following limits:

	VOC Content (excluding water)	
Process	Grams/Liter	(Lbs/Gal)
Can Coating		
Basecoat (exterior and interior) and overvarnish	340	(2.8)
Interior body spray, exterior end, spray or roll coat	510	(4.2)
End sealing compound	440	(3.7)
Paper Coating	350	(2.9)

SECTION 3.04 MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS Adopted 06/13/91 (700)
Revised 12/09/93 (769), 07/24/03 (1002)

(a) It shall be unlawful for original equipment manufacturers (OEMs) to apply any coating with a VOC content in excess of the following limits to motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles:

	VOC Content (excluding water)	
Type of Coating	Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)
Precoat	780	(6.5)
Primer/Primer Surfacer	720	(6.0)
Primer Sealer	720	(6.0)
Topcoat	720	(6.0)
Metallic/Iridescent Topcoat	720	(6.0)

(b) It shall be unlawful for any person to apply any specialty coating with a VOC content in excess of 840 grams/liter (7.0 lbs/gal), excluding water. Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied on a monthly basis. Specialty coatings are coatings that are necessary due to unusual job performance requirements and whose VOC content exceeds 630 grams/liter.

(c) The VOC content of each coating regulated by this section shall be available to Agency personnel upon request. Monthly records shall be maintained to demonstrate compliance with the standards specified in Section 3.04(a) and 3.04(b) of this regulation. The records shall include type of paint, quantity applied, and how the coating qualifies as specialty. The records shall be made available to Agency personnel upon request.

(d) It shall be unlawful for any person to apply any VOC-containing material to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles unless the coating is applied by the use of one of the following

methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Flow coat,

(4) Dip coat,

(5) Brush coat,

(6) Hand-held aerosol cans,

(7) Roll coat, or

(8) Air brush.

(e) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(f) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

SECTION 3.05 GRAPHIC ARTS SYSTEMS Adopted 12/11/80 (482)
Revised 12/09/93 (769)

(a) This section shall apply to all rotogravure and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of volatile organic compounds.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs and pictures) shall be included under this section rather than Section 3.03 of this regulation.

(c) It shall be unlawful for any person to operate a facility subject to this regulation unless:

(1) The volatile fraction of ink, as it is applied to the substrate, contains 25% by volume or less of volatile organic compounds;

(2) The ink, as it is applied to the substrate, less water, contains 60% by volume or more nonvolatile material; or,

(3) The owner or operator installs and operates:

(A) A capture system that shall collect at least:

(i) 75% of the emissions from a publication rotogravure process; or

(ii) 65% of the emissions from a packaging rotogravure process; or

(iii) 60% of the emissions from a flexographic process; and

(B) Control equipment that reduces the volatile organic compound emissions from the capture system by at least 90% by weight.

SECTION 3.08 POLYESTER, VINYLESTER, GELCOAT, AND RESIN OPERATIONS Adopted 06/13/91 (700)

Revised 12/09/93 (769)

(a) This section shall apply to manufacturing operations involving the use of polyester, vinylester, gelcoat, or resin in which the styrene monomer is a reactive monomer for the resin.

(b) It shall be unlawful for any person to cause or allow the application of polyester resin, vinylester resin, gelcoat, or any other resin unless the operation is conducted inside an enclosed area that is registered with the Agency. The exhaust from the operation shall be vented to the atmosphere through a vertical stack. For spray-coating applications of polyester resin, vinylester resin, gelcoat, or any other resin, the enclosed area shall incorporate a dry filter to control the overspray.

(c) It shall be unlawful for any person to use a chopper gun or spray gun to apply polyester resin, vinylester resin, gelcoat, or any other resin, unless the coating is applied by the use of one of the following methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Airless spray equipment, or

(4) Air-assisted airless spray equipment.

(d) The provisions of Section 3.08(c) shall not apply to touchup and repair using a hand-held, air atomized spray gun that has a container for resin as part of the gun.

(e) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including resin lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(f) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

SECTION 3.09 AEROSPACE COMPONENT COATING OPERATIONS Adopted 12/11/80 (482) Revised 02/11/82 (510), 06/13/91 (700), 12/09/93 (769)

(a) This section shall apply to any operation in which coatings are applied to aerospace components.

(b) It shall be unlawful for any person to cause or allow the application of any coating specified below that contains in excess of the following limits:

Type of Coating	VOC Content (excluding water) Grams/Liter	(Lbs/Gal)
Military Aerospace Topcoat	420	(3.5)
Commercial Aerospace Topcoat	420	(3.5)
Military Aerospace Primer	350	(2.9)
Commercial Aerospace Primer	350	(2.9)
Temporary Protective Coating	250	(2.1)

(c) It shall be unlawful for any person to cause or allow the application of any coating listed in Section 3.09(b) unless the coating is applied by the use of one of the following methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Flow coat,

(4) Dip coat,

(5) Brush coat,

(6) Trowel coat,

(7) Hand-held aerosol cans,

(8) Roll coat,

(9) Electrodeposition,

(10) Curtain coat, or

(11) Air brush.

(d) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(e) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

(f) The VOC limit for commercial aerospace topcoat in Section 3.09(b) shall become effective January 1, 1994, except for those topcoat tints that have not been qualified as of that date. All commercial aerospace topcoats must meet the VOC limit no later than January 1, 1995.

WAC 173-400 GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

173-400-020 Applicability.

(1) The provisions of this chapter shall apply statewide, except for specific subsections where a local authority has adopted and implemented corresponding local rules that apply only to sources subject to local jurisdiction as provided under RCW 70.94.141 and 70.94.331.

(2) An authority may enforce this chapter and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by ecology, authorities do not have jurisdiction over the following sources:

(a) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(b) Automobiles, trucks, aircraft.

(c) Those sources under the jurisdiction of the energy facility site evaluation council.

State effective: 12/29/12

173-400-030 Definitions.

The definitions in this section apply statewide except where a permitting authority has redefined a specific term. Except as provided elsewhere in this chapter, the definitions in this section apply throughout the chapter:

(1) "Actual emissions" means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) "Adverse impact on visibility" is defined in WAC 173-400-117.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "Air pollution" means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) "Allowable emissions" means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

(a) The applicable standards as in 40 C.F.R. Part 60, 61, 62, or 63;

(b) Any applicable SIP emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable approval condition, including those with a future compliance date.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Approval order" is defined in "order of approval."

(9) "Attainment area" means a geographic area designated by EPA at 40 C.F.R. Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(10) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(11) "Begin actual construction" means, in general, initiation of physical on-site construction activities on an emission unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

(12) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

(13) "Best available retrofit technology (BART)" means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(14) "Brake horsepower (BHP)" means the measure of an engine's horsepower without the loss in power caused by the gearbox, alternator, differential, water pump, and other auxiliary components.

(15) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit pursuant to RCW 70.94.155 and WAC 173-400-120.

(16) "Capacity factor" means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

(17) "Class I area" means any area designated under section 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

(a) Alpine Lakes Wilderness;

(b) Glacier Peak Wilderness;

(c) Goat Rocks Wilderness;

(d) Mount Adams Wilderness;

(e) Mount Rainier National Park;

(f) North Cascades National Park;

(g) Olympic National Park;

(h) Pasayten Wilderness; and

(i) Spokane Indian Reservation.

(18) "Combustion and incineration units" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes outdoor burning.

(19)(a) "Commence" as applied to construction means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(b) For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

(20) "Concealment" means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

(21) "Criteria pollutant" means a pollutant for which there is established a National Ambient Air Quality Standard at 40 C.F.R. Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O3) sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

(22) "Director" means director of the Washington state department of ecology or duly authorized representative.

(23) "Dispersion technique" means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

(24) "Ecology" means the Washington state department of ecology.

(25) "Emission" means a release of air contaminants into the ambient air.

(26) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(27) "Emission standard" and "emission limitation" means a requirement established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW.

(28) "Emission threshold" means an emission of a listed air contaminant at or above the following rates:

Air Contaminant	Annual Emission Rate
Carbon monoxide:	100 tons per year
Nitrogen oxides:	40 tons per year
Sulfur dioxide:	40 tons per year
Particulate matter (PM):	25 tons per year of PM emissions
	15 tons per year of PM-10 emissions
	10 tons per year of PM-2.5
Volatile organic compounds:	40 tons per year
Fluorides:	3 tons per year
Lead:	0.6 tons per year
Sulfuric acid mist:	7 tons per year
Hydrogen sulfide (H2S):	10 tons per year
Total reduced sulfur (including H2S):	10 tons per year
Reduced sulfur compounds (including H2S):	10 tons per year

(29) "Emissions unit" or "emission unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

(30) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(31) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

(32) "Existing stationary facility (facility)" is defined in WAC 173-400-151.

(33) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

(34) "Federal Class I area" means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington state:

(a) Alpine Lakes Wilderness;

(b) Glacier Peak Wilderness;

(c) Goat Rocks Wilderness;

(d) Mount Adams Wilderness;

(e) Mount Rainier National Park;

(f) North Cascades National Park;

(g) Olympic National Park; and

(h) Pasayten Wilderness.

(35) "Federal land manager" means the secretary of the department with authority over federal lands in the United States.

(36) "Federally enforceable" means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 C.F.R. Parts 60, 61, 62 and 63, requirements established within the Washington SIP, requirements within any approval or order established under 40 C.F.R. 52.21 or under a SIP approved new source review regulation, and emissions limitation orders issued under WAC 173-400-091.

(37) "Fossil fuel-fired steam generator" means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

(38) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

(39) "Fugitive emissions" means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(40) "General process unit" means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

(41) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

(42) "Greenhouse gases (GHGs)" includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

(43) "Incinerator" means a furnace used primarily for the thermal destruction of waste.

(44) "In operation" means engaged in activity related to the primary design function of the source.

(45) "Mandatory Class I federal area" means any area defined in Section 162(a) of the Federal Clean Air Act. The following areas are the mandatory Class I federal areas in Washington state ~~are~~

(a) Alpine Lakes Wilderness;

(b) Glacier Peak Wilderness;

(c) Goat Rocks Wilderness;

(d) Mount Adams Wilderness;

(e) Mount Rainier National Park;

(f) North Cascades National Park;

(g) Olympic National Park; and

(h) Pasayten Wilderness;

(46) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

(47) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

(48) "Modification" means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(49) "National Ambient Air Quality Standard (NAAQS)" means an ambient air quality standard set by EPA at 40 C.F.R. Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O3), sulfur dioxide (SO2), lead (Pb), and nitrogen dioxide (NO2).

(50) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal rules in 40 C.F.R. Part 61.

(51) "National Emission Standards for Hazardous Air Pollutants for Source Categories" means the federal rules in 40 C.F.R. Part 63.

(52) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

(53) "New source" means:

(a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emission of any air contaminant not previously emitted; and

(b) Any other project that constitutes a new source under the Federal Clean Air Act.

(54) "New Source Performance Standards (NSPS)" means the federal rules in 40 C.F.R. Part 60.

(55) "Nonattainment area" means a geographic area designated by EPA at 40 C.F.R. Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(56) "Nonroad engine" means:

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

(i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

(ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

(iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

(b) An internal combustion engine is not a nonroad engine if:

(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

(ii) The engine is regulated by a New Source Performance Standard promulgated under section 111 of the Federal Clean Air Act; or

(iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

(57) "Notice of construction application" means a written application to allow construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

(58) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(59) "Outdoor burning" means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. Wood waste disposal in wigwam burners or silo burners is not considered outdoor burning.

(60) "Order" means any order issued by ecology or a local air authority pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, 70.94.154, and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

(61) "Order of approval" or "approval order" means a regulatory order issued by a permitting authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

(62) "Ozone depleting substance" means any substance listed in Appendices A and B to Subpart A of 40 C.F.R. Part 82.

(63) "Particulate matter" or "particulates" means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(64) "Particulate matter emissions" means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods,

or an equivalent or alternative method specified in Title 40, chapter I of the Code of Federal Regulations or by a test method specified in the SIP.

(65) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(66) "Permitting authority" means ecology or the local air pollution control authority with jurisdiction over the source.

(67) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(68) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40C.F.R. Part 50 Appendix J and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

(69) "PM-10 emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 C.F.R. Part 51 or by a test method specified in the SIP.

(70) "PM-2.5" means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 C.F.R. Part 50 Appendix L and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

(71) "PM-2.5 emissions" means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51 or by a test method specified in the SIP.

(72) "Portable source" means a type of stationary source which emits air contaminants only while at a fixed location but which is capable of being transported to various locations. Examples include a portable asphalt plant or a portable package boiler.

(73) "Potential to emit" means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

(74) "Prevention of significant deterioration (PSD)" means the program in WAC 173-400-700 to 173-400-750.

(75) "Projected width" means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

(76) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(77) "Reasonably available control technology (RACT)" means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

(78) "Regulatory order" means an order issued by a permitting authority that requires compliance with:

(a) Any applicable provision of chapter 70.94 RCW or rules adopted there under; or,

(b) Local air authority regulations adopted by the local air authority with jurisdiction over the sources to whom the order is issued.

(79) "Secondary emissions" means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions. Secondary emissions include emissions from any offsite support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

(80) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under common control, whose activities are ancillary to the production of a single product or functionally related groups of products.

(81) "Source category" means all sources of the same type or classification.

(82) "Stack" means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(83) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(84) "Standard conditions" means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

(85) "State implementation plan (SIP)" or "Washington SIP" means the Washington SIP in 40 C.F.R. Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

(86) "Stationary source" means any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

(87) "Sulfuric acid plant" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(88) "Synthetic minor" means any source whose potential to emit has been limited below applicable thresholds by means of an enforceable order, rule, or approval condition.

(89) "Total reduced sulfur (TRS)" means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by EPA method 16 in Appendix A to 40 C.F.R. Part 60 or an EPA approved equivalent method and expressed as hydrogen sulfide.

(90) "Total suspended particulate" means particulate matter as measured by the method described in 40 C.F.R. Part 50 Appendix B.

~~(91) "Toxic air pollutant (TAP)" or "toxic air contaminant" means any toxic air pollutant listed in WAC 173-460-150. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.~~

(92) "Unclassifiable area" means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 C.F.R. Part 81.

(93) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(94) "Visibility impairment" means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.

(95) "Volatile organic compound (VOC)" means any carbon compound that participates in atmospheric photochemical reactions.

(a) Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate; methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a); parachlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea); 1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc); chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OC2H5); methyl acetate, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3 or HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; and perfluorocarbon compounds that fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 C.F.R. Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology, the authority, or EPA.

(c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the authority may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of ecology, the authority, or EPA the amount of negligibly reactive compounds in the source's emissions.

