To: Boller, Jack[Boller.Jack@epa.gov]
Cc: Stephenson, Cullen (ECY)[cste461@ECY.WA.GOV]; Taylor, Kathy (ECY)[ktay461@ECY.WA.GOV]; Hardesty, Doug[Hardesty.Doug@epa.gov]; Suzuki, Debra[Suzuki.Debra@epa.gov]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; Hanlon-Meyer, Christopher (ECY)[chrh461@ECY.WA.GOV]; Dossett, Donald[Dossett.Donald@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]
From: Hunt, Jeff
Sent: Wed 4/12/2017 3:31:27 PM
Subject: RE: Air PPA 18-19_4-6-17DRAFT EDITS.docx
Air PPA 18-19_4-11-17 FINAL_clean.docx

Jack – just closing the loop. Here is a final clean copy of the revisions that Don and Chris agreed upon. Thanks …… jh

From: Clark, Stuart (ECY) [mailto:scla461@ECY.WA.GOV]
Sent: Wednesday, April 12, 2017 7:57 AM
To: Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Taylor, Kathy (ECY) <ktay461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: RE: Air PPA 18-19_4-6-17DRAFT EDITS.docx

Thanks everyone for working this through! Appreciate the thoughtfulness and collaboration

From: Hanlon-Meyer, Christopher (ECY)
Sent: Tuesday, April 11, 2017 5:17 PM
To: Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; Taylor, Kathy (ECY) <ktay461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: RE: Air PPA 18-19_4-6-17DRAFT EDITS.docx

Don:

I am good with the current draft, agreeing to the changes to objective #3 you proposed. I really appreciate your consideration and the discussion we had last week.

Thank you

c.

Chris Hanlon-Meyer

Science and Engineering Section Manager

Air Quality Program, WA State Dept of Ecology

Phone: (360) 407-6115 / Fax: (360) 407-7534

christopher.hanlon-meyer@ecy.wa.gov

From: Dossett, Donald [mailto:Dossett.Donald@epa.gov]
Sent: Tuesday, April 11, 2017 11:32 AM
To: Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>
Cc: Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; Taylor, Kathy (ECY) <ktay461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: RE: Air PPA 18-19_4-6-17DRAFT EDITS.docx

Hi Chris. We've incorporated most of the changes that you suggested (in Objective 3), and made a few more ourselves. Please review and let us know if you have questions or want to further discuss. We hope this version will be agreeable. Let me know. Thanks.

(Note: I left all the changes in it, so hopefully you can see them. Let me know if not.)

Donald A. Dossett, P.E.

Unit Manager

Stationary Source Unit

Office of Air and Waste

U.S. Environmental Protection Agency, Region 10

1200-6th Ave., OAW-150

Seattle, WA 98101

206-553-1783 (w)

dossett.donald@epa.gov

From: Hanlon-Meyer, Christopher (ECY) [mailto:chrh461@ECY.WA.GOV]
Sent: Thursday, April 06, 2017 12:15 PM
To: Dossett, Donald <Dossett.Donald@epa.gov>
Cc: Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; scla461@ecy.wa.gov; Taylor, Kathy (ECY) <ktay461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: Air PPA 18-19_4-6-17DRAFT EDITS.docx

Don:

Here's the draft with my requested tracked changes. I'll be out of the office for the rest of the week but can talk further if you'd like on Monday. I know the document is close to being finalized so I'll be responsive and open to discussion next week.

Thank you

c.

Chris Hanlon-Meyer

Science and Engineering Section Manager

Air Quality Program, WA State Dept of Ecology

Phone: (360) 407-6115 / Fax: (360) 407-7534

christopher.hanlon-meyer@ecy.wa.gov

Chapter Seven: Enhancing Public Health by Improving Air Quality

www.ecy.wa.gov/programs/air/airhome.html

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology;
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- Federally Recognized Tribes.[1]

The number of days Washington's air quality violated federal health-based standards has greatly decreased as a result of these agencies' work.

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This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles ($PM_{2.5}$), ozone precursors, and air toxics;
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The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

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EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA's 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: "Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants."

Objective 1: Criteria Pollutants and Regional Haze
Reduce Criteria Pollutants and Regional Haze The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's Strategic Plan goal, that "By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline." During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how wood burning and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.
Objective 1 - Outcome Measures
1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs
1. Ecology will coordinate with local air quality agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality

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Standards (NAAQS).

2. Ecology, the EPA, and the local air quality agencies will coordinate on designation recommendations and related nonattainment planning.
3. Ecology and the local air quality agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
    a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
    b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air quality agency rules and jurisdiction.
4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2010 SO_2, 2012 $PM_{2.5}$, and 2015 ozone NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Objective 1 - Ongoing Activities

1. Ecology and the local air quality agencies will seek state and federal funds to address wood stove use in communities where $PM_{2.5}$ levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new $PM_{2.5}$ or ozone violations and any possible designation recommendations.
4. The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload

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status. Ecology will inform the EPA of any new SIP submittals in a timely manner.

5. Ecology and the local air quality agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
    a. implement wood stove burn ban programs;
    b. advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
    a. manage their own permit programs;
    b. provide public information/education;
    c. oversee air quality advisory systems for outdoor burning;
    d. update and revise rules as needed for effective air quality programs; and
    e. submit timely SIP revisions to the EPA.
8. The EPA will:
    a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.
    b. host at least one meeting per year on smoke management issues.
9. Ecology and the local air quality agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology regulations for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Objective 1 – Reporting

Ecology and local air quality agencies that submit data directly to EPA will submit criteria pollutant emissions data to EPA according to the federal air emissions reporting rule. To facilitate compilation of a complete statewide inventory at Ecology, local air quality agencies submitting directly to EPA are requested to also send the information to Ecology in XML or MS Access EIS staging table format.

Objective 2: Air Toxics

To characterize the health consequences of toxic air pollution in Washington, Ecology will compile data about toxic air pollutants including health effects, and sources of toxic air pollutant emissions. The data will be used to:

1. reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
2. focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
3. better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.

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Objective 2 - Outcome Measures
1. Tons of diesel exhaust emitted statewide. 2. Number of diesel engines retrofitted with air pollution control equipment. 3. Number of woodstoves changed out. 4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)
Objective 2 - Outputs
1. Ecology will review EPA's 2014 National Emission Inventory (NEI) and begin preparation of the 2017 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2017 NEI will be completed by the end of 2019. 2. Toxics emissions submitted by facilities tracked in Ecology's point source database, WEIRS, will be provided to the EPA for the annual NEI. Washington Emissions Inventory Reporting System (WEIRS) contains emissions from major sources in WA, except those under the jurisdiction of ORCAA, PSCAA, and SWCAA.
Objective 2 - Ongoing Activities
1. Ecology, in partnership with the local air quality agencies, will: a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources; b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD); c. collect toxics monitoring data where fully funded by the EPA; d. submit available point source toxics emission inventory data each year; and e. review available National Emissions Inventory (NEI) data. 2. The EPA will provide: a. NEI data; b. guidance about national air toxic policies and programs; and c. background information and outreach from National Air Toxics Assessment (NATA) and other state's and national programs.
Objective 2 – Reporting
1. For major and synthetic minor sources, the local air quality agencies, Ecology and the EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the ICIS-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements. 2. Ecology will: a. annually submit point source emission reports to the EPA for the NEI; b. do an initial submission of 2017 point, mobile, and nonpoint inventories to the

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EPA for the NEI by December 31, 2018; and

c. request local air quality agency reporting of toxic air pollutants and submit data received to the EPA.

3. Local air quality agencies submitting inventory data directly to the EPA will:
   a. annually submit point source emission reports to the EPA for the NEI;
   b. submit the same data to Ecology to facilitate Ecology's effort to compile a complete statewide inventory.

Objective 3: Permitting and Program Delegation

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Objective 3 - Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air quality agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will promote training and discussion with local permitting agencies to help ensure permit writers understand applicability of Major New Source Review.
3. Ecology will continue to:
   a. develop WEIRS, a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
   b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and
      communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling (although Ecology and local air quality agencies will assist if requested).

Objective 3 - Ongoing Activities

Ecology and local air quality agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:

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Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)

b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air quality agencies

c. Air Operating Permits (AOP) for existing and new sources

2. Use the EPA approved models and methodologies, in accordance with 40 C.F.R. Part 51 Appendix W, for air quality analysis for commercial and industrial source permits, or seek the EPA approval of alternative models or methods when applicable.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with the EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, the EPA will co-host an in-person workshop with Ecology and the local air agencies on implementation of the NSR program.
7. The EPA and Ecology will communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will:
   a. Send to the EPA each major NSR permit application upon receipt;
   b. Notify the EPA when a major NSR permit application has been determined to be incomplete or complete;
   c. Informally communicate draft major NSR permits and supporting information to the EPA at the beginning of each public review period;
   d. Communicate with the EPA on modeling at the initiation of any major NSR permit project;
   e. The EPA will arrange a discussion with Ecology upon completion of draft permit reviews with the intent of informally providing input to Ecology;
   f. Ecology will provide the EPA with NSR applicability determinations; and
   g. Ecology and the EPA will engage in periodic discussions about policy and program implementation.
9. Ecology and local air quality agencies will:
   a. Send to the EPA each Title V permit application upon receipt;
   b. Send to the EPA each draft Title V permit and supporting information at the beginning of each public comment period;
   c. Send to the EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70; and
   d. Send to the EPA each final Title V permit and supporting information soon

after issuance.
Objective 3 – Reporting
Ecology and local air quality agencies will: 1. Report AOP activity using the *Permit Register*. 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued. 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year. 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with the EPA's deadline.

Objective 4: Compliance Assurance
Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. The EPA, Ecology, and the local air quality agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA. 2. Ecology, the EPA, and local air quality agencies will follow: a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy). 3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air quality agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. The EPA, Ecology and the local air quality agencies will also connect as necessary in the permit writer's forums and compliance forums.
Objective 4 - Ongoing Activities

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1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs which are not delegated to the state or local air quality agency, the EPA has sole authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local air quality agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, the EPA will notify the state/local before the EPA takes an action. The EPA will also provide advance notice of the EPA's enforcement for delegated or approved programs.
6. Ecology and the local air quality agencies will continue to participate in the State Review Framework (SRF). The current SRF process is began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air quality agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air quality agencies will participate in the annual enforcement data verification process. Each fall the EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air quality agencies will ensure that any necessary data corrections are made in the program data systems.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air quality agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-

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strategy
HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
Objective 5 - Outcome Measures
1. Air monitoring delegated by the EPA to Ecology and local air quality agencies meets all federal requirements. The monitoring will also provide enough information to: a. collect data that has the most relevance to public health b. protect public health. 2. Air monitoring data meets the EPA requirements for data completeness at each monitor.
Objective 5 - Outputs
1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan. 2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results. 3. Ecology, the EPA, and local air quality agencies will use data resources to support communication and understanding about identified air pollution problems.
Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 C.F.R. Part 58. 2. Ecology will: a. submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 C.F.R. Part 58, Appendix A; and c. working with local air quality agencies, collect data and prepare emission

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inventory and air monitoring databases to support air quality modeling 3. The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 C.F.R. Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

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www.ecy.wa.gov/programs/air/airhome.html

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Objective 1 - Outcome Measures
1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs
1. Ecology will coordinate with local air quality agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality

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Standards (NAAQS).

2. Ecology, the EPA, and the local air quality agencies will coordinate on designation recommendations and related nonattainment planning.
3. Ecology and the local air quality agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
    a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
    b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air quality agency rules and jurisdiction.
4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2010 SO_2, 2012 $PM_{2.5}$, and 2015 ozone NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Objective 1 - Ongoing Activities

1. Ecology and the local air quality agencies will seek state and federal funds to address wood stove use in communities where $PM_{2.5}$ levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new $PM_{2.5}$ or ozone violations and any possible designation recommendations.
4. The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload

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status. Ecology will inform the EPA of any new SIP submittals in a timely manner.

5. Ecology and the local air quality agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
    a. implement wood stove burn ban programs;
    b. advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
    a. manage their own permit programs;
    b. provide public information/education;
    c. oversee air quality advisory systems for outdoor burning;
    d. update and revise rules as needed for effective air quality programs; and
    e. submit timely SIP revisions to the EPA.
8. The EPA will:
    a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.
    b. host at least one meeting per year on smoke management issues.
9. Ecology and the local air quality agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology regulations for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Objective 1 – Reporting

Ecology and local air quality agencies that submit data directly to EPA will submit criteria pollutant emissions data to EPA according to the federal air emissions reporting rule. To facilitate compilation of a complete statewide inventory at Ecology, local air quality agencies submitting directly to EPA are requested to also send the information to Ecology in XML or MS Access EIS staging table format.

Objective 2: Air Toxics

To characterize the health consequences of toxic air pollution in Washington, Ecology will compile data about toxic air pollutants including health effects, and sources of toxic air pollutant emissions. The data will be used to:

1. reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
2. focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
3. better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.

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Objective 2 - Outcome Measures
1. Tons of diesel exhaust emitted statewide. 2. Number of diesel engines retrofitted with air pollution control equipment. 3. Number of woodstoves changed out. 4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)
Objective 2 - Outputs
1. Ecology will review EPA's 2014 National Emission Inventory (NEI) and begin preparation of the 2017 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2017 NEI will be completed by the end of 2019. 2. Toxics emissions submitted by facilities tracked in Ecology's point source database, WEIRS, will be provided to the EPA for the annual NEI. Washington Emissions Inventory Reporting System (WEIRS) contains emissions from major sources in WA, except those under the jurisdiction of ORCAA, PSCAA, and SWCAA.
Objective 2 - Ongoing Activities
1. Ecology, in partnership with the local air quality agencies, will: a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources; b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD); c. collect toxics monitoring data where fully funded by the EPA; d. submit available point source toxics emission inventory data each year; and e. review available National Emissions Inventory (NEI) data. 2. The EPA will provide: a. NEI data; b. guidance about national air toxic policies and programs; and c. background information and outreach from National Air Toxics Assessment (NATA) and other state's and national programs.
Objective 2 – Reporting
1. For major and synthetic minor sources, the local air quality agencies, Ecology and the EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the ICIS-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements. 2. Ecology will: a. annually submit point source emission reports to the EPA for the NEI; b. do an initial submission of 2017 point, mobile, and nonpoint inventories to the

EPA for the NEI by December 31, 2018; and

c. request local air quality agency reporting of toxic air pollutants and submit data received to the EPA.

3. Local air quality agencies submitting inventory data directly to the EPA will:
   a. annually submit point source emission reports to the EPA for the NEI;
   b. submit the same data to Ecology to facilitate Ecology's effort to compile a complete statewide inventory.

Objective 3: Permitting and Program Delegation

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Objective 3 - Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air quality agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will promote training and discussion with local permitting agencies to help ensure permit writers understand applicability of Major New Source Review.
3. Ecology will continue to:
   a. develop WEIRS, a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
   b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling (although Ecology and local air quality agencies will assist if requested).

Objective 3 - Ongoing Activities

Ecology and local air quality agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:

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Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)

b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air quality agencies

c. Air Operating Permits (AOP) for existing and new sources

2. Use the EPA approved models and methodologies, in accordance with 40 C.F.R. Part 51 Appendix W, for air quality analysis for commercial and industrial source permits, or seek the EPA approval of alternative models or methods when applicable.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with the EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, the EPA will co-host an in-person workshop with Ecology and the local air agencies on implementation of the NSR program.
7. The EPA and Ecology will communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will:
   a. Send to the EPA each major NSR permit application upon receipt;
   b. Notify the EPA when a major NSR permit application has been determined to be incomplete or complete;
   c. Informally communicate draft major NSR permits and supporting information to the EPA at the beginning of each public review period;
   d. Communicate with the EPA on modeling at the initiation of any major NSR permit project;
   e. The EPA will arrange a discussion with Ecology upon completion of draft permit reviews with the intent of informally providing input to Ecology;
   f. Ecology will provide the EPA with NSR applicability determinations; and
   g. Ecology and the EPA will engage in periodic discussions about policy and program implementation.
9. Ecology and local air quality agencies will:
   a. Send to the EPA each Title V permit application upon receipt;
   b. Send to the EPA each draft Title V permit and supporting information at the beginning of each public comment period;
   c. Send to the EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70; and
   d. Send to the EPA each final Title V permit and supporting information soon

after issuance.
Objective 3 – Reporting
Ecology and local air quality agencies will: 1. Report AOP activity using the *Permit Register*. 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued. 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year. 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with the EPA's deadline.

Objective 4: Compliance Assurance
Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. The EPA, Ecology, and the local air quality agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA. 2. Ecology, the EPA, and local air quality agencies will follow: a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy). 3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air quality agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. The EPA, Ecology and the local air quality agencies will also connect as necessary in the permit writer's forums and compliance forums.
Objective 4 - Ongoing Activities

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1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs which are not delegated to the state or local air quality agency, the EPA has sole authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local air quality agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, the EPA will notify the state/local before the EPA takes an action. The EPA will also provide advance notice of the EPA's enforcement for delegated or approved programs.
6. Ecology and the local air quality agencies will continue to participate in the State Review Framework (SRF). The current SRF process is began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air quality agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air quality agencies will participate in the annual enforcement data verification process. Each fall the EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air quality agencies will ensure that any necessary data corrections are made in the program data systems.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air quality agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-

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strategy
HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
Objective 5 - Outcome Measures
1. Air monitoring delegated by the EPA to Ecology and local air quality agencies meets all federal requirements. The monitoring will also provide enough information to: a. collect data that has the most relevance to public health b. protect public health. 2. Air monitoring data meets the EPA requirements for data completeness at each monitor.
Objective 5 - Outputs
1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan. 2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results. 3. Ecology, the EPA, and local air quality agencies will use data resources to support communication and understanding about identified air pollution problems.
Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 C.F.R. Part 58. 2. Ecology will: a. submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 C.F.R. Part 58, Appendix A; and c. working with local air quality agencies, collect data and prepare emission

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inventory and air monitoring databases to support air quality modeling 3. The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 C.F.R. Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

Chapter Seven: Enhancing Public Health by Improving Air Quality

www.ecy.wa.gov/programs/air/airhome.html

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology;
- The EPA; and
- Federally Recognized Tribes.[1]

The number of days Washington's air quality violated federal health-based standards has greatly decreased as a result of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

> *"Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations."*

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles ($PM_{2.5}$), ozone precursors, and air toxics;
- Prevent violations of federal air quality standards; and
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

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[1] While not a grantee under the PPA/PPG, Ecology, local air quality agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may have to be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

Review process
The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings provide opportunities for dialogue, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA's 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: "Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants."

Objective 1: Criteria Pollutants and Regional Haze
Reduce Criteria Pollutants and Regional Haze The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's Strategic Plan goal, that "By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline." During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how wood burning and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.
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1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs
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Standards (NAAQS).

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8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

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2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air quality agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will promote training and discussion with local permitting agencies to help ensure permit writers understand applicability of Major New Source Review.
3. Ecology will continue to:
   a. develop WEIRS, a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
   b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling (although Ecology and local air quality agencies will assist if requested).

Objective 3 - Ongoing Activities

Ecology and local air quality agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:

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Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)

b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air quality agencies

c. Air Operating Permits (AOP) for existing and new sources

2. Use the EPA approved models and methodologies, in accordance with 40 C.F.R. Part 51 Appendix W, for air quality analysis for commercial and industrial source permits.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with the EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. The EPA will offer and provide in-person training to Ecology and Local Air Agencies on implementation of the NSR program.
7. The EPA and Ecology will communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will:
   a. Send to the EPA each major NSR permit application upon receipt
   b. Notify the EPA when a major NSR permit application has been determined to be incomplete or complete;
   c. Informally communicate draft major NSR permits and supporting information to EPA at the beginning of each public review period;
   d. Communicate with the EPA on modeling at the initiation of any major NSR permit project;
   e. EPA will arrange a discussion with Ecology upon completion of draft permit reviews with the intent of reviewing input on trends or themes; and
   f. Ecology will provide EPA with NSR applicability determinations and will engage EPA in periodic discussions to gain policy and technical feedback.
9. Ecology and local air quality agencies will (consistent with submittal instructions provided by the EPA):
   a. Send to the EPA each Title V permit application upon receipt;
   b. Send to the EPA each draft Title V permit and supporting information at the beginning of each public comment period;
   c. Send to the EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70;
   d. Send to the EPA each final Title V permit and supporting information soon after issuance.

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Objective 3 – Reporting
Ecology and local air quality agencies will: 1. Report AOP activity using the *Permit Register*. 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued. 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year. 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with the EPA's deadline.

Objective 4: Compliance Assurance
Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. The EPA, Ecology, and the local air quality agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA. 2. Ecology, the EPA, and local air quality agencies will follow: a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy). 3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air quality agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. The EPA, Ecology and the local air quality agencies will also connect as necessary in the permit writer's forums and compliance forums.
Objective 4 - Ongoing Activities
1. Ecology and local air quality agencies will conduct compliance programs according

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to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.

2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs which are not delegated to the state or local air quality agency, the EPA has sole authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local air quality agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, the EPA will notify the state/local before the EPA takes an action. The EPA will also provide advance notice of the EPA's enforcement for delegated or approved programs.
6. Ecology and the local air quality agencies will continue to participate in the State Review Framework (SRF). The current SRF process is began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air quality agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air quality agencies will participate in the annual enforcement data verification process. Each fall the EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air quality agencies will ensure that any necessary data corrections are made in the program data systems.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air quality agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy

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HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
Objective 5 - Outcome Measures
1. Air monitoring delegated by the EPA to Ecology and local air quality agencies meets all federal requirements. The monitoring will also provide enough information to: a. collect data that has the most relevance to public health b. protect public health. 2. Air monitoring data meets the EPA requirements for data completeness at each monitor.
Objective 5 - Outputs
1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan. 2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results. 3. Ecology, the EPA, and local air quality agencies will use data resources to support communication and understanding about identified air pollution problems.
Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 C.F.R. Part 58. 2. Ecology will: a. submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 C.F.R. Part 58, Appendix A; and c. working with local air quality agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling

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The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 C.F.R. Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

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To: McClintock, Katie[McClintock.Katie@epa.gov]; Stephenson, Cullen (ECY)[cste461@ECY.WA.GOV]; Dossett, Donald[Dossett.Donald@epa.gov]; 'Hanlon-Meyer, Christopher (ECY)'[chrh461@ECY.WA.GOV]; Owens, Katharine[Owens.Katharine@epa.gov]; Hardesty, Doug[Hardesty.Doug@epa.gov]
Cc: Boller, Jack[Boller.Jack@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]
From: Hunt, Jeff
Sent: Tue 3/21/2017 5:56:42 PM
Subject: Next round of the air PPA working draft
Air PPA 18-19_consolidated_3_21_17.docx
Air PPA 18-19_Ecology comments_sent 3_20_17.docx

First off, many thanks to Katie McClintock and Cullen Stephenson for your edits to the PPA working draft. The attached "consolidated" version includes all of your edits and comments. I also went through the introduction, objective 1, and objective 5 to accept all the track changes where Ecology and EPA agreed. If you are curious the Ecology comments are attached, but they seemed noncontroversial to me.

For objectives 2 (air toxics) and 3 (Permitting and Program Delegation), I encourage the EPA people (staff or unit manager as you see fit) to resolve this language directly with Ecology. To the extent the two agencies agree on language changes, you are welcome to send me a clean version of that objective which I will incorporate it into the consolidated working draft. Does that work for everybody?

Jeff Hunt

Air Quality Planner (or as my once 7-year old daughter said, "My daddy is an air janitor. He cleans the air.")

EPA Region 10

Office of Air and Waste

(206) 553-0256

Chapter Seven: Enhancing Public Health by Improving Air Quality

www.ecy.wa.gov/programs/air/airhome.html

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology;
- The EPA; and
- Federally Recognized Tribes.[1]

The number of days that Washington's air quality violated federal health-based standards has greatly decreased as a result of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

> *"Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations."*

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles ($PM_{2.5}$), ozone precursors, and air toxics;
- Prevent violations of federal air quality standards; and
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

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[1] While not a grantee under the PPA/PPG, Ecology, local agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may have to be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

Review process
The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings are one way to check in, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA's 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: "Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants."

Air quality objectives

Objective 1: Criteria Pollutants and Regional Haze
Reduce Criteria Pollutants and Regional Haze The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's Strategic Plan goal, that "By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline." During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how burning wood and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.
Objective 1 - Outcome Measures
1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs

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1. Ecology will coordinate with local clean air agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS).
2. Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.
3. Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
    a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
    b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.
4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2010 SO_2, 2012 $PM_{2.5}$, and 2015 ozone NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Objective 1 - Ongoing Activities

1. Ecology and the local air agencies will seek state and federal funds to address wood stove use in communities where $PM_{2.5}$ levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new $PM_{2.5}$ or ozone violations and any possible designation recommendations.
4. The EPA, Ecology, and affected local air quality agencies will communicate about

the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload status. Ecology will inform the EPA of any new SIP submittals in a timely manner.

5. Ecology and the Local Air Agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
    a. implement wood stove burn ban programs;
    b. advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
    a. manage their own permit programs;
    b. provide public information/education;
    c. oversee air quality advisory systems for outdoor burning;
    d. update and revise rules as needed for effective air quality programs; and
    e. submit timely SIP revisions to the EPA.
8. The EPA will:
    a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.
    b. host at least one meeting per year on smoke management issues.
9. Ecology and the local air agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology regulations for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Objective 1 – Reporting

Ecology and local air agencies that submit data directly to EPA will submit criteria pollutant emissions data to EPA according to the federal air emissions reporting rule. To facilitate compilation of a complete statewide inventory at Ecology, local air agencies submitting directly to EPA are requested to also send the information to Ecology in XML or MS Access EIS staging table format.

Objective 2: Air Toxics

To characterize the health consequences of toxic air pollution in Washington, Ecology will use data about toxic air pollutants, their health effects, and their sources. The data will be used to:

- reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
- focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
- better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

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As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.
Objective 2 - Outcome Measures
1. Tons of diesel exhaust emitted statewide. 2. Number of diesel engines retrofitted with air pollution control equipment. 3. Number of woodstoves changed out. 4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)
Objective 2 - Outputs
1. Ecology will review EPA's 2014 National Emission Inventory (NEI) and begin preparation of the 2017 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2017 NEI will be completed by the end of 2019. 2. Toxics emissions submitted by facilities tracked in Ecology's point source database, WEIRS, will be provided to EPA for the annual NEI. WEIRS contains emissions from major sources in WA, except those under the jurisdiction of ORCAA, PSCAA, and SWCAA.
Objective 2 - Ongoing Activities
1. Ecology, in partnership with the local air agencies, will: a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources; b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD); c. collect toxics monitoring data where fully funded by EPA; d. submit available point source toxics emission inventory data each year; and e. review available National Emissions Inventory (NEI) data. 2. EPA will provide: a. NEI data; b. guidance about national air toxic policies and programs; and c. background information and outreach from National Air Toxics Assessment (NATA) and other state's and national programs.
Objective 2 – Reporting
1. For major and synthetic minor sources, the local air quality agencies, Ecology and EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the ICIS-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements. 2. Ecology will: a. annually submit point source emission reports to the EPA for the NEI; b. do an initial submission of 2017 point, mobile, and nonpoint inventories to the

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EPA for the NEI by December 31, 2018; and

c. request local air quality agency reporting of toxic air pollutants and submit data received to EPA.

3. Local agencies submitting inventory data directly to EPA will:
   a. annually submit point source emission reports to the EPA for the NEI;
   b. submit the same data to Ecology to facilitate Ecology's effort to compile a complete statewide inventory.

Objective 3: Permitting and Program Delegation

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Objective 3 - Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will work with local permitting agencies to ensure permit writers understand applicability of Major New Source Review and establish a system for conferring with Ecology on any project where interpretation of the regulations effects whether the project would be subject to Major New Source Review.
3. Ecology will continue to:
   a. develop WEIRS (the Washington Emissions Inventory Reporting System), a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
   b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and
   c. communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling, (although Ecology and local air quality agencies will assist if requested.

Objective 3 - Ongoing Activities

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Ecology and local air agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:
    a. Preconstruction permits for new major sources or major modifications (PSD, NAA-NSR)
    b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air agencies
    c. Air Operating Permits (AOP) for existing sources
2. Use EPA approved models for air quality analysis for commercial and industrial source permits, or seek approval of non-approved models.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR. Ecology will consult with EPA before making a decision inconsistent with officially adopted guidance.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, EPA will provide in-person training on implementation of the NSR program.
7. Communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will (consistent with submittal instructions provided by EPA):
    a. Send to EPA each major NSR permit application upon receipt (past but still active applications will be sent to EPA within 30 days after this PPA is final);
    b. Notify EPA when a major NSR permit application has been determined to be incomplete or complete;
    c. Send to EPA draft major NSR permits and supporting information at the beginning of each public review period or earlier;
    d. Consult with EPA on modeling at the initiation of any major NSR permit projects;
    e. Consult with EPA prior to making a final decision on a major NSR project if Ecology does not agree with comments received from EPA or a federal land manager; and
    f. Consult with EPA prior to making any major NSR applicability determination.
9. Ecology and local air quality agencies will (consistent with submittal instructions provided by EPA):
    a. Send to EPA each Title V permit application upon receipt;

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Send to EPA each draft Title V permit and supporting information at the beginning of each public comment period; c. Send to EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70; d. Send to EPA each final Title V permit and supporting information soon after issuance.
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Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. EPA, Ecology, and the local agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA. 2. Ecology, the EPA, and local air quality agencies will follow: a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy).

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3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs. EPA, Ecology and the local air agencies will also connect as necessary in the permit writer's forums and compliance forums.

Objective 4 - Ongoing Activities

1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs the are not delegated to the state or local agency, the EPA has the authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, EPA will notify the state/local before EPA takes an action. EPA will also provide advance notice of EPA enforcement for delegated or approved programs.
6. Ecology and the local air agencies will continue to participate in the State Review Framework (SRF). The next SRF process is began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air agencies will participate in the annual enforcement data verification process. Each fall EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air agencies will ensure that any necessary data corrections are made in the program data systems.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the

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national MDRs, CMS, FRV, and HPV policies.

2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air agencies about the EPA's enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy
HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment

To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.

Objective 5 - Outcome Measures

1. Air monitoring delegated by the EPA to Ecology and local air agencies meets all federal requirements. The monitoring will also provide enough information to:
    a. collect data that has the most relevance to public health
    b. protect public health.
2. Air monitoring data meets EPA requirements for data completeness at each monitor.

Objective 5 - Outputs

1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan.
2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results.
3. Ecology, the EPA, and local air agencies will use data resources to support communication and understanding about identified air pollution problems.

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Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 CFR. Part 58. 2. Ecology will: a. submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 CFR Part 58, Appendix A; and c. working with local air agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling 3. The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 CFR Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

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To: Uri Papish[Uri@swcleanair.org]; Hunt, Jeff[Hunt.Jeff@epa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; Keith Hurley[keith@yrcaa.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]; robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]
From: McClintock, Katie
Sent: Mon 3/20/2017 10:00:07 PM
Subject: RE: March 14th WA AQMG Meeting Agenda
Air PPA 18-19_working draft_2 21 17 - km 3-20-17.docx

Here is my stab at making the changes we discussed last week. I've tried to continue the theme of short and sweet. I borrowed some language from the AK PPA on the "no surprises" part. Please feel free to send edits or call if you'd like to discuss further.

Katie McClintock

Manager

Air Enforcement and Data Management Unit

1200 Sixth Avenue, Suite 900, OCE-101

Seattle, WA 98101

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Mcclintock.katie@epa.gov

From: McClintock, Katie
Sent: Tuesday, March 14, 2017 9:50 AM
To: 'Uri Papish' <Uri@swcleanair.org>; Hunt, Jeff <Hunt.Jeff@epa.gov>; craigk@pscleanair.org; fran.mcnair@orcaa.org; Julie Oliver <joliver@spokanecleanair.org>; Keith Hurley <keith@yrcaa.org>; Mark Buford <mark@nwcleanair.org>; merlyn@lrapa.org; robin.priddy@bentoncleanair.org; scla461@ecy.wa.gov
Subject: RE: March 14th WA AQMG Meeting Agenda

For today's meeting.

From: Uri Papish [mailto:Uri@swcleanair.org]
Sent: Monday, March 13, 2017 12:59 PM
To: Hunt, Jeff <Hunt.Jeff@epa.gov>; craigk@pscleanair.org; fran.mcnair@orcaa.org; Julie Oliver <joliver@spokanecleanair.org>; Keith Hurley <keith@yrcaa.org>; Mark Buford <mark@nwcleanair.org>; merlyn@lrapa.org; robin.priddy@bentoncleanair.org; scla461@ecy.wa.gov
Cc: St. Onge, Camille (ECY) <cast461@ECY.WA.GOV>; amyf@pscleanair.org; andrewg@pscleanair.org; acau461@ecy.wa.gov; brud461@ecy.wa.gov; Carole Cenci <CaroleC@pscleanair.org>; Miller, Christina <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Brown, Dan <Brown.Dan@epa.gov>; dan.nelson@orcaa.org; Debbie Moody <debbie.moody@orcaa.org>; Suzuki, Debra <Suzuki.Debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; hasan@yrcaa.org; Hastings, Janis <Hastings.Janis@epa.gov>; Jo Niehaus <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Johnson, Kari D. (ECY) <KAJO461@ECY.WA.GOV>; judithw@pscleanair.org; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Kathy Taylor (Kathy.Taylor@ecy.wa.gov) <Kathy.Taylor@ecy.wa.gov>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; McClintock, Katie <McClintock.Katie@epa.gov>; McGown, Michael <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; slun461@ecy.wa.gov; Steve Van Slyke <SteveV@pscleanair.org>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY <matu461@ECY.WA.GOV>; Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Owens, Katharine <Owens.Katharine@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>; 'Hanlon-Meyer, Christopher (ECY)' <chrh461@ECY.WA.GOV>
Subject: RE: March 14th WA AQMG Meeting Agenda

Thanks Jeff. Here is a slightly revised agenda based on some schedule changes by presenters.

Uri

From: Hunt, Jeff [mailto:Hunt.Jeff@epa.gov]
Sent: Monday, March 13, 2017 12:55 PM
To: Uri Papish <Uri@swcleanair.org>; craigk@pscleanair.org; fran.mcnair@orcaa.org; Julie Oliver <joliver@spokanecleanair.org>; Keith Hurley <keith@yrcaa.org>; Mark Buford <mark@nwcleanair.org>; merlyn@lrapa.org; robin.priddy@bentoncleanair.org; scla461@ecy.wa.gov
Cc: St. Onge, Camille (ECY) <cast461@ECY.WA.GOV>; amyf@pscleanair.org; andrewg@pscleanair.org; acau461@ecy.wa.gov; brud461@ecy.wa.gov; Carole Cenci <CaroleC@pscleanair.org>; Miller, Christina <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Brown, Dan <Brown.Dan@epa.gov>; dan.nelson@orcaa.org; Debbie Moody <debbie.moody@orcaa.org>; Suzuki, Debra <Suzuki.Debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; hasan@yrcaa.org; Hastings, Janis <Hastings.Janis@epa.gov>; Jo Niehaus <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Johnson, Kari D. (ECY) <KAJO461@ECY.WA.GOV>; judithw@pscleanair.org; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Kathy Taylor (Kathy.Taylor@ecy.wa.gov) <Kathy.Taylor@ecy.wa.gov>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; McClintock, Katie <McClintock.Katie@epa.gov>; McGown, Michael <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; slun461@ecy.wa.gov; Steve Van Slyke <SteveV@pscleanair.org>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY <matu461@ECY.WA.GOV>; Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Owens, Katharine <Owens.Katharine@epa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>; 'Hanlon-Meyer, Christopher (ECY)' <chrh461@ECY.WA.GOV>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: RE: March 14th WA AQMG Meeting Agenda

Hello all – during February's meeting many of you asked to have Katie McClintock come discuss the Compliance Assurance portion of the PPA (agenda item #4 tomorrow). In preparation for that discussion I am sending a rough working draft version of the SFY18-19 PPA chapter for air. The purpose for tomorrow is to discuss Objective 4 (compliance assurance). However if you have questions about Objectives 1 (Criteria Pollutants and Regional Haze) or 5 (monitoring) I would be happy to answer your questions. For questions related to Objectives 2 (air toxics) or 3 (permitting) please contact Don Dossett or Chris Hanlon-Meyer (both CC'ed). Thanks …… jh

Ps. my daughter is sick so there is a 50% chance I will catch it. (Just a quick warning in case I do not show up tomorrow).

From: Uri Papish [mailto:Uri@swcleanair.org]
Sent: Monday, March 06, 2017 8:29 AM
To: craigk@pscleanair.org; fran.mcnair@orcaa.org; Julie Oliver <joliver@spokanecleanair.org>; Keith Hurley <keith@yrcaa.org>; Mark Buford <mark@nwcleanair.org>; merlyn@lrapa.org; robin.priddy@bentoncleanair.org; scla461@ecy.wa.gov; Uri Papish <Uri@swcleanair.org>
Cc: St. Onge, Camille (ECY) <cast461@ECY.WA.GOV>; amyf@pscleanair.org; andrewg@pscleanair.org; acau461@ecy.wa.gov; brud461@ecy.wa.gov; Carole Cenci <CaroleC@pscleanair.org>; Miller, Christina <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Brown, Dan <Brown.Dan@epa.gov>; dan.nelson@orcaa.org; Debbie Moody <debbie.moody@orcaa.org>; Suzuki, Debra <Suzuki.Debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; hasan@yrcaa.org; Hastings, Janis <Hastings.Janis@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Jo Niehaus <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Johnson, Kari D. (ECY) <KAJO461@ECY.WA.GOV>; judithw@pscleanair.org; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Kathy Taylor (Kathy.Taylor@ecy.wa.gov) <Kathy.Taylor@ecy.wa.gov>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Islam, Mahbubul <Islam.Mahbubul@epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; McClintock, Katie <McClintock.Katie@epa.gov>; McGown, Michael <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; slun461@ecy.wa.gov; Steve Van Slyke <SteveV@pscleanair.org>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY <matu461@ECY.WA.GOV>
Subject: March 14th WA AQMG Meeting Agenda

Attached is the agenda for the March 14th Air Quality Manager's Group Meeting. See you next week.

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

Chapter Seven: Enhancing Public Health by Improving Air Quality

www.ecy.wa.gov/programs/air/airhome.html

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology;
- The EPA; and
- Federally Recognized Tribes.[1]

The number of days that Washington's air quality violated federal health-based standards has greatly decreased as a result of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

> *"Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations."*

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes ensuring compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles ($PM_{2.5}$), ozone precursors, and air toxics;
- Prevent violations of federal air quality standards; and
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

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[1] While not a grantee under the PPA/PPG, Ecology, local agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may have to be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

Review process
The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings are one way to check in, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA's 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: "Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants."

Air quality objectives

Objective 1: Criteria Pollutants and Regional Haze
Reduce Criteria Pollutants and Regional Haze The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's Strategic Plan goal, that "By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline." During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how burning wood and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.
Objective 1 - Outcome Measures
1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs

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1. Ecology will coordinate with local clean air agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS). .
2. Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.
3. Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
    a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
    b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.
4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2012 $PM_{2.5}$ NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Objective 1 - Ongoing Activities

1. Ecology and the local air agencies will seek state and federal funds to address wood stove use in communities where $PM_{2.5}$ levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new $PM_{2.5}$ or ozone violations and any possible designation recommendations.

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The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload status. Ecology will inform the EPA of any new SIP submittals in a timely manner.

5. Ecology and the Local Air Agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
    a. implement wood stove burn ban programs;
    b. advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
    a. manage their own permit programs;
    b. provide public information/education;
    c. oversee air quality advisory systems for outdoor burning;
    d. update and revise rules as needed for effective air quality programs; and
    e. submit timely SIP revisions to the EPA.
8. The EPA will:
    a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.
    b. host at least one meeting per year on smoke management issues.
9. Ecology and the local air agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology regulations for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Objective 1 – Reporting

Local air agencies may submit criteria pollutants emission data to Ecology in XML or MS Access EIS staging table format.

Objective 2: Air Toxics

To characterize the health consequences of toxic air pollution in Washington, Ecology will use data about toxic air pollutants, their health effects, and their sources. The data will be used to:

- reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
- focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
- better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.

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Objective 2 - Outcome Measures
1. Tons of diesel exhaust emitted statewide. 2. Number of diesel engines retrofitted with air pollution control equipment. 3. Number of woodstoves changed out. 4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)
Objective 2 - Outputs
1. Ecology will review EPA's 2011 National Emission Inventory (NEI) and begin preparation of the 2014 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2014 NEI will be completed by the end of 2015. 2. With cooperation from local air quality agencies, Ecology will prepare point source toxics Emissions Inventories (EI) each year. EIs will be prepared from Ecology data and data submitted by local air agencies. The inventories will be provided to EPA for the annual NEI.
Objective 2 - Ongoing Activities
1. Ecology, in partnership with the local air agencies, will: a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources; b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD); c. collect toxics monitoring data where fully funded by EPA; d. submit available point source toxics emission inventory data each year; and e. review available National Emissions Inventory (NEI) data. 2. EPA will provide: a. NEI data; b. guidance about national air toxic policies and programs; and c. background information and outreach from National Air Toxics Assessment (NATA) and other state's and national programs.
Objective 2 – Reporting
1. For major and synthetic minor sources, the local air quality agencies, Ecology and EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the ICIS-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements. 2. Ecology will: a. annually submit point source emission reports to the EPA for the NEI; b. submit 2014 point, mobile, and nonpoint inventories to the EPA for the NEI by December 31, 2015; and c. request local air quality agency reporting of toxic air pollutants and submit

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data received to EPA.

3. Local air agencies may submit air toxics emission data to Ecology in XML or MS Access EIS staging table format.

Objective 3: Permitting and Program Delegation

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Objective 3 - Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will work with local permitting agencies to ensure permit writers understand applicability of Major New Source Review and establish a system for conferring with Ecology on any project where interpretation of the regulations effects whether the project would be subject to Major New Source Review.
3. Ecology will continue to:
    a. develop WEIRS (the Washington Emissions Inventory Reporting System), a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
    b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and
    c. communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling, (although Ecology and local air quality agencies will assist if requested.

Objective 3 - Ongoing Activities

Ecology and local air agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:
    a. Preconstruction permits for new major sources or major modifications

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(PSD, NAA-NSR)

   b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air agencies
   c. Air Operating Permits (AOP) for existing sources

2. Use EPA approved models for air quality analysis for commercial and industrial source permits, or seek approval of non-approved models.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR. Ecology will consult with EPA before making a decision inconsistent with officially adopted guidance.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, EPA will provide in-person training on implementation of the NSR program.
7. Communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will (consistent with submittal instructions provided by EPA):
   a. Send to EPA each major NSR permit application upon receipt (past but still active applications will be sent to EPA within 30 days after this PPA is final);
   b. Notify EPA when a major NSR permit application has been determined to be incomplete or complete;
   c. Send to EPA draft major NSR permits and supporting information at the beginning of each public review period or earlier;
   d. Consult with EPA on modeling at the initiation of any major NSR permit projects;
   e. Consult with EPA prior to making a final decision on a major NSR project if Ecology does not agree with comments received from EPA or a federal land manager; and
   f. Consult with EPA prior to making any major NSR applicability determination.
9. Ecology and local air quality agencies will (consistent with submittal instructions provided by EPA):
   a. Send to EPA each Title V permit application upon receipt;
   b. Send to EPA each draft Title V permit and supporting information at the beginning of each public comment period;
   c. Send to EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70;

Send to EPA each final Title V permit and supporting information soon after issuance.
Objective 3 – Reporting
Ecology and local air quality agencies will: 1. Report AOP activity using the *Permit Register*. 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued. 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year. 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with EPA's deadline.

Objective 4: Compliance Assurance
Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. EPA, Ecology, and the local agencies have determined that we should terminate the 2003 Compliance Assurance Agreement (2003 CAA), and fold the relevant elements into this PPA. This PPA will supersede the agreements and responsibilities set forth in the 2003 CAA. 2. Ecology, the EPA, and local air quality agencies will follow: a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy). 3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including

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key activities, emerging issues, and program needs. EPA, Ecology and the local air agencies will also connect as necessary in the permit writer's forums and compliance forums.

Objective 4 - Ongoing Activities

1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs the are not delegated to the state or local agency, the EPA has the authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local agencies. Both parties adhere to a "no-surprises" policy for compliance activities and enforcement actions. If the EPA inspects a facility to determine compliance with a non-delegated program requirement, and the facility is one that the state/local regularly inspects for delegated program purposes, EPA will notify the state/local before EPA takes an action. EPA will also provide advance notice of EPA enforcement for delegated or approved programs.
6. Ecology and the local air agencies will continue to participate in the State Review Framework (SRF). The next SRF process is began in 2016 and will be completed no later than December 31, 2017. Ecology and the local air agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air agencies will participate in the annual enforcement data verification process. Each fall EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air agencies will ensure that any necessary data corrections are made in the program data systems.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air agencies about the EPA's

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enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy
HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
Objective 5 - Outcome Measures
1. Air monitoring delegated by the EPA to Ecology and local air agencies meets all federal requirements. The monitoring will also provide enough information to: a. collect data that has the most relevance to public health b. protect public health. 2. Air monitoring data meets EPA requirements for data completeness at each monitor.
Objective 5 - Outputs
1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan. 2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results. 3. Ecology, the EPA, and local air agencies will use data resources to support communication and understanding about identified air pollution problems.
Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 CFR. Part 58. 2. Ecology will:

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submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 CFR Part 58, Appendix A; and c. working with local air agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling 3. The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 CFR Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

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Chapter Seven: Enhancing Public Health by Improving Air Quality

www.ecy.wa.gov/programs/air/airhome.html

Introduction

The air in every community should be safe and healthy to breathe. Because air pollution crosses local, state, tribal, and federal borders, many agencies coordinate their activities to reduce and control air pollution. These agencies have worked together over the years to significantly improve Washington's air quality:

- Washington's seven local air quality agencies;
- Ecology;
- The EPA; and
- Federally Recognized Tribes.[1]

The number of days that Washington's air quality violated federal health-based standards has greatly decreased as a result of these agencies' work.

This Agreement's purpose is to improve environmental quality by strengthening and extending the partnership between local air quality agencies, Ecology, and the EPA. To achieve this, partners to the Agreement commit to the following mission statement:

> *"Protect, preserve, and improve Washington's air quality to safeguard public health and the environment, and support high quality of life for current and future generations."*

This Agreement describes the actions and activities the partners will perform to achieve this mission. The partners commit to:

- Prevent and reduce air pollution, which includes ensuring compliance with all air quality laws and regulations;
- Reduce emissions of high priority air pollutants, especially fine particles ($PM_{2.5}$), ozone precursors, and air toxics;
- Prevent violations of federal air quality standards; and
- Increase efficiencies and reduce transaction costs in air quality program administration and implementation.

The Agreement includes outputs and ongoing activities paid for with a combination of state and federal dollars. It does not cover many Ecology and local air quality agency activities funded by state and local sources.

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[1] While not a grantee under the PPA/PPG, Ecology, local agencies, and the EPA work with Tribes on several fronts, including through the Northwest Air Quality Communicators, smoke management efforts, and PM reduction efforts.

Reductions in state budgets or federal 103 or 105 grant funds would likely impair the ability of Ecology and local air quality agencies to conduct their core work and fully meet their obligations under this Agreement. The amount of federal grant funds expected in this biennium is also uncertain. Some of the outputs and ongoing activities may have to be decreased to reflect the final state budget, actual tax revenues received throughout the biennium, and federal budget.

Review process
The partners agree to meet as needed to maintain open communication. Washington Air Quality Managers Group meetings are one way to check in, since all the partners participate in this group. Other inter-agency groups such as the Northwest Air Quality Communicators, Washington air permit writers, and Washington Air Quality Compliance Forum may also be helpful in promoting clear, open communication.

EPA Strategic Plan Alignment

The outcomes and objectives of this section correlate directly with the EPA's 2014-2018 Strategic Plan under Goal 1, Objective #2, *Improve Air Quality*: "Achieve and maintain health and welfare based air pollution standards and reduce risk from toxic air pollutants and indoor air contaminants."

Air quality objectives

Objective 1: Criteria Pollutants and Regional Haze
Reduce Criteria Pollutants and Regional Haze The objective is to meet air quality standards that protect public health and welfare. As part of this objective, emissions and ambient concentrations of criteria pollutants would decrease. The number of exceedances of ambient air quality standards would also decrease. We will also make progress to support the EPA's Strategic Plan goal, that "By 2018, visibility in scenic parks and wilderness areas will improve by 15 percent in the east and 5 percent in the west, on the 20 percent worst visibility days, as compared to visibility on the 20 percent worst days during the 2000–2004 baseline." During periods of poor air quality, Ecology and/or local air quality agencies (in their respective areas) will notify the public and sensitive groups about the health effects of poor air quality, and how burning wood and other choices affect air quality and health. This includes education about how individual behaviors affect air quality and health.
Objective 1 - Outcome Measures
1. Number of times $PM_{2.5}$ or ozone exceeds healthy levels 2. Number of citizens exposed to pollution measurements above federal standards 3. Number of non-attainment areas 4. Visibility has improved in scenic parks and wilderness areas on the 20 percent worst visibility days, as compared to during the 2000 – 2004 baseline.
Objective 1 – Outputs

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1. Ecology will coordinate with local clean air agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS). .
2. Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.
3. Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.
    a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
    b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.
4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.
5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2012 $PM_{2.5}$ NAAQS revision and any future NAAQS revisions.
6. Ecology will submit a Regional Haze five-year plan.
7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.
8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.
9. Ecology will submit a SIP revision(s) to address the Start-up Shutdown and Maintenance SIP Call for Ecology, SWCAA, and EFSEC.

Objective 1 - Ongoing Activities

1. Ecology and the local air agencies will seek state and federal funds to address wood stove use in communities where $PM_{2.5}$ levels from wood smoke are high.
2. About six months before the EPA must review the SIPs, Ecology in cooperation with local air quality agencies will develop initial SIP Development Plans for significant SIP submittals. The SIP Development Plan will include schedules negotiated with the EPA. The EPA will review and comment on draft SIP revisions prior to the public comment period.
3. Ecology, the EPA, and local air quality agencies will discuss any new $PM_{2.5}$ or ozone violations and any possible designation recommendations.

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The EPA, Ecology, and affected local air quality agencies will communicate about the status of pending SIP submittals when applicable. They will also coordinate on prioritizing SIP review and approvals. The EPA will share/update SIP workload status. Ecology will inform the EPA of any new SIP submittals in a timely manner.

5. Ecology and the Local Air Agencies will work with the EPA to identify exceptional events with potential regulatory significance in accordance with the Exceptional Event rule, will use appropriate flag codes, and will coordinate with the EPA on preparing documentation in accordance with the Exceptional Events rule and guidance documents.
6. With the EPA's support, Ecology and local air quality agencies will:
    a. implement wood stove burn ban programs;
    b. advise the public when air quality is poor.
7. Ecology and local air quality agencies will:
    a. manage their own permit programs;
    b. provide public information/education;
    c. oversee air quality advisory systems for outdoor burning;
    d. update and revise rules as needed for effective air quality programs; and
    e. submit timely SIP revisions to the EPA.
8. The EPA will:
    a. serve as regional smoke coordinator by working with other Northwest states and Tribes to improve smoke management coordination and tools.
    b. host at least one meeting per year on smoke management issues.
9. Ecology and the local air agencies will update their rules as needed to maintain effective air quality programs and submit timely SIP revisions to the EPA. Ecology will have the Attorney General's Office review Ecology regulations for SIP submittals.
10. With Ecology and EPA assistance, local air quality agencies will review local regulations to be included in the SIP.

Objective 1 – Reporting

Local air agencies may submit criteria pollutants emission data to Ecology in XML or MS Access EIS staging table format.

Objective 2: Air Toxics

To characterize the health consequences of toxic air pollution in Washington, Ecology will use data about toxic air pollutants, their health effects, and their sources. The data will be used to:

- reduce the emissions, exposure, and/or health risks, focusing on sources or areas that have the greatest health risk;
- focus emission reduction strategies on smoke and diesel soot to provide the greatest health benefits; and
- better characterize industrial emissions by more efficient permit processes and improved partnerships with businesses.

As part of this objective, emissions of toxic air pollutants would decrease over time. The percentage of Washington citizens at risk from toxic air pollutants would also decline.

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Objective 2 - Outcome Measures
1. Tons of diesel exhaust emitted statewide. 2. Number of diesel engines retrofitted with air pollution control equipment. 3. Number of woodstoves changed out. 4. Emission levels of toxic air pollutants shown in the National Emission Inventory (NEI). (This can be handled with our NEI report.)
Objective 2 - Outputs
1. Ecology will review EPA's 2011 National Emission Inventory (NEI) and begin preparation of the 2014 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2014 NEI will be completed by the end of 2015. 2. With cooperation from local air quality agencies, Ecology will prepare point source toxics Emissions Inventories (EI) each year. EIs will be prepared from Ecology data and data submitted by local air agencies. The inventories will be provided to EPA for the annual NEI.
Objective 2 - Ongoing Activities
1. Ecology, in partnership with the local air agencies, will: a. seek state and federal funds to develop and implement diesel reduction projects through the West Coast Diesel Collaborative or other sources; b. operate monitoring stations and evaluate field and analytic data to assure quality as outlined in the Technical Assistance Document (TAD); c. collect toxics monitoring data where fully funded by EPA; d. submit available point source toxics emission inventory data each year; and e. review available National Emissions Inventory (NEI) data. 2. EPA will provide: a. NEI data; b. guidance about national air toxic policies and programs; and c. background information and outreach from National Air Toxics Assessment (NATA) and other state's and national programs.
Objective 2 – Reporting
1. For major and synthetic minor sources, the local air quality agencies, Ecology and EPA will enter 40 C.F.R. Parts 60, 61, 62 and 63 sources into the ICIS-Air. Local air quality agencies will also report the Minimum Data Reporting (MDR) elements. 2. Ecology will: a. annually submit point source emission reports to the EPA for the NEI; b. submit 2014 point, mobile, and nonpoint inventories to the EPA for the NEI by December 31, 2015; and c. request local air quality agency reporting of toxic air pollutants and submit

data received to EPA.

3. Local air agencies may submit air toxics emission data to Ecology in XML or MS Access EIS staging table format.

Objective 3: Permitting and Program Delegation

Reduce, limit, and manage emissions through effective and efficient air quality permitting programs. This objective describes how Ecology and local air quality agencies will control and track emissions from industrial sources.

Objective 3 - Outcome Measures

1. Average number of days it takes to process Notice of Construction permit applications.
2. Percentage of Title V permits that have been administratively extended past the expiration date.

Objective 3 – Outputs

1. As appropriate for each agency, Ecology and local air agencies will update regulations and delegations/approvals to reflect new or revised rules under 40 C.F.R. Parts 51, 60, 61, 62, 63, 64 and 70.
2. Ecology will maintain an up-to-date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP and approving Title V program updates as needed. Ecology will work with local permitting agencies to ensure permit writers understand applicability of Major New Source Review and establish a system for conferring with Ecology on any project where interpretation of the regulations effects whether the project would be subject to Major New Source Review.
3. Ecology will continue to:
    a. develop WEIRS (the Washington Emissions Inventory Reporting System), a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);
    b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and
    c. communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling, (although Ecology and local air quality agencies will assist if requested.

Objective 3 - Ongoing Activities

Ecology and local air agencies will:

1. Administer the following air quality permitting programs for commercial and industrial sources:
    a. Preconstruction permits for new major sources or major modifications

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(PSD, NAA-NSR)

   b. Rules under 40 C.F.R. Parts 60, 61, 62, and 63 adopted by the state along with any additional rules under these Parts adopted by local air agencies
   c. Air Operating Permits (AOP) for existing sources

2. Use EPA approved models for air quality analysis for commercial and industrial source permits, or seek approval of non-approved models.
3. Ecology will, for PSD permits, conduct Best Available Control Technology (BACT) evaluations in a manner consistent with EPA's top-down, five-step procedure.
4. Ecology and the local air quality agencies will consider relevant EPA guidance and interpretations when determining the applicability of PSD and NNSR. Ecology will consult with EPA before making a decision inconsistent with officially adopted guidance.
5. Ecology and the local air quality agencies will implement SIP pre-construction permitting (PSD, NNSR, and minor permits) as specified in the approved SIP and in state regulations.
6. As resources and scheduling allow, EPA will provide in-person training on implementation of the NSR program.
7. Communicate with each other about permitting issues openly, directly, and in a timely manner.
8. Ecology will (consistent with submittal instructions provided by EPA):
   a. Send to EPA each major NSR permit application upon receipt (past but still active applications will be sent to EPA within 30 days after this PPA is final);
   b. Notify EPA when a major NSR permit application has been determined to be incomplete or complete;
   c. Send to EPA draft major NSR permits and supporting information at the beginning of each public review period or earlier;
   d. Consult with EPA on modeling at the initiation of any major NSR permit projects;
   e. Consult with EPA prior to making a final decision on a major NSR project if Ecology does not agree with comments received from EPA or a federal land manager; and
   f. Consult with EPA prior to making any major NSR applicability determination.
9. Ecology and local air quality agencies will (consistent with submittal instructions provided by EPA):
   a. Send to EPA each Title V permit application upon receipt;
   b. Send to EPA each draft Title V permit and supporting information at the beginning of each public comment period;
   c. Send to EPA each proposed Title V permit and supporting information as required in 40 C.F.R. Part 70;

Send to EPA each final Title V permit and supporting information soon after issuance.
Objective 3 – Reporting
Ecology and local air quality agencies will: 1. Report AOP activity using the *Permit Register*. 2. Post Best Available Control Technology (BACT) / Lowest Achievable Emission Reduction (LAER) determinations to the clearinghouse within three months of issuing the final permit (for major actions). Specify (a) the date the application was determined to be complete, and (b) the date the final permit was issued. 3. Submit major point source emissions data to the NEI within 12 months of the end of the calendar year. 4. Submit semi-annual Title V Operating Permit System (TOPS) reports consistent with EPA's deadline.

Objective 4: Compliance Assurance
Maintain an effective compliance assurance program that protects human health and the environment by preventing and reducing air pollution. Carry out a balanced program that includes compliance assistance, compliance monitoring, appropriate enforcement, and follow-up to ensure return to compliance.
Objective 4 - Outcome Measures
1. The EPA uses the quadrennial SRF review, annual Data Metrics Analyses, quarterly HPV calls, annual meeting discussions, and other EPA oversight efforts to assess the performance of compliance and enforcement programs.
Objective 4 – Outputs
1. The present Compliance Assurance Agreement is out of date. The EPA is reviewing the need to continue reliance on a Compliance Assurance Agreement or if other avenues are more efficient. After considering alternatives, the EPA will work in cooperation with Ecology and the local air quality agencies to develop appropriate documentation to address roles, responsibilities, new commitments, and new requirements. 2. Ecology, the EPA, and local air quality agencies will fulfill their commitments under a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs); b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS); c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy).

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As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs.

Objective 4 - Ongoing Activities

1. Ecology and local air quality agencies will conduct compliance programs according to the 2014 national Compliance Monitoring Strategy for those sources and activities to which the Strategy applies.
2. Agencies will resolve high priority violations according to the EPA's 2014 "Timely and Appropriate Enforcement Response Guidance for HPVs." Ecology, local air quality agencies, and the EPA will hold quarterly conference calls to discuss:
    a. high priority violations; and
    b. policy and strategy issues.
3. The EPA will conduct compliance monitoring and enforcement on tribal lands.
4. For programs the are not delegated to the state or local agency, the EPA has the authority for:
    a. complaint response;
    b. inspections;
    c. priority enforcement actions; and
    d. other activities statewide
5. The EPA retains authority to conduct inspections and enforcement actions under the Clean Air Act and will utilize this authority for national and regional priority work and as requested by state/local agencies.
6. Ecology and the local air agencies will continue to participate in the State Review Framework (SRF). The next SRF process is presently scheduled to begin in 2016 and be completed no later than December 31, 2017. Ecology and the local air agencies will work with the EPA to implement recommendations and address areas that need attention as identified in the 2017 SRF review and report.
7. Ecology and the local air agencies will participate in the annual enforcement data verification process. Each fall EPA Headquarters will post the specific set of data verification metrics on the database, "Enforcement and Compliance History Online" (ECHO). Ecology and the local air agencies will ensure that any necessary data corrections are made in the program data systems. After verified data are frozen, the EPA will develop a full SRF Data Metric Analysis in spring 2016 for FFY 2015 data and a condensed annual Data Metric Analysis by September 30, 2017, for FFY 2016 data. These are used by EPA to assess performance and trends in performance and to discuss any issues with Ecology or the respective local air agency.

Objective 4 - Reporting

1. All agencies will meet timely and accurate reporting requirements contained in the national MDRs, CMS, FRV, and HPV policies.
2. Ecology and local air quality agencies will update their databases, as needed, and enter timely, accurate and complete ICIS-Air data.

The EPA will communicate to Ecology and affected local air agencies about the EPA's

enforcement actions in a timely manner, and before actions are finalized.

CMS Policy
Clean Air Act Stationary Source Compliance Monitoring Strategy, July 2014
http://www2.epa.gov/compliance/clean-air-act-stationary-source-compliance-monitoring-strategy
HPV Policy
Timely and Appropriate Enforcement Response to High Priority Violations, August 2014
http://www2.epa.gov/enforcement/revised-timely-and-appropriate-t-and-enforcement-response-high-priority-violations-hpvs
FRV Policy
Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources, September 2014
http://www2.epa.gov/compliance/guidance-federally-reportable-violations-stationary-air-sources
MDRs (FRVs are a subset of the MDRs)
Minimum Data Requirements for CAA Stationary Sources Compliance, January 2012
http://www2.epa.gov/compliance/guidance-minimum-data-requirements-mdrs-caa-stationary-sources-compliance

Objective 5: Monitoring and Assessment
To characterize the health consequences of air pollution in Washington, agencies will collect data that has the greatest benefit for public health, and increase the public understanding of the health effects and costs of pollution.
Objective 5 - Outcome Measures
1. Air monitoring delegated by the EPA to Ecology and local air agencies meets all federal requirements. The monitoring will also provide enough information to: a. collect data that has the most relevance to public health b. protect public health. 2. Air monitoring data meets EPA requirements for data completeness at each monitor.
Objective 5 - Outputs
1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan. 2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results. 3. Ecology, the EPA, and local air agencies will use data resources to support communication and understanding about identified air pollution problems.
Objective 5 - Ongoing Activities
1. Ecology and local air quality agencies will operate the statewide National Air Monitoring Site network, according to 40 CFR. Part 58. 2. Ecology will:

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submit monitoring data to Air Quality System (AQS) within 90 days of the end of each quarter; b. provide a quality assurance program for ambient data as required by 40 CFR Part 58, Appendix A; and c. working with local air agencies, collect data and prepare emission inventory and air monitoring databases to support air quality modeling 3. The EPA will: a. review and approve an annual monitoring network review within 120 days of Ecology's submittal; and b. provide annual quality assurance audits as required by 40 CFR Part 58, Appendix A.
Objective 5: Reporting
1. Ecology will: a. submit AQS data to the EPA within 90 days of the end of each quarter; b. write and submit quarterly Quality Assurance (QA) reports to the EPA; c. notify the EPA by email as soon as it is evident that any ambient air standards have been exceeded within the WA monitoring network; and d. provide ambient data to the EPA upon request.

To: Hunt, Jeff[Hunt.Jeff@epa.gov]
From: Pritchett, Nancy (ECY)
Sent: Tue 3/7/2017 11:08:46 PM
Subject: RE: PPA follow-up
March 1 2017 PPA meeting agenda_revised 2_13_17 NPritchett edits.docx

Hi Jeff,

It was great to see you again last week! I appreciate and value the partnership and support from all the folks at EPA R10. Here are my edits. For the most part, I've just copied the same language to 2017. Please excuse some wonky formatting.

Cheers,

Nancy

From: Hunt, Jeff [mailto:Hunt.Jeff@epa.gov]
Sent: Thursday, March 02, 2017 10:20 AM
To: Stephenson, Cullen (ECY) <cste461@ECY.WA.GOV>; Pritchett, Nancy (ECY) <npri461@ECY.WA.GOV>; Vandrush-Borgacz, Matthew (ECY) <mvan461@ecy.wa.gov>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>; Suzuki, Debra <Suzuki.Debra@epa.gov>; Alberich, Jason (ECY) <jalb461@ECY.WA.GOV>; Lundblad, Sean (ECY) <slun461@ECY.WA.GOV>
Cc: Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; Hamlin, Tim <Hamlin.Tim@epa.gov>; Duboiski, Christi <duboiski.christi@epa.gov>; Muller, Lori <muller.lori@epa.gov>; Edmondson, Lucy <Edmondson.Lucy@epa.gov>; Burke, Alison (EPA) <burke.alison@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: PPA follow-up

Thank you for the wonderful discussion yesterday. I enjoyed the day of living vicariously through the great work Ecology is doing (VW settlement, etc.). And speaking of the work Ecology is doing, would you please add the 2017 updates for your respective sections? Just e-mail me your updates and I will compile them. Thanks ……. jh

WA Ecology & EPA Performance Partnership Agreement
Air Program Meeting

Wednesday, March 1, 2017
Room ROA-09, Ecology office, Lacey

8:45 **EPA staff depart from 1st floor lobby**
10:00 – 11:00 **Introductions and agency updates**

- Introductions
- Program Director Highlights - Stu and Tim
- Enhancing Coordination
  - What is working well in our current partnership?
  - Where can we improve our communication and coordination?
  - What issues can we work on together to further leverage our resources?
  - What are our biggest collective challenges and how can we work together to address?
  - In looking ahead, how do we best prepare our agencies for the future?

11:00 – 12:00 **Stationary sources - air toxics and permitting**
12:00 – 1:00 **Lunch – on your own at the Ecology cafe.**
1:00 – 3:00 **State and tribal plans – SIPs, monitoring, and tribal coordination**

Documentation of PPA Outputs

PPA Air Quality Objective #2: Air Toxics – Outputs

1. Ecology will review EPA's 2011 National Emission Inventory (NEI) and begin preparation of the 2014 NEI. Ecology will augment the NEI with state-calculated criteria and toxics inventories for significant emissions sources where state data can improve the EPA estimates. The point source inventory will include available air toxics data submitted to the state by local air quality agencies. Ecology's work on the 2014 NEI will be completed by the end of 2015.