(d) The following compounds are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: Tertiary-butyl acetate.

State effective: 12/29/12

173-400-040 General Standards for Maximum Emissions.

(1) **General requirements.**

(a) All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard takes precedence over a general emission standard listed in this chapter.

(b) When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units.

~~(c) All emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the permitting authority shall, as provided in~~

RCW 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(2) **Visible emissions.** No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined by ecology method 9A. The following are exceptions to this standard:

(a) Soot blowing or grate cleaning alternate visible emission standard.

(i) This provision is in effect until the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. The opacity emission standard in subsection (2) of this section shall apply except when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to allow the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the permitting authority must be advised of the schedule.

(ii) This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. For emissions that occur due to soot blowing or grate cleaning of a hog fuel or wood-fired boiler: Visible emissions (as determined by ecology method 9A) shall not exceed twenty percent opacity; except that opacity shall not exceed forty percent for up to a fifteen minute period in any eight consecutive hours. For this provision to apply, the owner or operator must:

(A) Schedule the soot blowing and/or grate cleaning for the same approximate time(s) each day;

(B) Notify the permitting authority in writing of the schedule before using the forty percent standard; and

(C) Maintain contemporaneous records sufficient to demonstrate compliance. Records must include the date, start time, and stop time of each episode, and the results of opacity readings conducted during this time.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent or an alternative opacity standard established in this section.

(c) When two or more emission units are connected to a common stack, the permitting authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternative opacity limit has been established per RCW 70.94.331 (2)(c), WAC 173-400-081(4) or 173-400-082.

(e) Alternative visible emission standard for a hog fuel or wood-fired boiler in operation before January 24, 2018. This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. For emissions that occur due to planned startup or shutdown of a hog fuel or wood-fired boiler with dry particulate matter controls, an owner or operator may use the alternative standard in this subsection when all of the following requirements are met.

Note: This subsection does not apply to a combustion unit with wet particulate matter controls.

(i) A planned startup or shutdown means that the owner or operator notifies the permitting authority:

(A) At least twenty-four hours prior to the planned boiler startup or shutdown; or

(B) Within two hours after restarting the boiler for a startup within twenty-four hours after the end of an unplanned shutdown (i.e., malfunction or upset).

Note: A shutdown due to a malfunction is part of the malfunction.

(ii) Startup begins when fuel is ignited in the boiler fire box.

(iii) Startup ends:

(A) When the boiler starts supplying useful thermal energy; or

(B) Four hours after the boiler starts supplying useful thermal energy if the facility follows the work practices in (e)(vi)(B) of this subsection.

(iv) Shutdown begins when the boiler no longer supplies useful thermal energy, or when no fuel is being fed to the boiler or process heater, whichever is earlier.

(v) Shutdown ends when the boiler or process heater no longer supplies useful thermal energy and no fuel is being combusted in the boiler.

(vi) The facility complies with one of the following requirements:

(A) Visible emissions during startup or shutdown shall not exceed forty percent opacity for more than three minutes in any hour, as determined by ecology method 9A; or

(B) During startup or shutdown, the owner or operator shall:

(I) Operate all continuous monitoring systems;

~~(II) In the boiler, use only clean fuel identified in 5.b. in Table 3 in 40 C.F.R. Part 63, Subpart DDDDD;~~

~~(III) Engage all applicable control devices so as to comply with the twenty percent opacity standard within four hours of the start of supplying useful thermal energy;~~

~~(IV) Engage and operate particulate matter control within one hour of first feeding fuels that are not clean fuels; and~~

~~(V) Develop and implement a written startup and shutdown plan. The plan must minimize the startup period according to the manufacturer's recommended procedure. In the absence of manufacturer's recommendation, the owner or operator shall use the recommended startup procedure for a unit of a similar design. The plan must be maintained on-site and available upon request for public inspection.~~

~~(vii) The facility maintains records sufficient to demonstrate compliance with (e)(i) through (v) of this subsection. The records must include the following:~~

~~(A) The date and time of notification of the permitting authority;~~

~~(B) The date and time when startup and shutdown began;~~

~~(C) The date and time when startup and shutdown ended;~~

~~(D) The compliance option in (e)(vi) of this subsection that was chosen (either (A) or (B)) and documentation of how the conditions of that option were met.~~

~~(f) Furnace refractory alternative visible emission standard. This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC~~ **~~173-400-107~~** ~~from the SIP. For emissions that occur during curing of furnace refractory in a lime kiln or boiler, visible emissions (as determined by ecology method 9A) shall not exceed forty percent opacity for more than three minutes in any hour, except when (b) of this subsection applies. For this provision to apply, the owner or operator must meet all of the following requirements:~~

~~(i) The total duration of refractory curing shall not exceed thirty-six hours; and~~

~~(ii) Use only clean fuel identified in 5.b. in Table 3 in 40 C.F.R. Part 63, Subpart DDDDD; and~~

~~(iii) The owner or operator provides a copy of the manufacturer's instructions on curing refractory to the permitting authority; and~~

~~(iv) The manufacturer's instructions on curing refractory must be followed, including all instructions on temperature increase rates and holding temperatures and time; and~~

~~(v) The emission controls must be engaged as soon as possible during the curing process; and~~

~~(vi) The permitting authority must be notified at least one working day prior to the start of the refractory curing process.~~

~~(g) Visible emissions reader certification testing. Visible emissions from the "smoke generator" used during testing and certifying visible emission readers are exempt from the twenty percent opacity limit. Testing must follow testing and certification requirements in 40 C.F.R. Part 60, Appendix A, Test Method 9 (in effect on the date in WAC 173-400-025) and Source Test Methods 9A and 9B in *Source Test Manual - Procedures for Compliance Testing*, state of Washington, department of ecology, as of September 20, 2004, on file at ecology.~~

~~(h) Military training exercises. Visible emissions during military obscurant training exercises are exempt from the twenty percent opacity limit when the following requirements are met:~~

~~(i) No visible emissions shall cross the boundary of the military training site/reservation.~~

~~(ii) The operation shall have in place methods, which have been reviewed and approved by the permitting authority, to detect changes in weather that would cause the obscurant to cross the site boundary either during the course of the exercise or prior to the start of the exercise. The approved methods shall include provisions that result in cancellation of the training exercise, cease the use of obscurants during the exercise until weather conditions would allow such training to occur without causing obscurant to leave the site boundary of the military site/reservation.~~

~~(i) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities occurring during the training of firefighters are exempt from the twenty percent opacity limit. Compliance with chapter 173-425 WAC is required.~~

~~(3) **Fallout.** No person shall cause or allow the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.~~

(4) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, the owner or operator shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.

~~(5) **Odors.** Any person who shall cause or allow the generation of any odor from any source or activity which may unreasonably interfere with any other property owner's use and enjoyment of her or his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.~~

~~(6) **Emissions detrimental to persons or property.** No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.~~

~~(7) **Sulfur dioxide.** No person shall cause or allow the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes.~~

~~(8) **Concealment and masking.** No person shall cause or allow the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.~~

(9) **Fugitive dust.**

~~(a) The owner or operator of a source or activity that generates fugitive dust must take reasonable precautions to prevent that fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions.~~

(b) The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM-10 or PM-2.5 nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4).

State effective: 09/16/18

173-400-070 Emission Standards for Certain Source Categories.

Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(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) Grain elevators.
Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

~~(7) 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_2SO_4, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H_2SO_4.~~

State effective: 3/22/91;

173-400-081 Startup and Shutdown.

(1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authorities will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) Where the permitting authority determines that the source or source category, when operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, the permitting authority must include in the standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions.

(3) In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the permitting authorities shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule.

(4) Any emission limitation or other parameter adopted under this rule which increases allowable emissions during startup or shutdown conditions over levels authorized in Washington's state implementation plan shall not take effect until approved by EPA as a SIP amendment.

State effective: 4/1/11

173-400-091 Voluntary Limits on Emissions.

(1) Upon request by the owner or operator of a new or existing source or stationary source, the permitting authority with jurisdiction over the source shall issue a regulatory order that limits the potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and the permitting authority with jurisdiction.

(2) A condition contained in an order issued under this section shall be less than the source's or stationary source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or stationary source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(4) Any order issued under this section must comply with WAC 173-400-171.

(5) The terms and conditions of a regulatory order issued under this section are enforceable. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

State effective: 4/1/11

WAC 173-400-105 Records, monitoring, and reporting.

The owner or operator of a source must upon notification by ecology, maintain records on 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 and control measures.

(1) **Emission inventory.** The owner and operator of an air contaminant source must submit an inventory of emissions from the source each year. The inventory must include stack and fugitive emissions of particulate matter, PM-10, PM-2.5, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, ammonia, and other contaminants. Sources must provide registration information in a manner prescribed by the permitting authority for the submittal of these inventories. When the permitting authority requests emission inventory information for a calendar year, the owner or operator must submit the emissions inventory no later than April 15th after the end of the calendar year for which the emissions inventory was requested. If April 15th falls on a weekend, then the deadline to file shall be the next business day. The owner and operator must maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. The owner or operator may base emission estimates used in the inventory on the most recent published EPA emission factors for a source category, or other information available to the owner and operator, whichever is the better estimate.

(2) **Monitoring.** Ecology must 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 director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(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 ecology or an authority must have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) **Source testing.** To demonstrate compliance, the permitting authority may conduct or require that the owner or operator of a source conduct a test using approved test methods from 40 C.F.R. Parts 51, 60, 61, 62, 63, 75 and 1065, as applicable (in effect on the date in WAC 173-400-025) or procedures contained in "*Source Test Manual - Procedures for Compliance Testing*," state of Washington, department of ecology, as of September 20, 2004, on file at ecology. The permitting authority may require the operator of a source to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions

unit. The source owner or operator must allow the permitting authority to obtain a sample from any emissions unit. The permitting authority shall give the operator of the source an opportunity to observe the sampling and to obtain a sample at the same time.

(5) **Continuous monitoring and recording.** Owners and operators of the following categories of sources must 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 ecology or the authority 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 used primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid 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 (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection must be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this subsection must demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 C.F.R. Part 51, Appendix P, Sections 3, 4 and 5 (in effect on the date in WAC 173-400-025).

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, the permitting authority will establish alternative monitoring and reporting procedures on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any emission unit which is:

(i) Required to continuously monitor emissions due to a standard or requirement contained in 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC **173-400-025**) or a permitting authority's adoption by reference of the federal standards. Emission units and sources subject to those standards must comply with the data collection requirements that apply to those standards.

(ii) Not subject to an applicable emission standard.

(6) 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.

~~(7) Continuous emission monitoring system operating requirements. All continuous emission monitoring systems (CEMS) required by 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC 173-400-025), or a permitting authority's adoption of those federal standards must meet the continuous emission monitoring systems (CEMS) performance specifications and data recovery requirements imposed by those standards. All CEMS required under an order, PSD permit, or regulation issued by a permitting authority and not subject to CEMS performance specifications and data recovery requirements imposed by 40 C.F.R. Parts 60, 61, 62, 63, or 75 must follow the continuous emission monitoring rule of the permitting authority, or if the permitting authority does not have a continuous emission monitoring rule, must meet the following requirements:~~

~~(a) The owner or operator must recover valid hourly monitoring data for at least ninety-five percent of the hours that the equipment (required to be monitored) is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrated that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and the source conducts any necessary repairs to the monitoring system in a timely manner.~~

~~Note: This means that a continuous emissions monitor (CEM) must provide valid data for all but thirty-six hours for each month (ninety-five percent standard).~~

~~(b) The owner or operator must install a continuous emission monitoring system that meets the performance specification in 40 C.F.R. Part 60, Appendix B in effect at the time of its installation, and must operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 C.F.R. Part 60 (in effect on the date in WAC 173-400-025), and EPA's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/ 1-86-010.~~

~~(c) An owner or operator must reduce monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data to one hour averages. An owner or operator must reduce monitoring data for opacity six minute block averages unless otherwise specified in the order of approval or permit. An owner or operator must include all monitoring data 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, a source must collect no valid data until the monitoring system passes a quality assurance test or audit.~~

~~(d) An owner or operator must maintain continuous operation of all continuous monitoring systems except for instances of system breakdowns, repairs, calibration checks, and zero and span adjustments required under (a) of this subsection.~~

~~(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 must complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.~~

~~(e) The owner or operator must 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) The owner or operator must submit a monthly report (or other frequency as directed by terms of an order, air operating permit or regulation) to the permitting authority within thirty days after the end of the month (or other specified reporting period) in which the owner or operator recorded the data. The owner or operator may combine the report required by this section with any excess emission report required by WAC 173-400-108. This report must include:~~

~~(i) The number of hours that the monitored emission unit operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;~~

~~(ii) The date, time period, and cause of each failure to meet the data recovery requirements of (a) of this subsection 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 ninety percent of the hours that the equipment (required to be monitored) was operated each day;~~

~~Note: A continuous emissions monitor (CEM) must provide valid data for all but two hours per day (ninety percent standard).~~

~~(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.~~

(8) 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.

State effective: 11/25/18

173-400-107 Excess Emissions.

(1) The owner or operator of a source shall have the burden of proving to ecology or the authority or the decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to ecology or the authority as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning

and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

State effective: 9/20/93

173-400-110 New Source Review (NSR) for Sources and Portable Sources.

(1) Applicability.

~~(a) WAC 173-400-110, 173-400-111, 173-400-112, and 173-400-113 apply statewide except where a permitting authority has adopted its own new source review regulations.~~

~~(b) This section applies to new sources and stationary sources as defined in RCW 70.94.030, and WAC 173-400-030, but does not include nonroad engines.~~

(c) For purposes of this section:

(i) "Establishment" means to begin actual construction;

~~(ii) "New source" includes:~~

~~(A) A modification to an existing stationary source, as "modification" is defined in WAC 173-400-030:~~

~~(B) The construction, modification, or relocation of a portable source as defined in WAC 173-400-030, except those relocating in compliance with WAC 173-400-036;~~

~~(C) The establishment of a new or modified toxic air pollutant source, as defined in WAC 173-460-020; and~~

~~(D) A major modification to an existing major stationary source, as defined in WAC 173-400-710 and 173-400-810.~~

(d) New source review of a modification is limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as a result of the modification. Review of a major modification must comply with WAC 173-400-700 through 173-400-750 or 173-400-800 through 173-400-860, as applicable.