2017 Update -

2. With cooperation from local air quality agencies, Ecology will prepare point source toxics Emissions Inventories (EI) each year. EIs will be prepared from Ecology data and data submitted by local air agencies. The inventories will be provided to EPA for the annual NEI.

2017 Update -

PPA Air Quality Objective #3: Permitting and Program Delegation – Outputs

1. As appropriate for each agency, Ecology and local air agencies will update regulations and delegations to reflect new or revised New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

2017 Update -

As appropriate for each agency, Ecology and local air agencies will update regulations and delegations to reflect new or revised New Source Performance Standards (NSPS) and National Emission Standards for Hazardous Air Pollutants (NESHAPS).

2. Ecology will maintain an up to date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP as needed.

2017 Update -

Ecology will maintain an up to date Prevention of Significant Deterioration (PSD) program. The EPA will work expeditiously with Ecology on revising the SIP as needed.

3. Ecology will continue to:
    a. develop WEIRS (the Washington Emissions Inventory Reporting System), a web-based emission inventory system to track "allowable" emissions data as well as "actual" emissions data (this system will be used to collect and track available allowable emissions data from Ecology and local air quality agency permittees);

2017 Update -

    b. communicate to permittees and local air quality agencies about the value of allowable emissions data, specifically by requiring PSD applicants to use allowables in their air quality impact modeling; and

2017 Update -

    c. communicate to the PSD consulting community that it is the source's responsibility to compile an allowable inventory for impact modeling, (although Ecology and local air quality agencies will assist if requested.

2017 Update -

PPA Air Quality Objective 4: Compliance Assurance – Outputs

1. The present Compliance Assurance Agreement is out of date. The EPA is reviewing the need to continue reliance on a Compliance Assurance Agreement or if other avenues are more efficient. After considering alternatives, the EPA will work in cooperation with Ecology and the local air

quality agencies to develop appropriate documentation to address roles, responsibilities, new commitments, and new requirements.

2017 Update -

2. Ecology, the EPA, and local air quality agencies will fulfill their commitments under
    a. the national "Minimum Data Requirements for CAA Stationary Sources Compliance," January 2012 (MDRs);
    b. the national "Clean Air Act Stationary Source Compliance Monitoring Strategy," July 2014 (CMS);
    c. the national HPV policy, "Timely and Appropriate Enforcement Response to High Priority Violations," August 2014; and
    d. the national "Guidance on Federally-Reportable Violations for Clean Air Act Stationary Sources," September 2014 (FRV policy).

2017 Update -

3. As part of the annual collaborative planning meetings (and the quarterly HPV calls, when needed), the EPA, Ecology, and local air agencies will review and discuss compliance and enforcement programs for federally-delegated programs, including key activities, emerging issues, and program needs.

2017 Update -

PPA Air Quality Objective 1: Criteria Pollutants and Regional Haze – Outputs

1. Ecology will coordinate with the Puget Sound Clean Air Agency, the EPA, and the Puyallup Tribe to ensure continued attainment in the Tacoma-Pierce County 24-hour $PM_{2.5}$ maintenance area.

2017 Update -

Ecology will coordinate with local clean air agencies, the EPA, and tribes to ensure compliance with all National Ambient Air Quality Standards (NAAQS).

2. Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.

2017 Update -

Ecology, the EPA, and the local air quality agencies will coordinate about designation recommendations and related nonattainment planning.

3. Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.

a. Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
b. Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.

2017 Update -

Ecology and the local air agencies will submit to the EPA New Source Review (NSR) rules that are federally approvable and consistent with federal rules/guidance.

- Ecology will maintain an up to date NSR (both major and minor NSR) program including any necessary rule updates in the State Implementation Plan (SIP).
- Ecology, the EPA, and the local air quality agencies will continue to make progress in updating the SIP to reflect local air agency rules and jurisdiction.

4. Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.

2017 Update -

Ecology will submit "infrastructure" SIP certifications for National Ambient Air Quality Standards (NAAQS) as required by sections 110(a)(1) and (2) of the Clean Air Act, including the 2010 sulfur dioxide NAAQS revision and any future NAAQS revisions.

5. Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for revised NAAQS, as appropriate.

2017 Update -

Ecology will submit a plan (SIP) addressing the "transport" element section 110(a)(2)(d) of the Act for the 2012 PM2.5 NAAQS revision and any future NAAQS revisions.

6. Ecology will submit a Regional Haze five-year plan by December 22, 2015.

2017 Update -

Ecology will submit a Regional Haze five-year plan.

7. Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.

2017 Update -

Ecology, the EPA, and the local air quality agencies will coordinate to expeditiously and efficiently address ongoing Clean Air Act (CAA) requirements such as CAA 175A (2nd 10-year maintenance plans) and CAA 110(l) plan revisions to maintain a modern, effective, and legally defensible air program reflected in the SIP.

8. Ecology will submit a vehicle inspection and maintenance (I/M) report by July of each year.

2017 Update -

9. **Ecology will submit a SIP revision(s) to address the Start-up, Shutdown, and Malfunction SIP Call for Ecology, SWCAA, and EFSEC.**

PPA Air Quality Objective 5: Monitoring and Assessment -- Outputs

1. Ecology works with local air quality agencies to complete and submit a review of the air monitoring network to the EPA by July 1 of each year. The EPA will respond within 120 days of the submittal of the monitoring network plan.

2017 Update -

2. Ecology, the EPA, and local air quality agencies will use listservs, e-mails and web pages to inform the public about air monitoring results.

2017 Update -

3. Ecology, the EPA, and local air agencies will use data resources to support communication and understanding about identified air pollution problems.

2017 Update -

List of Recent SIP-Related Accomplishments

FY17

SWCAA 400 rule update (proposed)
EFSEC update – including PSD (signed)

FY16

Benton CAA 400 rules
2008 ozone interstate transport
Spokane PM10 LMP
Spokane CO LMP
WA 40 CFR part 52 cleanup
Ecology 400 rule update – including PSD
BP BART revision
Exceptional Event Demonstration concurrences for three events at Kennewick in 2013

FY15

PM2.5 interstate transport
Ozone and NO2 infrastructure
PM2.5 infrastructure (1997, 2006, and 2012 standards)
Nonattainment New Source Review
Pb and NO2 interstate transport
WA PSD
Spokane wood stove rules
Tacoma redesignation
Vancouver ozone 110(a)(1)

FY14

Ecology 400 rules
Ecology wood stove rules
Pb infrastructure
NAAQS update
Kent, Seattle, Tacoma PM10 LMP
Puget Sound Ozone maintenance plan
Regional haze SIP/FIP

FY13

PSCAA misc rule updates
Tacoma CDD with MVEBs
Tacoma nonattainment plan

Thurston Co PM10 LMP

To: 'Stephenson, Cullen (ECY)'[cste461@ECY.WA.GOV]; '"Pritchett, Nancy (ECY)" <npri461@ECY.WA.GOV>'[npri461@ECY.WA.GOV]; 'Vandrush, Matthew (ECY)'[mvan461@ecy.wa.gov]; 'Hanlon-Meyer, Christopher (ECY)'[chrh461@ECY.WA.GOV]; 'Billings, Susan M. (ECY)'[SBIL461@ECY.WA.GOV]; 'Karen Wood'[KWOO461@ECY.WA.GOV]; Wilson, Wenona[Wilson.Wenona@epa.gov]; Dossett, Donald[Dossett.Donald@epa.gov]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Turnbow, Marilyn (ECY)[matu461@ECY.WA.GOV]; Alberich, Jason (ECY)[jalb461@ECY.WA.GOV]; McClintock, Katie[McClintock.Katie@epa.gov]
Cc: scla461@ecy.wa.gov[scla461@ecy.wa.gov]; Hamlin, Tim[Hamlin.Tim@epa.gov]; McLeod, Julianne[McLeod.Julianne@epa.gov]; Bray, Dave[Bray.Dave@epa.gov]; Duboiski, Christi[duboiski.christi@epa.gov]; Muller, Lori[muller.lori@epa.gov]; Edmondson, Lucy[Edmondson.Lucy@epa.gov]; Burke, Alison[Burke.Alison@epa.gov]; Owens, Katharine[Owens.Katharine@epa.gov]; Hardesty, Doug[Hardesty.Doug@epa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]
From: Hunt, Jeff
Sent: Tue 2/21/2017 5:24:52 PM
Subject: RE: Please mark your calendars for the WA PPA meeting -- Wednesday, March 1
March 1 2017 PPA meeting agenda_revised 2_13_17.docx
Air PPA 18-19_working draft_2 21 17.docx

Hello all,

I can't believe it is almost March 1st. So in preparation for next week's meeting, attached is a draft agenda similar to previous PPA cycles. Please feel free to suggest additional agenda topics. Also attached is the working draft of the PPA for the SFY18-19 cycle. I say working draft because next week's meeting is supposed to be the start of a conversation (thus the open ended comments). Also, Katie McClintock cannot make the March 1 meeting so we will follow up on the enforcement portion of the draft PPA at the March 14 WA air directors meeting. Feel free to contact me if you have questions …….. jh

Jeff Hunt

Air Quality Planner (or as my once 7-year old daughter said, "My daddy is an air janitor. He cleans the air.")

EPA Region 10

Office of Air and Waste

(206) 553-0256

From: Hunt, Jeff

Sent: Tuesday, August 23, 2016 5:28 PM
To: 'Stephenson, Cullen (ECY)' <cste461@ECY.WA.GOV>; 'Nick Roach' <NROA461@ECY.WA.GOV>; '"Pritchett, Nancy (ECY)" <npri461@ECY.WA.GOV>' <npri461@ECY.WA.GOV>; 'Vandrush, Matthew (ECY)' <mvan461@ecy.wa.gov>; 'Hanlon-Meyer, Christopher (ECY)' <chrh461@ECY.WA.GOV>; 'Billings, Susan M. (ECY)' <SBIL461@ECY.WA.GOV>; 'Karen Wood' <KWOO461@ECY.WA.GOV>; Wilson, Wenona <Wilson.Wenona@epa.gov>; Dossett, Donald <Dossett.Donald@epa.gov>; Suzuki, Debra <Suzuki.Debra@epa.gov>; Turnbow, Marilyn (ECY) <matu461@ECY.WA.GOV>; Alberich, Jason (ECY) <jalb461@ECY.WA.GOV>
Cc: scla461@ecy.wa.gov; Hamlin, Tim <Hamlin.Tim@epa.gov>; McLeod, Julianne <McLeod.Julianne@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>; Duboiski, Christi <duboiski.christi@epa.gov>
Subject: Please mark your calendars for the WA PPA meeting -- Wednesday, March 1

Hello all,

Normally this is the time of year that I schedule our annual WA-EPA PPA meeting for the late fall / early winter. However this year, because both agencies are so incredibly busy, we thought it might be a good idea to push it back a bit. Specifically, Tim (our new Office Director) and Stu are available **Wednesday, March 1**. Are there any conflicts I am not aware of on that day? Otherwise, please mark your calendars and I will work with Marilyn to reserve a room. A few other details:

-- It is EPA's turn to drive down to Lacey. Unless there is an objection we can stick with the typical schedule of leaving EPA at 8:45 to arrive at Lacey to start the meeting at 10am.

-- I will reserve two cars so that a contingent can leave after the morning session if they choose.

-- We normally do a few introductory remarks from Tim and Stu in the morning followed by stationary source issues (permitting, GHGs, air toxics, enforcement). After lunch we typically discuss tribal issues, monitoring, SIPs, and voluntary programs (PM Advance) leaving around 3pm.

Please let me know if you have any suggested changes to the general framework. Thanks …….

jh

From: Hunt, Jeff
Sent: Friday, October 09, 2015 2:16 PM
To: Stephenson, Cullen (ECY); Nick Roach; "Pritchett, Nancy (ECY)" <npri461@ECY.WA.GOV>; Vandrush, Matthew (ECY); acau461@ecy.wa.gov; Hanlon-Meyer, Christopher (ECY); Billings, Susan M. (ECY); Karen Wood; Wilson, Wenona; Downey, Scott; Dossett, Donald; Suzuki, Debra
Cc: Turnbow, Marilyn (ECY); McLeod, Julianne; Hunt, Jeff
Subject: reminder: Wednesday, October 28, EPA-Ecology PPA meeting

Hello all,

It felt like just yesterday it was hot and sunny (July) when Marilyn and Julie reserved calendars and a room for the WA PPA meeting. Now that the clouds of October have arrived, it is time for me to get cracking on an agenda. As you may recall from past messages about the PPA, it fulfills two dueling functions:

1. Proving to the EPA Inspector General and others that we do adequate oversight of the PPG grant. Thus the "Documentation of PPA Outputs" portion of the agenda. (The alternative is Ecology writing a final report each year to document progress. However I'd prefer that people concentrate on getting work done rather than writing reports about getting work done).

2. The fun part. Substantive face to face discussions about real issues. I penciled a few issues on the draft agenda already. Please feel free to suggest more.

As for logistics, the meeting will be held in Seattle this year. Kate and Stu have conflicts, so this will be a Section Manager / Unit Manager meeting. I tried to be as inclusive as possible with this invite list, but if I forgot anybody please feel free to forward this invitation. Also, please don't feel compelled to come (i.e. it never made sense for Paige to come just to listen to 10 minutes of budget discussion that she already knew). Again, feel free to suggest additional agenda items and I look forward to seeing you ……. jh

Jeff Hunt

Air Quality Planner (or as my 7-year old daughter says "My daddy is an air janitor. He cleans the air.")

EPA Region 10

Office of Air, Waste and Toxics

(206) 553-0256

To: Hunt, Jeff[Hunt.Jeff@epa.gov]
Cc: Julie Oliver[joliver@spokanecleanair.org]; Ekrem, Joanna (ECY) (jekr461@ECY.WA.GOV)[jekr461@ECY.WA.GOV]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]
From: April Westby
Sent: Mon 7/20/2015 10:20:41 PM
Subject: Draft copy of SRCAA NSR SIP regulations and In/Out Table
WAC400Table.xlsx
ARTICLE I Underline 06182015.docx
ARTICLE II Underline 6182015.doc
ARTICLE IV Underline (6182015).doc
ARTICLE V Underline (6182015).doc

Jeff,

Here are SRCAA's draft copies of the regulations that will be submitted for the NSR SIP. The versions attached are in underline / strikeout version. The changes represent the revisions that will be made to our regulations prior to formal SIP submittal. Please note that the attached versions contain references to toxics and odors. These pieces will be removed from the versions that will be sent for formal SIP submittal. The intent of sending these early drafts is for EPA to review the regulations in advance of rulemaking so that any issues can be addressed. If you have any questions or would like to schedule a call to go over these regulations, please let me know.

April Westby, PE
Environmental Engineer
Spokane Regional Clean Air Agency
3104 E. Augusta
Spokane, WA 99207
(509) 477-4727, ext. 105
awestby@spokanecleanair.org

To: Hunt, Jeff[Hunt.Jeff@epa.gov]; LaSpina, Jim (UTC)[jlaspina@utc.wa.gov]; Wess Safford[Wess@swcleanair.org]
From: Hulse-Moyer, Laurie (ECY)
Sent: Fri 5/20/2016 6:26:38 PM
Subject: FW: Rulemaking put on hold - Chapter 173-400 WAC

Do you get these listserv messages?

-----Original Message-----
From: Ecology's Air Quality Rule and State Implementation Plan Updates [mailto:ECY-AQ-RULE-AND-SIP-UPDATES@LISTSERV.WA.GOV] On Behalf Of Elena Guilfoil
Sent: Friday, May 20, 2016 10:18 AM
To: ECY-AQ-RULE-AND-SIP-UPDATES@LISTSERV.WA.GOV
Subject: Rulemaking put on hold - Chapter 173-400 WAC

Due to a shift in the Air Quality Program's priorities and limited staff resources, the rulemaking on startup, shutdown and malfunctions (SSM) has been temporarily put on hold.

EPA ruled that automatic exemptions of applicable emission limits and agency director discretion exemptions are not allowed. Instead we should consider establishing alternative numerical limits or other control requirements or work practice standards during SSM events.

While the formal process is being put on hold, staff will continue to work on the project as time is available. Ecology will be evaluating comments we have gotten and developing a draft rule. We anticipate holding a stakeholder meeting in October. We will distribute the draft before the first meeting.

Given this new schedule, Ecology will not submit a corrective SSM plan to EPA by the November 22, 2016 deadline.

Refer to our website for updated information.
http://www.ecy.wa.gov/programs/air/rules/wac173400/1507adv.htm

##

To unsubscribe from the ECY-AQ-RULE-AND-SIP-UPDATES list, click the following link:
http://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-AQ-RULE-AND-SIP-UPDATES&A=1

To: Hunt, Jeff[Hunt.Jeff@epa.gov]
Cc: Hulse-Moyer, Laurie (ECY)[lahu461@ECY.WA.GOV]; Wess Safford[Wess@swcleanair.org]
From: Sun, Caroline (ECY)
Sent: Fri 9/16/2016 4:21:15 PM
Subject: RE: SWCAA SIP Submittal Draft
Draft SWCAA State Implementation Plan Submittal_Revised.docx

Hi Jeff,

I revised the SIP Submittal per your comments. The appendix with highlighted portions going into the SIP was also inserted. We are still getting the other appendixes together. Please see attached.

Thanks!

Caroline (Ying) Sun

Air Quality Planner

Department of Ecology

Air Quality Program

(360) 407-7528

From: Hunt, Jeff [mailto:Hunt.Jeff@epa.gov]
Sent: Wednesday, September 14, 2016 12:18 PM
To: Sun, Caroline (ECY) <casu461@ECY.WA.GOV>
Cc: Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>; Wess Safford <Wess@swcleanair.org>
Subject: RE: SWCAA SIP Submittal Draft

Hi Caroline – good job. My mark up is attached (a few important SSM things we need to make sure are buttoned up). There are two other important elements we need to cover:

•□□□□□□□□ We need to make it clear that the submitted SWCAA rules replace the outdated

WAC 173-400 corollaries currently in the SIP and you would like them removed from the SIP.

•□□□□□□□□ Except for WAC 173-400-117, 173-400-118, and 173-400-560 which SWCAA wants to apply in its jurisdiction. For those three rules you are submitting the most recent versions of the WAC for approval into the SIP to apply in SWCAA's jurisdiction.

Does that all make sense? I am CC'ing Wess so the left hand knows what the right hand is doing …….. jh

Ps. if it helps any, here is a copy of the 'official' SIP for SWCAA and why we need to clean up the old WAC

https://yosemite.epa.gov/R10/AIRPAGE.NSF/7594bda73086704a88256d7f00743067/82ecfa15c645d91c88256

From: Sun, Caroline (ECY) [mailto:casu461@ECY.WA.GOV]
Sent: Tuesday, September 13, 2016 11:36 AM
To: Hunt, Jeff <Hunt.Jeff@epa.gov>
Cc: Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>
Subject: RE: SWCAA SIP Submittal Draft

Hi Jeff,

Please see attached draft. We are still waiting on request letter, strikeout language, highlighted SIP portions and board meeting notes for rule adoption. Other than these, everything else is in there for your review.

We will send you the complete draft once we receive those pieces from Wess. We are sending the documents to admin to process next Monday (9/19). It would be great if you can get comments back to us by noon, this Friday (9/16). So we have some time to incorporate your comments before we give to admin.

Thanks for your help!

Caroline (Ying) Sun

Air Quality Planner

Department of Ecology

Air Quality Program

(360) 407-7528

From: Hunt, Jeff [mailto:Hunt.Jeff@epa.gov]
Sent: Tuesday, September 13, 2016 11:11 AM
To: Sun, Caroline (ECY) <casu461@ECY.WA.GOV>
Cc: Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>
Subject: RE: SWCAA SIP Submittal Draft

Yes, thanks. I would like to see it before you go out for public comment …. jh

From: Sun, Caroline (ECY) [mailto:casu461@ECY.WA.GOV]
Sent: Tuesday, September 13, 2016 8:59 AM
To: Hunt, Jeff <Hunt.Jeff@epa.gov>
Cc: Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>
Subject: SWCAA SIP Submittal Draft

Hi Jeff,

We are almost there for the SWCAA SIP Submittal and are only waiting for a couple pieces

from SWCAA to complete the package. Do you want to scan through the draft before we post the document for comment period?

Thanks,

Caroline (Ying) Sun

Air Quality Planner

Department of Ecology

Air Quality Program

(360) 407-7528

DEPARTMENT OF
ECOLOGY
State of Washington

State Implementation Plan (SIP) Revision

Including Revised Southwest Clean Air Agency General Regulations for Air Pollution Sources (SWCAA 400)

Rule SIP Revision

September 2016

Publication no. [xx-xx-xxx] PUBLIC REVIEW DRAFT

Publication and Contact Information

This report is available on the Department of Ecology's website at
http://www.ecy.wa.gov/programs/air/sips/plans/infrastructure.htm#Rule_SIPS

For more information contact:

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- Central Regional Office, Yakima 509-575-2490
- Eastern Regional Office, Spokane 509-329-3400

Accommodation Requests: *To request ADA accommodation for disabilities, or printed materials in a format for the visually impaired, call Ecology at 360-407-6800 or visit http://www.ecy.wa.gov/accessibility.html. Persons with impaired hearing may call Washington Relay Service at 711. Persons with speech disability may call TTY at 877-833-6341.*

State Implementation Plan (SIP) Revision

Including Revised Southwest Clean Air Agency General Regulations for Air Pollution Sources (SWCAA 400)

Rule SIP Revision

Air Quality Program
Washington State Department of Ecology
Olympia, Washington

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Acronyms and Abbreviations

CAA	Federal Clean Air Act
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
MACT	Maximum Achievable Control Technologies
NAAQS	National Ambient Air Quality Standards
NESHAP	Hazardous Air Pollutants
NSPS	New Source Performance Standards
RCW	Revised Code of Washington
SIP	State Implementation Plan
SWCAA	Southwest Clean Air Agency
WAC	Washington Administrative Act

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Executive Summary

Scope and Purpose of SIP Revision

Washington State Department of Ecology (Ecology) requests EPA to include portions of the revised Southwest Clean Air Agency General Regulations for Air Pollution Sources (SWCAA 400) into the Washington State Implementation Plan (SIP). This SIP revision is applicable in SWCAA's jurisdiction of Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State. The SWCAA 400 rules replace the outdated Chapter 173-400 WAC, General Regulations for Air Pollution Sources, currently in the SIP, except for the following sections:

- WAC 173-400-117 Special protection requirements for federal Class I areas;
- WAC 173-400-118 Designation of Class I, II, and III areas;
- 173-400-560 General order of approval

SWCAA adopted revisions to the SWCAA 400 rules on September 1, 2016, as authorized by the Washington State Clean Air Act and the Federal Clean Air Act (CAA). SWCAA updated the SWCAA 400 rules to:

- Comply with the latest federal regulations;
- Be consistent with the Ecology's Chapter 173-400 WAC, General Regulations for Air Pollution Sources;
- Revise the following provisions:
    - Definitions;
    - Adoptions for National Emission Standards for Hazardous Air Pollutants (NESHAP), Maximum Achievable Control Technologies (MACT) and New Source Performance Standards (NSPS);[1]
    - Source category specific requirements;
    - Emission testing and monitoring requirements;
    - Public involvement provisions.

The Washington SIP currently includes previous versions of these rules approved by EPA in 1997.

Background

The CAA authorizes EPA to adopt National Ambient Air Quality Standards (NAAQS) to protect the public health and welfare. The CAA requires states to develop and adopt SIPs to show how they attain and maintain the latest NAAQS and relevant federal rules. States must submit rules to EPA after a reasonable notice, comment period and, if requested, a public hearing. When EPA approves inclusion of state and local agency regulations into the SIP, they become federally enforceable. In order to include the revised state rules and programs into SIP, Ecology submits SIP revisions to EPA

[1] SWCAA does not submit NESHAP, MACT and NSPS related portions in the SWCAA 400 rules to the SIP.

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for approval.

Public Involvement

Ecology invites public comments on the proposed SIP revision from September 22 to November 8, 2016. Ecology will hold the public hearing for the proposed SIP revision on November 2, 2016 at 11:00 am, if requested by October 24, 2016 at 5:00 pm.

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Introduction

Scope and Purpose of SIP Revision

On behalf of SWCAA, Ecology requests EPA to include sections of revised General Regulations for Air Pollution Sources (SWCAA 400) rules into the Washington SIP. This SIP revision is applicable in SWCAA's jurisdiction of Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State. The Washington SIP currently includes previous versions of this rule, approved by EPA in 1997.

The SWCAA Board of Directors adopted amendments of SWCAA 400 rules on September 1, 2016. The SWCAA 400 rules were updated to comply with the latest federal regulations and be consistent with Chapter 173-400 WAC General Regulations for Air Pollution Sources. In addition, the definitions, adoptions for NESHAP, MACT, NSPS[2], source category specific requirements, emission testing and monitoring requirements, and public involvement provisions have also been revised during this SWCAA 400 rulemaking effort.

Background

The Federal CAA authorizes EPA to adopt NAAQS to protect the public health and welfare. The Federal CAA requires states to develop and adopt SIPs to demonstrate how they will attain and maintain the latest NAAQS and relevant federal rules, after a reasonable notice, comment period and public hearing (if requested). When EPA approves state and local agency regulations into the SIP, they become federally enforceable. SIP revisions are to update the state rules and programs to be approved by EPA.

SWCAA is authorized by Revised Code Washington (RCW) 70.94 and U.S CAA (42 U.S.C. 7401 et seq.) to adopt regulations for the control of air contaminant emissions in its jurisdiction.

Public Involvement

Ecology invites public comment on the proposed SIP revision for the SWCAA 400 rules from September 22 to November 8, 2016. Ecology will hold the public hearing for the proposed SIP revisions on November 3, 2016 at 3:00 pm, if requested by October 24, 2016. Ecology offers this public comment period and hearing as required in 40 CFR 51.102 and the State Administrative Procedure Act, Chapter 34.05 RCW.

Ecology's Request

In this SIP submittal, Ecology requests EPA to take the following actions:

- Approve the submitted portions of the revised SWCAA 400 rules in the Washington SIP, to be applicable in the SWCAA jurisdiction;
- Remove the outdated provisions from the Washington SIP applicable in SWCAA jurisdiction and replace them with the recently approved ones.

[2] SWCAA does not submit NESHAP, MACT and NSPS related portions in the SWCAA 400 rules to the SIP.

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Proposed SIP Revision

This State Implementation Plan revision includes amendments of SWCAA 400 rules adopted on September 1, 2016.

Proposed Revisions to SWCAA 400 to be included in the Washington SIP

- SWCAA 400-010 Policy and Purpose
- SWCAA 400-020 Applicability
- SWCAA 400-030 Definitions, except for
    - SWCAA 400-030 (21) For climate change.
    - SWCAA 400-030 (129) for toxic air pollutant.
- SWCAA 400-036 Relocation of Portable Sources.
- SWCAA 400-040 General Standards for Maximum Emissions, except for
    - SWCAA 400-040 (1) (c,d)[3].
    - SWCAA 400-040 (2) Fallout.
    - SWCAA 400-040 (4) Odors.
- SWCAA 400-050 Emission standards for Combustion and Incineration Units, except for
    - SWCAA 400-050 (3) Incinerators.
    - SWCAA 400-050 (5) Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.
    - SWCAA 400-050 (6) Small municipal waste combustion units.
- SWCAA 400-060 Emission Standards for General Process Units.
- SWCAA 400-070 General Requirements for Certain Source Categories, except for
    - SWCAA 400-070 (2)(a) Hog fuel boilers shall…
    - SWCAA 400-070 (3)(b) It is unlawful to burn…
    - SWCAA 400-070 (5) Sulfuric acid plants.
    - SWCAA 400-070 (6) Gasoline dispensing facilities.
    - SWCAA 400-070 (7) Perchloroethylene dry cleaners.

[3] SWCAA does not submit revisions to the subsection SWCAA 400-040 (1)(a) into the SIP, due to pending resolution of startup shut down malfunction (SSM) concerns. This section will remain unchanged in the SIP.

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- SWCAA 400-070 (8)(c, d)[4] All abrasive blasting of materials…
- SWCAA 400-070 (9) Sewage sludge incinerators.
- SWCAA 400-070 (10) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991.
- SWCAA 400-070 (11) Used oil burners.
- SWCAA 400-070 (12) Coffee roasters.
- SWCAA 400-070 (14) Rendering plants.
- SWCAA 400-070 (15)(c) Outdoor wood-fired boilers…

- SWCAA 400-072 Small Unit Notification for Selected Source Categories, except for
  - SWCAA 400-072 (5)(a)(ii)(B) Operations that cause or contribute to odors that…
  - SWCAA 400-072 (5)(d)(ii)(B) Operations which cause or contribute to odors that…
  - SWCAA 400-072 (5)(d)(iii)(A) Each dry cleaning facility shall…
  - SWCAA 400-072 (5)(d)(iii)(B) Dry cleaning machines shall use…
  - Reporting requirements in each subsection that are related to toxic air pollutants.
- SWCAA 400-074 Gasoline Transport Tanker Registration, except for
  - SWCAA 400-074 (2) Each registered gasoline transport tanker shall…
- SWCAA 400-081 Startup and Shutdown.
- SWCAA 400-091 Voluntary Limits on Emissions.
- SWCAA 400-105 Records, Monitoring and Reporting, except for
  - Requirements related to toxic air pollutants
- SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources (1)(a), (1)(b) and (1)(c) and the rest of this section is not being submitted to the SIP.
- SWCAA 400-107 Excess Emissions[5].
- SWCAA 400-109 Air Discharge Permit Applications, except for
  - Toxic provisions of SWCAA 400-109 (3)(d) and (3)(e)(ii)
  - SWCAA 400-109 (4) Fees.
- SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review),

[4] SWCAA 400-070 (8)(c) and (d) are both included in the current SIP (approved in 1997). SWCAA 400-070 (8)(c) was removed from the rule and SWCAA 400-070 (8)(d) containing requirements about toxics became the subsection (c) in the rule. Therefore, on behalf of SWCAA, Ecology requests to withdraw both SWCAA 400-070 (8)(c) and (d) from the SIP.

[5] SWCAA does not submit revisions to SWCAA 400-107 into the SIP, due to pending resolution of SSM concerns. This section will remain unchanged in the SIP.

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except for

  - SWCAA 400-110 (1)(d) Review is not required for the following…

- SWCAA 400-111 Requirements for New Sources in a Maintenance Plan Area, except for
  - SWCAA 400-111 (7) Toxics.
- SWCAA 400-112 Requirements for New Sources in Nonattainment Areas, except for
  - SWCAA 400-112 (6) Toxics.
- SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas, except for
  - SWCAA 400-113 (5) Toxics.
- SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.
- SWCAA 400-116 Maintenance of Equipment.
- SWCAA 400-130 Use of Emission Reduction Credits.
- SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank.
- SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank
- SWCAA 400-151 Retrofit Requirements for Visibility Protection.
- SWCAA 400-161 Compliance Schedules.
- SWCAA 400-171 Public Involvement, except for
  - SWCAA 400-171 (2)(a)(xii) Any order or permit to approve…
- SWCAA 400-190 Requirements for Nonattainment Areas.
- SWCAA 400-200 Creditable Stack Height and Dispersion Techniques, except for
  - SWCAA 400-200 (1) Vertical Dispersion Requirement.
- SWCAA 400-205 Adjustment for Atmospheric Conditions.
- SWCAA 400-210 mission Requirements of Prior Jurisdictions.
- SWCAA 400-800 Major Stationary Source and Major Modification in a Nonattainment Area.
- SWCAA 400-810 Major Stationary Source and Major Modification Definitions.
- SWCAA 400-820 Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements.
- SWCAA 400-830 Permitting Requirements.
- SWCAA 400-840 Emission Offset Requirements.

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- SWCAA 400-850 Actual Emissions - Plantwide Applicability Limitation (PAL).
- SWCAA 400-860 Public Involvement Procedures.
- Appendix A SWCAA Method 9 / Visual Opacity Determination Method
- Appendix B Description of Vancouver Ozone and Carbon Monoxide Maintenance Area Boundary

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- Appendix C.3 Legal Notice

Appendix A. SIP Revision Overview Table – SWCAA 400

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Table 1. General overview of the status of sections in SWCAA 400 and SIP submittal.

Sections of SWCAA 400		Status of the Rule Section in the SIP	In this SIP Submittal				Not in this SIP Submittal	
010	Policy and Purpose	Submit this section as amendment	x					
020	Applicability	Submit this section as amendment	x					
030	Definitions, except for	Submit this section as amendment	x					
	(21), (129)	Not being submitted in the SIP						x
036	Relocation of Portable Sources	Submit this section as new provision			x			
040	General Standards for Maximum Emissions, except for	Submit this section as amendment	x					
	(1)(a, c, d), (2), (4)	Not being submitted in the SIP						x
	(1)(a)	Remain unchanged				x		
045	Permit Application for Nonroad Engines	Not being submitted in the SIP						x
046	Application Review Process for Nonroad Engines	Not being submitted in the SIP						x
050	Emission standards for Combustion and Incineration Units, except for	Submit this section as amendment	x					
	(2)	Submit this subsection as new provision			x			
	(3)	Request withdrawal of this		x				x

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		subsection from SIP						
	(5), (6)	Not being submitted in the SIP						x
052	Stack Sampling of Large Combustion Sources	Removed from this rule and request withdrawal of this section from SIP		x				x
060	Emission Standards for General Process Units	Submit this section as amendment	x					
070	Emission Standards for Certain Source Categories, except for	Submit this section as amendment	x					
	(2)(a), (3)(b), (6), (8)(c,d)[6], (15)(c)	Request withdrawal of these subsections from SIP		x				x
	(5), (7), (9)-(12), (14), (15) (c)	Not being submitted in the SIP						x
	(13),(15) (a, b, d)	Submit these subsections as new provisions			x			
072	Small Unit Notification for Selected Source Categories, except for	Submit this section as new provision			x			
	(5)(a)(ii)(B), (5)(d)(ii)(B), (5)(d)(iii)(A), (5)(d)(iii)(B) and reporting requirements related to toxic air pollutants	Not being submitted in the SIP						x
074	Gasoline Transport Tanker Registration, except for	Submit this section as amendment	x					
	(2)	Request withdrawal of this subsection from SIP		x				x
075	Emission Standards for Sources Emitting Hazardous Air Pollutants	Not being submitted in the SIP						x
076	Emission Standards for Source Emitting Toxic Air Pollutants	Not being submitted in the SIP						x
081	Startup and Shutdown	Submit this section as amendment	x					
090	Voluntary Limits on Emissions	Request withdrawal of this section from SIP		x				

[6] SWCAA 400-070 (8)(c) and (d) are both included in the current SIP (approved in 1997). SWCAA 400-070 (8)(c) was removed from the rule and SWCAA 400-070 (8)(d) containing requirements about toxics became the subsection (c) in the rule. Therefore, on behalf of SWCAA, Ecology requests to withdraw both SWCAA 400-070 (8)(c) and (d) from the SIP.

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091	Voluntary Limits on Emissions	Submit this section as amendment	x					
099	Per Capita Fees	Not being submitted in the SIP						x
100	Registration Requirements	Request withdrawal of this section from SIP		x				x
101	Emission Units Exempt from Registration Requirements	Request withdrawal of this section from SIP		x				x
103	Operating Permit Fees	Not being submitted in the SIP						x
105	Records, Monitoring and Reporting, except for	Submit this section as amendment	x					
	Requirements related to toxic air pollutants	Not being submitted in the SIP						x
106	Emission Testing and Monitoring at Air Contaminant Sources, except for	Not being submitted in the SIP						x
	(1)(a,b,c)	Submit these subsections as new provision			x			
107	Excess Emissions	Remain unchanged				x		
109	Air Discharge Permit Applications, except for	Submit this section as amendment	x					
	Toxic provisions of (3)(d), (3)(e)(ii)	Not being submitted in the SIP						x
	(4)[7]	Request withdrawal of this subsection from SIP		x				x
110	Application Review Process for Stationary Sources (New Source Review), except for	Submit this section as amendment	x					
	(1)(d)	Not being submitted in the SIP						x
111	Requirements for New Sources in a Maintenance Plan Area, except for	Submit this section as amendment	x					
	(7)	Not being submitted in the SIP						x
112	Requirements for New Sources in Nonattainment Areas, except for	Submit this section as amendment	x					
	(6)	Not being submitted in the SIP						x
113	Requirements for New Sources in Attainment or Nonclassifiable Areas,	Submit this section as amendment	x					

[7] SWCAA is only submitting this subsection to demonstrate the ability to collect adequate fees. SWCAA requests to withdraw this subsection from the SIP provisions incorporated by reference in 40 CFR 52.2470(c).

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	except for							
	(5)	Not being submitted in the SIP						x
114	Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source	Submit this section as amendment	x					
115	Standards of Performance for New Sources	Not being submitted in the SIP						x
116	Maintenance of Equipment	Submit this section as amendment	x					
120	Bubble rules	Not being submitted in the SIP						x
130	Use of Emission Reduction Credits	Submit this section as new provision			x			
131	Deposit of Emission Reduction Credits Into Bank	Submit this section as new provision			x			
136	Maintenance of Emission Reduction Credits in Bank	Submit this section as new provision			x			
151	Retrofit Requirements for Visibility Protection	Submit this section as amendment	x					
161	Compliance Schedules	Submit this section as amendment	x					
171	Public Involvement, except for	Submit this section as amendment	x					
	(2)(a)(xii)	Not being submitted in the SIP						x
172	Technical Advisory Council	Not being submitted in the SIP						x
180	Variance	Not being submitted in the SIP						x
190	Requirements for Nonattainment Areas.	Submit this section as amendment	x					
200	Creditable Stack Height and Dispersion Techniques, except for	Submit this section as amendment	x					
	(1)	Not being submitted in the SIP						x
205	Adjustment for Atmospheric Conditions.	Submit this section as amendment	x					
210	Emission Requirements of Prior Jurisdictions.	Submit this section as amendment	x					
220[8]	Requirements for Board Members.	Request withdrawal of this subsection from SIP		x				x

[8] SWCAA is only submitting SWCAA 400-220 through 280 as proof of program authority. SWCAA requests to withdraw these sections from the SIP provisions incorporated by reference in 40 CFR 52.2470(c).

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230[4]	Regulatory Actions and Civil Penalties	Request withdrawal of this subsection from SIP		x				x
240[4]	Criminal Penalties.	Request withdrawal of this subsection from SIP		x				x
250[4]	Appeals.	Request withdrawal of this subsection from SIP		x				x
260[4]	Conflict of interest.	Request withdrawal of this subsection from SIP		x				x
270[4]	Confidentiality of Records and Information	Request withdrawal of this subsection from SIP		x				x
280[4]	Powers of Agency	Request withdrawal of this subsection from SIP		x				x
290	Severability	Not being submitted in the SIP						x
800	Major Stationary Source and Major Modification in a Nonattainment Area.	Submit this section as new provision			x			
810	Major Stationary Source and Major Modification Definitions.	Submit this section as new provision			x			
820	Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements.	Submit this section as new provision			x			
830	Permitting Requirements.	Submit this section as new provision			x			
840	Emission Offset Requirements.	Submit this section as new provision			x			
850	Actual Emissions - Plantwide Applicability Limitation (PAL).	Submit this section as new provision			x			
860	Public Involvement Procedures.	Submit this section as new provision			x			
Appendix A	SWCAA Method 9 / Visual Opacity Determination Method	Submit this section as new provision			x			
Appendix **B**[9]	Description of Vancouver Ozone and Carbon Monoxide Maintenance Area Boundary	Remain unchanged				x		

[9] This appendix was previously adopted into the Washington State SIP as:

- Appendix A of Vancouver Carbon Monoxide Maintenance Plan; and
- Appendix 9 of Vancouver Portion of the AQMA Ozone Maintenance Plan

Both maintenance plans are listed on EPA Air Quality Control Plan Summaries webpage.

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Appendix C	Federal Standards Adopted by Reference	Not being submitted in the SIP						x

Appendix B. Southwest Clean Air Agency's SIP Packet Submitted to Ecology

Appendix B.1 SWCAA's Request Letter to Include Portions of SWCAA 400 in the SIP.

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Appendix B.2 Proposed SIP Action by Section

Rule Section	Currently in SIP	SIP Applicable	Proposed SIP Action
400-010	Yes	Yes	Submit section as amendment.
400-020	Yes	Yes	Submit section as amendment.
400-030	Yes	Yes	Submit all of section as amendment except subsections (21) and (129).
400-036	No	Yes	Submit section as new provision.
400-040 Intro Para	Yes	Yes	Submit section as amendment.
400-040(1)(a)	Yes	Yes	No action.
400-040(1) (b,e)	Yes	Yes	Submit section as amendment.
400-040(1) (c,d)	No	No	No action.
400-040(2)	No	No	No action.
400-040(3)	Yes	Yes	Submit section as amendment.
400-040(4)	No	No	No action.
400-040(5)	Yes	Yes	Submit section as amendment.
400-040(6)	Yes	Yes	Submit section as amendment.
400-040(7)	Yes	Yes	Submit section as amendment.
400-040(8)	Yes	Yes	Submit section as amendment.
400-045	No	Yes	No action.
400-046	No	Yes	No action.
400-050(1)	Yes	Yes	Submit section as amendment.
400-050(2)	No	Yes	Submit section as amendment.
400-050(3)	Yes	No	Request withdrawal of section from SIP.
400-050(4)	Yes	Yes	Submit section as amendment.
400-050(5)	No	No	No action.
400-050(6)	No	No	No action.
400-052	Yes	Deleted	Request withdrawal of section from SIP.
400-060	Yes	Yes	Submit section as amendment.
400-070(1)	Yes	Yes	Submit subsection as amendment.
400-070(2)	Yes	Yes	Submit sub as amendment except subsection (2)(a).
400-070(3)	Yes	Yes	Submit subsection as amendment except subsection (3)(b).

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400-070(4)	Yes	Yes	Submit subsection as amendment.
400-070(5)	No	No	No action.
400-070(6)	Yes	No	Request withdrawal of section from SIP.
400-070(7)	No	No	No action.
400-070(8)	Yes	Yes	Submit all of subsection as amendment except subsection (8)(c).
400-070(9)	No	No	No action.
400-070(10)	No	No	No action.
400-070(11)	No	No	No action.
400-070(12)	No	No	No action.
400-070(13)	No	Yes	Submit subsection as amendment.
400-070(14)	No	No	No action.
400-070(15)	No	Yes	Submit all of subsection as amendment except subsection (15)(c).
400-072	No	Yes	Submit all of section as amendment except subsections (5)(a)(ii)(B), (5)(d)(ii)(B), (5)(d)(iii)(A), (5)(d)(iii)(B) and all reporting requirements related to toxic air pollutants.
400-074	Yes	Yes	Submit all of section as amendment except subsection (2).
400-075	No	No	None.
400-076	No	No	None.
400-081	Yes	Yes	Submit section as amendment.
400-090	Yes	No	Request withdrawal of section from SIP.
400-091	Yes	Yes	Submit section as amendment.
400-099	No	No	None.
400-100	Yes except (4)	No	Request withdrawal of section from SIP. (see Ecology notes)
400-101	Yes	No	Request withdrawal of section from SIP. (see Ecology notes)
400-103	No	No	None.
400-105	Yes	Yes	Submit section as amendment except reporting requirements related to toxic air pollutants
400-106	No	Yes	Submit subsections (1)(a,b,c) as new provision. No action for remainder of section.

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400-107	Yes	Yes	No action. Leave old version in SIP. Revise when SIP call is issued.
400-109(1)-(3), (5)-(6)	Yes	Yes	Submit all of section as amendment except the toxic air pollutant emissions thresholds contained in (3)(d) and the toxic air pollutant provisions of (3)(e)(ii).
400-109(4)	Yes	No	SWCAA is submitting subsection (4) [fee subsection] to demonstrate the ability to collect adequate fees for major sources permitted under SWCAA 400-800 through -860 in accordance with CAA 110(a)(2)(L). SWCAA requests removal of subsection (4) from the SIP provisions incorporated by reference in 40 CFR 52.2470(c).
400-110	Yes	Yes	Submit all of section as amendment except subsection (1)(d).
400-111	Yes	Yes	Submit all of section as amendment except subsection (7).
400-112	Yes	Yes	Submit all of section as amendment except subsection (6).
400-113	Yes	Yes	Submit all of section as amendment except subsection (5).
400-114	Yes	Yes	Submit section as amendment. (*Ecology is not submitting*)
400-115	No	No	None.
400-116	Yes	Yes	Submit section as amendment.
400-120	No	No	No action. (Ecology not submitting)
400-130	No	Yes	Submit section as new provision.
400-131	No	Yes	Submit section as new provision.
400-136	No	Yes	Submit section as new provision.
400-140	No	--	Section being deleted.
400-141	No	--	Section being deleted.
400-151	Yes	Yes	Submit section as amendment.
400-161	Yes	Yes	Submit section as amendment.
400-171	Yes	Yes	Submit all of section as amendment except subsection (2)(a)(xii).
400-172	No	No	None.
400-180	No	No	None.
400-190	Yes	Yes	Submit section as amendment.
400-200	Yes	Yes	Submit section as amendment except for subsection (1).

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400-205	Yes	Yes	Submit section as amendment.
400-210	Yes	Yes	Submit section as amendment.
400-220	Yes	No	Submit as proof of program authority.
400-230	Yes	No	Submit as proof of program authority.
400-240	Yes	No	Submit as proof of program authority.
400-250	Yes	No	Submit as proof of program authority.
400-260	Yes	No	Submit as proof of program authority.
400-270	Yes	No	Submit as proof of program authority.
400-280	Yes	No	Submit as proof of program authority.
400-290	No	No	None.
400-800	No	Yes	Submit section as new provision.
400-810	No	Yes	Submit section as new provision.
400-820	No	Yes	Submit section as new provision.
400-830	No	Yes	Submit section as new provision.
400-840	No	Yes	Submit section as new provision.
400-850	No	Yes	Submit section as new provision.
400-860	No	Yes	Submit section as new provision.
App. A	No	Yes	Submit section as new provision.
App. B	Yes	Yes	No action.
App. C	No	No	No action.

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Appendix B.3 Strikeout SWCAA 400 Rule Language Showing Rule Changes

This document shows the changes of the rule language between this SIP revision and the current SIP approved by EPA in 1997 with strikeout and insertions.

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Appendix B.4 Highlighted SWCAA 400 Rule Language Showing Portions Proposed for Inclusion in SIP

The portions of the SWCAA 400 rule to be included in SIP are highlighted in yellow.

SWCAA 400-010 Policy and Purpose

(1) It is the policy of the Southwest Clean Air Agency (herein after referred to as the Agency or SWCAA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the jurisdiction of the Agency.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70.94), the Agency has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWCAA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWCAA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington (RCW).

[Statutory Authority: Chapter 70.94.057 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68; Board amended 10/29/69 (Sec. 1.01 and 1.02); 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-055 filed 2/15/01, effective 3/18/01]

SWCAA 400-020 Applicability

(1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(2) The Agency implements and enforces the Washington Administrative Code as adopted by Ecology in Title 173 under Chapter 70.94 RCW, except where the Agency has adopted corresponding provisions. Agency adopted provisions apply in lieu of the corresponding WAC provisions.

  (a) Consistent with WAC 173-400-930(1)(a), the Agency has chosen not to adopt WAC 173-400-930.

(3) Unless properly delegated by Ecology, the Agency does not have jurisdiction over the following sources:

  (a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.

  (b) Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.

  (c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) as provided in Washington Administrative Code (WAC) 463.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.422 RCW. Original adoption by Board 12/17/68 (Regulation 1); Board amended 10/29/69 (Regulation 2); 93-

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21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-055 filed 2/15/01, effective 3/18/01, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-030 Definitions

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(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 emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal "source" operation. The Agency 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 emission unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) The Agency may presume that "source" specific allowable emissions for the unit are equivalent to the actual emissions of the emission unit.

(c) For any emission unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emission unit on that date.

(2) "**Adverse impact on visibility**" means visibility impairment that interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a 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: (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility.

(3) "**Agency**" means the Southwest Clean Air Agency (SWCAA).

(4) "**Air contaminant**" or "**air pollutant**" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. For the purposes of regulation under the Washington SIP, "air contaminant" means only:

(a) Those air contaminants for which EPA has established National Ambient Air Quality Standards (NAAQS) and precursors to such NAAQS pollutants as determined by EPA for the applicable geographic area; and

(b) Any additional air contaminants that are required to be regulated under Part C of Title I of the Federal Clean Air Act, but only for the purpose of meeting the requirements of Part C or to the extent those additional air contaminants are regulated in order to avoid such requirements.

(5) "**Air discharge permit**" means the same as "Order of Approval." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(6) "**Air discharge permit application**" means the same as "Notice of Construction application." This term does not apply to any permitting action conducted pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(7) "**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 regulation, air pollution shall not include air contaminants emitted in compliance with

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Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of various pesticides.

(8) "**Allowable emissions**" means the emission rate of a "stationary source" calculated using the maximum rated capacity of the "stationary source" (unless the "stationary 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 in 40 CFR Parts 60, 61, 62, or 63;

(b) Any applicable State Implementation Plan (SIP) emission limitation including those with a future compliance date;

(c) The emission rate specified as a federally enforceable permit condition, including those with a future compliance date; or

(d) The emission rate specified by a federally enforceable regulatory order.

(9) "**Alteration**" means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.

(10) "**Ambient air**" means the surrounding outside air.

(11) "**Ambient air quality standard**" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air that shall not be exceeded.

(12) "**Attainment area**" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

(13) "**Authority**" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

(14) "**Begin actual construction**" means, in general, initiation of physical on-site construction activities on an emission unit, which 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 that mark the initiation of the change.

(15) "**Best available control technology**" (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified "stationary source," which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such "stationary source" or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, 62 and 63. Emissions from any "stationary 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.

(16) "**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

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emission reduction for each pollutant that 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 non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the "stationary source," the remaining useful life of the "stationary source," and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(17) "**Board**" means the Board of Directors of the Southwest Clean Air Agency.

(18) "**Bubble**" means a set of emission limits which allows an increase in emissions from a given emission unit in exchange for a decrease in emissions from another emission unit, pursuant to RCW 70.94.155 and SWCAA 400-120.

(19) "**Capacity factor**" means the ratio of the average load on a machine or piece of equipment to the manufacturer's capacity rating of the machine or equipment for the period of time considered.

(20) "**Class I area**" means any area designated pursuant to Sections 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas located within 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.

(21) "**Climate change**" means any long-term significant change over durations ranging from decades to millions of years in the "average weather" of a region or the earth as a whole.

(22) "**Combustion and incineration units**" means emission units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open or outdoor burning.

(23) "**Commenced**" as applied to construction, means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

(a) Begun, or caused to begin, a continuous program of actual on-site construction of the "stationary source," to be completed within a reasonable time; or

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the "stationary source" to be completed within a reasonable time.

(c) 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 Washington SIP.

(24) "**Composting**" means the biological degradation and transformation of organic solid waste under controlled conditions designed to promote aerobic decomposition. Natural decay of organic solid waste under uncontrolled conditions is not composting.

(25) "**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.

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(26) "**Construction**" means any physical change or change in method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)

(27) "**Continuous emission 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. (ref. 40 CFR 51.166(b)(43))

(28) "**Continuous emission 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). (ref. 40 CFR 51.166(b)(46))

(29) "**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, O_2 or CO_2concentrations), and to record average operational parameter value(s) on a continuous basis. (ref. 40 CFR 51.166(b)(45))

(30) "**Criteria pollutant**" **or** "**criteria air pollutant**" means an air pollutant for which a criteria document has been prepared by EPA and has a primary or secondary ambient air quality standard. These pollutants are identified in 40 CFR Part 50 and include sulfur oxides (measured as sulfur dioxide), particulate matter, carbon monoxide, ozone, oxides of nitrogen (measured as nitrogen dioxide), and lead. Although volatile organic compounds are no longer identified as a criteria pollutant category, they are regulated together with oxides of nitrogen as a precursor to ozone.

(31) "**Control Officer**" means the Executive Director of the Southwest Clean Air Agency.

(32) "**Deviation from permit requirements**" means an instance when any permit requirement is not met, including, but not limited to, conditions that establish emission limitations, emission standards, control equipment requirements, work practices, parameter ranges, and those designed to assure compliance with such requirements, such as monitoring, recordkeeping, and reporting. A deviation does not necessarily constitute a violation.

(33) "**Director**" means the director of the Washington State Department of Ecology or duly authorized representative.

(34) "**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.

(35) "**Distillate oil**" means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-01 "Standard Specification for Fuel Oils."

(36) "**Ecology**" means the Washington State Department of Ecology.

(37) "**Emergency service**" means operation that is limited solely to emergency situations and required testing and maintenance. Emergency situations are those which occur without significant warning and are beyond the control of the permittee, owner or operator.

(38) "**Emission**" means a release of air contaminants into the ambient air.

(39) "**Emission control technology**" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the basic design of an emission unit (i.e., low NO_x burner for a boiler or turbine).

(40) "**Emission reduction credit**" (ERC) means a credit granted pursuant to SWCAA 400-131. This is a voluntary reduction in emissions beyond required levels of control.

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(41) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter 70.94 RCW or a local regulation that limits the quantity, rate, or concentration of air contaminant emissions on a continuous basis, including any requirement relating to the operation or maintenance of a "stationary 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.

(42) "**Emission unit**" means any part of a "stationary source" that emits or would have the potential to emit any air pollutant subject to regulation under the Federal Clean Air Act, Chapter 70.94 RCW, or Chapter 70.98 RCW.

(43) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.

(44) "**Excess stack height**" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWCAA 400-200(3).

(45) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.

(46) "**Existing stationary facility**" means a "stationary source" that meets all of the following conditions:

(a) The "stationary source" was not in operation prior to August 7, 1962, and was in existence on August 7, 1977;

(b) The "stationary source" is one of the following:

(i) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input,

(ii) Coal cleaning plants (thermal dryers),

(iii) Kraft pulp mills,

(iv) Portland cement plants,

(v) Primary zinc smelters,

(vi) Iron and steel mills,

(vii) Primary aluminum ore reduction plants,

(viii) Primary copper smelters,

(ix) Municipal incinerators capable of charging more than 250 tons of refuse per day,

(x) Hydrofluoric, sulfuric, or nitric acid plants,

(xi) Petroleum refineries,

(xii) Lime plants,

(xiii) Phosphate rock processing plants,

(xiv) Coke oven batteries,

(xv) Sulfur recovery plants,

(xvi) Carbon black plants (furnace process),

(xvii) Primary lead smelters,

(xviii) Fuel conversion plants,

(xix) Sintering plants,

(xx) Secondary metal production plants,

(xxi) Chemical process plants,

(xxii) Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,

(xxiii) Petroleum storage and transfer units with a total capacity exceeding 300,000 barrels,

(xxiv) Taconite ore processing plants,

(xxv) Glass fiber processing plants,

(xxvi) Charcoal production plants; and

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(c) The "stationary source" has 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.

(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 by the 1977 supplement.

(47) "**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.

(48) "**Federal Class I area**" means any federal land that is classified or reclassified as Class I. The Federal Class I areas in Washington State are as follows:

(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.

(49) "**Federal land manager**" means the secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior–National Park Service, the U.S. Department of Agriculture–Forest Service, and/or the U.S. Department of the Interior–Bureau of Land Management.

(50) "**Federally enforceable**" means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61, 62 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or any order of approval established under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091 or SWCAA 400-091.

(51) "**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.

(52) "**Fugitive dust**" means a type of particulate emission made airborne by forces of wind, human 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.

(53) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

(54) "**General process unit**" means an emission 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.

(55) "**Good agricultural practices**" means economically feasible practices that are customary among or appropriate to farms and ranches of a similar nature in the local area.

(56) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200(2)(a)(ii).

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(57) "**Greenhouse gas**" means, for the purpose of these regulations, any or all of the following gases: carbon dioxide (CO_2), methane (CH_4), nitrous oxide (N_2O), sulfur hexafluoride (SF_6), hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).

(58) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.

(59) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."

(60) "**Installation**" means the act of installing, placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.

(61) "**Lowest achievable emission rate**" (LAER) means for any "stationary source" that rate of emissions which reflects the more stringent of:

(a) The most stringent emission 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 new or modified "stationary source" demonstrates that such limitations are not achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of "stationary source." In no event shall the application of this term permit a proposed new or modified "stationary source" to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(62) "**Maintenance Area**" or "**Maintenance Plan Area**" means a geographical area within the jurisdiction of SWCAA which was formerly designated as a nonattainment area and which has been redesignated as an attainment area as provided under Section 107(d) of the Federal Clean Air Act. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

(63) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.

(64) (a) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas means the same as the definition found in SWCAA 400-810.

(b) "**Major modification**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

(65) (a) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.

(66) "**Malfunction**" means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not considered to be malfunctions.

(67) "**Mandatory Class I federal area**" means any area defined in Section 162(a) of the Federal Clean Air Act. The mandatory Class I federal areas potentially affected by emissions from "sources" within SWCAA jurisdiction include the following:

(a) Alpine Lakes Wilderness;

(b) Glacier Peak Wilderness;

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(c) Goat Rocks Wilderness;
(d) Mount Adams Wilderness;
(e) Mount Rainier National Park;
(f) Mt. Hood Wilderness Area;
(g) Mt. Jefferson Wilderness Area;
(h) North Cascades National Park;
(i) Olympic National Park; and
(j) Pasayten Wilderness.

(68) "**Masking**" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

(69) "**Materials handling**" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(70) "**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 "stationary source" or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(71) "**Motor vehicle**" means any vehicle which is self-propelled and capable of transporting a person or persons or any material or any permanently or temporarily affixed apparatus shall be deemed a motor vehicle, unless any one or more of the criteria set forth below are met, in which case the vehicle shall be deemed not a motor vehicle:

(1) The vehicle cannot exceed a maximum speed of 25 miles per hour over level, paved surfaces; or

(2) The vehicle lacks features customarily associated with safe and practical street or highway use, such features including, but not being limited to, a reverse gear (except in the case of motorcycles), a differential, or safety features required by state and/or federal law; or

(3) The vehicle exhibits features which render its use on a street or highway unsafe, impractical, or highly unlikely, such features including, but not being limited to, tracked road contact means, an inordinate size, or features ordinarily associated with military combat or tactical vehicles such as armor and/or weaponry.

(72) "**National Ambient Air Quality Standard**" (NAAQS) means an ambient air quality standard set forth in 40 CFR Part 50, which includes standards for carbon monoxide (CO), particulate matter (PM_{10}, $PM_{2.5}$), ozone (O_3), sulfur dioxide (SO_2), lead (Pb), and nitrogen dioxide (NO_2).

(73) "**National Emission Standards for Hazardous Air Pollutants**" (NESHAPS) means the federal rules in 40 CFR Part 61.

(74) "**National Emission Standards for Hazardous Air Pollutants for Source Categories**" means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.

(75) "**Natural conditions**" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

(76) (a) "**Net emissions increase**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Net emissions increase**," as it applies to "stationary sources" subject to

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requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.

(77) "**New source**" means one or more of the following:

(a) The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;

(b) Any other project that constitutes a "new source" under the Federal Clean Air Act;

(c) Restart of a "stationary source" after permanent shutdown;

(d) The installation or construction of a new "emission unit"; ((~~or~~))

(e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid permit as provided in SWCAA 400-110(6);

(f) Replacement or modification of the burner(s) in a combustion source; or

(g) Modification of a combustion source to fire a fuel that the source was not previously capable of firing.

(78) "**New Source Performance Standards**" (NSPS) means the federal rules in 40 CFR Part 60.

(79) "**Nonattainment area**" means a geographic area designated by EPA in 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria air pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(80) "**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. Indications 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(s) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine(s) 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., two seasons or more) 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

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from the location. (ref. 40 CFR 89.2)

(81) "**Nonroad engine permit**" means a regulatory order issued by the Agency to approve the installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

(82) "**Nonroad engine permit application**" means a written application for installation, replacement or alteration of a nonroad engine. This term does not apply to any permitting action conducted pursuant to SWCAA 400-110 or Chapter 173-401 WAC.

(83) "**Notice of Construction application**" (NOC) means a written application requesting approval for installation, replacement, modification, or other alteration of an emission unit at an air contaminant source or replacement or substantial alteration of control technology at an existing "stationary source." Affected activities include, but are not limited to, equipment modifications or alterations, changes to process or control equipment, establishment of emission limits, installation of "new sources," control technology determinations, PSD determinations, and other items specified by the Agency. "Notice of Construction application" means the same as "air discharge permit application." (For more information refer to SWCAA 400-109.)

(84) "**Opacity**" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(85) "**Open burning"** or **"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. Open burning includes all forms of outdoor burning except those listed as exempt in SWCAA 425-020. Wood waste disposal in wigwam burners is not considered open or outdoor burning.

(86) "**Operating permit**" means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

(87) "**Operating permit application**" means the same as "application" as described in WAC 173-401-500 and -510.

(88) "**Order**" means any regulatory order issued by the Agency or Ecology pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, air discharge permit, nonroad engine permit, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(89) "**Order of Approval**" means a regulatory order issued by the Agency or Ecology to approve a Notice of Construction or air discharge permit application. "Order of Approval" means the same as "air discharge permit." Note: For more information refer to SWCAA 400-230.

(90) "**Ozone depleting substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

(91) "**Particulate matter**" (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

(92) "**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 Washington SIP.

(93) "**Parts per million by volume**" (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume, exclusive of water or particulates.

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(94) "**Permanent shutdown**" means permanently stopping or terminating the operation of a "stationary source" or "emission unit." Except as provided in subsections (a), (b) and (c), whether a shutdown is permanent depends on the intention of the owner or operator at the time of the shutdown as determined from all facts and circumstances, including the cause of the shutdown and the payment status of registration fees.

(a) A shutdown is permanent if the owner or operator files a report of shutdown, as provided in SWCAA 400-100(5). Failure to file such a report does not mean that a shutdown was not permanent.

(b) Failure to pay registration fees for greater than two consecutive years is presumed to constitute a permanent shutdown.

(c) Any actual shutdown lasting two or more years is presumed to be permanent.

(95) "**Permitting agency**" means Ecology or the local air pollution control agency with jurisdiction over a "source."

(96) "**Person**" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.

(97) "**Pipeline quality natural gas**" means natural gas fuel with a total fuel sulfur content of 0.5 grains per 100 standard cubic feet or less.

(98) "**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 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(99) "**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 CFR Part 51 or by a test method specified in the Washington SIP.

(100) "**$PM_{2.5}$**" 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 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(101) "**$PM_{2.5}$ 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 CFR Part 51 or by a test method specified in the Washington SIP.

(102) "**Pollutant**" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))

(103) "**Portable source**" means a "stationary source" consisting of one or more emission units that is portable or transportable and capable of being operated at multiple locations. Portable source includes, but is not limited to, rock crushers, portable asphalt plants, soil/water remediation plants, and portable concrete mixing plants (Portland cement).

(104) "**Potential to emit**" means the maximum capacity (i.e., design capacity) of a "stationary source" to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the "stationary 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 federally enforceable. Secondary emissions do not count in determining the potential to emit of a

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"stationary source."

(105) "**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, O_2or CO_2concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis. (ref 40 CFR 51.166(b)(44))

(106) "**Prevention of Significant Deterioration**" (PSD) means the program set forth in WAC 173-400-700 through WAC 173-400-750 and adopted by reference in SWCAA 400-141.

(107) "**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.

(108) "**Reasonably attributable**" means attributable by visual observation or any other technique the Agency deems appropriate.

(109) "**Reasonably available control technology**" (RACT) means the lowest emission limit that a particular "stationary 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 "stationary source" or source category taking into account the impact of the "stationary 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 "stationary source" or source category shall be adopted only after public notice and opportunity for comment are afforded. RACT shall apply to existing "stationary sources."

(110) "**Regulatory order**" means an order issued by the Agency or Ecology to an air contaminant source to achieve compliance with any applicable provision of Chapter 70.94 RCW, rules adopted there under, or the regulations of the Agency. Note: For further clarification, refer to the definitions of "Order," "Order of Approval," "air discharge permit," "nonroad engine permit," and SWCAA 400-230.

(111) "**Residual Oil**" means crude oil, fuel oil that does not comply with the specifications for "distillate oil," and all fuel oil numbers 4, 5, and 6 as defined by the American Society for Testing and Materials in ASTM D396-01.

(112) "**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 off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the "major stationary source" or "major modification." Secondary emissions do not include any emissions that come directly from a mobile source, such as tailpipe emissions from a motor vehicle, train, or vessel.

(113) "**Shutdown**" means the cessation of operation of an affected source or portion of an affected source for any purpose.

(114) (a) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in nonattainment areas, means the same as the definition found in SWCAA 400-810.

(b) "**Significant**," as it applies to "stationary sources" subject to requirements for "new

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sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

(115) "**SIP**" means the same as "State Implementation Plan".

(116) "**Source**" means all of the emission units (including quantifiable fugitive emissions) that are located on one or more contiguous and 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. 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 two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

(117) "**Source category**" means all "sources" or "stationary sources" of the same type or classification as described in the *Standard Industrial Classification Manual 1972)*, as amended by the 1977 supplement.

(118) "**Southwest Clean Air Agency**" (SWCAA) means the local clean air agency empowered to enforce and implement the Federal Clean Air Act 42 U.S.C. 7401, et seq.) and the Clean Air Washington Act Chapter 70.94 RCW) in lark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.

(119) "**Stack**" means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(120) "**Stack height**" means the height of an emission point measured from the round-level elevation at the base of the stack.

(121) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.

(122) "**Startup**" means the setting in operation of an affected source or portion of an affected source for any purpose.

(123) "**State Implementation Plan**" or "**Washington SIP**" means the Washington SIP in 40 CFR Part 52, Subpart WW. The SIP contains federal, state and local 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.

(124) "**Stationary source**" means any building, structure, facility, or installation that 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 non-road engine or non-road vehicle as defined in Section 216(11) of the Federal Clean Air Act.

(125) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

(126) "**Synthetic minor**" means any "stationary source" whose potential to emit has been limited below applicable air operating permit program (40 CFR Part 70) thresholds by means of a federally enforceable order, rule or permit condition.

(127) "**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 40 CFR Part 60, Appendix A or an EPA approved equivalent method and expressed as hydrogen sulfide.

(128) "**Total suspended particulate**" (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

(129) "**Toxic air pollutant**" (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160 as in effect on August 21, 1998. 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 or -160. The term

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toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(130) "**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 in 40 CFR Part 81.