~~(e) The procedural requirements pertaining to NOC applications and orders of approval for new sources that are not major stationary sources, as defined in WAC 173-400-710 and 173-400-810, shall not apply to any person conducting a remedial action at a facility pursuant to a consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW, Model Toxics Control Act, or to the department of ecology when it conducts a remedial action under chapter 70.105D RCW. The department of ecology shall ensure compliance with the substantive requirements of this chapter through the consent decree, order, or agreed order issued pursuant to chapter 70.105D RCW using the procedures outlined in WAC 173-340-710(9) or during a department-conducted remedial action, through the procedures outlined in WAC 173-340-710(9).~~

~~(2) Preconstruction approval requirements. The applicant must evaluate the proposed project and submit an application addressing all applicable new source review requirements of this chapter.~~

~~(a) A notice of construction application must be filed and an order of approval must be issued by the permitting authority prior to the establishment of any new source or modification except for those new sources or modifications exempt from permitting under subsections (4), (5), and (6) of this section.~~

~~(b) If the proposed project is a new major stationary source or a major modification, located in a designated nonattainment area, and if the project emits the air pollutant or precursors of the air pollutant for which the area is designated nonattainment, and the project meets the applicability criteria in WAC 173-400-820, then the project is subject to the permitting requirements of WAC 173-400-800 through 173-400-860.~~

~~(c) If the proposed project is a new major stationary source or a major modification that meets the applicability criteria of WAC 173-400-720, then the project is subject to the PSD permitting requirements of WAC 173-400-700 through173-400-750 .~~

~~(d) If the proposed project will increase emissions of toxic air pollutants regulated under chapter 173-460 WAC, then the project must meet all applicable requirements of that program.~~

~~(3) Modifications.~~

~~New source review is required for any modification to a stationary source that requires:~~

~~(a) An increase in a plant-wide cap; or~~

~~(b) An increase in an emission unit or activity specific emission limit.~~

~~(4) Emission unit and activity exemptions.~~

~~The construction or modification of emission units or an activity in one of the categories listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The construction or modification of an emission unit or an activity exempt under this subsection does not require the filing of a notice of construction application.~~

~~(a) Maintenance/construction:~~

~~(i) Cleaning and sweeping of streets and paved surfaces;~~

~~(ii) Concrete application, and installation;~~

~~(iii) Dredging wet spoils handling and placement;~~

~~(iv) Paving application and maintenance. This provision does not exempt asphalt plants from this chapter;~~

~~(v) Plant maintenance and upkeep activities (grounds keeping, general repairs, house keeping, plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);~~

~~(vi) Plumbing installation, plumbing protective coating application and maintenance activities;~~

~~(vii) Roofing application and maintenance;~~

~~(viii) Insulation application and maintenance;~~

~~(ix) Janitorial services and consumer use of janitorial products;~~

~~(x) Construction activities that do not result in new or modified stationary sources or portable stationary sources.~~

~~(b) Storage tanks:~~

~~Note: It can be difficult to determine requirements for storage tanks. Ecology strongly recommends that an owner or operator contact the permitting authority to determine the exemption status of storage tanks prior to their installation.~~

~~(i) Lubricating oil storage tanks. This provision does not exempt wholesale distributors of lubricating oils from this chapter;~~

~~(ii) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;~~

~~(iii) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;~~

~~(iv) Process and white water storage tanks;~~

~~(v) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cubic feet);~~

~~(vi) Operation, loading and unloading of storage tanks, ≤ 1100-gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as listed in chapter 173-460 WAC, max. VP 550 mm mercury at 21°C;~~

~~(vii) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons;~~

~~(viii) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids.~~

~~(c) New or modified emission units with combined aggregate heat inputs to combustion units (excluding emergency engines exempted by subsection (4)(h)(xxxix) of this section), less than or equal to all of the following, as applicable:~~

~~(i) ≤ 500,000 Btu/hr using coal with ≤ 0.5% sulfur or other solid fuels with ≤ 0.5% sulfur;~~

~~(ii) ≤ 500,000 Btu/hr using used oil, per the requirements of RCW 70.94.610;~~

~~(iii) ≤ 400,000 Btu/hr using wood waste or paper;~~

~~(iv) ≤ 1,000,000 Btu/hr using gasoline, kerosene, #1, or #2 fuel oil and with ≤0.05% sulfur;~~

~~(v) ≤ 4,000,000 Btu/hr using natural gas, propane, or LPG.~~

~~(d) Material handling:~~

~~(i) Continuous digester chip feeders;~~

~~(ii) Grain elevators not licensed as warehouses or dealers by either the Washington state department of agriculture or the U.S. Department of Agriculture;~~

~~(iii) Storage and handling of water based lubricants for metal working where organic content of the lubricant is ≤ 10%;~~

~~(iv) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm mercury at 21°C, with lids or other appropriate closure.~~

~~(e) Water treatment:~~

~~(i) Septic sewer systems, not including active wastewater treatment facilities;~~

~~(ii) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease;~~

~~(iii) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;~~

~~(iv) Process water filtration system and demineralizer vents;~~

~~(v) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;~~

~~(vi) Demineralizer tanks;~~

~~(vii) Alum tanks;~~

~~(viii) Clean water condensate tanks.~~

~~(f) Environmental chambers and laboratory equipment:~~

~~(i) Environmental chambers and humidity chambers using only gases that are not toxic air pollutants listed in chapter 173-460 WAC;~~

~~(ii) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;~~

~~(iii) Installation or modification of a single laboratory fume hood;~~

~~(iv) Laboratory research, experimentation, analysis and testing at sources whose primary purpose and activity is research or education. To be exempt, these sources must not engage in the production of products, or in providing commercial services, for sale or exchange for commercial profit except in a de minimis manner. Pilot plants or pilot scale processes at these sources are not exempt.~~

~~(v) Laboratory calibration and maintenance equipment.~~

~~(g) Monitoring/quality assurance/testing:~~

~~(i) Equipment and instrumentation used for quality control/assurance or inspection purpose;~~

~~(ii) Hydraulic and hydrostatic testing equipment;~~

~~(iii) Sample gathering, preparation and management;~~

~~(iv) Vents from emission monitors and other analyzers.~~

~~(h) Miscellaneous:~~

~~(i) Single-family residences and duplexes;~~

~~(ii) Plastic pipe welding;~~

~~(iii) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;~~

~~(iv) Comfort air conditioning;~~

~~(v) Flares used to indicate danger to the public;~~

~~(vi) Natural and forced air vents and stacks for bathroom/toilet activities;~~

~~(vii) Personal care activities;~~

~~(viii) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;~~

~~(ix) Tobacco smoking rooms and areas;~~

~~(x) Noncommercial smokehouses;~~

~~(xi) Blacksmith forges for single forges;~~

~~(xii) Vehicle maintenance activities, not including vehicle surface coating;~~

~~(xiii) Vehicle or equipment washing (see (c) of this subsection for threshold for boilers);~~

~~(xiv) Wax application;~~

~~(xv) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;~~

~~(xvi) Ozone generators and ozonation equipment;~~

~~(xvii) Solar simulators;~~

~~(xviii) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;~~

~~(xix) Electrical circuit breakers, transformers, or switching equipment installation or operation;~~

~~(xx) Pulse capacitors;~~

~~(xxi) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives;~~

~~(xxii) Fire suppression equipment;~~

~~(xxiii) Recovery boiler blow-down tank;~~

~~(xxiv) Screw press vents;~~

~~(xxv) Drop hammers or hydraulic presses for forging or metal working;~~

~~(xxvi) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;~~

~~(xxvii) Kraft lime mud storage tanks and process vessels;~~

~~(xxviii) Lime grits washers, filters and handling;~~

~~(xxix) Lime mud filtrate tanks;~~

~~(xxx) Lime mud water;~~

~~(xxxi) Stock cleaning and pressurized pulp washing down process of the brown stock washer;~~

~~(xxxii) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;~~

~~(xxxiii) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm mercury at 21°C where no toxic air pollutants as listed under chapter 173-460 WAC are emitted;~~

~~(xxxiv) Surface coating, aqueous solution or suspension containing ≤ 1% (by weight) VOCs, or ≤ 1% (by weight) toxic air pollutants as listed in chapter 173-460 WAC;~~

~~(xxxv) Cleaning and stripping activities and equipment using solutions having ≤ 1% VOCs (by weight) or ≤ 1% (by weight) toxic air pollutants. Acid solutions used on metallic substances are not exempt;~~

~~(xxxvi) Dip coating operations, using materials less than 1% VOCs (by weight) or ≤ 1% (by weight) toxic air pollutants as listed in chapter 173-460 WAC.~~

~~(xxxvii) Abrasive blasting performed inside a booth or hangar designed to capture the blast grit or overspray.~~

(xxxviii) For structures or items too large to be reasonably handled indoors, abrasive blasting performed outdoors that employs control measures such as curtailment during windy periods and enclosure of the area being blasted with tarps and uses either steel shot or an abrasive containing less than one percent (by mass) which would pass through a No. 200 sieve.

(xxxix) Stationary emergency internal combustion engines with an aggregate brake horsepower that is less than or equal to 500 brake horsepower.

(xl) Gasoline dispensing facilities with annual gasoline throughputs less than those specified in WAC 173-491-040 (4)(a). Gasoline dispensing facilities subject to chapter 173-491 WAC are exempt from toxic air pollutant analysis pursuant to chapter 173-460 WAC.

(5) Exemptions based on emissions.

(a) Except as provided in this subsection:

(i) Construction of a new emissions unit that has a potential to emit below each of the levels listed in Table 110(5) Exemption levels is exempt from new source review.

(ii) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in Table 110(5) Exemption levels of this subsection is exempt from new source review.

(b) Greenhouse gas emissions are exempt from new source review requirements except to the extent required under WAC 173-400-720, prevention of significant deterioration. The owner or operator of a source or emission unit, may request that the permitting authority impose emission limits and/or operation limitations for greenhouse gas in any new source review order of approval.

Table 110(5) Exemption levels:

POLLUTANT	LEVEL (TONS PER YEAR)
Carbon monoxide	5.0
Lead	0.005
Nitrogen oxides	2.0
PM-10	0.75
PM-2.5	0.5
Total suspended particulates	1.25
Sulfur dioxide	2.0
Volatile Organic Compounds, total	2.0
Ozone Depleting Substances, total	1.0

~~Toxic Air Pollutants~~	~~The de minimis emission rate specified for each TAP in WAC 173-460-150.~~

~~(6) Portable source with order of approval. A portable source is authorized to operate without obtaining a site-specific or a permitting authority specific approval order to relocate if the portable source complies with the provisions of WAC 173-400-036.~~

State effective: 12/29/12

173-400-111 Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources.

WAC 173-400-110, 173-400-111, 173-400-112, and 173-400-113 apply statewide except where a permitting authority has adopted its own new source review regulations.

(1) Completeness determination.

(a) Within thirty days after receiving a notice of construction application, the permitting authority must 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.

(b) A complete application contains all the information necessary for processing the application. At a minimum, the application must provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification, as well as the location, design, construction, and operation of the new source as needed to enable the permitting authority to determine that the construction or modification will meet the requirements of WAC 173-400-113. Designating an application complete for purposes of permit processing does not preclude the reviewing authority from requesting or accepting any additional information.

(c) For a project subject to the special protection requirements for federal Class I areas under WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3). The applicant must send a copy of the application and all amendments to the application to the EPA and the responsible federal land manager.

(d) For a project subject to the major new source review requirements in WAC 173-400-800 through 173-400-860, the completeness determination includes a determination that the application includes all information required for review under those sections.

(e) An application is not complete until any permit application fee required by the permitting authority has been paid.

(2) Coordination with chapter 173-401 WAC, operating permit regulation. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under chapter 173-401 WAC and the notice of construction application required by this section. A notice of construction application designated for integrated review must be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC and must comply with WAC 173-400-171.

(3) Criteria for approval of a notice of construction application. An order of approval cannot be issued until the following criteria are met as applicable:

(a) The requirements of WAC 173-400-112;

(b) The requirements of WAC 173-400-113;

(c) The requirements of WAC 173-400-117;

(d) The requirements of WAC 173-400-171;

(e) The requirements of WAC 173-400-200 and 173-400-205;

(f) The requirements of WAC 173-400-700 through173-400-750;

(g) The requirements of WAC 173-400-800 through173-400-860;

~~(h) The requirements of chapter 173-460 WAC; and~~

(i) All fees required under chapter 173-455 WAC (or the applicable new source review fee table of the local air pollution control authority) have been paid.

(4) Final determination - Time frame and signature authority.

(a) Within sixty days of receipt of a complete notice of construction application, the permitting authority must either:

(i) Issue a final decision on the application; or

(ii) Initiate notice and comment for those projects subject to WAC 173-400-171 followed as promptly as possible by a final decision.

(b) Every final determination on a notice of construction application must 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 permitting authority.

(5) Distribution of the final decision.

(a) The permitting authority must promptly provide copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

(b) If the new source is a major stationary source or the change is a major modification subject to the requirements of WAC 173-400-800 through 173-400-860, the permitting authority must:

(i) Submit any control technology (LAER) determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and

(ii) Send a copy of the final approval order to EPA.

(6) Appeals. Any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided under chapters 43.21B RCW and 371-08 WAC.

(7) Construction time limitations.

(a) Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The permitting authority may extend the eighteen-month period upon a satisfactory showing by the permittee that an extension is justified.

(b) The extension of a project that is either a major stationary source, as defined in WAC 173-400-810, in a nonattainment area or a major modification, as defined in WAC 173-400-810, of a major stationary source in a nonattainment area must also require LAER, for the pollutants for which the area is classified as nonattainment, as LAER exists at the time of the extension for the pollutants that were subject to LAER in the original approval.

(c) 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 commence construction date.

(8) Change of conditions or revisions to orders of approval.

(a) The owner or operator may request, at any time, a change in the conditions of an approval order and the permitting authority may approve the request provided the permitting authority finds that:

(i) The change in conditions will not cause the source to exceed an emissions standard set by regulation or rule;

(ii) No ambient air quality standard will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of the permitting authority to determine compliance with an emissions standard;

(iv) The revised order will continue to require BACT for each new source approved by the order except where the Federal Clean Air Act requires LAER; and

(v) The revised order meets the requirements of WAC 173-400-111, 173-400-112, 173-400-113, 173-400-720, 173-400-830, ~~and 173-460-040,~~ as applicable.

(b) Actions taken under this subsection are subject to the public involvement provisions of WAC 173-400-171 or the permitting authority's public notice and comment procedures.

(c) The applicant must consider the criteria in 40 C.F.R. 52.21 (r)(4) (in effect on the date in WAC 173-400-025) or 173-400-830(3), as applicable, when determining which new source review approvals are required.

~~(9) Fees. Chapter 173-455 WAC lists the required fees payable to ecology for various permit actions.~~

(10) Enforcement. All persons who receive an order of approval must comply with all approval conditions contained in the order of approval.