(131) "**United States Environmental Protection Agency**" (USEPA) means the federal agency empowered to enforce and implement the Federal Clean Air Act (42 USC 7401, et seq.) and shall be referred to as EPA.

(132) "**Upgraded**" is defined only for gasoline dispensing facilities and means the modification of a gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involves removal of ground or ground cover above a portion of the product piping.

(133) "**Upset condition**" means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

(134) "**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.

(135) "**Visibility impairment of Class I areas**" means visibility impairment within the Class I area and visibility impairment of any formally designated integral vista associated with the Class I area.

(136) "**Volatile organic compound**" (VOC) means:

(a) Any carbon compound that participates in atmospheric photochemical reactions. Exceptions: The following compounds are not a VOC: acetone; ammonium carbonate; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ethane; methane; methyl acetate; methylene chloride (dichloromethane); methyl formate; dimethyl carbonate; propylene carbonate; 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 ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-

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(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (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); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; 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, VOCs will be measured by the appropriate methods in 40 CFR 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 the Agency or EPA.

(c) As a precondition to excluding negligibly-reactive compounds as VOC, or at any time thereafter, the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating to the satisfaction of the Agency or EPA the amount of negligibly-reactive compounds in the "source's" emissions.

(d) The following compound(s) 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:

(i) Tertiary butyl acetate.

[Statutory Authority: Chapter 70.94.030 RCW, and 70.94.141 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 3/20/84; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073 filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-036 Portable Sources From Other Washington Jurisdictions

(1) **Applicability.** Portable sources that do not have a valid air discharge permit issued by SWCAA may operate within SWCAA jurisdiction without filing an air discharge permit application pursuant to SWCAA 400-109 or obtaining an air discharge permit pursuant to SWCAA 400-110 provided the requirements of this section are met. If the owner or operator of such a portable source does not wish to utilize the provisions of this section, an air discharge permit application must be filed for the portable source pursuant to SWCAA 400-109. Portable sources that have a valid air discharge permit issued by SWCAA must operate in accordance with the SWCAA permit, and may not use the provisions of this section. This section does not apply to nonroad engines of any type.

(2) **Nonattainment areas.** If a portable source is locating in a nonattainment area and emits the pollutant(s) or pollutant precursors for which the area is classified as nonattainment, the source must acquire a site-specific air discharge permit from SWCAA.

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(3) **Major Stationary Source.** If a portable source is a major stationary source then the source must also comply with applicable requirements from WAC 173-400-700 through 173-400-750.

(4) **General Requirements.** Portable sources must comply with the requirements listed below in order to gain coverage under this section.

(a) The portable source must possess a valid approval issued by a Washington air pollution control authority after July 1, 2010. The approval must identify the affected emission units as a portable source.

(b) Approval for the portable source must contain emission limitations and operational requirements that are consistent with BACT as determined by SWCAA for similar sources.

(c) The owner/operator of the portable source must pay a review fee of $500.

(d) The owner/operator must obtain written confirmation from SWCAA that the portable source complies with the provisions of this section prior to commencing operation within SWCAA jurisdiction.

(e) The owner/operator of the portable source must submit a relocation notice and a copy of the applicable order of approval or air discharge permit to SWCAA at least 15 calendar days prior to commencing operation within SWCAA jurisdiction. An additional relocation notice shall be submitted for each subsequent location at which the source operates.

(f) The owner/operator shall register the portable source with SWCAA, and pay a registration fee of $90 per emission unit prior to commencement of operation. For the purposes of this registration, the term emission unit means each rock crusher and aggregate screen and associated haul roads. Registration expires at the end of the Agency's fiscal year. If a permitted unit is still operating after its registration expires, it shall be reregistered including payment of the annual registration fee.

(g) The owner/operator must submit an emission inventory report to SWCAA as described in SWCCA 400-105(1). The inventory report must contain information sufficient to enable calculation of air emissions from operation of the portable source within SWCAA jurisdiction. If the portable source operated at multiple locations, the inventory report must identify emissions specific to each location.

(5) **Enforcement of approval conditions.** SWCAA will enforce all terms and conditions contained in the portable source's order of approval or air discharge permit, regardless of which permitting authority approved the portable source.

(6) **Modification of approval conditions.** Terms and conditions contained in the portable source's order of approval or air discharge permit may only be modified by obtaining a new air discharge permit from SWCAA.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-040 General Standards for Maximum Emissions

Note: SWCAA does not submit revisions to the subsection SWCAA 400-040 (1)(a) into the SIP, due to pending resolution of SSM concerns. This subsection will remain unchanged in the SIP.

All "sources" and emission units are required to meet the emission standards of this section. Where

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an emission standard listed in another section is applicable to a specific emission unit, such standard shall take precedent over a general emission standard listed in this section. When two or more emission units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emission units, and the relative contributions of the individual emission 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 emission units.

All emission units are required to use reasonably available control technology (RACT) that may be determined for some "stationary sources" or "source categories" to be more stringent than the applicable emission limitations of this regulation or any Chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the Agency shall, as provided in RCW 70.94.154, define RACT for each "stationary source" or "source category" and issue a rule or regulatory order requiring the installation of RACT.

(1) **Visible emissions.** No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity as determined in accordance with SWCAA Method 9, Ecology Method 9A or 9A-Alternate 1 (LIDAR) except:

(a) 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 permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. Except for testing and troubleshooting, soot blowing/grate cleaning is to be scheduled for the same approximate times each day. The boiler operator shall maintain a written schedule on file with the Agency, and provide updates as necessary.

(b) When the owner or operator of an emission unit supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent.

(c) When two or more emission units are connected to a common stack, the Agency may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an alternate opacity limit has been established per RCW 70.94.331(2)(c).

(e) Exemptions from the twenty percent opacity standard.

(i) Military training. Visible emissions resulting from military obscurant training exercises is exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:

(A) No visible emissions shall cross the boundary of the military training site/reservation.

(B) The operation shall have in place methods, which have been reviewed and approved by the permitting agency, 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 cancel the training exercise, or cease the use of obscurant during the training exercise until weather conditions would allow such training to occur without causing obscurant to leave the site boundary of the military site/reservation.

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(ii) Certification Testing. Visible emissions from the "smoke generator" used for testing and certification of visible emissions readers per the requirements of 40 CFR 60, Appendix A, Reference Method 9 and Ecology methods 9A and 9B shall be exempt from compliance with the twenty percent opacity limitation while being used for certifying visible emission readers.

(iii) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities are exempt while being used to train firefighters and while complying with the requirements of WAC 173-425.

(2) **Fallout.** No person shall cause or permit the emission of particulate matter from any "stationary source" to be deposited beyond the property under direct control of the owner or operator of the "stationary source" in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.

(3) **Fugitive emissions.** The owner or operator of any emission unit engaging in materials handling, construction, demolition or any other operation that emits fugitive emissions:

(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 emission unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, 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.

(4) **Odors.**

(a) No person 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 his property. Recognized good practice and procedures must be used to reduce odors to a reasonable minimum. The Agency may take enforcement action under this section if it documents the following:

(i) The detection by the Executive Director or a duly authorized representative of an odor at Level 3 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; and

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

(b) When the "source" is using "good agricultural practices," as provided in RCW 70.94.640, no violation of this section shall have occurred.

(5) **Emissions detrimental to persons or property.** No person shall cause or permit 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.

(6) **Sulfur dioxide.**

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No person shall cause or permit the emission of a gas containing sulfur dioxide from any emission unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen or twelve percent carbon dioxide as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes.

(7) **Concealment and masking.** No person shall cause or permit the installation or use of any means that conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this section.

(8) **Fugitive dust sources.**

(a) The owner or operator of any "source" of fugitive dust shall take reasonable precautions to prevent fugitive dust from becoming airborne and shall maintain and operate the "source" to minimize emissions.

(b) The owner(s) or operator(s) of any existing "stationary source(s)" of fugitive dust that has been identified as a significant contributor to a PM_{10} or $PM_{2.5}$ nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. The status of a "stationary source" as a significant contributor will be determined by the criteria found in SWCAA 400-113(3).

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW. Original adoption by Board 12/17/68 (Regulation 1); Amended by Board 10/29/69 (Regulation 2); Amended by Board 12/18/79; Amended by Board 3/20/84; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-045 Permit Application for Nonroad Engines

(1) **Purpose.** A nonroad engine permit application is the document used by the Agency to record and track requests to approve the installation, replacement, or other alteration of a nonroad engine.

(2) **Applicability.** The requirements of this section apply to all nonroad engines as defined in SWCAA 400-030 except for the following:

(a) Engines put into service prior to November 9, 2003;

(b) Nonroad engine installations with an aggregate power rating less than 500 horsepower;

(c) Individual nonroad engines with a power rating less than 50 horsepower;

(d) Small/residential water well drilling rigs;

(e) Portable firefighting equipment;

(f) Mobile cranes and pile drivers;

(g) Engines used for emergency flood control;

(h) Engines used to power carnival or amusement rides;

(i) Engines used to power portable equipment (sign boards, lights, compressors, etc.) operating in support of short term construction or maintenance projects (< 1 year in duration);

(j) Engines used to replace utility power or utility powered equipment on a temporary basis (< 30 days in duration) provided that such engines are EPA Tier certified and use fuel with a maximum sulfur content of 0.0015% by weight;

(k) Engines used in, or on, a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (e.g., mobile cranes, bulldozers, forklifts, etc.); or

(l) Engines integral to a stationary source (e.g., portable power units dedicated to

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supporting sources such as rock crushers, asphalt plants, rock screens, etc.). These engines are subject to permitting under SWCAA 400-109.

(3) **Application Submittal.** The owner or operator shall submit a complete nonroad engine permit application for each new installation, replacement, or other alteration of a nonroad engine.

(4) **Application Fees.** A filing fee of $500 plus a review fee, as shown in Table A, shall be submitted with the application prior to Agency review. If additional types of review, as identified in Table B, are required by the Agency as a result of the proposed installation, replacement or alteration, an additional review fee shall be paid as described in Table B. (Total Application Fee = Filing Fee + Application Review Fee [Table A] + Additional Review Fee [Table B]).

Expedited Application Review
An applicant may request expedited processing of a permit application. The Agency shall, at its own discretion, determine if available permitting resources are sufficient to support expedited processing. If the application is accepted for expedited review, the applicant must pay double the normal application and review fee. An expedited permit application will be processed as soon as possible and will receive priority over non-expedited applications.

TABLE A
Nonroad Engine Permit Application Review Fees

	Equipment/Activity	Associated Work Hours*	Review Fee
i.	Nonroad Engine (Aggregate horsepower rating):		
	500 or more but less than 2,000	14	1,000.00
	2,000 or more but less than 5,000	21	1,500.00
	5,000 or more but less than 10,000	42	3,000.00
	10,000 or more	85	6,000.00
ii.	Minor Change to Existing Permit Conditions:	8	$ 600.00
iii.	Other (Not classified above):		$200.00 per ton of emission
iv.	Emergency Applications	Double the normal application and review fee	

TABLE B
Additional Review Fees

Equipment/Activity	Associated Work Hours*	Review Fee

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v.	State Environmental Policy Act (SEPA) - Lead Agency			
		Minor	14	$1,000.00
		Major	35	2,500.00
vi.	Environmental Impact Statement (EIS) Review			
		Minor	11	$ 800.00
		Major	28	2,000.00
vii.	Variance request		11	$ 800.00
viii.	Review of ambient impact analysis			$ 70.00/hr

* If the staff time required to review a permit application exceeds the number of work hours associated with the applicable fee specified in Tables A and B, the applicant will be invoiced for each additional work hour at the rate of $70.00 per hour.

(5) **Agency actions.** Each acceptable and complete nonroad engine permit application shall result in the issuance of a nonroad engine permit or other regulatory order by the Agency in accordance with SWCAA 400-046. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each application.

(6) **Withdrawn or exempt applications.**

(a) An applicant may withdraw an application at any time prior to issuance of a final nonroad engine permit. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application and certification that the proposed equipment or alteration will not be installed or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, an application may be determined to be exempt from the requirements of SWCAA 400-046 and 400-100. The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exemption status shall not take effect until confirmed in writing.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW; Original adoption 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066, filed 11/15/05, effective 12/16/05; 06-23-073 filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-046 Application Review Process for Nonroad Engines

(1) **Applicability.**

(a) All nonroad engine permit applications submitted to the Agency pursuant to SWCAA 400-045 shall be reviewed and processed as described in this section.

(b) Review of a permit application shall be limited to the nonroad engine proposed to be installed, replaced or altered and the air contaminants whose emissions would increase as a result.

(c) The requirements of this section do not apply to "stationary sources" as defined in SWCAA 400-030(115). Permit applications for "stationary sources" are reviewed and processed in accordance with SWCAA 400-110.

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(2) **Requirements.**

(a) Provided that all review requirements are met, a nonroad engine permit shall be issued by the Agency prior to the installation, replacement or alteration of any nonroad engine subject to the requirements of SWCAA 400-045 and this section.

(b) A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application.

(c) Each nonroad engine permit application shall demonstrate that the proposed nonroad engine complies with applicable ambient air quality standards. Regulation of nonroad engines pursuant to this section shall be consistent with Appendix A of 40 CFR 89 Subpart A. If the ambient impact of a proposed project could potentially exceed an applicable ambient air standard, the Agency may require that the applicant demonstrate compliance with available ambient air increments and applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2015). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

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

(4) **Final determination.**

(a) Within 60 calendar days of receipt of a complete nonroad engine permit application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. An owner or operator seeking approval of a project involving applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.

(b) Nonroad engine permits issued under this section shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.

(c) Nonroad engine permits issued under this section become effective on the date of issuance unless otherwise specified.

(5) **Appeals.** A nonroad engine permit, any conditions contained in a nonroad engine permit, the denial of a nonroad engine permit application, or any other regulatory order issued pursuant to this section, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each nonroad engine permit or order to the applicant and any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

(6) **Compliance.** Noncompliance with any term or condition identified in a nonroad engine permit issued pursuant to this section shall be considered a violation of this section.

(7) **Expiration.** Nonroad engine permits issued pursuant to this section shall become invalid if installation or alteration does not occur within eighteen months after the date of issuance of a permit or if installation or alteration is discontinued for a period of eighteen months or more. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. The Agency may specify an earlier date for

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installation or alteration in a nonroad engine permit.

If a nonroad engine remains in use at the same location for more than 12 months, approval under this section expires and the nonroad engine becomes a stationary source subject to the provisions of SWCAA 400-109 and 400-110. The owner or operator shall maintain records of the length of use at each location for the purpose of documenting compliance with this requirement.

(8) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in conditions of an existing nonroad engine permit. The request may be approved provided the Agency finds that:

(i) No ambient air quality standard will be exceeded as a result of the change;

(ii) The change will not adversely impact the ability of the Agency to determine compliance with an applicable permit term or condition; and

(iii) The revised permit meets the requirements of SWCAA 400-046.

(b) A request to change existing approval conditions shall be filed as a nonroad engine permit application. The application shall demonstrate compliance with the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-045(3) shall apply to these requests.

(c) Actions taken under this subsection may be subject to the public involvement provisions of SWCAA 400-171.

(9) **Engine registration.** The owner or operator of nonroad engines approved pursuant to this section shall notify the Agency within 10 calendar days of engine installation. Subsequent to notification, each permitted unit shall be registered with the Agency and the owner or operator shall pay a registration fee according to the schedule below. Registration expires after a period of 12 consecutive months. If a permitted unit is still operating after its registration expires, it shall be reregistered and pay a second registration fee.

Engine Rating (per unit)	Registration Fee
500 horsepower or less	$250
More than 500 horsepower	$350

[Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, Original adoption 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073 filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-050 Emission Standards for Combustion and Incineration Units

(1) **Particulate matter emissions.** Combustion and incineration emission units shall meet all requirements of SWCAA 400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emission unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emission unit combusting wood derived fuels for the production of steam in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 in 40 CFR Part 60, Appendix A or other acceptable sampling methods approved in advance by both the Agency and EPA.

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(2) **Fuel oil sulfur content limit.** Effective January 1, 2015, combustion and/or incineration units shall not be fired on a fuel oil with a sulfur content greater than 15 ppm by weight (ppmw). Affected emission units include, but are not limited to, process boilers, aggregate dryers, internal combustion engines, small incinerators, and space heaters. This prohibition supersedes existing permit terms allowing the use of fuel oil with higher sulfur contents. Noncompliant fuel purchased prior to the effective date of this requirement may be fired in affected units.

(3) **Incinerators.**

(a) For any incinerator, no person shall cause or permit emissions in excess of one hundred (100) ppm of total carbonyls as measured by Ecology Test Method 14. Total carbonyls means the concentration of organic compounds containing the =C=O radical. An applicable EPA reference method or other procedures approved in advance by the Agency may be used to collect and analyze for the same compounds collected in Ecology Test Method 14.

(b) Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Agency.

(4) **Measurement correction.** Measured concentrations for combustion and incineration units shall be corrected to 7% oxygen, except when the Agency determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.

(5) **Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.** (See SWCAA 400-115(1) for the requirements for a commercial and industrial solid waste incineration unit constructed after November 30, 1999, or modified or reconstructed after June 1, 2001.)

(a) Definitions.

(i) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:

(A) The combustion unit flue gas system, which ends immediately after the last combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(ii) "Commercial and industrial solid waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

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(b) Applicability. This section applies to incineration units that meet all three criteria:
- (i) The incineration unit meets the definition of CISWI unit in this subsection.
- (ii) The incineration unit commenced construction on or before November 30, 1999.
- (iii) The incineration unit is not exempt under (4)(c) of this subsection.

(c) Exempted units. The following types of incineration units are exempt from this subsection:
- (i) Pathological waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 CFR 60.2265 (in effect on January 30, 2015) that meet the two requirements specified in (c)(i)(A) and (B) of this subsection.
  - (A) Notify the permitting agency that the unit meets these criteria.
  - (B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.
- (ii) Agricultural waste incineration units. Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 CFR 60.2265 (in effect on January 30, 2015) that meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.
  - (A) Notify the permitting agency that the unit meets these criteria.
  - (B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.
- (iii) Municipal waste combustion units. Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.
  - (A) Units regulated under 40 CFR Part 60, Subpart Ea or Subpart Eb (in effect on July 1, 2015); 40 CFR Part 60, Subpart AAAA (in effect on June 1, 2015); or WAC 173-400-050(5).
  - (B) Units burning greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 CFR Part 60, Subparts Ea (in effect on July 1, 2015), Eb (in effect on July 1, 2015), and AAAA (in effect on June 1, 2015), and SWCAA 400-050(5), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if the two requirements in (c)(iii)(B)(I) and (II) of this subsection are met.
    - (I) Notify the Agency that the unit meets these criteria.
    - (II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned and the weight of all other fuels and wastes burned in the unit.
- (iv) Medical waste incineration units. Incineration units regulated under 40 CFR Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (in effect on July 1, 2015);

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(v) Small power production facilities. Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.

(A) The unit qualifies as a small power-production facility under section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.

(vi) Cogeneration facilities. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.

(A) The unit qualifies as a cogeneration facility under section 3(18)(B) of the Federal Power Act (16 U.S.C. 796(18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator of the unit has notified the permitting agency that the unit meets all of these criteria.

(vii) Hazardous waste combustion units. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.

(A) Units for which you are required to get a permit under Section 3005 of the Solid Waste Disposal Act.

(B) Units regulated under Subpart EEE of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (in effect on July 1, 2015).

(viii) Materials recovery units. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;

(ix) Air curtain incinerators. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 CFR 60.2245 through 60.2260 (in effect on July 1, 2015).

(A) 100 percent wood waste.

(B) 100 percent clean lumber.

(C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste.

(x) Cyclonic barrel burners. See 40 CFR 60.2265 (in effect on July 1, 2015).

(xi) Rack, part, and drum reclamation units. See 40 CFR 60.2265 (in effect on July 1, 2015).

(xii) Cement kilns. Kilns regulated under Subpart LLL of 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (in effect on July 1, 2015).

(xiii) Sewage sludge incinerators. Incineration units regulated under 40 CFR Part 60, (Standards of Performance for Sewage Treatment Plants) (in effect on July 1, 2015).

(xiv) Chemical recovery units. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (G) of this subsection are considered chemical recovery units.

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(A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.
(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.
(C) Units burning only wood or coal feedstock for the production of charcoal.
(D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.
(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.
(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.
(G) Units burning only photographic film to recover silver.

(xv) Laboratory analysis units. Units that burn samples of materials for the purpose of chemical or physical analysis.

(d) Exceptions.

(i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 CFR 60.2815, in effect on July 1, 2015).

(ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 CFR 60.2815 (in effect on July 1, 2015) mean the CISWI unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart CCCC by reference.

(e) A CISWI unit must comply with 40 CFR 60.2575 through 60.2875, in effect on July 1, 2015, which is adopted by reference.

(i) The federal rule contains these major components:

(A) Increments of progress towards compliance in 60.2575 through 60.2630;
(B) Waste management plan requirements in 60.2620 through 60.2630;
(C) Operator training and qualification requirements in 60.2635 through 60.2665;
(D) Emission limitations and operating limits in 60.2670 through 60.2685;
(E) Performance testing requirements in 60.2690 through 60.2725;
(F) Initial compliance requirements in 60.2700 through 60.2725;
(G) Continuous compliance requirements in 60.2710 through 60.2725;
(H) Monitoring requirements in 60.2730 through 60.2735;
(I) Recordkeeping and reporting requirements in 60.2740 through 60.2800;
(J) Title V operating permits requirements in 60.2805;
(K) Air curtain incinerator requirements in 60.2810 through 60.2870;
(L) Definitions in 60.2875; and
(M) Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be

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achieved by June 1, 2005.

(ii) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the Agency.

(iii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.

(iv) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.

(v) Exception to adopting the federal rule. The Title V operating permit requirements in 40 CFR 60.2805(a) are not adopted by reference. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, Chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

(vi) Exception to adopting the federal rule. The following compliance dates apply:

(A) The final control plan (Increment 1) must be submitted no later than July 1, 2003. (See Increment 1 in Table 1.)

(B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)

(6) **Small municipal waste combustion units.** Small Municipal waste combustion units constructed on or before August 30, 1999. (See SWCAA 400-115(1) for the requirements for a municipal waste combustion unit constructed after August 30, 1999, or reconstructed or modified after June 6, 2001.)

(a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved-air or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:

(i) Municipal waste combustion units do not include the following units:

(A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in (c)(viii) and (ix) of this subsection.

(B) Cement kilns that combust municipal solid waste as specified under the exemptions in (c)(x) of this subsection.

(C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

(ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:

(A) The combustion unit flue gas system, which ends immediately

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after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.

(b) Applicability. This section applies to a municipal waste combustion unit that meets these three criteria:

(i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.

(ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.

(iii) The municipal waste combustion unit is not exempt under (c) of this section.

(c) Exempted units. The following municipal waste combustion units are exempt from the requirements of this section:

(i) Small municipal waste combustion units that combust less than 11 tons per day. Units are exempt from this section if four requirements are met:

(A) The municipal waste combustion unit is subject to a federally enforceable permit limiting the amount of municipal solid waste combusted to less than 11 tons per day.

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator of the unit sends a copy of the federally enforceable permit to the permitting agency.

(D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.

(ii) Small power production units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under Section 3(17)(C) of the Federal Power Act (16 U.S.C. 796(17)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.

(C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(iii) Cogeneration units. Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under Section 3(18)(C) of the Federal Power Act (16 U.S.C. 796(18)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy

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used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(iv) Municipal waste combustion units that combust only tires. Units are exempt from this section if three requirements are met:

(A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can co-fire coal, fuel oil, natural gas, or other nonmunicipal solid waste).

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator submits documentation to the permitting agency that the unit qualifies for the exemption.

(v) Hazardous waste combustion units. Units are exempt from this section if the units have received a permit under Section 3005 of the Solid Waste Disposal Act.

(vi) Materials recovery units. Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.

(vii) Co-fired units. Units are exempt from this section if four requirements are met:

(A) The unit has a federally enforceable permit limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.

(B) The owner or operator notifies the permitting agency that the unit qualifies for the exemption.

(C) The owner or operator submits a copy of the federally enforceable permit to the permitting agency.

(D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(viii) Plastics/rubber recycling units. Units are exempt from this section if four requirements are met:

(A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 CFR 60.1940 (in effect on July 1, 2015).

(B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.

(C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

(D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.

(ix) Units that combust fuels made from products of plastics/rubber recycling plants. Units are exempt from this section if two requirements are met:

(A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that

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use feed stocks produced by plastics/rubber recycling units.

(B) The unit does not combust any other municipal solid waste.

(x) Cement kilns. Cement kilns that combust municipal solid waste are exempt.

(xi) Air curtain incinerators. If an air curtain incinerator as defined under 40 CFR 60.1910 (in effect on July 1, 2015) combusts 100 percent yard waste, then those units must only meet the requirements under 40 CFR 60.1910 through 60.1930 (in effect on July 1, 2015).

(d) Exceptions.

(i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on July 1, 2015).

(ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 CFR 60.1940 (in effect on July 1, 2015), mean the unit is considered a new unit and subject to SWCAA 400-115(1), which adopts 40 CFR Part 60, Subpart AAAA (in effect on July 1, 2015).

(e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:

(i) Class I units. Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on July 1, 2015) for the specification of which units are included in the aggregate capacity calculation.

(ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 CFR 60.1940 (in effect on July 1, 2015) for the specification of which units are included in the aggregate capacity calculation.

(f) Compliance option 1.

(i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 CFR 60.1610 (in effect on July 1, 2015).

(ii) The final control plan must, at a minimum, include two items:

(A) A description of the physical changes that will be made to accomplish the reduction.

(B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on July 1, 2015) to calculate the combustion capacity of a municipal waste combustion unit.

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(iii) A permit restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 CFR 60.1935 (d) and (e) (in effect on July 1, 2015) to calculate the combustion capacity of a municipal waste combustion unit.

(g) Compliance option 2. The municipal waste combustion unit must comply with 40 CFR 60.1585 through 60.1905, and 60.1935 (in effect on July 1, 2015), which is adopted by reference.

(i) The rule contains these major components:

(A) Increments of progress towards compliance in 60.1585 through 60.1640;

(B) Good combustion practices - operator training in 60.1645 through 60.1670;

(C) Good combustion practices - operator certification in 60.1675 through 60.1685;

(D) Good combustion practices - operating requirements in 60.1690 through 60.1695;

(E) Emission limits in 60.1700 through 60.1710;

(F) Continuous emission monitoring in 60.1715 through 60.1770;

(G) Stack testing in 60.1775 through 60.1800;

(H) Other monitoring requirements in 60.1805 through 60.1825;

(I) Recordkeeping reporting in 60.1830 through 60.1855;

(J) Reporting in 60.1860 through 60.1905;

(K) Equations in 60.1935; and

(L) Tables 2 through 8.

(ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:

(A) "State plan" in the federal rule means SWCAA 400-050(5);

(B) "You" in the federal rule means the owner or operator;

(C) "Administrator" includes the permitting agency;

(D) Table 1 in (h)(ii) of this subsection substitutes for Table 1 in the federal rule; and

(E) "The effective date of the state plan approval" in the federal rule means December 6, 2002.

(h) Compliance schedule.

(i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.

(ii) Small municipal waste combustion units must achieve compliance by May 6, 2005 for all Class II units, and by November 6, 2005 for all Class I units.

(iii) Class I units must comply with these additional requirements:

(A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 CFR 60.1790 (in effect on July 1, 2015).

(B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 CFR Part 60, Subpart BBBB (in effect on February 5, 2001) by the later of two dates:

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(I) December 6, 2003; or

(II) One year following the issuance of an order of approval (revised construction permit or operation permit) if a permit modification is required.

(i) Air operating permit. Chapter 173-401 WAC, the air operating permit regulation, applicability begins on July 1, 2002. See WAC 173-401-500 for permit application requirements and deadlines.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-052 Stack Sampling of Large Combustion Sources (Deleted)

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09]

SWCAA 400-060 Emission Standards for General Process Units

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

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/18/79; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-070 General Requirements for Certain Source Categories

(1) **Wigwam burners.** The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) **Hog fuel boilers.**

(a) Hog fuel boilers shall meet all provisions of SWCAA 400-040 and SWCAA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any consecutive eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. Soot blowing and grate cleaning is to be scheduled for the same specific times each day. The boiler operator shall maintain a written schedule on file with the Agency, and provide updates as necessary.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) **Orchard heating.**

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes

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a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) **Catalytic cracking units.** All new catalytic cracking units shall install BACT and meet all requirements applicable to a new "stationary source." As of January 1, 2002, there are no existing catalytic cracking units in SWCAA's jurisdiction.

(5) **Sulfuric acid plants.** No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H_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.

(6) **Gasoline dispensing facilities.**

(a) All gasoline dispensing facilities shall meet all the provisions of SWCAA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors."

(b) Methyl tertiary-butyl ether (MTBE) may not be intentionally added to any gasoline, motor fuel, or clean fuel produced for sale or use in the state of Washington after December 31, 2003, and in no event may MTBE be knowingly mixed in gasoline above six-tenths of one percent by volume. [RCW 19.112.100]

(c) Each nozzle from which gasoline is dispensed shall have a maximum fuel flow rate not to exceed 10 gallons per minute. [40 CFR 80.22(j)]

(7) **Perchloroethylene dry cleaners.**

(a) New installations prohibited. Effective July 1, 2010, the installation of new perchloroethylene dry cleaning systems or reinstallation of existing perchloroethylene dry cleaning systems is prohibited.

(b) Applicability.

(i) This section applies to all dry cleaning systems that use perchloroethylene (PCE). Table 1 divides dry cleaning facilities into 3 source categories by the type of equipment they use and the volume of PCE purchased.

TABLE 1. PCE Dry Cleaner Source Categories

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

(ii) Major sources. In addition to the requirements in this section, a dry cleaning system that is considered a major source according to Table 1 must follow the federal requirements for major sources in 40 CFR Part 63, Subpart M (in effect on July 1, 2002).

(c) Operations and maintenance record.

(i) Each dry cleaning facility must keep an operations and maintenance record that is available upon request.

(ii) The information in the operations and maintenance record must be kept on-site for five years.

(iii) The operations and maintenance record must contain the following information:

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(A) Inspection. The date and result of each inspection of the dry cleaning system. The inspection must note the condition of the system and the time any leaks were observed;

(B) Repair. The date, time, and result of each repair of the dry cleaning system;

(C) Refrigerated condenser information. If a refrigerated condenser is being used, record the following information:

(I) The air temperature at the inlet of the refrigerated condenser,

(II) The air temperature at the outlet of the refrigerated condenser,

(III) The difference between the inlet and outlet temperature readings, and

(IV) The date the temperature was taken;

(D) Carbon adsorber information. If a carbon adsorber is being used, record the following information:

(I) The concentration of PCE in the exhaust of the carbon adsorber, and

(II) The date the concentration was measured;

(E) A record of the volume of PCE purchased each month must be entered by the first of the following month;

(F) A record of the total amount of PCE purchased over the previous twelve months must be entered by the first of each month;

(G) All receipts of PCE purchases; and

(H) A record of any pollution prevention activities that have been accomplished.

(d) General operations and maintenance requirements:

(i) Drain cartridge filters in their housing or other sealed container for at least twenty-four hours before discarding the cartridges.

(ii) Close the door of each dry cleaning machine except when transferring articles to or from the machine.

(iii) Store all PCE, and wastes containing PCE, in a closed container with no perceptible leaks.

(iv) Operate and maintain the dry cleaning system according to the manufacturer's specifications and recommendations.

(v) Keep a copy on-site of the design specifications and operating manuals for all dry cleaning equipment.

(vi) Keep a copy on-site of the design specifications and operating manuals for all emissions control devices.

(vii) Route the PCE gas-vapor stream from the dry cleaning system through the applicable equipment in Table 2:

TABLE 2. Minimum PCE Vapor Vent Control Requirements

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

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(e) Inspection.

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

TABLE 3. Minimum Inspection Frequency

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

(ii) An inspection must include an examination of these components for condition and perceptible leaks:

(A) Hose and pipe connections, fittings, couplings, and valves;

(B) Door gaskets and seatings;

(C) Filter gaskets and seatings;

(D) Pumps;

(E) Solvent tanks and containers;

(F) Water separators;

(G) Muck cookers;

(H) Stills;

(I) Exhaust dampers; and

(J) Cartridge filter housings.

(iii) The dry cleaning system must be inspected while it is operating.

(iv) The date and result of each inspection must be entered in the operations and maintenance record at the time of the inspection.

(f) Repair requirements:

(i) Leaks must be repaired within twenty-four hours of detection if repair parts are available.

(ii) If repair parts are unavailable, they must be ordered within 2 business days of detecting the leak.

(iii) Repair parts must be installed as soon as possible, and no later than 5 business days after arrival.

(iv) The date and time each leak was discovered must be entered in the operations and maintenance record.

(v) The date, time, and result of each repair must be entered in the operations and maintenance record at the time of the repair.

(g) Requirements for systems with refrigerated condensers. A dry cleaning system using a refrigerated condenser must meet all of the following requirements:

(i) Outlet air temperature requirements:

(A) Each week the air temperature sensor at the outlet of the refrigerated condenser must be checked.

(B) The air temperature at the outlet of the refrigerated condenser must be less than or equal to 45°F (7.2°C) during the cool-down period.

(C) The air temperature must be entered in the operations and maintenance record manual at the time it is checked.