State effective: 07/01/16

173-400-112 Requirements for New Sources in Nonattainment Areas — Review for Compliance with Regulations.

110, 173-400-111, 173-400-112, and 173-400-113 apply statewide except where a permitting authority has adopted its own new source review regulations. The permitting authority that is reviewing an application required by WAC 173-400-110(2) to establish a new source in a nonattainment area shall issue the order of approval if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will 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, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will achieve LAER for any air contaminants for which:

(a) The area has been designated nonattainment; and

(b)(i) The proposed new source is major; or

(ii) The existing source is major and the major modification is significant.

(3) The proposed new source will employ BACT for those air contaminants not subject to LAER that the new source will emit or for which the proposed modification will cause an emissions increase.

(4) The proposed new source or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with WAC 173-400-113 (3) and (4) for all air contaminants for which the area has not been designated nonattainment.

(5) If the proposal is a new major stationary source or a major modification as those terms are defined in WAC 173-400-810 then it must also comply with WAC 173-400-800 through 173-400-860.

State effective: 12/29/12

173-400-113 New Sources in Attainment or Unclassifiable Areas — Review for Compliance with Regulations.

WAC 173-400-110, 173-400-111, 173-400-112, and 173-400-113 apply statewide except where a permitting authority has adopted its own new source review regulations. The permitting authority that is reviewing an application to establish a new source or modification in an attainment or unclassifiable area shall issue an order of approval if it determines that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will 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, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or the increase in emissions from the proposed modification will not cause or contribute to a violation of any ambient air quality standard. ~~If the modeled concentrations of allowable emissions from the proposed new source or the increase in emissions from the proposed modification are below the levels in Table 4a, the proposed source does not contribute to a violation of an ambient air quality standard.~~

(4)(a) If the projected impact of the allowable emissions from the proposed new major stationary source (as defined in WAC 173-400-810) or the projected impact of the increase in allowable emissions from the proposed major modification (as defined in WAC 173-400-810) at any location within a nonattainment area does not exceed the following levels for the pollutants for which the area has been designated nonattainment, then the proposed new source or modification will not be considered to cause or contribute to a violation of an ambient air quality standard:

Table 4a: Cause or Contribute Threshold Values for Nonattainment Area Impacts

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO	-	-	0.5 mg/m^3	-	2 mg/m^3
SO_2	1.0 µg/m^3	5 µg/m^3	-	25 µg/m^3	30 µg/m^3
PM_{10}	1.0 µg/m^3	5 µg/m^3	-	-	-
$PM_{2.5}$	0.3 µg/m3	1.2 µg/m3			
NO_2	1.0 µg/m^3	-	-	-	-

(b) If the projected impact of the allowable emissions from the proposed new major stationary source (as defined in WAC 173-400-810) or the projected impact of the increase in allowable emissions from the proposed major modification (as defined in WAC 173-400-810) results in a projected impact at any location inside a nonattainment area above the appropriate value in Table 4a of this section may use an offsetting emission reduction or other method identified in 40 C.F.R. Part 51 Appendix S, Sections III and IV.A which reduce the projected impacts to the above values or less. If the owner or operator of the proposed new major stationary source or major source proposed to be modified is unable to reduce emissions or obtain offsetting emissions reductions adequate to reduce modeled impacts below the values in Table 4a of this section, then the permitting authority shall deny approval to construct and operate the proposed new major stationary source or major modification.

(5) If the proposal is a new major stationary source or a major modification as defined in WAC 173-400-720, then it must also comply with WAC 173-400-700 through 173-400-750.

State effective: 12/29/12

173-400-117 Special Protection Requirements for Federal Class I Areas.

(1) Definitions. The following definitions apply to this section:

(a) "Adverse impact on visibility" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with:

(i) Times of visitor use of the federal Class I area; and

(ii) The frequency and timing of natural conditions that reduce visibility.

(b) The terms "major stationary source," "major modification," and "net emissions increase" are defined in WAC 173-400-720 for projects located in areas designated as attainment or unclassifiable for the pollutants proposed to increase as a result of the project and are defined in WAC 173-400-810 for projects located in areas designated as nonattainment for the pollutants proposed to increase as a result of the project.

(2) Applicability. The requirements of this section apply to all of the following permitting actions:

(a) A PSD permit application for a new major stationary source or a major modification; or

(b) A notice of construction application for a major stationary source or a major modification to a stationary source in a nonattainment area, as either of those terms are defined in WAC 173-400-810.

(3) Contents and distribution of application.

(a) The application shall include an analysis of the anticipated impacts of the project on visibility in any federal Class I area.

(b) The applicant must mail a copy of the application for the project and all amendments to the application to the permitting authority, EPA and to the responsible federal land managers. Ecology will provide a list of the names and addresses of the federal land manager.

(4) Notice to federal land manager.

(a) The permitting authority shall send a copy of the completeness determination to the responsible federal land manager.

(b) If, prior to receiving a notice of construction application or a PSD permit application, the permitting authority receives notice of a project described in subsection (2) of this section that may affect visibility in a federal Class I area, the permitting authority shall notify the responsible federal land manager within thirty days of the notification.

(5) Analysis by federal land manager.

(a) The permitting authority will consider any demonstration presented by the responsible federal land manager that emissions from a proposed new major stationary source or the net emissions increase from a proposed major modification described in subsection (2) of this section would have an adverse impact on visibility in any federal Class I area, provided that the demonstration is received by the permitting authority within thirty days of the federal land manager's receipt of the complete application.

(b) If the permitting authority concurs with the federal land manager's demonstration, the PSD permit or approval order for the project either shall be denied, or conditions shall be included in the approval order to prevent the adverse impact.

(c) If the permitting authority finds that the federal land manager's analysis does not demonstrate that the project will have an adverse impact on visibility in a federal Class I area, the permitting authority shall explain its decision in compliance with the notice requirements of WAC 173-400-171 for those permits subject to WAC 173-400-800 through 173-400-860. For permits subject to the prevention of significant deterioration program, the permitting authority shall state in the public notice required by WAC 173-400-740 that an explanation of the decision appears in the Technical Support Document for the proposed permit.

(6) Additional requirements for projects that require a PSD permit.

(a) For sources impacting federal Class I areas, the permitting authority shall provide notice to EPA of every action related to consideration of the PSD permit.

(b) The permitting authority shall consider any demonstration received from the responsible federal land manager prior to the close of the public comment period on a proposed PSD permit that emissions from the proposed new major stationary source or the net emissions increase from a proposed major modification would have an adverse impact on the air quality-related values (including visibility) of any mandatory Class I federal area.

(c) If the permitting authority concurs with the demonstration, the PSD permit either shall be denied, or conditions shall be included in the PSD permit to prevent the adverse impact.

(7) Additional requirements for projects located in nonattainment areas. In reviewing a PSD permit application or notice of construction application for a new major stationary source or major modification proposed for construction, as those terms are defined in WAC 173-400-810, in an area classified as nonattainment, the permitting authority must ensure that the proposed new source's emissions or the proposed modification's increase in emissions will be consistent with making reasonable progress toward meeting the national goal of preventing any future, and remedying any existing, impairment of visibility by human-caused air pollution in mandatory Class I federal areas. In determining the need for approval order conditions to meet this requirement, the permitting authority may take into account the costs of compliance, the time necessary for compliance, the energy and nonair quality environmental impacts of compliance, and the useful life of the source.

(8) Monitoring. The permitting authority may require post-construction monitoring of the impact from the project. The monitoring shall be limited to the impacts on visibility in any federal Class I area near the proposed project.

State effective: 12/29/12

173-400-118 Designation of Class I, II, and III Areas.

(1) Designation.

(a) Lands within the exterior boundaries of Indian reservations may be proposed for redesignation by an Indian governing body or EPA. This restriction does not apply to nontrust lands within the 1873 Survey Area of the Puyallup Indian Reservation.

(b) All areas of the state must be designated either Class I, II or III.

(i) The following areas are the Class I areas in Washington state:

(A) Alpine Lakes Wilderness;

(B) Glacier Peak Wilderness;

(C) Goat Rocks Wilderness;

(D) Adams Wilderness;

(E) Mount Rainier National Park;

(F) North Cascades National Park;

(G) Olympic National Park;

(H) Pasayten Wilderness; and

(I) Spokane Indian Reservation.[1]

(ii) All other areas of the state are Class II, but may be redesignated as provided in subsections (2) and (3) of this section.

[1.] EPA redesignated this land based on a request from the Spokane Tribal Council. See 40 C.F.R. 52.2497 and 56 FR 14862, April 12, 1991, for details.

(2) Restrictions on area classifications.

(a) Except for the Spokane Indian Reservation, the Class I areas listed in subsection (1) of this section may not be redesignated.

(b) Except as provided in (a) of this subsection, the following areas that exceed 10,000 acres in size may be redesignated as Class I or II:

(i) Areas in existence on August 7, 1977:

(A) A national monument;

(B) A national primitive area;

(C) A national preserve;

(D) A national wild and scenic river;

(E) A national wildlife refuge;

(F) A national lakeshore or seashore; or

(G) A national recreation area.

(ii) Areas established after August 7, 1977:

(A) A national park;

(B) A national wilderness area; or

(C) Areas proposed by ecology for designation or redesignation.

(3) Redesignation of area classifications.

(a) Ecology shall propose the redesignation of an area classification as a revision to the SIP.

(b) Ecology may submit to EPA a proposal to redesignate areas of the state as Class I or II if:

(i) Ecology followed the public involvement procedures in WAC 173-400-171(12);

(ii) Ecology explained the reasons for the proposed redesignation, including a description and analysis of the health, environmental, economic, social, and energy effects of the proposed redesignation;

(iii) Ecology made available for public inspection at least thirty days before the hearing the explanation of the reasons for the proposed redesignation;

(iv) Ecology notified other states, tribal governing bodies, and federal land managers (as defined in 40 C.F.R. 52.21 (b)(24)) whose lands may be affected by the proposed redesignation at least thirty days prior to the public hearing;

(v) Ecology consulted with the elected leadership of local governments in the area covered by the proposed redesignation before proposing the redesignation; and

(vi) Ecology followed these procedures when a redesignation includes any federal lands:

(A) Ecology notified in writing the appropriate federal land manager on the proposed redesignation. Ecology allowed forty-five days for the federal land manager to confer with ecology and to submit written comments.

(B) Ecology responded to any written comments from the federal land manager that were received within forty-five days of notification. Ecology's response was available to the public in advance of the notice of the hearing.

(I) Ecology sent the written comments of the federal land manager, along with ecology's response to those comments, to the public location as required in WAC 173-400-171 (2)(a).

(II) If ecology disagreed with the federal land manager's written comments, ecology published a list of any inconsistency between the redesignation and the comments of the federal land manager, together with the reasons for making the redesignation against the recommendation of the federal land manager.

(c) Ecology may submit to EPA a proposal to redesignate any area other than an area to which subsection (1) of this section applies as Class III if:

(i) The redesignation followed the public involvement requirements of WAC 173-400-171 and 173-400-118(3);

(ii) The redesignation has been specifically approved by the governor of Washington state, after consultation with the appropriate committees of the legislature if it is in session, or with the leadership of the legislature, if it is not in session;

(iii) The redesignation has been approved by local governments representing a majority of the residents of the area to be redesignated. The local governments enacted legislation or passed resolutions concurring in the redesignation;

(iv) The redesignation would not cause, or contribute to, a concentration of any air contaminant which would exceed any maximum allowable increase permitted under the classification of any other area or any National Ambient Air Quality Standard; and

(v) A PSD permit under WAC 173-400-720 for a new major stationary source or major modification could be issued only if the area in question were redesignated as Class III, and material submitted as part of that application was available for public inspection prior to any public hearing on redesignation of the area as Class III.

State effective: 12/29/12

173-400-131 Issuance of emission reduction credits.

(1) Applicability. The owner or operator of any source may apply to the permitting authority for an emission reduction credit (ERC) if the source proposes to reduce its actual emissions rate for any contaminant regulated by state or federal law for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emissions units involved.

(2) Time of application. The application for an ERC must be made prior to or within one hundred eighty days after the emission reduction has been accomplished.

(3) Conditions. An ERC may be authorized provided the following conditions have been demonstrated to the satisfaction of the permitting authority.

(a) The quantity of emissions in the ERC shall be less than or equal to the old allowable emissions rate or the old actual emissions rate, whichever is the lesser, minus the new allowable emissions rate. The old actual emissions rate is the average emissions rate occurring during the most recent twenty-four-month period preceding the request for an ERC. An alternative twenty-four-month period from within the previous five years may be accepted by the permitting authority if the owner or operator of the source demonstrates to the satisfaction of the permitting authority that the alternative period is more representative of actual operations of the unit or source.

(b) The ERC application must include a description of all the changes that are required to accomplish the claimed emissions reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices, etc.

(c) The reduction must be: Greater than otherwise required by an applicable emission standard, order of approval, or regulatory order and be permanent, quantifiable, and federally enforceable.

(d) The reduction must be large enough to be readily quantifiable relative to the source strength of the emissions unit(s) involved.

(e) No part of the emission reductions claimed for credit shall have been used as part of a determination of net emission increase, nor as part of an offsetting transaction under WAC 173-400-113(4) or 173-400-830, nor as part of a bubble transaction under WAC 173-400-120.

(f) No part of the emission reduction was included in the emission inventory used to demonstrate attainment or for reasonable further progress in an amendment to the state implementation plan.

(g) Concurrent with or prior to the authorization of an ERC, the applicant shall receive (have received) a federally enforceable regulatory order or permit that establishes total allowable emissions from the source or emissions unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.

(h) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(4) Additional information. Within thirty days after the receipt of an ERC application and all supporting data and documentation, the permitting authority may require the submission of additional information needed to review the application.

(5) Approval. Within thirty days after all required information has been received, the permitting authority shall approve or deny the application, based on a finding that conditions in subsection (3)(a) through (h) of this section have been satisfied or not. If the application is approved, the permitting authority shall:

(a) Issue a regulatory order or equivalent document to assure that the emissions from the source will not exceed the allowable emission rates claimed in the ERC application, expressed in weight of pollutant per unit time for each emission unit involved. The regulatory order or equivalent document shall include any conditions required to assure that subsection (3)(a) through (h) of this section will be satisfied. If the ERC depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document must prohibit operation of the affected equipment; and

(b) Issue a certificate of emission reduction credit. The certificate shall specify the issue date, the contaminants involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the certificate is issued. The emission reduction credit listed in the certificate shall be less than the amount of emission

reduction achieved by the source. The difference between the emission reduction and the emission reduction credit must be a decrease of at least one ton per year or one percent of the emission reduction, whichever decrease is greater.

(c) The certificate of emission reduction credit shall include the expiration date of the credit.

State effective: 4/1/11

173-400-136 Use of emission reduction credits (ERC).

(1) Permissible use. An ERC may be used to:

(a) Satisfy the requirements for authorization of a bubble under WAC 173-400-120;

(b) As an offsetting reduction to satisfy the requirements for new source review in WAC 173-400-830 or 173-400-113(4);

(c) Or if the reduction meets the criteria to be a creditable contemporaneous emission reduction, to demonstrate a creditable contemporaneous emission reduction for determining a net emissions increase under WAC 173-400-700 through 173-400-750 and 173-400-800 through 173-400-860.

(2) Surrender of ERC certificate. When an ERC is used under subsection (1) of this section, the certificate for the ERC must be surrendered to the permitting authority. If only a portion of the ERC is used, the amended certificate will be returned to the owner.

(3) Conditions of use.

(a) An ERC may be used only for the air contaminants for which it was issued.

(b) The permitting authority may impose additional conditions of use to account for temporal and spatial differences between the emissions units that generated the ERC and the emissions units that use the ERC.

(4) Sale of an ERC. An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. Within thirty days after the transfer of ownership, the certificate must be surrendered to the issuing authority. After receiving the certificate, the issuing authority shall reissue the certificate to the new owner.

(5) Redemption period. An unused ERC expires ten years after date of original issue.

(6) Discount due to change in SIP. If reductions in emissions beyond those identified in the SIP are required to meet an ambient air quality standard, issued ERCs may be discounted as necessary to reach attainment.

(a) Issued ERCs may be discounted if:

(i) Reductions in emissions beyond those identified in the SIP are required to meet an ambient air quality standard;

(ii) The ambient standard cannot be met through controls on operating sources; and

(iii) The plan must be revised.

(b) The discount shall not exceed the percentage of additional emission reduction needed to reach attainment.

(c) ERCs may be discounted by the permitting authority only after notice to the public according to WAC 173-400-171 and the owners of affected ERCs.

State effective: 12/29/12

173-400-151 Retrofit Requirements for Visibility Protection.

(1) The requirements of this section apply to an existing stationary facility. An "existing stationary facility" means a stationary source of air contaminants that meets all of these conditions:

(a) The stationary source must have the potential to emit 250 tons per year or more of any air contaminant. Fugitive emissions, to the extent quantifiable, must be counted in determining the potential to emit; and

(b) The stationary source was not in operation prior to August 7, 1962, and was in existence on August 7, 1977; and

(c) Is in one of the following 26 source categories:

Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,	Coke oven batteries,
Coal cleaning plants (thermal dryers),	Sulfur recovery plants,

Kraft pulp mills,	Carbon black plants (furnace process),
Portland cement plants,	Primary lead smelters,
Primary zinc smelters,	Fuel conversion plants,
Iron and steel mill plants,	Sintering plants,
Primary aluminum ore reduction plants,	Secondary metal production facilities,
Primary copper smelters,	Chemical process plants,
Municipal incinerators capable of charging more than 250 tons of refuse per day,	Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,
Hydrofluoric, sulfuric, and nitric acid plants,	Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels,
Petroleum refineries,	Taconite ore processing facilities,
Lime plants,	Glass fiber processing plants, and
Phosphate rock processing plants,	Charcoal production facilities.

(d) For purposes of determining whether a stationary source is an existing stationary facility, the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the Standard Industrial Classification Manual, 1972, as amended in the 1977 supplement.

(2) Ecology shall identify each existing stationary facility which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class 1 federal area in Washington and any adjacent state.

(3) For each existing stationary facility identified under subsection (2) of this section, ecology, in consultation with the permitting authority shall determine BART for each air contaminant of concern and any additional air pollution control technologies that are to be required to reduce impairment from the existing stationary facility.

(4) Each existing stationary facility shall apply BART as new technology for control of the air contaminant becomes reasonably available if:

(a) The existing stationary facility emits the air contaminant contributing to visibility impairment;

(b) Controls representing BART for that air contaminant have not previously been required under this section; and

(c) The impairment of visibility in any mandatory Class 1 federal area is reasonably attributable to the emissions of the air contaminant.

State effective: 2/10/05

173-400-161 Compliance Schedules

(1) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this chapter, ecology or the authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (WAC 173-400-171) must be met.

(2) Federal action. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

State effective: 3/22/91

173-400-171 Public Notice and Opportunity for Public Comment.

The purpose of this section is to specify the requirements for notifying the public about air quality actions and to provide opportunities for the public to participate in those actions. This section applies statewide except that the requirements of WAC 173-400-171 (1) through (11) do not apply where the permitting authority has adopted its own public notice provisions.

(1) Applicability to prevention of significant deterioration, and relocation of portable sources.

This section does not apply to:

(a) A notice of construction application designated for integrated review with actions regulated by WAC 173-400-700 through 173-400-750. In such cases, compliance with the public notification requirements of WAC 173-400-740 is required.

(b) Portable source relocation notices as regulated by WAC 173-400-036, relocation of portable sources.

(2) Internet notice of application.

(a) For those applications and actions not subject to a mandatory public comment period per subsection (3) of this section, the permitting authority must post an announcement of the receipt of notice of construction applications and other proposed actions on the permitting authority's internet web site.

(b) The internet posting must remain on the permitting authority's web site for a minimum of fifteen consecutive days.

(c) The internet posting must include a notice of the receipt of the application, the type of proposed action, and a statement that the public may request a public comment period on the proposed action.

(d) Requests for a public comment period must be submitted to the permitting authority in writing via letter, fax, or electronic mail during the fifteen-day internet posting period.

(e) A public comment period must be provided for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement at the end of the fifteen-day internet posting period.

(3) Actions subject to a mandatory public comment period.

The permitting authority must provide public notice and a public comment period before approving or denying any of the following types of applications or other actions:

(a) Any application, order, or proposed action for which a public comment period is requested in compliance with subsection (2) of this section.

(b) Any notice of construction application for a new or modified source, including the initial application for operation of a portable source, if there is an increase in emissions of any air pollutant at a rate above the emission threshold rate (defined in WAC 173-400-030) ~~or any~~

~~increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC~~; or

(c) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 C.F.R. Part 51 (in effect on the date in WAC 173-400-025) as part of review under WAC 173-400-110, 173-400-113, or 173-400-117; or

(d) Any order to determine reasonably available control technology, RACT; or

(e) An order to establish a compliance schedule issued under WAC 173-400-161, or a variance issued under WAC 173-400-180; or

Note: Mandatory notice is not required for compliance orders issued under WAC 173-400-230.

(f) An order to demonstrate the creditable height of a stack which exceeds the good engineering practice, 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; or

(g) An order to authorize a bubble; or

(h) Any action to discount the value of an emission reduction credit, ERC, issued to a source per WAC 173-400-136; or

(i) Any regulatory order to establish best available retrofit technology, BART, for an existing stationary facility; or

(j) Any notice of construction application or regulatory order used to establish a creditable emission reduction; or

(k) Any order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit; or

(l) The original issuance and the issuance of all revisions to a general order of approval issued under WAC 173-400-560 (this does not include coverage orders); or

(m) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area; or

(n) Any application or other action for which the permitting authority determines that there is significant public interest.

(4) Advertising the mandatory public comment period. Public notice of all applications, orders, or actions listed in subsection (3) of this section must be given by prominent advertisement in the area affected by the proposal. Prominent advertisement may be by publication in a newspaper of general circulation in the area of the proposed action or other means of prominent advertisement in the area affected by the proposal. This public notice can be

published or given only after all of the information required by the permitting authority has been submitted and after the applicable preliminary determinations, if any, have been made. The notice must be published or given before any of the applications or other actions listed in subsection (3) of this section are approved or denied. The applicant or other initiator of the action must pay the publishing cost of providing public notice.

(5) Information available for public review. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality, must 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 chapter 173-03 WAC.

(6) Public notice components.

(a) The notice must include:

(i) The name and address of the owner or operator and the facility;

(ii) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;

(iii) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;

(iv) The location where those documents made available for public inspection may be reviewed;

(v) A thirty-day period for submitting written comment to the permitting authority;

(vi) A statement that a public hearing will be held if the permitting authority determines that there is significant public interest;

(vii) The name, address, and telephone number and e-mail address of a person at the permitting authority from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, and all other materials available to the permitting authority that are relevant to the permit decision, unless the information is exempt from disclosure;

(b) For projects subject to special protection requirements for federal Class I areas, as required by WAC 173-400-117, public notice must include an explanation of the permitting authority's draft decision or state that an explanation of the draft decision appears in the support document for the proposed order of approval.

(7) Length of the public comment period.

(a) The public comment period must extend at least thirty days prior to any hearing.

(b) If a public hearing is held, the public comment period must extend through the hearing date.

(c) The final decision cannot be issued until the public comment period has ended and any comments received during the public comment period have been considered.

(8) Requesting a public hearing. The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period. All hearing requests must be submitted to the permitting authority in writing via letter, fax, or electronic mail. A request must indicate the interest of the entity filing it and why a hearing is warranted.

(9) Setting the hearing date and providing hearing notice. If the permitting authority determines that significant public interest exists, then it will hold a public hearing. The permitting authority will determine the location, date, and time of the public hearing.

(10) Notice of public hearing.

(a) At least thirty days prior to the hearing the permitting authority will provide notice of the hearing as follows:

(i) Give public hearing notice by prominent advertisement in the area affected by the proposal. Prominent advertisement may be by publication in a newspaper of general circulation in the area of the proposed action or other means of prominent advertisement in the area affected by the proposal; and

(ii) Mail the notice of public hearing to any person who submitted written comments on the application or requested a public hearing and in the case of a permit action, to the applicant.

(b) This notice must include the date, time and location of the public hearing and the information described in subsection (6) of this section.

(c) In the case of a permit action, the applicant must pay all publishing costs associated with meeting the requirements of this subsection.

(11) Notifying the EPA. The permitting authority must send a copy of the notice for all actions subject to a mandatory public comment period to the EPA Region 10 regional administrator.

~~(12) Special requirements for ecology only actions.~~

~~(a) This subsection applies to ecology only actions including:~~

~~(i) A Washington state recommendation to EPA for the designation of an area as attainment, nonattainment or unclassifiable after EPA promulgation of a new or revised ambient air quality standard or for the redesignation of an unclassifiable or attainment area to nonattainment;~~

~~(ii) A Washington state submittal of a SIP revision to EPA for approval including plans for attainment and maintenance of ambient air quality standards, plans for visibility protection, requests for revision to the boundaries of attainment and maintenance areas, requests for redesignation of Class I, II, or III areas under WAC 173-400-118, and rules to strengthen the SIP.~~

~~(b) Ecology must provide a public hearing or an opportunity for requesting a public hearing on an ecology only action. The notice providing the opportunity for a public hearing must specify the manner and date by which a person may request the public hearing and either provide the date, time and place of the proposed hearing or specify that ecology will publish a notice specifying the date, time and place of the hearing at least thirty days prior to the hearing. When ecology provides the opportunity for requesting a public hearing, the hearing must be held if requested by any person. Ecology may cancel the hearing if no request is received.~~

~~(c) The public notice for ecology only actions must comply with the requirements of 40 C.F.R. 51.102 in effect on the date in WAC 173-400-025.~~

(13) 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.

State effective: 07/01/16

173-400-175 Public Information.

All information, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205, is available for public inspection at the issuing agency. This includes copies of notice of construction applications, orders, and applications to modify orders.

State effective: 2/10/05

173-400-190 Requirements for Nonattainment Areas

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per WAC 173-400-171.

State effective: 3/22/91

173-400-200 Creditable Stack Height and Dispersion Techniques.

(1) Applicability. These provisions shall apply to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Outdoor burning for agricultural or silvicultural purposes as covered under the smoke management plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) Prohibitions. No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$

where: H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the proviso below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from

several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) Exception. EPA, ecology, or a permitting authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a

significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-720 and 40 C.F.R. 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the state implementation plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

State effective: 2/10/05

173-400-205 Adjustment for Atmospheric Conditions

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

State effective: 3/22/91

173-400-210 Emission Requirements of Prior Jurisdictions

Any emissions unit that was under the jurisdiction of an authority and now is under the jurisdiction of ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this chapter or the specific chapter relating to that source.

State effective: 3/22/91

173-400-560 General Order of Approval.

In lieu of filing a notice of construction application under WAC 173-400-110, the owner or operator may apply for coverage under a general order of approval issued under this section. Coverage under a general order of approval satisfies the requirement for new source review under RCW 70.94.152.

(1) Issuance of general orders of approval. A permitting authority may issue a general order of approval applicable to a specific type of emission unit or source, not including nonroad engines as defined in section 216 of the Federal Clean Air Act, subject to the conditions in this section. A general order of approval shall identify criteria by which an emission unit or source may qualify for coverage under the associated general order of approval and shall include terms and conditions under which the owner or operator agrees to install and/or operate the covered emission unit or source. At a minimum, these terms and conditions shall include:

(a) Applicable emissions limitations and/or control requirements;

(b) Best available control technology;

(c) Appropriate operational restrictions, such as:

(i) Criteria related to the physical size of the unit(s) covered;

(ii) Criteria related to raw materials and fuels used;

(iii) Criteria related to allowed or prohibited locations; and

(iv) Other similar criteria determined by a permitting authority;

(d) Monitoring, reporting and recordkeeping requirements to ensure compliance with the applicable emission limits and control requirements;

(e) Appropriate initial and periodic emission testing requirements;

(f) Compliance with chapter ~~173-460 WAC~~, WAC 173-400-112 and 173-400-113 as applicable;

(g) Compliance with 40 C.F.R. Parts 60, 61, 62, and 63; and

(h) The application and approval process to obtain coverage under the specific general order of approval.

(2) Public comment. Compliance with WAC 173-400-171 is required for a proposed new general order of approval or modification of an existing general order of approval.

(3) Modification of general orders of approval. A permitting authority may review and modify a general order of approval at any time. Only the permitting authority that issued a general order of approval may modify that general order of approval. Modifications to general orders of approval shall follow the procedures of this regulation and shall only take effect prospectively.

(4) Application for coverage under a general order of approval.