(D) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a dry-to-dry machine, dryer or reclaimer at the outlet of the refrigerated condenser. The air temperature sensor must be

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installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;

(II) The air temperature sensor must be accurate to within 2°F (1.1°C);

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC outlet."

(ii) Inlet air temperature requirements:

(A) Each week the air temperature sensor at the inlet of the refrigerated condenser installed on a washer must be checked.

(B) The inlet air temperature must be entered in the operations and maintenance record at the time it is checked.

(C) The air temperature sensor must meet these requirements:

(I) An air temperature sensor must be permanently installed on a washer at the inlet of the refrigerated condenser. The air temperature sensor must be installed by September 23, 1996, if the dry cleaning system was constructed before December 9, 1991;

(II) The air temperature sensor must be accurate to within 2°F (1.1°C);

(III) The air temperature sensor must be designed to measure at least a temperature range from 32°F (0°C) to 120°F (48.9°C); and

(IV) The air temperature sensor must be labeled "RC inlet."

(iii) For a refrigerated condenser used on the washer unit of a transfer system, the following are additional requirements:

(A) Each week the difference between the air temperature at the inlet and outlet of the refrigerated condenser must be calculated.

(B) The difference between the air temperature at the inlet and outlet of a refrigerated condenser installed on a washer must be greater than or equal to 20°F (11.1°C).

(C) The difference between the inlet and outlet air temperature must be entered in the operations and maintenance record each time it is checked.

(iv) A converted machine with a refrigerated condenser must be operated with a diverter valve that prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machine is open;

(v) The refrigerated condenser must not vent the air-PCE gas-vapor stream while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened; and

(vi) The refrigerated condenser in a transfer machine may not be coupled with any other equipment.

(h) Requirements for systems with carbon adsorbers. A dry cleaning system using a carbon adsorber must meet all of the following requirements:

(i) Each week the concentration of PCE in the exhaust of the carbon adsorber must be measured at the outlet of the carbon adsorber using a colorimetric detector tube.

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(ii) The concentration of PCE must be recorded in the operations and maintenance record each time the concentration is checked.

(iii) If the dry cleaning system was constructed before December 9, 1991, monitoring must begin by September 23, 1996.

(iv) The colorimetric tube must meet these requirements:

(A) The colorimetric tube must be able to measure a concentration of 100 parts per million of PCE in air.

(B) The colorimetric tube must be accurate to within 25 parts per million.

(C) The concentration of PCE in the exhaust of the carbon adsorber must not exceed 100 ppm while the dry cleaning machine is venting to the carbon adsorber at the end of the last dry cleaning cycle prior to desorption of the carbon adsorber.

(v) If the dry cleaning system does not have a permanently fixed colorimetric tube, a sampling port must be provided within the exhaust outlet of the carbon adsorber. The sampling port must meet all of these requirements:

(A) The sampling port must be easily accessible.

(B) The sampling port must be located eight stack or duct diameters downstream from a bend, expansion, contraction or outlet.

(C) The sampling port must be two stack or duct diameters upstream from a bend, expansion, contraction, inlet or outlet.

(8) **Abrasive blasting.**

(a) Abrasive blasting shall be performed inside a fully enclosed booth or structure designed to capture the blast grit, overspray, and removed material. Outdoor blasting of structures or items too large to be reasonably handled indoors shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations shall comply with the general regulations found in SWCAA 400-040 at all times.

(b) Outdoor blasting shall be performed with either steel shot, wet blasting methods, or an abrasive material containing less than one percent (by mass) of material that would pass through a No. 200 sieve.

(c) All abrasive blasting of materials that contain, or have a coating that may contain, a substance that is identified as a toxic air pollutant in Chapter 173-460 WAC or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

(9) **Sewage sludge incinerators.** Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) in effect on July 1, 2015, are adopted by reference.

(10) **Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991.** A municipal solid waste landfill (MSW landfill) is an entire disposal facility in a contiguous geographical space where household waste is placed in or on the land. A MSW landfill may also receive other types of waste regulated under Subtitle D of the Federal Recourse Conservation and Recovery Act including the following: Commercial solid waste, nonhazardous sludge, conditionally exempt small quantity generator waste, and industrial solid waste. Portions of an MSW landfill may be separated by access roads. An MSW landfill may be either publicly or privately owned. An MSW landfill may be a new MSW landfill, an existing MSW landfill, or a lateral expansion. All

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references in this subsection to 40 CFR Part 60 rules mean those rules in effect on July 1, 2000.

(a) Applicability. These rules apply to each MSW landfill constructed, reconstructed, or modified before May 30, 1991; and the MSW landfill accepted waste at any time since November 8, 1987 or the landfill has additional capacity for future waste deposition. (See SWCAA 400-115(1) for the requirements for MSW landfills constructed, reconstructed, or modified on or after May 30, 1991.) Terms in this subsection have the meaning given them in 40 CFR 60.751, except that every use of the word "administrator" in the federal rules referred to in this subsection includes the Agency.

(b) Exceptions. Any physical or operational change to an MSW landfill made solely to comply with these rules is not considered a modification or rebuilding.

(c) Standards for MSW landfill emissions:

(i) An MSW landfill having a design capacity less than 2.5 million megagrams or 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(a) in addition to the applicable requirements specified in this section.

(ii) An MSW landfill having design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must comply with the requirements of 40 CFR 60.752(b) in addition to the applicable requirements specified in this section.

(d) Recordkeeping and reporting. An MSW landfill must follow the recordkeeping and reporting requirements in 40 CFR 60.757 (submittal of an initial design capacity report) and 40 CFR 60.758 (recordkeeping requirements), as applicable, except as provided for under (d)(i) and (ii).

(i) The initial design capacity report for the facility is due before September 20, 2001.

(ii) The initial nonmethane organic compound (NMOC) emissions rate report is due before September 20, 2001.

(e) Test methods and procedures:

(i) An MSW landfill having a design capacity equal to or greater than 2.5 million megagrams and 2.5 million cubic meters must calculate the landfill nonmethane organic compound emission rates following the procedures listed in 40 CFR 60.754, as applicable, to determine whether the rate equals or exceeds 50 megagrams per year.

(ii) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii) through the following procedures:

(A) The systems must follow the operational standards in 40 CFR 60.753.

(B) The systems must follow the compliance provisions in 40 CFR 60.755 (a)(1) through (a)(6) to determine whether the system is in compliance with 40 CFR 60.752 (b)(2)(ii).

(C) The system must follow the applicable monitoring provisions in 40 CFR 60.756.

(f) Conditions. Existing MSW landfills that meet the following conditions must install a gas collection and control system:

(i) The landfill accepted waste at any time since November 8, 1987, or the landfill has additional design capacity available for future waste deposition;

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(ii) The landfill has a design capacity greater than or equal to 2.5 million megagrams or 2.5 million cubic meters. The landfill may calculate design capacity in either megagrams or cubic meters for comparison with the exception values. Any density conversions shall be documented and submitted with the report; and

(iii) The landfill has an NMOC emission rate of 50 megagrams per year or greater.

(g) Change in conditions. After the adoption date of this rule, a landfill that meets all three conditions in (e) of this subsection must comply with all the requirements of this section within thirty months of the date when the conditions were met. This change will usually occur because the NMOC emission rate equaled or exceeded the rate of 50 megagrams per year.

(h) Gas collection and control systems:

(i) Gas collection and control systems must meet the requirements in 40 CFR 60.752 (b)(2)(ii).

(ii) The design plans must be prepared by a licensed professional engineer and submitted to the Agency within one year after the adoption date of this section.

(iii) The system must be installed within eighteen months after the submittal of the design plans.

(iv) The system must be operational within thirty months after the adoption date of this section.

(v) The emissions that are collected must be controlled in one of three ways:

(A) An open flare designed and operated according to 40 CFR 60.18;

(B) A control system designed and operated to reduce NMOC by 98 percent by weight; or

(C) An enclosed combustor designed and operated to reduce the outlet NMOC concentration to 20 parts per million as hexane by volume, dry basis corrected to three percent oxygen or less.

(i) Air operating permit:

(i) An MSW landfill that has a design capacity less than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is not subject to the air operating permit regulation, unless the landfill is subject to WAC 173-401 for some other reason. If the design capacity of an exempted MSW landfill subsequently increases to equal or exceed 2.5 million megagrams or 2.5 million cubic meters by a change that is not a modification or reconstruction, the landfill is subject to Chapter 173-401 WAC on the date the amended design capacity report is due.

(ii) An MSW landfill that has a design capacity equal to or greater than 2.5 million megagrams or 2.5 million cubic meters on January 7, 2000, is subject to Chapter 173-401 WAC beginning on the effective date of this section. (Note: Under 40 CFR 62.14352(e), an applicable MSW landfill must have submitted its application so that by April 6, 2001, the permitting agency was able to determine that it was timely and complete. Under 40 CFR 70.7(b), no "source" may operate after the time that it is required to submit a timely and complete application.)

(iii) When an MSW landfill is closed, the owner or operator is no longer subject to the requirement to maintain an operating permit for the landfill

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if the landfill is not subject to Chapter 173-401 WAC for some other reason and if either of the following conditions are met:

(A) The landfill was never subject to the requirement for a control system under 40 CFR 62.14353; or

(B) The landfill meets the conditions for control system removal specified in 40 CFR 60.752 (b)(2)(v).

(11) **Used oil burners.**

(a) Applicability. The requirements of this section do not apply to:

(i) Facilities operating in accordance with an air discharge permit or other regulatory order issued by the Agency;

(ii) Used oil burned in used oil fired space heaters (40 CFR 279.23) provided that:

(a) The space heater burns only used oil that the owner or operator generates or used oil received from household do-it-yourself used oil generators,

(b) The space heater is designed to have a maximum heat output of not more than 0.5 million Btu per hour, and

(c) Combustion gases from the space heater are vented to the ambient air;

(iii) Ocean-going vessels (40 CFR 279.20(a)(2)); and

(iv) Mixtures of used oil and diesel fuel mixed by the generator of the used oil for use in the generator's own vehicles (40 CFR 279.20(a)(3)).

(b) Requirements. No person shall burn as fuel used oil that exceeds any of the following specification levels:

(i) Arsenic – 5 ppm maximum;

(ii) Ash – 0.1 percent maximum;

(iii) Cadmium – 2 ppm maximum;

(iv) Chromium – 10 ppm maximum;

(v) Lead – 100 ppm maximum;

(vi) Polychlorinated biphenyls (PCB's) – 2 ppm maximum;

(vii) Sulfur – 1.0 percent maximum;

(viii) Flash point – 100 °F minimum; and

(ix) Total halogens – 1,000 ppm maximum.

(12) **Coffee roasters.**

(a) Applicability. The following equipment is subject to the provisions of SWCAA 400-109 and 400-110:

(i) All batch process coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch;

(ii) Batch process coffee roasters with a capacity of 10 pounds or less of green coffee beans per batch on a case-by-case basis;

(iii) Continuous process coffee roasters regardless of capacity; and

(iv) Coffee roasting processes involving decaffeination regardless of capacity.

(b) Requirements. Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch shall install and operate an afterburner or equivalent control device that treats all roasting and cooling exhaust streams prior to discharge to the ambient air.

(13) **Natural gas fired water heaters.**

(a) Applicability. The requirements of this section apply to all natural gas fired water

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heaters with a rated heat input less than 400,000 Btu/hr. For the purposes of this subsection, the term "water heater" means a closed vessel in which water is heated by combustion of gaseous fuel and is withdrawn for use external to the vessel at pressures not exceeding 160 psig, including the apparatus by which heat is generated and all controls and devices necessary to prevent water temperatures from exceeding 210°F.

(b) Requirements.

(i) On or after January 1, 2010, no person shall offer for sale, or install, a water heater that emits NO_X at levels in excess of 55 ppmv at 3% O_2, dry (0.067 lb per million Btu of heat input).

(ii) On or after January 1, 2013, no person shall offer for sale, or install, a water heater that emits NO_X at levels in excess of 20 ppmv at 3% O_2, dry (0.024 lb per million Btu of heat input).

(14) **Rendering plants.**

(a) Applicability. The requirements of this section apply to any equipment or process used for the reduction of animal matter. For the purpose of this section, reduction is defined as any heated process (i.e., rendering, cooking, drying, dehydration, digesting, evaporating or protein concentrating). The requirements of this section shall not apply to any equipment or process used exclusively for the processing of food for human consumption.

(b) Requirements. All gases, vapors, and gas-entrained effluents emitted by reduction operations shall be captured and:

(i) Incinerated at temperatures of not less than 1,400 degrees F for a period of not less than 0.5 seconds; or

(ii) Processed in a manner determined by the Agency to be equal to or more effective than the method specified in section (i) above.

(15) **Outdoor wood-fired boilers.**

(a) Applicability. For the purposes of this subsection, the term "outdoor wood-fired boiler" means an outdoor wood-fired hydronic heater or outdoor wood-fired furnace that is an accessory outdoor structure, designed and intended, through the burning of wood, to heat the principal structure or any other site, building, or structure on the premises. The requirements of this subsection shall apply to units with rated heat inputs of 1,000,000 Btu/hr or less.

(b) No person shall sell, install, or operate an outdoor wood-fired boiler unless the affected unit meets the applicable requirements of WAC 173-433.

(c) Outdoor wood-fired boilers shall only be installed:

(i) For use outside urban growth areas as defined in chapter 36.70A RCW;

(ii) A minimum of fifty feet from the residence it is serving;

(iii) A minimum of two hundred feet from the nearest residence or commercial establishment that is not located on the same property as the outdoor wood-fired boiler; and

(iv) With a minimum chimney height of fifteen feet. If there is a residence that is not located on the same property within five hundred feet of the outdoor wood-fired boiler, the chimney must extend at least as high as the roof height of all such residences.

(d) Outdoor wood-fired boilers shall only be fired on clean dry wood, wood pellets made from clean wood, or fuels recommended by the manufacturer of the outdoor wood-fired boiler. The owner or operator of an outdoor wood-fired boiler shall

follow manufacturer-recommended fuel loading times and amounts. In no case, shall a boiler be fired on any prohibited fuel cited in WAC 173-433.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-072 Small Unit Notification for Selected Source Categories

Purpose. The standards and requirements contained in this section are intended to be representative of BACT for the affected source categories. Submission of a small unit notification (SUN) pursuant to section 400-072(2) is intended to take the place of an air discharge permit application in regards to approval of new emission units. An air discharge permit application as described in SWCAA 400-109 is not required for an affected emission unit if the owner or operator submits proper notification to the Agency and maintains compliance with the emission standards and other requirements specified for the applicable source category. Emission units subject to the provisions of this section may be incorporated into a facility's Air Discharge Permit during subsequent permitting actions.

The provisions of this section do not apply to emission units that are part of a major stationary source or major modification.

Registration. All emission units subject to the provisions of this section are also subject to registration pursuant to SWCAA 400-100 and periodic inspection by Agency representatives.

(1) **Exceptions.**

(a) The owner or operator of an emission unit meeting any of the applicability criteria listed below may voluntarily elect to file an air discharge permit application pursuant to SWCAA 400-109.

(b) If an emission unit subject to the provisions of this section is located at a "stationary source" that is otherwise required to be permitted pursuant to SWCAA 400-109, the Agency may require that the emission unit be included in the permit for the affected "stationary source".

(c) SWCAA may require any emission unit that fails to maintain ongoing compliance with the applicable requirements of this section to submit an air discharge permit application pursuant to SWCAA 400-109.

(2) **Agency notification.** An owner or operator who wishes to install and operate a new emission unit under the provisions of this section must file a formal notification with the Agency for each emission unit. Notification shall be performed using forms developed by the Agency for that purpose. The notification must include documentation sufficient to positively identify the affected emission unit, establish applicability under this section, and demonstrate compliance with applicable requirements.

A complete notification includes, but is not limited to, the following:

(a) Location of installation and/or operation;

(b) Identification of responsible party (owner or operator);

(c) Applicable processing fee;

(d) Purpose of installation and/or operation (e.g., replace an existing unit, expansion of facility, new facility, etc.). If intended as a replacement for an existing unit, the

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existing unit must be clearly identified in the notification to allow SWCAA to make necessary changes in the registration program;

(e) Equipment specifications (equipment type, make, model number, serial number, year of manufacture, rated capacity, exhaust stack configuration, fuel type, etc.);

(f) Control equipment specifications;

(g) Vendor performance guarantees; and

(h) Operational information (hours of operation, maximum product throughput, fuel type, fuel consumption, etc.).

(3) **Processing fee.** Each notification shall be accompanied by the payment of a processing fee of $250.00 for each piece of equipment subject to notification.

(4) **Effective date.** Emission units subject to the provisions of this section shall not be installed or operated until the Agency provides written confirmation that the affected emission units are capable of complying with applicable requirements.

(5) **Source categories.**

(a) **Coffee roasters.**

(i) **Applicability.** The provisions of this section apply to batch configuration coffee roasters with a capacity of less than 100 pounds of green coffee beans per batch.

(ii) **Emission limits and standards.**

(A) Visible emissions from the coffee roaster exhaust stack shall not exceed five percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).

(B) Operations that cause or contribute to odors that could unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce those odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).

(iii) **General requirements.**

(A) Each coffee roaster shall be equipped with an afterburner designed for a minimum residence time of 0.5 seconds, and capable of maintaining an operating temperature of not less than 1,200˚F.

(B) Each coffee roaster shall have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.

(C) Each coffee roaster shall be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.

(D) Afterburners shall be operated whenever the associated coffee roaster is in operation. The afterburner shall be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner shall be operated in a manner that minimizes emissions.

(E) The exhaust point for each coffee roaster shall be a minimum of 200 feet from the nearest residential structure.

(F) Each coffee roaster and afterburner shall only be fired on natural gas or propane.

(G) Afterburner exhaust shall be discharged vertically at least four feet above the roof peak of the building containing the afterburner, and at a point higher than surrounding buildings. Any device that obstructs

or prevents vertical discharge is prohibited.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Afterburner operating temperature shall be recorded weekly;

(B) Quantity of coffee roasted shall be recorded weekly;

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints, including odor complaints, received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints, including odor complaints, received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.

(C) The owner or operator of an affected coffee roaster shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of natural gas consumed by the roaster and afterburner;

(II) Quantity of coffee roasted; and

(III) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(b) **Small gas fired boilers/heaters.**

(i) **Applicability.** The provisions of this section apply to gas fired (natural gas/propane/LPG) boilers and heaters with individual rated heat inputs equal to or greater than 0.4 MMBtu/hr and equal to or less than 2.0 MMBtu/hr. For the purposes of this subsection, the term "boiler" means any combustion equipment designed to produce steam or to heat water that is not used exclusively to produce electricity for sale.

(ii) **Emission limits and standards.**

(A) Visible emissions from the boiler exhaust stack shall not exceed zero percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9. (SWCAA 400, Appendix A).

(B) Each boiler/heater shall be equipped with combustion technology capable of maintaining NO_X and CO emissions at, or below, 30 ppmv and 50 ppmv, respectively (corrected to 3% O_2, dry, 1-hr avg). EPA test methods from 40 CFR 60, as in effect on July 1, 2015, shall be used to determine compliance.

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(iii) **General requirements.**

(A) Each boiler/heater shall only be fired on natural gas, propane, or LPG.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Quantity of fuel consumed by the boiler/heater shall be recorded for each calendar month;

(B) Maintenance activities for the boiler/heater shall be logged for each occurrence;

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.**

(A) Each boiler/heater shall undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring shall be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring shall be conducted in accordance with the requirements of SWCAA 400-106(2).

(B) If emission monitoring results for a boiler/heater indicate that emission concentrations may exceed 30 ppmvd NO_X or 50 ppmvd CO, corrected to 3% O_2, the owner or operator shall either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_X emissions, or initiate corrective action. Corrective action shall be initiated as soon as practical but no later than 3 business days after the potential exceedance is identified. Corrective action includes burner tuning, maintenance by service personnel, limitation of unit load, or other action taken to lower emission concentrations. Corrective action shall be pursued until observed emission concentrations no longer exceed 30 ppmvd NO_X or 50 ppmvd CO, corrected to 3% O_2.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to the Agency within 3 business days of receipt.

(C) Emission monitoring results for each boiler/heater shall be reported to the Agency within 15 calendar days of completion on forms provided by the Agency.

(D) The owner or operator of an affected boiler/heater shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of fuel consumed; and

(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(c) **Emergency service internal combustion engines.**

(i) **Applicability.** The provisions of this section apply to emergency service internal combustion engines with a rating of 50 or more, but less than 1,000 horsepower (e.g., emergency generators, fire pumps, sewer lift stations, etc.).

(ii) **Emission limits and standards.**

(A) Visible emissions from diesel fired engine exhaust stacks shall not exceed ten percent opacity for more than 3 minutes in any one hour period as determined in accordance with SWCAA Method 9 (See SWCAA 400, Appendix A). This limitation shall not apply during periods of cold start-up.

(iii) **General requirements.**

(A) Liquid fueled engines shall only be fired on #2 diesel or biodiesel. Fuel sulfur content of liquid fuels shall not exceed 0.0015% by weight (15 ppmw). A fuel certification from the fuel supplier may be used to demonstrate compliance with this requirement.

(B) Gaseous fueled engines shall only be fired on natural gas or propane.

(C) Each compression ignition engine shall be EPA Tier certified and manufactured no earlier than January 1, 2008.

(D) Engine operation shall be limited to maintenance checks, readiness testing, and actual emergency use.

(E) Engine operation for maintenance checks and readiness testing shall not exceed 100 hours per year. Actual emergency use is unrestricted.

(F) Each engine shall be equipped with a nonresettable hourmeter for the purpose of documenting hours of operation.

(G) Engine exhaust shall be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. With the exception of data logged by a computerized data acquisition system, each required record shall include the date and the name of the person making the record entry.

(A) Total hours of operation for each engine shall be recorded annually;

(B) Hours of emergency use for each engine shall be recorded annually;

(C) Fuel sulfur certifications shall be recorded for each shipment of liquid fuel;

(D) Maintenance activities shall be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;

(E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(F) All air quality related complaints received by the permittee and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide

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written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within three calendar days of receipt.

(C) The owner or operator of an affected emergency engine shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Hours of engine operation; and

(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(d) **Petroleum dry cleaners.**

(i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use petroleum solvent and have a total manufacturer's rated dryer capacity less than 38 kilograms (84 pounds). The total manufacturers' rated dryer capacity is the sum of the manufacturers' rated dryer capacity for each existing and proposed petroleum solvent dryer at the facility.

(ii) **Emission limits and standards.**

(A) VOC emissions from each dry cleaning facility shall not exceed 1.0 ton per year. Emissions shall be calculated using a mass balance approach assuming that all cleaning fluid utilized at the facility is emitted to the ambient air. Documented quantities of cleaning fluid shipped offsite as waste may be deducted from the calculated emissions.

(B) Operations which cause or contribute to odors that unreasonably interfere with any other property owner's use and enjoyment of their property shall use recognized good practice and procedures to reduce these odors to a reasonable minimum, consistent with the requirements of SWCAA 400-040(4).

(iii) **General requirements.**

(A) Each dry cleaning facility shall be operated in a business space zoned for commercial activity, located a minimum of 200 feet from the nearest residential structure.

(B) Dry cleaning machines shall use DF-2000 cleaning fluid or an equivalent solvent.

(C) Solvent or waste containing solvent shall be stored in closed solvent tanks or containers with no perceptible leaks.

(D) All cartridge filters shall be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.

(E) Perceptible leaks shall be repaired within twenty-four hours unless repair parts must be ordered. If parts must be ordered to repair a leak, the parts shall be ordered within 2 business days of detecting the leak and repair parts shall be installed within 5 business days after receipt.

(F) Pollution control devices associated with each piece of dry cleaning equipment shall be operated whenever the equipment served by that control device is in operation. Control devices shall be operated and maintained in accordance with the manufacturer's specifications.

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(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.

(A) Each dry cleaning machine shall be visually inspected at least once per week for perceptible leaks. The results of each inspection shall be recorded in an inspection log and maintained on-site. The inspection shall include, but not be limited to the following:

(I) Hose connections, unions, couplings and valves;
(II) Machine door gaskets and seating;
(III) Filter gaskets and seating;
(IV) Pumps;
(V) Solvent tanks and containers;
(VI) Water separators;
(VII) Distillation units;
(VIII) Diverter valves; and
(IX) Filter housings.

(B) The amount of cleaning fluid (e.g., DF-2000) purchased, used, and disposed of shall be recorded monthly.

(C) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(D) All air quality related complaints, including odor complaints, received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints, including odor complaints, received by the permittee shall be reported to SWCAA within 3 calendar days of receipt.

(C) The owner or operator of an affected petroleum dry cleaner shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity of cleaning fluid (e.g., DF-2000) consumed; and
(II) Air emissions of criteria air pollutants, VOCs, and toxic air pollutants (TAPs).

(e) **Rock crushers and aggregate screens.**

(i) **Applicability.** The provisions of this section apply to individual rock crushers and aggregate screens proposed for installation at existing rock crushing operations subject to facilitywide emission limits established by SWCAA. The affected rock crushing operation, including the new rock crusher and/or aggregate screen, must continue to comply with existing emission and/or process limits subsequent to installation.

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The provisions of this section do not apply to internal combustion engines associated with proposed rock crushers or aggregate screens. Such engines are subject to the requirements of SWCAA 400-045 or 400-109, as applicable.

(ii) **Emission limits and standards.**

(A) Visible emissions from rock crushing operations shall not exceed 0% opacity for more than three (3) minutes in any one hour period as determined in accordance with SWCAA Method 9 (SWCAA 400, Appendix A).

(iii) **General requirements.**

(A) Each rock crusher and aggregate screen shall be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system shall be maintained at 80 psig or greater. A functional pressure gauge shall be maintained onsite with a connection point provided for the purpose of demonstrating compliance with the minimum pressure requirement.

(B) Spray/fog nozzles in the high pressure water spray system shall be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles shall be replaced or repaired prior to subsequent operation.

(C) Material handling points including, but not limited to, conveyor transfer points, aggregate storage piles, and haul roads shall be watered at reasonable intervals as necessary to control fugitive dust emissions.

(D) Additional wet suppression measures shall be employed, as necessary, to control fugitive dust from haul roads, rock crushing, and material handling equipment in the event that process changes or weather patterns result in insufficient water application to control fugitive dust from plant operations.

(E) Each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" shall comply with the applicable requirements of that regulation.

(F) For portable rock crushing operations, the owner or operator shall notify the Agency in advance of relocating approved equipment and shall submit operational information (such as production quantities, hours of operation, location of nearest neighbor, etc.) sufficient to demonstrate that proposed operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards, and if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

(iv) **Monitoring and recordkeeping requirements.** The information listed below shall be recorded at the specified intervals, and maintained in a readily accessible form for a minimum of 3 years. Each required record shall include the date and the name of the person making the record entry.

(A) Visual inspection of spray/fog nozzles shall be recorded weekly;

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(B) Maintenance, repair, or replacement of affected equipment shall be recorded for each occurrence;

(C) Quantity and size of crushed/screened material shall be recorded monthly;

(D) Relocation of rock crushing equipment shall be recorded for each occurrence.

(E) Upset conditions that cause excess emissions shall be recorded for each occurrence; and

(F) All air quality related complaints received by the owner or operator and the results of any subsequent investigation or corrective action shall be recorded promptly after each occurrence.

(v) **Testing requirements.** An initial emissions test shall be conducted for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO "Standards of Performance for Nonmetallic Mineral Processing Plants" that has not previously been tested. Testing shall be conducted within 90 calendar days of commencing operation. All emission testing shall be conducted in accordance with the requirements of that regulation.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected emission unit shall provide written notification of initial operation to SWCAA within 10 days of occurrence.

(B) All air quality related complaints received by the owner or operator shall be reported to SWCAA within 3 business days of receipt.

(C) The owner or operator of an affected rock crusher or aggregate screen shall report the following information to the Agency no later than March 15th for the preceding calendar year:

(I) Quantity and size of crushed/screened material throughput;

(II) Air emissions of criteria air pollutants.

(D) Emission testing results for each rock crusher and/or aggregate screen subject to 40 CFR 60, Subpart OOO shall be reported to the Agency within 45 calendar days of test completion.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-074 Gasoline Transport Tanker Registration

(1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within SWCAA jurisdiction shall register the transport tank with SWCAA prior to being placed into service. Such registration shall be made annually with SWCAA.

(2) Each registered gasoline transport tanker shall pay an annual registration fee in accordance with the schedule provided in SWCAA 400-100(3)(a). Each transport tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.

(3) Prior to registration, SWCAA shall review the leak test certification documentation from the testing company required under SWCAA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, SWCAA shall issue a registration sticker that shall be applied to the tanker.

(4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test

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certification for the transport tank is on file with the facility or a valid SWCAA registration sticker is displayed on the tank(s).

(5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within SWCAA jurisdiction shall notify SWCAA of a change in status of a tanker. Change in status shall include sale, operating only out of SWCAA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to SWCAA within 10 days of the change of status.

[Statutory Authority: Chapter 70.94.141 RCW; refer to WAC 173-491-040. Original adoption 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-055 filed 2/15/01, effective 3/18/01; 09-21-056 filed 10/15/09, effective 11/15/09]

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

(1) The national emission standards for hazardous air pollutants promulgated by EPA as in effect July 1, 2015, as contained in 40 CFR Part 61, are adopted by reference. The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency. A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

(2) The Agency may require that emission tests be conducted and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Part 61, Part 62, Part 63, or Part 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.

(3) Emission testing, monitoring, and analytical methods for sources of hazardous air pollutants shall conform with the requirements of 40 CFR Part 51, Part 60, Part 61, Part 63 and/or Part 65, as in effect on July 1, 2015.

(4) This section shall not apply to any "stationary source" operating pursuant to a waiver granted by EPA or an exemption granted by the President of the United States during the effective life of such waiver or exemption.

(5) Specific standards of performance referred to as Maximum Achievable Control Technology (MACT) have been promulgated by EPA.

(a) As of July 1, 2015, 40 CFR Part 63 and appendices are hereby adopted by reference. A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.

(b) Exceptions to 40 CFR Part 63 adoption by reference.

(i) The term "administrator" in 40 CFR Part 63 includes the Executive Director of the Agency.

(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

(A) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;

(B) Subpart E, Approval of State Programs and Delegation of Federal Authorities;

(C) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;

(D) Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;

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(E) Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources ;

(F) Subpart JJJJJJ, Industrial, Commercial, and Institutional Boilers Area Sources – as it applies to non-Title V sources; and

(G) Subpart XXXXXX, Area Source Standards for Nine Metal Fabrication and Finishing Source Categories - as it applies to non-Title V sources.

(6) **Consolidated requirements for the synthetic organic chemical manufacturing industry**. (SOCMI) 40 CFR Part 65, as in effect on July 1, 2015, is adopted by reference.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 12/16/86; 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05; 06-23-073, filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-076 Emission Standards for Stationary Sources Emitting Toxic Air Pollutants

All references to Chapter 173-460 WAC found within SWCAA 400 refer to the version of Chapter 173-460 WAC in effect as of August 21, 1998.

(1) The term toxic air pollutants (TAP) or toxic air contaminant means any air pollutant listed in WAC 173-460-150 or 460-160. 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 or 460-160. The Chemical Abstract Service (CAS) number shall be the primary means used to specifically identify a substance. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

(2) All "stationary sources" subject to the requirements of SWCAA 400-110, 400-111, 400-112, 400-113 or 400-114 shall be subject to the requirements of Chapter 173-460 WAC. All "stationary sources" subject to review under SWCAA 400 shall also be reviewed for applicability and/or compliance under Chapter 173-460.

(3) The review fee schedule provided in SWCAA 400-109 shall be applicable to all "stationary sources" subject to Chapter 173-460 WAC. Only a single fee shall apply to "stationary sources" that are subject to SWCAA 400 and Chapter 173-460 WAC.

(4) If an air discharge permit application is required under both SWCAA 400 and Chapter 173-460 WAC, then the applications shall be combined. All "stationary sources" subject to Chapter 173-460 WAC shall file an air discharge permit application in accordance with SWCAA 400-109.

(5) Agency actions including issuance of regulatory orders, air discharge permits, and enforcement actions for "stationary sources" subject to Chapter 173-460 WAC shall be the same as those actions for "stationary sources" subject to and identified in SWCAA 400.

(6) "Stationary sources" subject to Chapter 173-460 WAC shall be subject to the registration requirements of SWCAA 400-100. Where a "stationary source" is subject to both SWCAA 400 and Chapter 173-460 WAC, only one registration shall be provided and only one fee shall be collected in accordance with the schedule outlined in SWCAA 400-100.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-098 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

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SWCAA 400-081 Startup and Shutdown

(1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Agency shall consider any physical and operational constraints on the ability of a "stationary source" or source category to comply with the applicable technology based standard during startup or shutdown. Where the Agency determines that the "stationary source" or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with a technology based standard during startup or shutdown, the Agency shall include in the technology based standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the "stationary source" or source category during startup or shutdown conditions. No provision of this rule section shall be construed to authorize emissions in excess of SIP approved emission standards unless previously approved by EPA as a SIP amendment.

(2) In modeling the emissions of a "stationary source" for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Agency 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 section. The review of a major nonattainment permit must also include a determination of additional emission offsets required for allowable emissions occurring during stationary source startup and shutdown.