(a) In lieu of applying for an individual order of approval under WAC 173-400-110, an owner or operator of an emission unit or source may apply for and receive coverage from a permitting authority under a general order of approval if:

(i) The owner or operator of the emission unit or source applies for coverage under a general order of approval in accordance with this regulation and any conditions of the approval related to application for and granting coverage under the general order of approval;

(ii) The emission unit or source meets all the qualifications listed in the requested general order of approval;

(iii) The requested emission unit or source is not part of a new major stationary source or major modification of a major stationary source subject to the requirements of WAC 173-400-113 (3) and (4), 173-400-700 through 173-400-750 or 173-400-800 through 173-400-860; and

(iv) The requested emission unit or source does not trigger applicability of the operating permit program under chapter 173-401 WAC or trigger a required modification of an existing operating permit.

(b) Owners or operators of emission units or sources applying for coverage under a general order of approval shall do so using the forms supplied by a permitting authority and include the required fee. The application must include all information necessary to determine qualification for, and to assure compliance with, a general order of approval.

(c) An application shall be incomplete until a permitting authority has received any required fees.

(d) The owner or operator of a new source or modification of an existing source that qualifies for coverage under a general order of approval may not begin actual construction of the new source or modification until its application for coverage has been approved or accepted under the procedures established in subsection (5) of this section.

(5) Processing applications for coverage under a general order of approval. Each general order of approval shall include a section on how an applicant is to request coverage and how the permitting authority will grant coverage. The section of the general order of approval will include either the method in (a) or (b) of this subsection to describe the process for the applicant to be granted coverage.

(a) Within thirty days of receipt of an application for coverage under a general order of approval, the permitting authority shall notify an applicant in writing that the application is incomplete, approved, or denied. If an application is incomplete, the permitting authority shall notify an applicant of the information needed to complete the application. If an application is denied, the permitting authority shall notify an applicant of the reasons why the application is

denied. Coverage under a general order of approval is effective as of the date of issuance of approval by the permitting authority.

(b) The applicant is approved for coverage under the general order of approval thirty-one days after an application for coverage is received by the permitting authority, unless the owner or operator receives a letter from the permitting authority, postmarked within thirty days of when the application for coverage was received by the permitting authority, notifying the owner or operator that the emissions unit or source does not qualify for coverage under the general order of approval. The letter denying coverage shall notify the applicant of the disqualification and the reasons why coverage is denied.

(6) Termination of coverage under a general order of approval. An owner or operator who has received approval of an application for coverage under a general order of approval may later request to be excluded from coverage under that general order of approval by applying to the same permitting authority for an individual order of approval, under WAC 173-400-110, or for coverage under another general order of approval. If the same permitting authority issues an individual order of approval or other permit or order serving the same purpose as the original general order of approval, or approves coverage under a different general order of approval, coverage under the original general order of approval is automatically terminated, effective on the effective date of the individual order of approval, order or permit or new general order of approval.

(7) Failure to qualify or comply. An owner or operator who requests and is granted approval for coverage under a general order of approval shall be subject to enforcement action for establishment of a new source in violation of WAC 173-400-110 if a decision to grant coverage under a general order of approval was based upon erroneous information submitted by the applicant.

State effective: 12/29/12

173-400-800 Major stationary source and major modification in a nonattainment area.

WAC 173-400-800 through173-400-860 apply statewide except where a permitting authority has a permitting program for major stationary sources in a nonattainment area incorporated into the Washington state implementation plan as replacement for these sections.

These requirements apply to any new major stationary source or major modification of an existing major stationary source located in a designated nonattainment area that is major for the pollutant or pollutants for which the area is designated as not in attainment of one or more national ambient air quality standards.

State effective: 4/1/11

173-400-810 Major stationary source and major modification definitions.

The definitions in this section must be used in the major stationary source nonattainment area permitting requirements in WAC 173-400-800 through 173-400-860. If a term is defined differently in the federal program requirements for issuance, renewal and expiration of a Plant Wide Applicability Limitation (WAC 173-400-850), then that definition must be used for purposes of the Plant Wide Applicability Limitation program.

(1) Actual emissions means:

(a) The actual rate of emissions of a regulated NSR pollutant from an emissions unit, as determined in accordance with (b) through (d) of this subsection. This definition does not apply when calculating whether a significant emissions increase has occurred, or for establishing a PAL under WAC 173-400-850. Instead, "projected actual emissions" and "baseline actual emissions" as defined in subsections (2) and (23) of this section apply for those purposes.

(b) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the unit actually emitted the pollutant during a consecutive twenty-four-month period which precedes the particular date and which is representative of normal source operation. The permitting authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(c) The permitting authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the unit.

(d) For any emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the unit on that date.

(2) Baseline actual emissions means the rate of emissions, in tons per year, of a regulated NSR pollutant, as determined in accordance with (a) through (d) of this subsection.

(a) For any existing electric utility steam generating unit, baseline actual emissions means the average rate, in tons per year, at which the unit actually emitted the pollutant during any consecutive twenty-four-month period selected by the owner or operator within the five-year period immediately preceding when the owner or operator begins actual construction of the project. The permitting authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation.

(i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above any emission limitation that was legally enforceable during the consecutive twenty-four-month period.

(iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive twenty-four-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four-month period can be used for each regulated NSR pollutant.

(iv) The average rate shall not be based on any consecutive twenty-four-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required by (a)(ii) of this subsection.

(b) For an existing emissions unit (other than an electric utility steam generating unit), baseline actual emissions means the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during any consecutive twenty-four-month period selected by the owner or operator within the ten-year period immediately preceding either the date the owner or operator begins actual construction of the project, or the date a complete permit application is received by the permitting authority for a permit required either under WAC 173-400-800 through173-400-860 or under a plan approved by EPA, whichever is earlier, except that the ten-year period shall not include any period earlier than November 15, 1990.

(i) The average rate shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, the average rate shall include fugitive emissions (to the extent quantifiable).

(ii) The average rate shall be adjusted downward to exclude any noncompliant emissions that occurred while the source was operating above an emission limitation that was legally enforceable during the consecutive twenty-four-month period.

(iii) The average rate shall be adjusted downward to exclude any emissions that would have exceeded an emission limitation with which the major stationary source must currently comply, had such major stationary source been required to comply with such limitations during the consecutive twenty-four-month period. However, if an emission limitation is part of a maximum achievable control technology standard that EPA proposed or promulgated under 40 C.F.R. Part

63, the baseline actual emissions need only be adjusted if the state has taken credit for such emissions reductions in an attainment demonstration or maintenance plan as part of the demonstration of attainment or as reasonable further progress to attain the NAAQS.

(iv) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive twenty-four-month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive twenty-four-month period can be used for each regulated NSR pollutant.

(v) The average rate shall not be based on any consecutive twenty-four-month period for which there is inadequate information for determining annual emissions, in tons per year, and for adjusting this amount if required under (b)(ii) and (iii) of this subsection.

(c) For a new emissions unit, the baseline actual emissions for purposes of determining the emissions increase that will result from the initial construction and operation of such unit shall equal zero; and thereafter, for all other purposes, shall equal the unit's potential to emit. In the latter case, fugitive emissions, to the extent quantifiable, shall be included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories.

(d) For a PAL for a major stationary source, the baseline actual emissions shall be calculated for existing electric utility steam generating units in accordance with the procedures contained in (a) of this subsection, for other existing emissions units in accordance with the procedures contained in (b) of this subsection, and for a new emissions unit in accordance with the procedures contained in (c) of this subsection, except that fugitive emissions (to the extent quantifiable) shall be included regardless of the source category.

(3) Building, structure, facility, or installation means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control) except the activities of any vessel. Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the Standard Industrial Classification Manual, 1972, as amended by the 1977 Supplement (U.S. Government Printing Office stock numbers 4101-0065 and 003-005-00176-0, respectively).

(4) Clean coal technology means any technology, including technologies applied at the precombustion, combustion, or post combustion stage, at a new or existing facility which will achieve significant reductions in air emissions of sulfur dioxide or oxides of nitrogen associated with the utilization of coal in the generation of electricity, or process steam which was not in widespread use as of November 15, 1990.

(5) Clean coal technology demonstration project means a project using funds appropriated under the heading "Department of Energy-Clean Coal Technology," up to a total amount of two and one-half billion dollars for commercial demonstration of clean coal technology, or similar projects funded through appropriations for the Environmental Protection Agency. The federal contribution for a qualifying project shall be at least twenty percent of the total cost of the demonstration project.

(6) Construction means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) that would result in a change in emissions.

(7) Continuous emissions monitoring system (CEMS) means all of the equipment that may be required to meet the data acquisition and availability requirements of this section, to sample, condition (if applicable), analyze, and provide a record of emissions on a continuous basis.

(8) Continuous parameter monitoring system (CPMS) means all of the equipment necessary to meet the data acquisition and availability requirements of this section, to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O2 or CO2 concentrations), and to record average operational parameter value(s) on a continuous basis.

(9) Continuous emissions rate monitoring system (CERMS) means the total equipment required for the determination and recording of the pollutant mass emissions rate (in terms of mass per unit of time).

(10) Electric utility steam generating unit means any steam electric generating unit that is constructed for the purpose of supplying more than one-third of its potential electric output capacity and more than 25 MW electrical output to any utility power distribution system for sale. Any steam supplied to a steam distribution system for the purpose of providing steam to a steam-electric generator that would produce electrical energy for sale is also considered in determining the electrical energy output capacity of the affected facility.

(11) Emissions unit means any part of a stationary source that emits or would have the potential to emit any regulated NSR pollutant and includes an electric steam generating unit. For purposes of this section, there are two types of emissions units:

(a) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than two years from the date such emissions unit first operated.

(b) An existing emissions unit is any emissions unit that is not a new emissions unit. A replacement unit, as defined in subsection (25) of this section is an existing emissions unit.

(12) Fugitive emissions means those emissions which could not reasonably pass through a stack, chimney, vent or other functionally equivalent opening. Fugitive emissions, to the extent quantifiable, are addressed as follows for the purposes of this section:

(a) In determining whether a stationary source or modification is major, fugitive emissions from an emissions unit are included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or the emissions unit is located at a stationary source that belongs to one of those source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source and that are not, by themselves, part of a listed source category.

(b) For purposes of determining the net emissions increase associated with a project, an increase or decrease in fugitive emissions is creditable only if it occurs at an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(c) For purposes of determining the projected actual emissions of an emissions unit after a project, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(d) For purposes of determining the baseline actual emissions of an emissions unit, fugitive emissions are included only if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or if the emission unit is located at a major stationary source that belongs to one of the listed source categories, except that, for a PAL, fugitive emissions shall be included regardless of the source category. With the exception of PALs, fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(e) In calculating whether a project will cause a significant emissions increase, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(f) For purposes of monitoring and reporting emissions from a project after normal operations have been resumed, fugitive emissions are included only for those emissions units that are part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for any emissions units that are located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(g) For all other purposes of this section, fugitive emissions are treated in the same manner as other, nonfugitive emissions. This includes, but is not limited to, the treatment of fugitive emissions for offsets (see WAC 173-400-840(7)) and for PALs (see WAC 173-400-850).

(13) Lowest achievable emission rate (LAER) means, for any source, the more stringent rate of emissions based on the following:

(a) The most stringent emissions limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed stationary source demonstrates that such limitations are not achievable; or

(b) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source. In no event shall the application of the term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under an applicable new source standard of performance.

(14)(a) Major stationary source means any stationary source of air pollutants that emits, or has the potential to emit, one hundred tons per year or more of any regulated NSR pollutant, except that lower emissions thresholds apply in areas subject to sections 181-185B, sections 186 and 187, or sections 188-190 of the Federal Clean Air Act. In those areas the following thresholds apply:

(i) Fifty tons per year of volatile organic compounds in any serious ozone nonattainment area;

(ii) Fifty tons per year of volatile organic compounds in an area within an ozone transport region, except for any severe or extreme ozone nonattainment area;

(iii) Twenty-five tons per year of volatile organic compounds in any severe ozone nonattainment area;

(iv) Ten tons per year of volatile organic compounds in any extreme ozone nonattainment area;

(v) Fifty tons per year of carbon monoxide in any serious nonattainment area for carbon monoxide, where stationary sources contribute significantly to carbon monoxide levels in the area (as determined under rules issued by EPA);

(vi) Seventy tons per year of PM-10 in any serious nonattainment area for PM-10.

(b) For the purposes of applying the requirements of WAC 173-400-830 to stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, any stationary source which emits, or has the potential to emit, one hundred tons per year or more of nitrogen oxides emissions, except that the emission thresholds in (b)(i) through (vi) of this subsection shall apply in areas subject to sections 181-185B of the Federal Clean Air Act.

(i) One hundred tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.

(ii) One hundred tons per year or more of nitrogen oxides in any ozone nonattainment area classified as a transitional, submarginal, or incomplete or no data area, when such area is located in an ozone transport region.

(iii) One hundred tons per year or more of nitrogen oxides in any area designated under section 107(d) of the Federal Clean Air Act as attainment or unclassifiable for ozone that is located in an ozone transport region.

(iv) Fifty tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

(v) Twenty-five tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.

(vi) Ten tons per year or more of nitrogen oxides in any extreme nonattainment area for ozone.

(c) Any physical change that would occur at a stationary source not qualifying under (a) and (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself.

(d) A major stationary source that is major for volatile organic compounds shall be considered major for ozone.

(e) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of subsection (14) of this section whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cement plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants - The term chemical processing plant shall not include ethanol production facilities that produce ethanol by natural fermentation included in NAICS codes 325193 or 312140;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, is being regulated under section 111 or 112 of the Federal Clean Air Act.

(15)(a) Major modification means any physical change in or change in the method of operation of a major stationary source that would result in:

(i) A significant emissions increase of a regulated NSR pollutant; and

(ii) A significant net emissions increase of that pollutant from the major stationary source.

(b) Any significant emissions increase from any emissions units or net emissions increase at a major stationary source that is significant for volatile organic compounds shall be considered significant for ozone.

(c) A physical change or change in the method of operation shall not include:

(i) Routine maintenance, repair and replacement;

(ii) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(iii) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

(iv) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(v) Use of an alternative fuel or raw material by a stationary source which:

(A) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was

established after December 12, 1976, pursuant to 40 C.F.R. 52.21 or under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I or 40 C.F.R. 51.166; or

(B) The source is approved to use under any permit issued under regulations approved by EPA implementing 40 C.F.R. 51.165.

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, pursuant to 40 C.F.R. 52.21 or regulations approved pursuant to 40 C.F.R. Part 51, Subpart I or 40 C.F.R. 51.166;

(vii) Any change in ownership at a stationary source;

(viii) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

(A) The state implementation plan for the state in which the project is located; and

(B) Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(d) This definition shall not apply with respect to a particular regulated NSR pollutant when the major stationary source is complying with the requirements for a PAL for that pollutant. Instead, the definitions in 40 C.F.R. Part 51, Appendix S (in effect on the date in WAC 173-400-025) shall apply.