[Statutory Authority: Chapter 70.94.141 RCW. 93-21-003 filed 10/7/93, effective 11/8/93; Original adoption 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-091 Voluntary Limits on Emissions

(1) Voluntary limits on emissions and limitations on potential to emit or process parameters or throughputs may be requested by the owner or operator of any source or "stationary source" by submittal of a complete air discharge permit application as provided in SWCAA 400-109. Confidential information shall be identified as set forth in SWCAA 400-270. Upon completion of review of the application, the Agency shall issue a regulatory order or air discharge permit limiting that source's or "stationary source's" potential to emit to an amount agreed to by the owner or operator and the Agency.

(2) A condition contained in an order or air discharge permit issued under this section shall limit operation to a level less than the "stationary source's" otherwise allowable annual emissions of that air contaminant, process parameters or throughputs under all applicable requirements of Chapter 70.94 RCW and the Federal Clean Air Act, including any standard or other requirement provided for in the Washington SIP.

(3) Any regulatory order or air discharge permit issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or "stationary source" complies with any emission limit, process parameter, or throughput limitation established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of SWCAA 400-105.

(4) Any regulatory order or air discharge permit issued under this section shall be subject to the requirements of SWCAA 400-171.

(5) The terms and conditions of a regulatory order or air discharge permit issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington SIP. Any proposed change in a term or condition contained in an order or air discharge permit issued under this section shall require revision or revocation of the order or air discharge permit prior to taking effect.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or air discharge permit issued pursuant to this section shall be considered a violation of this section.

[Statutory Authority: Chapter 70.94.141 RCW. Section previously numbered SWCAA 400-090 - 93-21-003 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-099 Per Capita Fees

Each component city or town and county shall pay such proportion of the supplemental income to the Agency as determined by either one of two methods as provided under RCW 70.94.093. The first method is based on the assessed valuation of property within such city or town and county limits bears to the total assessed valuation of taxable property within the jurisdiction of SWCAA. The second method is based on the total population of such city or town and county bears to the total population of the jurisdiction of SWCAA. In addition, a combination of the two methods is allowable provided that such combination is shared at 50 percent each. The SWCAA Board of Directors has elected to use the second method based on population (per capita). The population shall be determined by the most recent State of Washington Office of Financial Management (OFM) population estimate. The "per capita" assessment has been established at the following rates:

Assessment Rate	Effective Date
$0.33 per citizen	January 1, 2008

[Statutory Authority: Chapter 70.94.093 RCW. Original Board adoption - 99-07-030 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 05-23-066 filed 11/15/05, effective 12/16/05, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-100 Registration Requirements

The registration program is intended to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify "source" compliance with applicable air pollution requirements.

(1) **Applicability.** All "sources" or emission units shall be registered with the Agency in accordance with this section as set forth in RCW 70.94.151. A "source" or emission unit is subject to registration from the time it is approved by the Agency until the time at which it permanently ceases operation. Emission units that are part of a portable stationary source must register upon initiation of operation within the Agency's jurisdiction and every year thereafter.

Registration requirements are not applicable to the following:

(a) Emission units or activities exempted under SWCAA 400-101; and

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(b) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.

Regardless of the exemptions provided above, gasoline stations with an annual throughput of 200,000 gallons or more (highest annual throughput in last 3 calendar years) and all dry cleaners with VOC or TAP emissions shall be registered.

(2) **General requirements**.

(a) The owner or operator of a "source" for which registration is required shall initially register affected emission units with the Agency. A unique identification number shall be assigned to each "source" and a separate registration fee shall be provided for each emission unit; provided that, an owner may request to register a process with a detailed inventory of air contaminant sources and emissions related to the process as a single unit. A registration fee shall not be collected for exempt emission units identified in SWCAA 400-101.

(b) The owner or operator of a registered "source" shall submit annual reports to the Agency. Each report shall contain information as may be 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. Relevant information may include air pollution requirements established by rule, regulatory order, air discharge permit or ordinance pursuant to Chapter 70.94 RCW. The owner, operator, or their designated representative shall sign the annual report for each "source," and be responsible for the accuracy, completeness, and timely submittal of all required information.

(3) **Registration fees.** An annual registration fee shall be paid before the Agency may register any emission unit. Annual registration fees are based on the number of registered emission units and the quantity of "source" emissions during the previous calendar year. Collected registration fees are used by the Agency in the next fiscal year (July 1 through June 30). "Sources" or emission units that permanently shutdown prior to January 1 of the current registration period shall not be liable for registration fees. This provision does not apply to "temporary sources" or portable sources. Operation of equipment subject to registration without payment of applicable registration fees shall be considered a violation of this section. Annual registration fees shall be paid according to the following schedule:

Emission Unit Fee	Pollution Emission Fee	Effective Date
$90 per emission unit	$45/ton of criteria pollutant or VOC emission $25/ton of toxic air pollutant emission	January 1, 2008

Exceptions:

(a) An annual registration fee of $50.00 shall be charged to each gasoline transport tank.

(b) The registration fee for a small operation may be waived or reduced provided sufficient demonstration of circumstances is presented, subject to the discretion of the Executive Director.

(c) "Stationary sources" subject to the Operating Permit Program, as defined in RCW 70.94.030(17), are not subject to Registration and shall pay an operating permit fee in accordance with SWCAA 400-103.

(4) **Delinquent registration fees.** Annual registration fees that are unpaid after June 30 for the effective year shall be considered delinquent. Pursuant to RCW 70.94.431(7), "sources"

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with delinquent registration fees may be subject to a penalty equal to three times the amount of the original fee owed. If registration fees for an emission unit are delinquent for two consecutive years or more, the Agency may revoke the affected emission unit's air discharge permit or Order of Approval.

(5) **Reporting requirements for transfer or permanent shutdown of registered emission units.**

(a) The registered owner or operator shall report the transfer of ownership or permanent shutdown of registered emission units to the Agency within 90 calendar days of shutdown or transfer. The report shall contain the following information:

(i) Legal name of the registered owner or operator;

(ii) Effective date of the shutdown or transfer;

(iii) Comprehensive description of the affected emission units; and

(iv) Name and telephone number of the registered owner's or operator's authorized representative.

(b) Any party that assumes ownership and/or operational control of registered emission units shall file a written report with the Agency within 90 calendar days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:

(i) Legal name of the company or individual involved in the transfer;

(ii) Effective date of the transfer;

(iii) Description of the affected emission units; and

(iv) Name and telephone number of the owner's or operator's authorized representative.

(c) In the case of a permanent shutdown, affected process and air pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g.; disconnection of power to equipment, mechanical positioning that inhibits processing, placing of padlocks on equipment to prevent operation).

(6) **Inspections.**

(a) Periodic onsite inspections of emission units and "sources" shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a "source" as set forth in RCW 70.94.200.

(b) Agency personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.

(c) No person shall refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection.

(d) No person shall obstruct, hamper or interfere with any such inspection.

[Statutory Authority: Chapter 70.94.141 RCW, 70.94,151 RCW, 70.94.200 RCW, and 70.94.395 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 3), Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-04-030 filed 1/28/92, effective 2/28/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-032 filed 3/10/99, effective 4/11/99; 01-05-055 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-101 Emission Units Exempt from Registration Requirements

(1) **Applicability.** The emission units listed in subsection (4) of this section are exempt from the registration requirements of SWCAA 400-100. If an exempt emission unit is located at

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a "stationary source" that is otherwise required to be registered, the Agency may require that the exempt emission unit be included in the "stationary source" registration. If an exempt emission unit is located at a Title V facility, it must be included in the facility's Title V permit in accordance with Chapter 173-401 WAC. The owner or operator of any emission unit exempted from registration under this section shall maintain documentation sufficient to verify that the emission unit is entitled to exemption under this section.

An exemption from new source review pursuant to SWCAA 400-109 shall not be construed as an exemption from registration under this section.

(2) Wherever a "stationary source" has multiple emission units, which are similar in function and purpose, exemption status shall be determined based on aggregate capacity (e.g., horsepower, Btu per hour, airflow, etc.) or the aggregate emissions of similar emission units.

(3) **Exempt emission thresholds.** A "stationary source" shall be exempt from registration if the uncontrolled potential to emit from all emission units at that site or facility is less than all of the applicable emission thresholds listed below. To qualify for an emission threshold exemption, the owner or operator shall submit to the Agency a summary of all activities/equipment that emit air pollutants, and calculate potential emissions from the facility based on maximum levels of production/operation. The Agency shall review and validate the submitted documentation prior to granting an exemption.

Pollutant	Exemption Threshold
Criteria pollutants and VOC	1.0 tpy, combined
Lead	0.005 tpy (10 lb/yr)
Ozone depleting substances	1.0 tpy, combined (as defined in SWCAA 400-030)
Toxic air pollutants	1.0 tpy (combined) or less than applicable SQER per Chapter 173-460 WAC, whichever is less.

(4) **Exempt equipment and activities.**

(a) Asphalt roofing and application equipment (not manufacturing or storage equipment).

(b) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families.

(c) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes.

(d) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

(e) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business.

(f) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process (e.g., truck mounted equipment).

(g) Retail paint sales establishments (not including manufacturing).

(h) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.

(i) Sewing equipment.

(j) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other structures provided operations are in compliance with the provisions of SWCAA 400-070(8).

(k) Chemical and physical laboratory operations or equipment, including fume hoods

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and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-101(3). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses that do not exceed the emission thresholds specified in SWCAA 400-101(3). This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations.

(l) Residential wood heaters (e.g., fireplaces and woodstoves).

(m) Office equipment, operations and supplies.

(n) Internal combustion engines used for emergency service that have an individual power rating of less than 50 horsepower.

(o) Internal combustion engines used for emergency service that are located at a facility with a maximum aggregate power rating less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered.

(p) Steam cleaning equipment used exclusively for that purpose.

(q) Refrigeration systems that are not in air pollution control service.

(r) Housekeeping activities and equipment.

(s) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.

(t) Natural and forced air vents and stacks for bathroom/toilet facilities.

(u) Personal care activities.

(v) Lawn and landscaping activities.

(w) Flares used to indicate danger to the public.

(x) Fire fighting and similar safety equipment and equipment used to train fire fighters. Burns conducted for fire fighting training purposes are regulated under SWCAA 425 and SWCAA 476.

(y) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question.

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.163 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073, filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]]

SWCAA 400-103 Operating Permit Fees

(1) **Applicability.** The owner or operator of all "stationary sources" required to obtain an Operating Permit under 40 CFR Part 70, Chapter 173-401 WAC or RCW 70.94.161, shall pay an annual fee as specified in this section, or the equivalent over some other time period as approved by the Executive Director, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program.

(2) **Fee applicable pollutants.** The following pollutants shall be considered fee applicable for the purposes of fee assessment.

(a) A volatile organic compound.

(b) Each pollutant regulated under Section 7411 or 7412 of the 1990 Federal Clean Air Act Amendments.

(c) Each pollutant for which a national primary ambient air quality standard (NAAQS)

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has been promulgated except that carbon monoxide shall be excluded from this reference. PM_{10} emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the "stationary source." Emission test data is required to demonstrate the PM_{10} portion of total particulate matter emissions.

Fugitive pollutant emissions shall be included in determining the fee assessment for a "stationary source." Emissions of each fee applicable pollutant emitted in excess of 7,500 tons from a "stationary source" shall be excluded from fee assessment.

(3) **Program cost projections.** The Agency shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWCAA 400-103(6), Ecology's development and oversight costs, as provided in RCW 70.94.162, and the program reserve fund shall be considered in the workload analysis. The Executive Director shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine Operating Permit Program fees.

(4) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three-part fee assessment methodology as described below:

(a) Participation Fee. Fees sufficient to cover one-third of the Board approved Operating Permit Program budget shall be assessed such that each "stationary source" shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:

$PF = B \div 3 \div n$, where;

PF	=	Participation fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
n	=	The number of 40 CFR Part 70 sources

(b) Emissions Fee. Fees sufficient to cover one-third of the budget shall be assessed such that each "stationary source" shall pay an amount equal to that "stationary source's" portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each " stationary source's" annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be paid by the owner or operator of each "stationary source." The emissions portion of the fee shall be assessed according to the following formula:

$EF = B \div 3 * SE \div TE$, where:

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EF	=	Emissions fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
SE	=	The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 "stationary source" (not to exceed 7,500 tons per pollutant)
TE	=	The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 "stationary sources"

(c) Complexity Fee. Fees sufficient to cover one-third of the budget shall be assessed such that each 40 CFR Part 70 "stationary source" shall pay an amount equal to that "stationary source's" portion of the total emission units at all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each "stationary source's" emission units to the total number of emission units located at all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be paid by the owner or operator of each "stationary source." The complexity portion of the fee shall be assessed according to the following formula:

CF = B÷3*SU÷TU, where:

CF	=	Complexity fee portion of total fee
B	=	The total Agency budget for the Operating Permit Program
SU	=	The number of emission units at a "stationary source"
TU	=	The number of emission units at all 40 CFR Part 70 "stationary sources"

(d) Total Fee. The amount of the annual assessed fees for each 40 CFR Part 70 "stationary source" shall be the sum of the participation, emissions and complexity fee portions (PF+EF+CF = Total Fee). The sum of the total fees for all 40 CFR Part 70 "stationary sources" within the Agency's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.

(5) **Accountability.**

(a) The sum of the fees assessed by the Agency to all "stationary sources" required to obtain Operating Permits within the Agency's jurisdiction shall not exceed the cost of developing and administering the program and maintaining a program reserve fund. All fees collected from permit program "stationary sources" as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program. The purpose of the program reserve fund is to ensure that permit program costs are not funded by fees from "stationary sources" not participating in the operating permit program. The value of monies held in the program reserve fund shall not exceed 15 percent of the average permit program budget over the most recent three-year period.

(b) The Agency shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Agency to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual "stationary source's" fee.

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(c) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, including the program reserve fund, such excess fees shall be used to develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.

(6) **Fee eligible activities.**

(a) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;

(b) Inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;

(c) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;

(d) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;

(e) Modeling necessary to establish permit limits or to determine compliance with permit limits;

(f) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;

(g) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a "stationary source" is complying with permit conditions;

(h) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;

(i) The share attributable to permitted "stationary sources" for the development and maintenance of emissions inventories;

(j) The share attributable to permitted "stationary sources" of ambient air quality monitoring and associated recording and reporting activities;

(k) Training for permit administration and enforcement;

(l) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;

(m) Required fiscal audits, periodic performance audits and reporting activities;

(n) Tracking of time, revenues and expenditures and accounting activities;

(o) Administering the permit program including costs of clerical support, supervision and management;

(p) Provision of assistance to small business under jurisdiction of SWCAA as required under Section 507 of the Federal Clean Air Act; and

(q) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.

(7) **Activities not eligible for fee.**

(a) New Source Review activity that does not include processing or preparing an operating permit;

(b) Development of BACT, LAER, BART, or RACT requirements for criteria and toxic

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air pollutants; and

(c) Acting on an application for a PSD permit.

(8) **Schedules of payment.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit "stationary source." An operating permit "stationary source" shall be allowed to pay its annual operating permit fees in one, two, or four installments. Each schedule of payment shall specify the terms and dates of payments.

(9) **Late fee payments.** Delinquent fees are subject to a late fee equal to three times the operating permit fee as provided under RCW 70.94.431(7). The penalties authorized by this subsection are additional to and in no way prejudice SWCAA's ability to exercise other civil and criminal remedies, including authority to revoke a "stationary source's" operating permit for failure to pay all or part of its permit fee.

(10) **Transfer of ownership.** Transfer of ownership of a source shall not affect that "stationary source's" obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a "stationary source."

[Statutory Authority: Chapter 70.94.162 RCW. Original adoption 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-105 Records, Monitoring and Reporting

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

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

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

(b) Large "sources." At a minimum, "sources" satisfying the criteria of 40 CFR 51, Subpart A will be submitted to EPA by the Agency for inclusion in the national emission database. Upon request, the "sources" described below shall complete and return the emission inventory form supplied by the Agency for this purpose by March 15. An extension of the March 15 emission submittal deadline may be allowed by the Executive Director on a case-by-case basis provided the affected source makes a written request. Extension of the emission submittal deadline shall

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not exceed a maximum period of 60 calendar days.

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

(ii) In ozone nonattainment or maintenance plan areas, those "stationary sources" with the potential to emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO_x are also required to submit emission inventories. "Stationary sources" subject to this section are also required to submit average daily emissions or process throughput data for NO_x and VOCs for ozone season in preparation for the SIP update.

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

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

(c) Greenhouse gases. The Agency may require that "sources" submit an inventory of greenhouse gas emissions. Affected "sources" shall be notified of the inventory requirement and submittal deadline in writing.

(2) **Monitoring.** The Agency shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the Executive Director or an authorized representative may require any "source" under the jurisdiction of the Agency to conduct stack and/or ambient air monitoring and to report the results to the Agency.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from the Agency shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) **Continuous monitoring and recording.** Owners and operators of the following "source categories" shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators:

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million Btu per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million Btu per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to the Agency by the owner(s) or operator(s).

(b) Sulfuric acid plants. Sulfur dioxide where production capacity is more than three

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hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluidized bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators:

(i) Opacity, except where steam generator capacity is less than one hundred million Btu per hour heat input.

(ii) Continuous monitoring equipment. The requirements of SWCAA 400-105(4)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWCAA 400-105(4)(d) shall be subject to approval by the Agency.

(e) Owners and operators of those "sources" required to install continuous monitoring equipment under this section shall demonstrate to the Agency, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5 (as in effect on July 1, 2015), and 40 CFR Part 60, Appendices B through F, as appropriate, as adopted by reference in SWCAA 400-115.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, the Agency determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

(g) Exemptions. This subsection (SWCAA 400-105(4)) does not apply to any "stationary source" pollutant emission that is:

(i) Required to be continuously monitored due to a standard or requirement contained in 40 CFR Parts 60, 61, 62, 63 or 75.

(ii) Not subject to an applicable emission standard.

(5) **Misrepresentation.** No person shall make any false material statement, representation or certification in any form, notice, or report required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(6) **Tampering.** No person shall render inaccurate any monitoring device or method required under Chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

(7) **Requirements for Continuous Emission Monitoring Systems.** The Agency may require any continuous emission monitoring system (CEMS) installed pursuant to an air discharge permit, PSD permit, or agency regulation, and not subject to CEMS requirements imposed by 40 CFR Parts 60, 61, 62, 63, or 75, to meet the following requirements:

(a) Quality Assurance. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect on July 1, 2015, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring

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Systems" (EPA) 340/1-86-010.

(b) Data Availability. Except for system breakdowns, repairs, calibration checks, and zero and span adjustments, continuous monitoring systems shall be in operation whenever the associated generating equipment is in operation.

(i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.

(ii) Continuous monitoring systems for measuring emissions other than opacity shall complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.

(c) Data Recovery. The owner or operator shall recover valid hourly monitoring data for at least 95 percent of the hours that the associated generating equipment is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrates that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonable preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.

(d) Data Recording. Monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data must be reduced to one hour averages. Monitoring data for opacity is to be reduced to six minute block averages unless otherwise specified in the order of approval, permit, or regulation. All monitoring data will be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, no valid data is collected until the monitoring system passes a quality assurance test or audit.

(e) Data Retention. The owner or operator shall retain all monitoring data averages for at least five years, including copies of all reports submitted to the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.

(f) Data Reporting. The owner or operator shall submit a report to SWCAA within thirty days after the end of each month in which data were recorded or as otherwise directed by the terms of the applicable air discharge permit, PSD permit, or regulation. The report required by this section may be combined with an excess emission report required by SWCAA 400-107. The report shall include the following information:

(i) The number of hours that the monitored emission unit operated during the month and the number of valid hours of monitoring data that the monitoring system recovered during the month;

(ii) The date, time period, and cause of each failure to meet the data recovery requirements of section (c) above and any actions taken to ensure adequate collection of such data;

(iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the associated generating equipment was operated each day;

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

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

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/18/79; Amended by Board 4/17/84 - renumbered to 400-170; Amended by Board (400-170) 12/16/86; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

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

(1) **Emission testing requirements.**

(a) **Requirement to test.** The Agency may conduct or require that emission testing be conducted of any "source" or emission unit within the jurisdiction of the Agency to determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions.

(b) **Test methods.** Any required emission testing shall be performed using appropriate sampling and analytical methods as approved in advance by the Agency including, but not limited to, approved EPA test methods from 40 CFR Parts 51, 60, 61, and 63 which are hereby adopted by reference (as in effect on January 1, 2015), approved test methods from Ecology's Test Manual Procedures for Compliance Testing, Opacity Determination Method (SWCAA Method 9 - Appendix A to SWCAA 400), Oregon Department of Environmental Quality (DEQ) Method 8 "Sampling Particulate Emissions from Stationary Sources (High Volume Method)" hereby adopted by reference, or alternate procedures approved by both the Agency and EPA.

(c) **Accommodations for sampling.** The operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform a test of an emission unit. The Agency shall be allowed to obtain a sample from any emission unit. The operator of the "source" shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(d) **Notification/test plan submission.** The owner or operator of a "source" shall submit a test plan to the Agency in writing at least 10 business days prior to any required emissions test or as otherwise approved by the Agency. Agency personnel shall be informed at least 3 business days prior to testing so that they have an opportunity to be present during testing.

(e) **Test duration.** A minimum of 3 test runs, at least 1 hour in length, shall be performed at maximum achievable operating conditions unless otherwise approved in advance to establish that collected data is representative of normal operations. The results of the individual test runs shall be averaged together for the purpose of demonstrating compliance with applicable emission limits.

(f) **Test records.** A complete record of production related parameters including startups, shutdowns, and adjustments shall be kept during emissions testing to correlate operations with emissions and shall be recorded in the final test report.

(g) **Test reports.** Results of all required emission testing shall be submitted to the Agency within 45 calendar days of test completion or as specified in the applicable air discharge permit. Test reports shall be submitted in both printed and electronic formats. Measured concentrations for combustion and incineration emission units

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shall be corrected as provided in the applicable air discharge permit or nonroad engine permit, or as specified in SWCAA 400-050(3). The Agency may reject test reports that do not contain the information listed below, and require resubmittal of a complete report. Test reports shall include the following information:

(i) A description of the emission unit including manufacturer, model number and design capacity of the equipment, and the location of the sample ports or test locations;

(ii) Time and date of the test and identification and qualifications of the personnel involved;

(iii) A summary of results, reported in units and averaging periods consistent with the applicable emission standard or limit, or as specified in the applicable air discharge permit. Where applicable, results shall be reported both as measured and as corrected to the appropriate oxygen correction;

(iv) A summary of control system or equipment operating conditions;

(v) A summary of production related parameters;

(vi) A description of the test methods or procedures used including all field data, quality assurance/quality control procedures and documentation;

(vii) A description of the analytical procedures used including all laboratory data; quality assurance/quality control procedures and documentation;

(viii) Copies of field data and example calculations;

(ix) Chain of custody information;

(x) Calibration documentation;

(xi) Discussion of any abnormalities associated with the results; and

(xii) A statement signed by the senior management official of the testing firm certifying the validity of the emission test report.

(2) **Emission monitoring requirements for combustion sources.**

(a) **Requirement to monitor.** The Agency may require in an air discharge permit or nonroad engine permit that emission monitoring be conducted for any "source" within the jurisdiction of the Agency to evaluate process equipment operation or control equipment performance.

(b) **Monitoring method.** Emission monitoring may be performed with a portable analyzer or EPA reference methods. Alternative methodologies may be used if approved by both EPA and SWCAA.

(i) For any portable analyzer used to perform emission monitoring pursuant to this section, the response of the analyzer to a calibration gas of known concentration shall be determined before sampling commences and after sampling has concluded. These "calibration error" measurements shall be conducted as close as practical to the time of the monitoring event, but in no case on a different day than the event. At a minimum, the calibration error procedure shall include a two point (zero/span gas) calibration error check using EPA Protocol 1 reference gases. Results of the sampling shall not be valid if the pre and post calibration error check results vary by more than 10 percent of the span value; and

(ii) Span gas concentrations shall be no less than 50 percent and no more than 200 percent of the emission concentration corresponding to the permitted emission limit. When actual emission concentrations are significantly less than the permitted emission limit, a lower concentration span gas may be used if it is more representative of measured concentrations. Ambient air

may be used to zero CO and NO_X cells/analyzer(s) and span oxygen cells/analyzer.

(c) **Accommodations for sampling.** The owner or operator of a "source" shall provide the necessary platform and sampling ports for Agency personnel or others to perform monitoring of an emission unit.

(d) **Data collection.** Emission data shall be collected for at least five minutes following a "ramp-up" phase. The "ramp-up" phase ends when analyzer readings have stabilized (less than five percent per minute change in emission concentration value). Emission concentrations shall be recorded every 30 seconds during data collection. All emission data collected following the ramp-up phase(s) shall be reported to the Agency.

(e) **Monitoring records.** A complete record of production related parameters shall be kept during emission monitoring to correlate operations with emissions and shall be recorded in the final monitoring report. Typical production parameters include, but are not limited to, startups, shutdowns, unit load, fuel flow, operating temperature, etc.

(f) **Monitoring reports.** Results of all required emission monitoring shall be submitted to the Agency within 15 calendar days of completion or as specified in the applicable regulatory order or air discharge permit. Results shall be submitted on forms provided by the Agency or in an alternative format approved by the Agency. The report shall include the following information:

(i) A description of the emission unit including manufacturer, model number and facility designation;

(ii) Time and date of the emission monitoring;

(iii) Identification of the personnel involved;

(iv) A summary of results, reported in units consistent with the applicable emission standard or limit;

(v) A summary of control system or equipment operating conditions, including firing rate at time of monitoring;

(vi) A description of the evaluation methods or procedures used including all field data, quality assurance/quality control procedures and documentation; and

(vii) Calibration error check documentation.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-107 Excess Emissions

Note: SWCAA does not submit revisions to SWCAA 400-107 into the SIP, due to pending resolution of SSM concerns. This section will remain unchanged in the SIP.

(1) **Excess emission recordkeeping and reporting.** Excess emissions shall be reported to SWCAA as follows:

(a) Excess emissions that represent a potential threat to human health or safety shall be reported as soon as possible, but no later than 12 hours after discovery.

(b) Excess emissions which the owner or operator wishes to be considered as unavoidable, shall be reported to the Agency as soon as possible, but no later than 48

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hours after discovery.

(c) All other excess emissions shall be reported within 30 calendar days after the end of the month during which the event is discovered, or for Air Operating Permit sources, as provided in WAC 173-401-615.

(d) Excess emission reports shall contain the following information:

(i) Identification of the emission unit(s) involved;

(ii) A brief description of the event including identification of known causes;

(iii) Date, time and duration of the event;

(iv) For exceedances of non-opacity emission limitations, an estimate of the quantity of excess emissions;

(v) Corrective action taken in response to the event; and

(vi) Preventive measures taken or planned to minimize future recurrence.

(e) For any excess emissions the owner or operator wishes to be considered as unavoidable, the excess emission report must include the following information in addition to that listed in subsection (d) above:

(i) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(ii) Information on whether installed emissions monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

(iii) All additional information required by section (2) below supporting the claim that the excess emissions were unavoidable.

(2) **Unavoidable excess emissions.** Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute. Unavoidable excess emissions are subject to injunctive relief but not penalty. The decision that excess emissions are unavoidable is made by the permitting authority. In a federal enforcement action filed under 42 USC 7413 or 7604 the decision-making authority shall determine what weight, if any, to assign to the permitting authority's determination that an excess emissions event does or does not qualify as unavoidable under the criteria in subsections (c), (d), and (e) below.

(a) **Burden of proof.** The owner or operator of a "source" shall have the burden of proving to the Agency or decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under this section.

(b) **Applicability.** This section does not apply to excess emissions that:

(i) Cause a monitored exceedance of any relevant ambient air quality standard;

(ii) Exceed emission standards promulgated under 40 CFR Parts 60, 61, 62, 63, 72, or a permitting authority's adoption by reference of such federal standards; and

(iii) Exceed emission limits and standards contained in a PSD permit issued solely by EPA.

(c) **Startup or shutdown.** Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:

(i) Excess emissions could not have been prevented through careful planning and design;

(ii) Startup or shutdown was done as expeditiously as practicable;

(iii) All emission monitoring systems were kept in operation unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(iv) The emissions were minimized consistent with safety and good air pollution control practice during the startup or shutdown period;

(v) If a bypass of control equipment occurs, that such bypass was necessary to prevent loss of life, personal injury, or severe property damage; and

(vi) Excess emissions that occur due to upsets or malfunctions during routine startup or shutdown are treated as upsets or malfunctions under section (e) below.

(d) **Maintenance.** Excess emissions due to scheduled maintenance shall be considered unavoidable if the "source" reports as required under section (1) 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.

(e) **Upsets or malfunctions.** Excess emissions due to upsets or equipment malfunctions shall be considered unavoidable provided the "source" reports as required under section (1) and adequately demonstrates that:

(i) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(ii) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;

(iii) The operator took immediate and appropriate corrective action in a manner consistent with safety and 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;

(iv) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage; and

(v) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.07 & 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 5.07); 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-109 Air Discharge Permit Applications

(1) **Purpose.** An air discharge permit application is the document used by the Agency to record and track requests from individual "stationary sources," registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a "stationary source." Confidential information shall be identified as set forth in SWCAA 400-270.

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(2) **Applicability.**

(a) An air discharge permit application shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of "new source." The application must be submitted and an air discharge permit must be issued or written confirmation of exempt status must be received before the proposed installations, modifications, changes, or alterations may begin actual construction. Activities that typically require the submission of a permit application include, but are not limited to, the following:

(i) New construction or installation;

(ii) Change of existing air discharge permit conditions or terms (including Title V opt-out requests - SWCAA 400-091);

(iii) Review of existing or installed equipment operating without prior approval;

(iv) Modification, alteration or replacement of existing process or control equipment;

(v) Relocation of existing equipment;

(vi) Review of existing equipment with an expired or lapsed approval or registration;

(vii) Review of case-by-case control technology determinations (e.g., RACT, BACT, MACT BART, LAER).

(b) Submittal of an air discharge permit application shall not automatically impose review requirements pursuant to SWCAA 400-110.

(c) Stationary sources subject to the PSD program (WAC 173-400-700 through -750) shall submit a PSD application to Ecology for air pollutants subject to PSD permitting, and submit an air discharge permit application to SWCAA for air pollutants that are not subject to PSD permitting. A copy of the PSD application shall also be submitted to SWCAA.

(d) Air discharge permit applications for new major stationary sources and major modifications located in a designated nonattainment area that emit the air pollutant or precursors of the air pollutant for which the area is designated nonattainment, and meet the applicability criteria in SWCAA 400-820, shall include all information necessary to meet the requirements of SWCAA 400-800 through -860.

(e) Applicability determination. If the owner or operator of a "new source" is unable to determine the applicability of this section, a formal determination may be requested from the Agency. A formal determination requires the submission of project related documentation sufficient for the Agency to identify affected emission units and quantify potential emissions, and the payment of a fee equal to $300. This fee provides for up to 4 hours of staff time to review and/or consult with the owner or operator regarding the submitted documentation. If more than 4 hours of staff time are needed to make a determination, additional staff time will be invoiced to the owner or operator at the rate of $70/hr. The Agency will provide written applicability determination to the owner or operator subsequent to reviewing the submitted documentation.

(3) **Exemptions.** The owner or operator of any "new source" that meets the exemption criteria specified below may provide written notification to SWCAA in lieu of a permit application. The Agency will review each notification, and provide written confirmation of exempt status to the owner or operator of the affected "new source" within 30 calendar days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:

Name and location of "stationary source";
Description of primary processes at the "stationary source";
Description of emission units at the "stationary source"; and
Estimated air contaminant emissions from "stationary source" operations.

Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time. No further action is required from "stationary sources" deemed to be exempt. However, if the Agency determines that the "new source" does not meet the exemption criteria specified below, an air discharge permit application shall be submitted pursuant to this section.

(a) **Sources subject to SWCAA 400-072.** A "new source" is exempt from this section if it meets the category criteria contained in SWCAA 400-072 and SWCAA has confirmed compliance in writing prior to installation or operation.

(b) **Sources subject to SWCAA 400-036.** Portable stationary sources that meet the criteria provided in SWCAA 400-036(1) are exempt from the requirements of this section. Sources subject to SWCAA 400-036 must maintain compliance with all provisions of that section and applicable out of jurisdiction requirements in order to remain exempt.

(c) **Greenhouse gas emission sources.** Greenhouse gas emissions are exempt from new source review requirements except to the extent required under WAC 173-400-720 for major stationary sources. However, the owner or operator of a source or emission unit may request that the permitting authority impose emission limits and/or operational limitations for greenhouse gas in any new air discharge permit.

(d) **Exempt emission thresholds.** A "new source" is exempt from this section if uncontrolled potential emissions from all emission units at the affected site or facility are less than all of the following exemption emission thresholds.