(e) For the purpose of applying the requirements of WAC 173-400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in ozone nonattainment areas or in ozone transport regions, whether or not subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act, any significant net emissions increase of nitrogen oxides is considered significant for ozone.

(f) Any physical change in, or change in the method of operation of, a major stationary source of volatile organic compounds that results in any increase in emissions of volatile organic compounds from any discrete operation, emissions unit, or other pollutant emitting activity at the source shall be considered a significant net emissions increase and a major modification for ozone, if the major stationary source is located in an extreme ozone nonattainment area that is subject to sections 181-185B, Part D, Title I of the Federal Clean Air Act.

(g) Fugitive emissions shall not be included in determining for any of the purposes of this section whether a physical change in or change in the method of operation of a major stationary source is a major modification, unless the source belongs to one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source.

(16) Necessary preconstruction approvals or permits means those permits or orders of approval required under federal air quality control laws and regulations or under air quality control laws and regulations which are part of the applicable state implementation plan.

(17)(a) Net emissions increase means with respect to any regulated NSR pollutant emitted by a major stationary source, the amount by which the sum of the following exceeds zero:

(i) The increase in emissions from a particular physical change or change in the method of operation at a stationary source as calculated pursuant to WAC 173-400-820 (2) and (3); and

(ii) Any other increases and decreases in actual emissions at the major stationary source that are contemporaneous with the particular change and are otherwise creditable. In determining the net emissions increase, baseline actual emissions for calculating increases and decreases shall be determined as provided in the definition of baseline actual emissions, except that subsection (2)(a)(iii) and (b)(iv) of this section, in the definition of baseline actual emissions, shall not apply.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs;

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC; and

(ii) The permitting authority has not relied on it in issuing a permit for the source under regulations approved pursuant to 40 C.F.R. 51.165, which permit is in effect when the increase in actual emissions from the particular change occurs; and

(iii) As it pertains to an increase or decrease in fugitive emissions (to the extent quantifiable), it occurs at an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or it occurs at an emissions unit that is located at a major stationary source that belongs to one of the listed source categories. Fugitive emission increases or decreases are not creditable for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, and that are not, by themselves, part of a listed source category.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level;

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emission or the old level of allowable emissions whichever is lower, exceeds the new level of actual emissions;

(ii) It is enforceable as a practical matter at and after the time that actual construction on the particular change begins;

(iii) The permitting authority has not relied on it as part of an offsetting transaction under WAC 173-400-113(4) or 173-400-830 or in issuing any permit under regulations approved pursuant to 40 C.F.R. Part 51, Subpart I or the state has not relied on it in demonstrating attainment or reasonable further progress;

(iv) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(f) An increase that results from a physical change at a source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant.

(g) Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(h) Subsection (1)(b) of this section, in the definition of actual emissions, shall not apply for determining creditable increases and decreases or after a change.

(18) Nonattainment major new source review (NSR) program means the major source preconstruction permit program that has been approved by EPA and incorporated into the plan to implement the requirements of 40 C.F.R. 51.165, or a program that implements 40 C.F.R. Part 51, Appendix S, sections I through VI. Any permit issued under either program is a major NSR permit.

(19) Pollution prevention means any activity that through process changes, product reformulation or redesign, or substitution of less polluting raw materials, eliminates or reduces the release of air pollutants (including fugitive emissions) and other pollutants to the environment prior to recycling, treatment, or disposal; it does not mean recycling (other than certain "in-process recycling" practices), energy recovery, treatment, or disposal.

(20) Predictive emissions monitoring system (PEMS) means all of the equipment necessary to monitor process and control device operational parameters (for example, control device secondary voltages and electric currents) and other information (for example, gas flow rate, O2 or CO2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(21) Prevention of significant deterioration (PSD) permit means any permit that is issued under the major source preconstruction permit program that has been approved by EPA and

incorporated into the plan to implement the requirements of 40 C.F.R. 51.166, or under the program in 40 C.F.R. 52.21.

(22) Project means a physical change in, or change in the method of operation of, an existing major stationary source.

(23)(a) Projected actual emissions means the maximum annual rate, in tons per year, at which an existing emissions unit is projected to emit a regulated NSR pollutant in any one of the five years (twelve-month period) following the date the unit resumes regular operation after the project, or in any one of the ten years following that date, if the project involves increasing the emissions unit's design capacity or its potential to emit of that regulated NSR pollutant and full utilization of the unit would result in a significant emissions increase or a significant net emissions increase at the major stationary source.

(b) In determining the projected actual emissions before beginning actual construction, the owner or operator of the major stationary source:

(i) Shall consider all relevant information including, but not limited to, historical operational data, the company's own representations, the company's expected business activity and the company's highest projections of business activity, the company's filings with the state or federal regulatory authorities, and compliance plans under the approved plan; and

(ii) Shall include emissions associated with startups, shutdowns, and malfunctions; and, for an emissions unit that is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source, or for an emissions unit that is located at a major stationary source that belongs to one of the listed source categories, shall include fugitive emissions (to the extent quantifiable); and

(iii) Shall exclude, in calculating any increase in emissions that results from the particular project, that portion of the unit's emissions following the project that an existing unit could have accommodated during the consecutive twenty-four-month period used to establish the baseline actual emissions and that are also unrelated to the particular project, including any increased utilization due to product demand growth; or

(iv) In lieu of using the method set out in (b)(i) through (iii) of this subsection, the owner or operator may elect to use the emissions unit's potential to emit, in tons per year. For this purpose, if the emissions unit is part of one of the source categories listed in subsection (14)(e) of this section, the definition of major stationary source or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories, the unit's potential to emit shall include fugitive emissions (to the extent quantifiable).

(24)(a) Regulated NSR pollutant, means the following:

(i) Nitrogen oxides or any volatile organic compounds;

(ii) Any pollutant for which a National Ambient Air Quality Standard has been promulgated;

(iii) Any pollutant that is identified under this subsection as a constituent or precursor of a general pollutant listed in (a)(i) or (ii) of this subsection, provided that such constituent or precursor pollutant may only be regulated under NSR as part of regulation of the general pollutant. For purposes of NSR precursor pollutants are the following:

(A) Volatile organic compounds and nitrogen oxides are precursors to ozone in all ozone nonattainment areas.

(B) Sulfur dioxide is a precursor to PM-2.5 in all PM-2.5 nonattainment areas.

(C) Nitrogen oxides are precursors to PM-2.5 in all PM-2.5 nonattainment areas.

(b) PM-2.5 emissions and PM-10 emissions shall include gaseous emissions from a source or activity which condense to form particulate matter at ambient temperatures. On or after January 1, 2011, such condensable particulate matter shall be accounted for in applicability determinations and in establishing emissions limitations for PM-2.5 in nonattainment major NSR permits. Compliance with emissions limitations for PM-2.5 issued prior to this date shall not be based on condensable particulate matter unless required by the terms and conditions of the permit or the applicable implementation plan. Applicability determinations for PM-2.5 made prior to the effective date of WAC 173-400-800 through 173-400-850 made without accounting for condensable particulate matter shall not be considered in violation of WAC 173-400-800 through173-400-850 .

(25)(a) Replacement unit means an emissions unit for which all the criteria listed below are met:

(i) The emissions unit is a reconstructed unit within the meaning of 40 C.F.R. 60.15 (b)(1), or the emissions unit completely takes the place of an existing emissions unit.

(ii) The emissions unit is identical to or functionally equivalent to the replaced emissions unit.

(iii) The replacement does not alter the basic design parameters of the process unit. Basic design parameters are:

(A) Except as provided in (a)(iii)(C) of this subsection, for a process unit at a steam electric generating facility, the owner or operator may select as its basic design parameters either maximum hourly heat input and maximum hourly fuel consumption rate or maximum hourly electric output rate and maximum steam flow rate. When establishing fuel consumption specifications in terms of weight or volume, the minimum fuel quality based on British thermal units content must be used for determining the basic design parameter(s) for a coal-fired electric utility steam generating unit.

(B) Except as provided in (a)(iii)(C) of this subsection, the basic design parameter(s) for any process unit that is not at a steam electric generating facility are maximum rate of fuel or heat input, maximum rate of material input, or maximum rate of product output. Combustion process units will typically use maximum rate of fuel input. For sources having multiple end products and raw materials, the owner or operator should consider the primary product or primary raw material of the process unit when selecting a basic design parameter.

(C) If the owner or operator believes the basic design parameter(s) in (a)(iii)(A) and (B) of this subsection is not appropriate for a specific industry or type of process unit, the owner or operator may propose to the reviewing authority an alternative basic design parameter(s) for the source's process unit(s). If the reviewing authority approves of the use of an alternative basic design parameter(s), the reviewing authority will issue a new permit or modify an existing permit that is legally enforceable that records such basic design parameter(s) and requires the owner or operator to comply with such parameter(s).

(D) The owner or operator shall use credible information, such as results of historic maximum capability tests, design information from the manufacturer, or engineering calculations, in establishing the magnitude of the basic design parameter(s) specified in (a)(iii)(A) and (B) of this subsection.

(E) If design information is not available for a process unit, then the owner or operator shall determine the process unit's basic design parameter(s) using the maximum value achieved by the process unit in the five-year period immediately preceding the planned activity.

(F) Efficiency of a process unit is not a basic design parameter.

(iv) The replaced emissions unit is permanently removed from the major stationary source, otherwise permanently disabled, or permanently barred from operation by a permit that is enforceable as a practical matter. If the replaced emissions unit is brought back into operation, it shall constitute a new emissions unit.

(b) No creditable emission reductions shall be generated from shutting down the existing emissions unit that is replaced.

(26) Reviewing authority means "permitting authority" as defined in WAC 173-400-030.

(27) Significant means:

(a) In reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant	Emission Rate

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tons per year
Sulfur dioxide	40 tons per year
Ozone	40 tons per year of volatile organic compounds or nitrogen oxides
Lead	0.6 tons per year
PM-10	15 tons per year
PM-2.5	10 tons per year of direct PM-2.5 emissions; 40 tons per year of nitrogen oxide emissions; 40 tons per year of sulfur dioxide emissions

(b) Notwithstanding the significant emissions rate for ozone, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of volatile organic compounds that would result from any physical change in, or change in the method of operation of, a major stationary source locating in a serious or severe ozone nonattainment area that is subject to sections 181-185B, of the Federal Clean Air Act, if such emissions increase of volatile organic compounds exceeds twenty-five tons per year.

(c) For the purposes of applying the requirements of WAC 173-400-830 (1)(i) to modifications at major stationary sources of nitrogen oxides located in an ozone nonattainment area or in an ozone transport region, the significant emission rates and other requirements for volatile organic compounds in (a), (b), and (e) of this subsection, of the definition of significant, shall apply to nitrogen oxides emissions.

(d) Notwithstanding the significant emissions rate for carbon monoxide under (a) of this subsection, the definition of significant, significant means, in reference to an emissions increase or a net emissions increase, any increase in actual emissions of carbon monoxide that would result from any physical change in, or change in the method of operation of, a major stationary source in a serious nonattainment area for carbon monoxide if such increase equals or exceeds fifty tons per year, provided EPA has determined that stationary sources contribute significantly to carbon monoxide levels in that area.

(e) Notwithstanding the significant emissions rates for ozone under (a) and (b) of this subsection, the definition of significant, any increase in actual emissions of volatile organic compounds from any emissions unit at a major stationary source of volatile organic compounds located in an extreme ozone nonattainment area that is subject to sections 181-185B of the Federal Clean Air Act shall be considered a significant net emissions increase.

(28) Significant emissions increase means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.

(29) Source and stationary source means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

(30) Temporary clean coal technology demonstration project means a clean coal technology demonstration project that is operated for a period of five years or less, and which complies with the state implementation plan for the state in which the project is located and other requirements necessary to attain and maintain the National Ambient Air Quality Standards during the project and after it is terminated.

(31) Best available control technology (BACT) means an emissions limitation (including a visible emissions standard) based on the maximum degree of reduction for each regulated NSR pollutant which would be emitted from any proposed major stationary source or major modification which the reviewing authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes or available methods, systems, and techniques, including fuel cleaning or treatment or innovative fuel combustion techniques for control of such pollutant. In no event shall application of best available control technology result in emissions of any pollutant which would exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 or 61. If the reviewing authority determines that technological or economic limitations on the application of measurement methodology to a particular emissions unit would make the imposition of an emissions standard infeasible, a design, equipment, work practice, operational standard, or combination thereof, may be prescribed instead to satisfy the requirement for the application of BACT. Such standard shall, to the degree possible, set forth the emissions reduction achievable by implementation of such design, equipment, work practice or operation, and shall provide for compliance by means which achieve equivalent results.

State effective: 07/01/16

173-400-820 Determining if a new stationary source or modification to a stationary source is subject to these requirements.

(1) Any new major stationary source located anywhere in a nonattainment area designated under section 107 (d)(1)(A)(i) of the Federal Clean Air Act, that is major for the pollutant for which the area is designated nonattainment is subject to the permitting requirements of WAC 173-400-830 through 173-400-850. Any major modification of an existing major stationary source that is major for the pollutant for which the area is designated nonattainment and is located anywhere in a nonattainment area designated under section 107 (d)(1)(A)(i) of the Federal Clean Air Act, and that has a significant net emissions increase of the pollutant for which the area is designated nonattainment is subject to the permitting requirements of WAC 173-400-830 through173-400-850 . A modification to an existing major stationary source must use the following procedures to determine if the modification would result in a significant net emissions increase of the nonattainment pollutant.

(2) Except as otherwise provided in subsection (4) of this section, and consistent with the definition of major modification, a project is a major modification for a regulated NSR pollutant if it causes two types of emissions increases - A significant emissions increase, and a significant net emissions increase. The project is not a major modification if it does not cause a significant emissions increase. If the project causes a significant emissions increase, then the project is a major modification only if it also results in a significant net emissions increase.

(3) The procedure for calculating (before beginning actual construction) whether a significant emissions increase (i.e., the first step of the process) will occur depends upon the type of emissions units being modified, according to (a) through (c) of this subsection. For these calculations, fugitive emissions (to the extent quantifiable) are included only if the emissions unit is part of one of the source categories listed in the definition of major stationary source contained in WAC 173-400-810 (14)(e) or if the emissions unit is located at a major stationary source that belongs to one of the listed source categories. Fugitive emissions are not included for those emissions units located at a facility whose primary activity is not represented by one of the source categories listed in the definition of major stationary source contained in WAC 173-400-810 (14)(e) and that are not, by themselves, part of a listed source category. The procedure for calculating (before beginning actual construction) whether a significant net emissions increase will occur at the major stationary source (i.e., the second step of the process) is contained in the definition of net emission increase. Regardless of any such preconstruction projections, a major modification results if the project causes a significant emissions increase and a significant net emissions increase.

(a) Actual-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the projected actual emissions and the baseline actual emissions, for each existing emissions unit, equals or exceeds the significant amount for that pollutant.

(b) Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the difference between the potential to emit from each new emissions unit following completion of the project and the baseline actual emissions of these units before the project equals or exceeds the significant amount for that pollutant.

(c) Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the emissions increases for each emissions unit, using the method specified in (a) and (b) of this subsection as applicable with respect to each emissions unit, for each type of emissions unit equals or exceeds the significant amount for that pollutant.

(4) Any major stationary source which has a PAL for a regulated NSR pollutant shall comply with requirements in WAC 173-400-850.

(5) The following specific provisions apply with respect to any regulated NSR pollutant emitted from projects at existing emissions units at a major stationary source (other than projects at a source with a PAL) in circumstances where there is a reasonable possibility that a project that is not a part of a major modification may result in a significant emissions increase of such pollutant, and the owner or operator elects to use the method specified in the definition of projected actual emissions contained in WAC 173-400-810 (23)(b)(i) through (iii) for calculating projected actual emissions.

(a) Before beginning actual construction of the project, the owner or operator shall document, and maintain a record of the following information:

(i) A description of the project;

(ii) Identification of the emissions unit(s) whose emissions of a regulated NSR pollutant could be affected by the project; and

(iii) A description of the applicability test used to determine that the project is not a major modification for any regulated NSR pollutant, including the baseline actual emissions, the projected actual emissions, the amount of emissions excluded under the definition of projected actual emissions contained in WAC 173-400-810 (23)(b)(iii) and an explanation for why such amount was excluded, and any netting calculations, if applicable.

(b) Before beginning actual construction, the owner or operator shall provide a copy of the information set out in (a) of this subsection to the permitting authority. This information may be submitted in conjunction with any NOC application required under the provisions of WAC 173-400-110. Nothing in this subsection shall be construed to require the owner or operator of such a unit to obtain any determination from the permitting authority before beginning actual construction.

(c) The owner or operator shall monitor the emissions of any regulated NSR pollutant that could increase as a result of the project and that is emitted by any emissions units identified in (a)(ii) of this subsection; and calculate and maintain a record of the annual emissions, in tons per year on a calendar year basis, for a period of five years following resumption of regular operations after the change, or for a period of ten years following resumption of regular operations after the change if the project increases the design capacity or potential to emit of that regulated NSR pollutant at such emissions unit.

(d) The owner or operator shall submit a report to the permitting authority within sixty days after the end of each year during which records must be generated under (c) of this subsection

setting out the unit's annual emissions, as monitored pursuant to (c) of this subsection, during the year that preceded submission of the report.

(e) The owner or operator shall submit a report to the permitting authority if the annual emissions, in tons per year, from the project identified in (a) of this subsection, exceed the baseline actual emissions (as documented and maintained pursuant to (a)(iii) of this subsection), by a significant amount (as defined in the definition of significant) for that regulated NSR pollutant, and if such emissions differ from the preconstruction projection as documented and maintained pursuant to (a)(iii) of this subsection. Such report shall be submitted to the permitting authority within sixty days after the end of such year. The report shall contain the following:

(i) The name, address and telephone number of the major stationary source;

(ii) The annual emissions as calculated pursuant to (d) of this subsection; and

(iii) Any other information that the owner or operator wishes to include in the report (e.g., an explanation as to why the emissions differ from the preconstruction projection).

(f) A "reasonable possibility" under this subsection occurs when the owner or operator calculates the project to result in either:

(i) A projected actual emissions increase of at least fifty percent of the amount that is a "significant emissions increase," (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant; or

(ii) A projected actual emissions increase that, added to the amount of emissions excluded under the definition of projected actual emissions sums to at least fifty percent of the amount that is a "significant emissions increase," (without reference to the amount that is a significant net emissions increase), for the regulated NSR pollutant. For a project for which a reasonable possibility occurs only within the meaning of (f)(ii) of this subsection, and not also within the meaning of (f)(i) of this subsection, then (c) through (f) of this subsection does not apply to the project.

(6) For projects not required to submit the above information to the permitting authority as part of a notice of construction application, the owner or operator of the source shall make the information required to be documented and maintained pursuant to subsection (5) of this section available for review upon a request for inspection by the permitting authority or the general public pursuant to the requirements contained in chapter 173-401 WAC.

State effective: 12/29/12

173-400-830 Permitting requirements.

(1) The owner or operator of a proposed new major stationary source or a major modification of an existing major stationary source, as determined according to WAC 173-400-820, is authorized to construct and operate the proposed project provided the following requirements are met:

(a) The proposed new major stationary source or a major modification of an existing major stationary source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the SIP and will comply with WAC 173-400-113 (3) and (4) for all air contaminants for which the area has not been designated nonattainment.

(b) The permitting authority has determined, based on review of an analysis performed by the owner or operator of a proposed new major stationary source or a major modification of an existing major stationary source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(c) The proposed new major stationary source or a major modification of an existing major stationary source will 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, and emission standards adopted by ecology and the permitting authority.

(d) The proposed new major stationary source or a major modification of an existing major stationary source will employ BACT for all air contaminants and designated precursors to those air contaminants, except that it will achieve LAER for the air contaminants and designated precursors to those air contaminants for which the area has been designated nonattainment and for which the proposed new major stationary source is major or for which the existing source is major and the proposed modification is a major modification.

(e) Allowable emissions from the proposed new major stationary source or major modification of an existing major stationary source of that air contaminant and designated precursors to those air contaminants are offset by reductions in actual emissions from existing sources in the nonattainment area. All offsetting emission reductions must satisfy the requirements in WAC 173-400-840.

(f) The owner or operator of the proposed new major stationary source or major modification of an existing major stationary source has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules in the SIP.

(g) If the proposed new source is also a major stationary source within the meaning of WAC 173-400-720, or the proposed modification is also a major modification within the meaning of WAC 173-400-720, it meets the requirements of the PSD program under 40 C.F.R. 52.21 delegated to ecology by EPA Region 10, while such delegated program remains in effect. The proposed new major stationary source or major modification will comply with the PSD program in WAC 173-400-700 through 173-400-750 for all air contaminants for which the area has not been designated nonattainment when that PSD program has been approved into the Washington SIP.

(h) The proposed new major stationary source or the proposed major modification meets the special protection requirements for federal Class I areas in WAC 173-400-117.

(i) All requirements of this section applicable to major stationary sources and major modifications of volatile organic compounds shall apply to nitrogen oxides emissions from major stationary sources and major modifications of nitrogen oxides in an ozone transport region or in any ozone nonattainment area, except in an ozone nonattainment area or in portions of an ozone transport region where EPA has granted a NO_X waiver applying the standards set forth under section 182(f) of the Federal Clean Air Act and the waiver continues to apply.

(j) The requirements of this section applicable to major stationary sources and major modifications of PM-10 and PM-2.5 shall also apply to major stationary sources and major modifications of PM-10 and PM-2.5 precursors, except where EPA determines that such sources do not contribute significantly to PM-10 levels that exceed the PM-10 ambient standards in the area.

(2) Approval to construct shall not relieve any owner or operator of the responsibility to comply fully with applicable provisions of the state implementation plan and any other requirements under local, state or federal law.

(3) At such time that a particular source or modification becomes a major stationary source or major modification solely by virtue of a relaxation in any enforceable limitation which was established after August 7, 1980, on the capacity of the source or modification otherwise to emit a pollutant, such as a restriction on hours of operation, then the requirements of regulations approved pursuant to 40 C.F.R. 51.165, or the requirements of 40 C.F.R. Part 51, Appendix S, as applicable, shall apply to the source or modification as though construction had not yet commenced on the source or modification. 40 C.F.R. Part 51, Appendix S shall not apply to a new or modified source for which enforceable limitations are established after WAC 173-400-800 through 173-400-850 have been approved into Washington's SIP.

State effective: 07/01/16

173-400-840 Emission offset requirements.

(1) The ratio of total actual emissions reductions to the emissions increase shall be 1.1:1 unless an alternative ratio is provided for the applicable nonattainment area in subsection (2) through (4) of this section.

(2) In meeting the emissions offset requirements of WAC 173-400-830 for ozone nonattainment areas that are subject to sections 181-185B of the Federal Clean Air Act, the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be as follows:

(a) In any marginal nonattainment area for ozone - 1.1:1;

(b) In any moderate nonattainment area for ozone - 1.15:1;

(c) In any serious nonattainment area for ozone - 1.2:1;

(d) In any severe nonattainment area for ozone - 1.3:1; and

(e) In any extreme nonattainment area for ozone - 1.5:1.

(3) Notwithstanding the requirements of subsection (2) of this section for meeting the requirements of WAC 173-400-830, the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be 1.15:1 for all areas within an ozone transport region that is subject to sections 181-185B of the Federal Clean Air Act, except for serious, severe, and extreme ozone nonattainment areas that are subject to sections 181-185B of the Federal Clean Air Act.

(4) In meeting the emissions offset requirements of this section for ozone nonattainment areas that are subject to sections 171-179b of the Federal Clean Air Act (but are not subject to sections 181-185B of the Federal Clean Air Act, including eight-hour ozone nonattainment areas subject to 40 C.F.R. 51.902(b)), the ratio of total actual emissions reductions of VOC to the emissions increase of VOC shall be 1.1:1.

(5) Emission offsets used to meet the requirements of WAC 173-400-830 (1)(e), must be for the same regulated NSR pollutant.

(6) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(7) Emission offsets are required for the incremental increase in allowable emissions occurring during startup and shutdown operations at the new or modified emission units subject to nonattainment area major new source review. The incremental increase is the difference

between the allowable emissions during normal operation and the allowable emissions for startup and shutdown contained in the nonattainment new source review approval.

(8) Emission offsets including those described in an emission reduction credit issued under WAC 173-400-131, must meet the following criteria:

(a) The baseline for determining credit for emissions reductions is the emissions limit under the applicable state implementation plan in effect at the time the notice of construction application is determined to be complete, except that the offset baseline shall be the actual emissions of the source from which offset credit is obtained where:

(i) The demonstration of reasonable further progress and attainment of ambient air quality standards is based upon the actual emissions of sources located within the designated nonattainment area; or

(ii) The applicable state implementation plan does not contain an emissions limitation for that source or source category.

(b) Other limitations on emission offsets.

(i) Where the emissions limit under the applicable state implementation plan allows greater emissions than the potential to emit of the source, emissions offset credit will be allowed only for control below the potential to emit;

(ii) For an existing fuel combustion source, credit shall be based on the allowable emissions under the applicable state implementation plan for the type of fuel being burned at the time the notice of construction application is determined to be complete. If the existing source commits to switch to a cleaner fuel at some future date, an emissions offset credit based on the allowable (or actual) emissions reduction resulting from the fuels change is not acceptable, unless the permit or other enforceable order is conditioned to require the use of a specified alternative control measure which would achieve the same degree of emissions reduction should the source switch back to the higher emitting (dirtier) fuel at some later date. The permitting authority must ensure that adequate long-term supplies of the new fuel are available before granting emissions offset credit for fuel switches;

(iii) Emission reductions.

(A) Emissions reductions achieved by shutting down an existing emission unit or curtailing production or operating hours may be generally credited for offsets if:

(I) Such reductions are surplus, permanent, quantifiable, and federally enforceable; and

(II) The shutdown or curtailment occurred after the last day of the base year for the SIP planning process. For purposes of this subsection, the permitting authority may choose to consider a prior shutdown or curtailment to have occurred after the last day of the base year if the

projected emissions inventory used to develop the attainment demonstration explicitly includes the preshutdown or precurtailment emissions from the previously shutdown or curtailed emission units. However, in no event may credit be given for shutdowns that occurred before August 7, 1977.

(B) Emissions reductions achieved by shutting down an existing emissions unit or curtailing production or operating hours and that do not meet the requirements in subsection (8)(b)(iii)(A) of this section may be generally credited only if:

(I) The shutdown or curtailment occurred on or after the date the construction permit application is filed; or

(II) The applicant can establish that the proposed new emissions unit is a replacement for the shutdown or curtailed emissions unit, and the emissions reductions achieved by the shutdown or curtailment met the requirements of (7)(b)(iii)(A)(I) of this section.

(iv) All emission reductions claimed as offset credit shall be federally enforceable;

(v) Emission reductions used for offsets may only be from any location within the designated nonattainment area. Except the permitting authority may allow use of emission reductions from another area that is nonattainment for the same pollutant, provided the following conditions are met:

(A) The other area is designated as an equal or higher nonattainment status than the nonattainment area where the source proposing to use the reduction is located; and

(B) Emissions from the other nonattainment area contribute to violations of the standard in the nonattainment area where the source proposing to use the reduction is located.

(vi) Credit for an emissions reduction can be claimed to the extent that the reduction has not been relied on in issuing any permit under 40 C.F.R. 52.21 or regulations approved pursuant to 40 C.F.R. Part 51, Subpart I or the state has not relied on it in demonstration of attainment or reasonable further progress.

(vii) The total tonnage of increased emissions, in tons per year, resulting from a major modification that must be offset in accordance with Section 173 of the Federal Clean Air Act shall be determined by summing the difference between the allowable emissions after the modification and the actual emissions before the modification for each emissions unit.

(9) No emissions credit may be allowed for replacing one hydrocarbon compound with another of lesser reactivity, except for those compounds listed in Table 1 of EPA's "Recommended Policy on Control of Volatile Organic Compounds" (42 FR 35314, July 8, 1977). This document is also available from Office of Air Quality Planning and Standards, (MD-15) Research Triangle Park, NC 27711.

State effective: 07/01/16

173-400-850 Actual emissions plantwide applicability limitation (PAL).

The Actuals Plantwide Applicability Limitations (PAL) program in Section IV.K of Appendix S (Emission Offset Interpretive Ruling) to 40 C.F.R. Part 51, (in effect on the date in WAC 173-400-025) is adopted with the following exceptions:

(1) The term "reviewing authority" means "permitting authority" as defined in WAC 173-400-030.

(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 chapter 173-401 WAC.

(3) The reference to 40 C.F.R. 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.

State effective: 07/01/16

173-400-860 Public involvement procedures.

The public involvement procedures in WAC 173-400-171 shall be followed, including joint public notifications (integrated review) with any proposed notice of construction approval for the project. Any permit issued pursuant to WAC 173-400-830 or 173-400-850 must comply with WAC 173-400-171.

State effective: 4/1/11