Pollutant	Exemption Threshold
NO_X, CO, SO_2	1.0 tpy (individual pollutant)
PM_{10}	0.75 tpy
$PM_{2.5}$	0.5 tpy
VOC	1.0 tpy
Lead	0.005 tpy
Ozone depleting substances	1.0 tpy (combined)
Toxic air pollutants	The lesser of 1.0 tpy (combined) or the individual SQER per WAC 173-460 (effective 8/21/98)

(e) **Exempt equipment and activities.**

(i) The equipment and/or activities listed below are exempt from this section:

(A) Relocation of a portable source that has an active air discharge permit from SWCAA allowing portable operation,

(B) Wastewater treatment plants with a design annual average capacity of less than 1 million gallons per day,

(C) Natural gas or propane fired water heaters with individual rated heat inputs of less than 400,000 Btu per hour. Standards for these units are contained in SWCAA 400-070,

(D) Emergency service internal combustion engines located at a facility

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where the aggregate power rating of all internal combustion engines is less than 200 horsepower. In determining the aggregate power rating of a facility, individual units with a rating of less than 50 horsepower shall not be considered,

(E) Asphalt roofing and application equipment (not manufacturing or storage equipment),

(F) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families,

(G) Application and handling of insecticide, pesticide or fertilizer for agricultural purposes,

(H) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents at commercial laundromats,

(I) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business,

(J) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process (e.g., truck mounted equipment),

(K) Retail paint sales establishments (not including manufacturing),

(L) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing,

(M) Sewing equipment,

(N) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other permanent structures provided operations are in compliance with the provisions of SWCAA 400-070(8),

(O) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-109(3)(c). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses. This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations,

(P) Residential wood heaters (e.g., fireplaces and woodstoves),

(Q) Office equipment, operations and supplies,

(R) Steam cleaning equipment used exclusively for that purpose,

(S) Refrigeration systems that are not in air pollution control service,

(T) Housekeeping activities and equipment,

(U) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks,

(V) Natural and forced air vents and stacks for bathroom/toilet facilities,

(W) Personal care activities,

(X) Lawn and landscaping activities,

(Y) Flares used to indicate danger to the public,

(Z) Fire fighting and similar safety equipment and equipment used to train fire fighters. Burns conducted for fire fighting training

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purposes are regulated under SWCAA 425,

(AA) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question, and

(AB) Emergency service internal combustion engines individually rated at less than 50 horsepower.

(ii) The equipment and/or activities listed below are exempt from this section for the purposes of reviewing toxic air pollutant emissions:

(A) Emergency service internal combustion engines,

(B) Non-emergency internal combustion engines manufactured after January 1, 2008 in use at facilities with total engine capacity less than 500,000 horsepower-hours,

(C) Gasoline dispensing facilities regulated under SWCAA 491, and

(D) Asbestos projects as defined in SWCAA 476-030.

(4) **Fees.** Before the Agency may review a permit application or issue a permit, the applicant shall submit all applicable fees as detailed in the following paragraphs. [Total Application Fee = Filing Fee + Legal Notice Fee (if applicable) + Permit Application Review Fee / Table A + Additional Review Fee / Table B (if applicable) + Major NSR Review Fee / Table C (if applicable)]

Filing Fee
A filing fee of $500.00 shall be submitted for each permit application.

Legal Notice Fee
An applicant who submits an Air Discharge Permit application that requires newspaper publication of a Legal Notice pursuant to SWCAA 400-171 will be invoiced for an additional fee. The additional fee will be equal to the actual cost of publication plus $70 to compensate for the staff time required to prepare, mail and invoice the public notice.

Permit Application Review Fee
A permit application review fee shall be paid for each permit application. The applicable permit application review fee for each permit application shall be determined from Table A based on the primary emission unit or activity of the proposed new, modified or altered "stationary source." Permit application review fees based on emissions are to utilize actual or proposed allowable emissions, after controls, as supported by test data or emission factors, not potential to emit. Permit application review fees based on equipment capacity or size are to utilize the design capacities of affected equipment. If the staff time required to review a permit application exceeds the number of work hours associated with the applicable review fee specified in Table A, the applicant will be invoiced for each additional work hour at the rate of $70.00 per hour.

Expedited Application Review
An applicant may request expedited processing of a permit application. The Agency shall, at its own discretion, determine if available permitting resources are sufficient to support expedited processing. If the application is accepted for expedited processing, the applicant must pay double the normal filing and review fees. An expedited permit application will be processed as soon as possible and receives priority over non-expedited applications. However, the Agency will not guarantee an issue date for expedited permits since the development and issuance of a permit is highly dependent on the accuracy/completeness of

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the application and the responsiveness of the applicant.

Additional / Major NSR Review Fees
If additional actions, as identified in Tables B and C, must be performed by the Agency as a result of the proposed installation, alteration or modification, the applicant shall pay additional fees as specified in those Tables. The fees identified in Tables B and C are cumulative. If the staff time required to complete the additional review exceeds the number of work hours associated with the applicable review fee specified in Tables B and C, the applicant will be invoiced for each additional work hour at the rate of $70.00 per hour.

TABLE A
Permit Application Review Fees

	Equipment/Activity	Associated Work Hours	Review Fee
i.	Fuel burning equipment (Million Btu/hr heat input @ design capacity):		
	0.4 or more but less than 5	8	$ 600.00
	5 or more but less than 10	10	700.00
	10 or more but less than 30	12	850.00
	30 or more but less than 50	14	1,000.00
	50 or more but less than 100	17	1,200.00
	100 or more but less than 250	35	2,500.00
	250 or more but less than 500	57	4,000.00
	500 or more	85	6,000.00
	Change in fuel type	One half of the applicable fee listed above	
ii.	Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):		
	Less than 50	8	$ 600.00
	50 or more but less than 5,000	10	700.00
	5,000 or more but less than 20,000	11	800.00
	20,000 or more but less than 50,000	12	900.00
	50,000 or more but less than 100,000	13	950.00
	100,000 or more but less than 250,000	14	1,000.00
	250,000 or more but less than 500,000	28	2,000.00
	500,000 or more	57	4,000.00
iii.	Refuse burning equipment (Incinerators) (Tons/day capacity):		
	Less than 0.5	10	$ 700.00
	0.5 or more but less than 5	11	800.00
	5 or more but less than 12	14	1,000.00
	12 or more but less than 50	42	3,000.00
	50 or more	85	6,000.00

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iv. Storage tanks, reservoirs, or containers (Gallons-total capacity):
(Other than gasoline or diesel fuel dispensing facilities):

250 or more but less than 10,000	8	$ 600.00
10,000 or more but less than 40,000	14	1,000.00
40,000 or more but less than 100,000	21	1,500.00
100,000 or more	28	2,000.00

v. Gasoline dispensing facilities:

Stage I	8	$ 600.00
Stage II	10	700.00
Stages I & II, combined	11	800.00
Toxics review for gasoline facility	21	1,500.00
Stage II removal	8	600.00

vi. Other: $200.00 per ton of emission
(Not classified in Subsection i., ii., iii., iv. or v. above)

vii. Toxic air contaminants $200.00 per ton of emission

viii. Complex stationary source or modification:	85	$ 6,000.00
ix. Synthetic minor application: (Including,but not limited to: Title V, HAP)	35	$ 2,500.00

x. Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions - tons per year):

Less than or equal to 10	8	$ 600.00
More than 10 but less than or equal to 50	14	1,000.00
More than 50 but less than or equal to 100	21	1,500.00
More than 100 but less than 250	35	2,500.00
250 or greater	85	6,000.00

xi. Minor modifications to existing permit conditions:	8	$ 600.00
xii. Dry cleaner:	8	$ 600.00

xiii. Internal combustion engines (Aggregate horsepower rating):

Less than 500	10	700.00
500 or more but less than 2,000	14	1,000.00
2,000 or more but less than 5,000	21	1,500.00
5,000 or more but less than 10,000	42	3,000.00
10,000 or more	85	6,000.00

xiv. Crematory/small incinerators/small flares:	10	$ 700.00

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xv.	Gluing/flow coating operations without active ventilation:	11	$ 800.00
xvi.	Soil/groundwater remediation:	11	$ 800.00
xvii.	Composting facilities (Average material throughput - tons per day):		
	Less than 50	8	$ 600.00
	50 or more but less than 100	14	1,000.00
	100 or more but less than 200	21	1,500.00
	200 or more but less than 500	42	3,000.00
	500 or more	85	6,000.00
xviii.	Coffee roasters:	10	$ 700.00
xix.	Municipal wastewater treatment plants: (Million gallons per day - annual average design capacity)		
	More than 1 but less than 5	11	$ 800.00
	5 or more but less than 10	21	1,500.00
	10 or more	35	2,500.00

TABLE B
Additional Fees

	Equipment/Activity	Associated Work Hours	Fee
xx.	Emission offset analysis or bubble:	10	$ 700.00
xxi.	Emission reduction credit (ERC) application: (Deposit or withdrawal)	10	$ 700.00
xxii.	RACT/BACT/MACT/BART/LAER determination:		$ 70.00/hr
(xxiii.)	Variance request:	11	$ 800.00
(xxiv)	Review of ambient impact analysis:		$ 70.00/hr
(xxv.)	Review of Ecology agreed orders and consent orders pursuant to RCW 70.105D.090(1):		$ 70.00/hr

TABLE C
Major NSR Fees

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	Equipment/Activity	Associated Work Hours	Fee
(xxvi.)	Plantwide applicability limitations:	142	$ 10,000.00

(5) **Final determination.**

(a) Each complete air discharge permit application shall result in the issuance of a final determination consistent with the requirements of SWCAA 400-110 or confirmation of exempt status by the Agency.

(b) The requirements of SEPA (State Environmental Policy Act) shall be complied with for each air discharge permit application. Air discharge permit applications for actions that are subject to SEPA review shall include a completed environmental checklist as provided in WAC 197-11 or a copy of another agency's SEPA determination for the same action. A list of actions exempt from SEPA is found in WAC 197-11-800.

(6) **Withdrawn or exempt applications.**

(a) An air discharge permit application may be withdrawn by the applicant at any time prior to issuance of an air discharge permit or regulatory order. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Agency, a permit application may be determined to be exempt from the requirements of SWCAA 400-110 if it meets the exemption criteria provided in SWCAA 400-109(3). The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time.

(c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.152 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

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

(1) **Applicability.**

(a) Air discharge permit applications submitted to the Agency pursuant to SWCAA 400-109 shall be reviewed and approved in accordance with the requirements of this section.

(b) Review of a modification shall be limited to the emission unit(s) proposed to be added to an existing "stationary source" or modified and the air contaminants whose emissions would increase as a result of the modification except that review of a "major modification" shall comply with the requirements of SWCAA 400-111, 400-112, 400-113, 400-800 through -860, and/or WAC 173-400-700 through -750.

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(c) The requirements of this section are not applicable to:

(i) "Stationary sources" that meet the exemption criteria specified in SWCAA 400-109(3). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Agency to substantiate that the "stationary source" is entitled to exemption under this section; ((~~and~~))

(ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046; and

(iii) Portable stationary sources subject to the provisions of SWCAA 400-036.

(d) Review is not required for the following:

(i) A process change that does not result in the emission of a type of toxic air pollutant, as provided in Chapter 173-460 WAC (as in effect 8/21/98), not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in WAC 173-460-150. The process change may not cause an existing emission limit to be exceeded; or

(ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate specified in WAC 173-460-150. The material change may not cause an existing emission limit to be exceeded.

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

(a) Each application shall provide information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification. The application shall identify the location, design, construction, and operation the new source as necessary to enable the Agency to determine that the new source will meet applicable requirements.

(b) An application for a new major stationary source or major modification shall provide all information required for review pursuant to WAC 173-400-700 through -750 or SWCAA 400-800 through -860, as applicable.

(c) An application for a source subject to the Special Protection requirements for federal Class I areas in WAC 173-400-117(2) shall include all information required for review of the project under WAC 173-400-117(3).

(d) A completed SEPA checklist or relevant SEPA determination for the proposed action shall be submitted with each application, as provided in WAC 197-11. If a proposed action is exempt from SEPA, sufficient documentation shall be provided to confirm its exempt status.

(3) **Requirements.**

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

(b) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.

(c) Air discharge permit applications must demonstrate that all applicable emission standards have been or will be met by the proposed modification or "new source."

Examples of applicable emissions standards include, but are not limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS and applicable ambient air quality standards. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151. If the ambient impact of a proposed project could potentially exceed an applicable ambient air increment, the Agency may require that the applicant demonstrate compliance with available ambient air increments and Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2015). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" that meet the applicability criteria of WAC 173-400-720 shall demonstrate that all applicable requirements of WAC 173-400-700 through 750 have been met.

(e) Air discharge permit applications for "major stationary sources" or "major modifications" that are located within a designated nonattainment area and meet the applicability criteria of SWCAA 400-820 shall demonstrate that all applicable requirements of SWCAA 400-800 through -860 have been met.

(f) An applicant filing an air discharge application for a project described in WAC 173-400-117(2), Special Protection Requirements for Federal Class I Areas, must send a copy of the application to the responsible federal land manager and EPA.

(4) **Final determination.**

(a) Within 60 calendar days of receipt of a complete application, the Agency shall either issue a final decision approving or denying the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. The Agency will promptly mail copies of each order approving or denying an air discharge permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.

An owner or operator seeking to construct or modify a "stationary source" that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the application required by this section. An application designated for integrated review shall be processed in accordance with Chapter 173-401 WAC procedures and deadlines and must comply with SWCAA 400-171. A PSD permit application subject to WAC 173-400-700 through -750 shall comply with the public process requirements of those sections.

(b) An owner or operator who submits applications pursuant to both SWCAA 400-045 and 400-109 may elect to combine the applications into a single permit.

(c) Permits issued pursuant to this section become effective on the date of issuance unless otherwise specified.

(d) Every final determination on an air discharge permit application that results in the issuance of an air discharge permit by the Agency shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.

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(e) If the "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, the Agency shall submit any control technology determination(s) included in a final air discharge permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.

(f) If SWCAA is the lead SEPA agency for the proposed action and mitigation measures are required as a result of the SEPA review, applicable mitigation measures shall be included in the final determination.

(5) **Appeals.** An air discharge permit, any conditions contained in an air discharge permit, the denial of an air discharge permit application, or any other regulatory order issued by the Agency, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC.

(6) **Portable sources.** The owner(s) or operator(s) of portable sources, as defined in SWCAA 400-030, shall be allowed to operate at temporary locations without filing an air discharge permit application for each location provided that:

(a) The affected emission units are registered with the Agency pursuant to SWCAA 400-100.

(b) The affected emission units have an air discharge permit as a portable "stationary source" issued by SWCAA.

(c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location prior to starting the operation. This rule section supersedes corresponding notification requirements contained in existing air discharge permits.

(d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Agency to determine that the operation will comply with applicable emission standards, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

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

(7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order or an air discharge permit issued pursuant to this section shall be considered a violation of this section. Noncompliance with any term of a regulatory order or air discharge permit used to satisfy the criteria of SWCAA 400-036 shall be considered a violation of this section.

(8) **Expiration.** Approval to construct or modify a "stationary source" shall become invalid if construction is not commenced within eighteen months after the date of issuance of an air discharge permit, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. On a permit specific basis, the Agency may specify an earlier date for commencement of construction in an air discharge permit.

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

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

(9) **Change of conditions.**

(a) The owner or operator may request, at any time, a change in existing approval/permit conditions. The Agency may approve the request provided that:

(i) The change will not cause an applicable emissions standard set by regulation or rule to be exceeded;

(ii) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;

(iii) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;

(iv) The revised approval conditions will continue to require BACT, as defined at the time of the original approval, for each approved "stationary source" except where the Federal Clean Air Act requires LAER (e.g., any change that meets the definition of a "new source" must complete a new BACT determination); and

(v) The revised approval conditions meet the requirements of SWCAA 400-110, 400-111, 400-112, 400-113, and 400-830(3) as applicable.

(b) Requests for a change in PSD permit conditions must be made directly to Ecology. The Agency does not have authority to issue or modify PSD permits.

(c) Actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171 as applicable.

(d) The criteria in 40 CFR 52.21(r)(4), as adopted by reference in WAC 173-400-720 or SWCAA 400-830(3) as applicable, shall be considered when determining which new source review approvals are required.

(e) A request to change approval/permit conditions shall be filed as an air discharge permit application in accordance with SWCAA 400-109. The application shall meet the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-109(4) shall apply to these requests.

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

(a) The order or permit contains a material mistake. Typographical errors are presumed to constitute a material mistake.

(b) Inaccurate statements were made in establishing the emission standards and/or conditions of the order or permit.

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(c) The permit does not meet minimum federal standards.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.152 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-06-015 filed 2/25/92, effective 3/25/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-030 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

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

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

"New sources" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO_x in a designated ozone maintenance plan area, shall meet the following requirements:

(1) **Emission standards.** The proposed "new source" or modification shall:

(a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter 70.94 RCW, and the applicable emission standards of the Agency; and

(b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be violated; and

(c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and

(d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) **Control Technology Requirements – BACT / LAER.** Except as provided below, the owner or operator of the proposed "new source", “emission unit” or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.

(3) **Source compliance.** The owner or operator of the proposed "new source", “emission unit” or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act Chapter 70.94 RCW.

(4) **Alternative analysis.**

(a) Except as provided in subsection (c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an

alternatives analysis;

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

(5) **Emission offsets and industrial growth allowances.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available. Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.

(a) Available growth allowances may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary source" or "major modification" to provide offsets as described in subsection (c) below.

(b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, NO_x, or CO may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete application and allowance allocation request;

(ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO_x emissions.

(iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of the available growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board of Directors may approve an emissions allocation of greater than 50 percent upon consideration of the following:

(A) Information submitted by the "stationary source" to SWCAA justifying its request for exceeding the 50 percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";

(B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the "stationary source" or SWCAA.

(iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA may limit the quantity of

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VOC and NO_x growth allowances made available each year. SWCAA will track use of VOC and NO_x allocations from the growth allowances.

(v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

(c) If no emissions remain in the respective growth allowance, or the Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM_{10}, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants may be from inside or outside of the same maintenance plan area.

(iii) "New sources" or modifications shall meet the following offset requirements:

(A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New "major stationary sources" within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO_x emissions at a ratio of 1.1 to 1, if the NO_x emissions exceed either 100 tons per year or 700 pounds per day.

(II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO_x emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM_{10} shall be offset with particulate in the same size range.

(v) Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete application for the "new source" or modification. This time limitation may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:

(A) The proposed new level of allowable emissions of the "stationary source" or emission unit providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit. No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission unit providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facilitywide emissions do not exceed the new emission limit.

(6) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in WAC 173-400-700 through 173-400-750, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the requirements of this section.

(7) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), the "new source" shall meet all applicable requirements of that regulation.

(8) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility

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protection requirements of WAC 173-400-117.

(9) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073, filed 11/13/06, effective 12/14/06, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

"New sources" or modifications within a designated nonattainment area shall meet the following requirements:

(1) **Emission standards.** 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 the applicable emission standards of the Agency.

(2) **Control technology requirement.** The proposed "new source" or modification will employ BACT for all air contaminants not subject to LAER that the "new source" will emit or for which the modification will cause an emissions increase. If the "new source" is a "major stationary source" or the proposed modification is a "major modification" it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed "new source" is major or for which the existing source is major and the modification is significant.

(3) **Ambient air quality standards.** 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 Washington SIP and will comply with SWCAA 400-113(3) for all air contaminants for which the area has not been designated nonattainment.

(4) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(5) **Major new source review.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" as those terms are defined in SWCAA 400-810, it shall meet the requirements of SWCAA 400-800 through 400-860.

(6) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.

(7) **Visibility.** If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

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SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas

"New sources" or modifications in an area that is in attainment or unclassifiable shall meet the following requirements:

(1) **Emission standards.** The proposed "new source", "emission unit" or modification shall comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Agency.

(2) **Control technology requirement.** The proposed "new source" or modification shall employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the "new source" or modification.

(3) **Allowable impact levels.** Allowable emissions from the proposed "new source", "emission unit" or modification shall not delay the attainment date for an area not in attainment, nor cause or contribute to a violation of any ambient air quality standard. This requirement will be met if the projected impact of the allowable emissions from the proposed "new source" or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following impact levels for the pollutant(s) for which the area has been designated nonattainment or maintenance:

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/m^3	1.2 μg/m^3	-	-	-
NO_2	1.0 μg/m^3	-	-	-	-

If the projected impact of the proposed "new source" or modification exceeds an applicable value from the table above, the owner or operator shall provide offsetting emission reductions sufficient to reduce the projected impact to below the allowable impact level. For a proposed "new source" or modification with a projected impact within a maintenance area, this offset requirement may be met in whole, or in part, by an allocation from an industrial growth allowance. Emission offsets and growth allowance allocations used to satisfy the requirements of this section shall comply with the provisions of SWCAA 400-840.

(4) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification", as those terms are defined in WAC 173-400-710, it shall meet all applicable requirements of WAC 173-400-700 through 173-400-750.

(5) **Toxics.** If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC (as in effect 8/21/98), it shall meet all applicable requirements of that chapter.

(6) **Visibility.** If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

(7) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting

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requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073, filed 11/13/06, effective 12/14/06, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing "stationary source" or emission unit shall file an air discharge permit application with the Agency and shall be subject to the review process of SWCAA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the "new source" emissions standards of SWCAA 400-111, 400-112 or 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or modification then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under SWCAA 400-110, the Agency may:

(a) Require that the owner or operator employ RACT for the affected emission unit;

(b) Prescribe reasonable operation and maintenance conditions for the control equipment; and

(c) Prescribe other requirements authorized by Chapter 70.94 RCW.

(3) Within thirty calendar days of receipt of an air discharge permit application under this section the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete application under this section, the Agency shall either issue an air discharge permit or a proposed RACT determination for the proposed project.

(4) Construction shall not commence on a project subject to review under this section until the Agency issues a final air discharge permit or other regulatory order. However, any air discharge permit application filed under this section shall be deemed to be approved without conditions if the Agency takes no action within thirty days of receipt of a complete application. The Agency may request clarification of information submitted in support of the application after the application has been determined to be complete.

(5) An air discharge permit to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an air discharge permit.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be

considered a violation of this section.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.153 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84, Renumbered from 400-110; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-115 Standards of Performance for New Sources

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

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

(2) **Exceptions.** The following sections and subparts of 40 CFR 60 are not adopted by reference:

(a)	40 CFR 60.5	Determination of construction or modification
(b)	40 CFR 60.6	Review of plans
(c)	Subpart B	Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20 et seq.)
(d)	Subpart C	Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)
(e)	Subpart Cb	Emissions guidelines and compliance times for large municipal waste combustors that are constructed on or before September 20, 1994 (ref. 40 CFR 60.30b et seq.)
(f)	Subpart Cc	Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
(g)	Subpart Cd	Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
(h)	Subpart Ce	Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
(i)	Subpart BBBB	Emission guidelines and compliance times for small municipal waste combustion units constructed on or before august 30, 1999 (ref. 40 CFR 60.1500 et seq.) Note: These sources are regulated under SWCAA 400-050(4)
(j)	Subpart DDDD	Emissions guidelines and compliance times for commercial and industrial solid waste incineration units that commenced construction on or before November 30, 1999 (ref. 40 CFR 60.2500 et seq.) Note: These sources are regulated under SWCAA 400-050(4)
(k)	Subpart FFFF	Emission guidelines and compliance times for other solid waste incineration units that commenced construction on or before December 9, 2004. (ref. 40 CFR 60.2980 et seq.)
(l)	Subpart JJJJ	Stationary Spark Ignition Internal Combustion Engines

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		(ref. 40 CFR 60.4230 et seq.)
(m)	Subpart MMMM	Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
(n)	Subpart TTTT	Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.)
(o)	Subpart UUUU	Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700 et seq.)

[Statutory Authority: Chapter 70.94.141 RCW. Originally adopted by Board 12/18/79; Amended by Board 4/17/84 (renumbered to 400-135); Amended by Board 12/16/86; 93-16-007 filed 7/22/93, effective 8/22/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05; 06-23-073, filed 11/13/06, effective 12/14/06; 09-21-056, filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-116 Maintenance of Equipment

(1) **Process equipment.** Any process equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.

(2) **Pollution control equipment.** Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with Agency approval conditions. The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.

(3) **Operation and Maintenance plans.** The Agency may require that an Operations and Maintenance (O&M) plan be developed and implemented for each emission unit or piece of control or capture equipment in order to assure continuous compliance with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shutdown and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the "source" at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in the applicable air discharge permit.

(4) Noncompliance with any emission limit, test requirement, reporting or recordkeeping requirement or other requirement identified in applicable regulatory orders shall be considered a violation of this section.

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[Statutory Authority: Chapter 70.94.152(7) RCW, and 70.94.155 RCW. Original Board adoption 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-120 Bubble Rules

(1) **Applicability.** The owner(s) or operator(s) of any source(s) may apply for a bubble for any contaminant regulated by state or federal law or regulations established to implement such laws for which the emission requirement may be stated as an allowable limit in weight of air contaminant per unit time for the emissions units involved.

(2) **Conditions.** A bubble may be authorized provided the following conditions have been demonstrated to the satisfaction of the Agency.

- (a) The contaminants exchanged must be of the same type, that is, PM_{10} for PM_{10}, sulfur dioxide for sulfur dioxide, etc.
- (b) The bubble will not interfere with the attainment and maintenance of ambient air quality standards.
- (c) The bubble will not result in a delay in compliance by any source, nor a delay in any existing enforcement action.
- (d) The bubble will not supersede NSPS, NESHAPS, BACT, or LAER. The emissions of hazardous air contaminants shall not be increased.
- (e) The bubble will not result in an increase in the sum of actual emission rates of the contaminant involved from the emissions units involved.
- (f) A bubble may not be authorized solely for opacity limits. However, if the emission limit for particulates for a given emissions unit is increased as part of a bubble, the opacity limit for the given emissions unit may be increased subject to the following limitations:
  - (i) The new opacity limit shall be specific for the given emissions unit;
  - (ii) The new opacity limit shall be consistent with the new particulate matter emission limit(s) and/or PM_{10} emission limit(s);
  - (iii) An opacity greater than twenty percent shall never be authorized;
  - (iv) If the given emissions unit emits or has the potential to emit 100 tons per year or more of particulate matter, the opacity shall be monitored continuously.
- (g) The emission limits of the bubble are equivalent to existing limits in enforceability.
- (h) Concurrent with or prior to the authorization of a bubble, each emission unit involved in a bubble shall receive or have received a regulatory order or permit that establishes total allowable emissions from the source of the contaminant being bubbled, expressed as weight of the contaminant per unit time.
- (i) There will be no net adverse impact upon air quality from the establishment of new emission requirements for a specific source or emissions unit. Determination of net adverse impact shall include but not be limited to public perception of opacity and public perception of odorous contaminants.
- (j) Specific situations may require additional demonstration as requested by the Agency.

(3) **Jurisdiction.** Whenever a bubble application involves emissions units, some of which are under the jurisdiction of Ecology and some of which are under the jurisdiction of the Agency, approval will require concurrence by both authorities. The new emission limits for each emissions unit will be enforced by the agency of original jurisdiction.

(4) **Additional information.** Within thirty calendar days, after the receipt of a bubble

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application and all supporting data and documentation, the Agency may require the submission of additional information needed to review the application.

(5) **Approval.** Within thirty calendar days after all the required information has been received, the Agency shall approve or deny the application, based on a finding that conditions in subsection (2)(a) through (j) of this section have been satisfied or not. If the application is approved, a regulatory order or equivalent document shall be issued which includes new allowable emissions limits expressed in weight of pollutant per unit time for each emissions unit affected by the bubble. The regulatory order or equivalent document shall include any conditions required to assure that subsection (2)(a) through (j) of this section will be satisfied. If the bubble depends in whole or in part upon the shutdown of equipment, the regulatory order or equivalent document shall prohibit operation of the affected equipment.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.155 RCW. Original adoption by Board 4/17/84 under 400-115; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-130 Use of Emission Reduction Credits

(1) **Permissible use.** An ERC may be used:

(a) To satisfy the requirements for authorization of a bubble under SWCAA 400-120,

(b) As an offsetting reduction to satisfy the requirements for new source review per SWCAA 400-111, 400-113(3) or 400-830, or

(c) To demonstrate a creditable contemporaneous emission reduction for determining a net emissions increase as defined in WAC 173-400-710 and SWCAA 400-810 provided the ERC meets the criteria to be a creditable contemporaneous emission reduction.

The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

(2) **Conditions of use.** An ERC may be used only for the air contaminant(s) for which it was issued and in the area for which it was issued except in the case of transportable pollutants, which will be determined on a case-by-case basis and per interagency agreement for interstate transfers. The Agency may impose additional conditions of use of ERCs to account for temporal and spatial differences between the emission unit(s) that generated the ERC and the emission unit(s) that use the ERC. An ERC may not be used in place of a growth allowance as required under SWCAA 400-111.

(3) **Procedures to use ERC.**

(a) **Individual use.** When an ERC is used under subsection (2) of this section, an application must be submitted to the Agency and the Agency must issue a regulatory order for use of the ERC(s).

(b) **Sale or transfer of an ERC.** An ERC may be sold or otherwise transferred to a person other than the person to whom it was originally issued. An application for the sale or transfer must be submitted by the original ERC owner to the Agency. After receiving an application, the Agency shall reissue a regulatory order to the new owner. The Agency shall update the ERC bank to reflect the availability or ownership of ERCs. No discounting shall happen as part of this type of transaction.

(4) **Expiration of ERC.** An unused ERC and any unused portion thereof shall expire ten years after the date the emission reduction was accomplished and not the date of the regulatory order.

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(5) **Maintenance of ERCs.** The Agency has established its policy and procedure for maintenance of ERCs in SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption by Board 12/16/86; Amended by Board 9/21/93; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056, filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank

(1) **Applicability.** The owner(s) or operator(s) of any "stationary source" may apply to the Agency for an emission reduction credit (ERC) if the "stationary source" proposes to reduce its actual emission rate for any contaminant regulated by state or federal law or regulations established to implement such law(s) for which the emission requirement may be stated as an allowable limit in weight of contaminant per unit time for the emission unit(s) involved.

(2) **Time of application.** The application for an ERC must be made prior to or within 180 calendar 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 Agency.

(a) No part of the emission reductions claimed for credit shall have been required pursuant to an adopted rule, Order of Approval, air discharge permit, or other applicable emission standard (e.g., NSPS, NESHAPS, BACT, MACT, RACT, LAER). The emission reductions must be permanent and enforceable.

(b) The quantity of emission reductions claimed for credit 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. For the purposes of this regulation, the old actual emission rate is the average emissions rate occurring during the most recent 24 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 Agency if the owner or operator of the source demonstrates to the satisfaction of the Agency that the alternative period is more representative of actual operations of the unit or source.

(c) The ERC application must include a description of all the changes that are required to accomplish the claimed emission reduction, such as, new control equipment, process modifications, limitation of hours of operation, permanent shutdown of equipment, specified control practices and any other pertinent supporting information.

(d) The quantity of emission reductions claimed must be greater than 1 ton/year and be readily quantifiable for the emission 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 SWCAA 400-111, 400-113(3), or 400-830, nor as part of a bubble transaction under SWCAA 400-120.

(f) Concurrent with or prior to the authorization of an ERC, the applicant shall have received a regulatory order or permit that establishes total allowable emissions from the "stationary source" or emission unit of the contaminant for which the ERC is requested, expressed as weight of contaminant per unit time.

(g) The use of any ERC shall be consistent with all other federal, state, and local requirements of the program in which it is used.

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(h) 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.

(4) **Additional information.** Within 30 calendar days after the receipt of an ERC application, supporting data and documentation, the Agency may require the submission of additional information needed to review the application.

(5) **Approval.** Within 60 calendar days after all required information has been received, the Agency shall approve or deny the application, based on a finding that conditions in subsections (3)(a) through (g) of this section have been satisfied or not. If the application is approved, the Agency shall:

(a) Issue a regulatory order pursuant to this section 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 shall include any conditions required to assure that subsections (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 must prohibit operation of the affected equipment; and,

(b) Issue a regulatory order with emission reduction credit. The regulatory order shall specify the issue date of the credit, the expiration date of the credit, the contaminant(s) involved, the emission decrease expressed as weight of pollutant per unit time, the nonattainment area involved, if applicable, and the person to whom the regulatory order is issued.

(6) **Maintenance and use of ERCs.** The Agency has established its policy and procedure for maintenance of ERCs in SWCAA 400-136. The Agency has established its policy and procedure for use of ERCs in SWCAA 400-130.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Originally adopted by Board as 400-120 on 3/20/84; renumbered to 400-131 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056, filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

(1) **Applicability.** The Agency shall maintain a bank for the purpose of administering emission reduction credits (ERCs) pursuant to the provisions of RCW 70.94.850.

(2) **Conditions for ERC bank.**

(a) ERCs established under SWCAA 400-131 shall be available for said credit bank.

(b) ERCs shall not have been used, sold or transferred to another entity for use; e.g. ERCs cannot be banked or used by two "sources" at one time.

(c) ERCs established under SWCAA 400-131 or used under SWCAA 400-130 for a specific "source" shall be allocated privately and not be available for public allocation unless specifically requested by the owner(s) of the ERCs.

(3) **Maintenance of the bank.**

(a) The Agency shall maintain an emission inventory of all allowed and actual emissions (including any growth allowances identified in a maintenance plan) in each of the nonattainment or maintenance areas by pollutant or in the case of ozone, it shall be volatile organic compounds and oxides of nitrogen.

(b) The ERCs contained in the bank shall be discounted by 10 percent to allow for

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minor emission increases in nonattainment areas by minor "sources" each of which would emit less than one ton per year. Minor emitting "sources" shall be ineligible to receive or expend an emission reduction credit as identified in SWCAA 400-131 or 400-130. ERCs shall be discounted at the applicable ratio on a one-time basis at the time of deposit into the bank. ERCs shall not be discounted each time a transaction is completed. If reductions in emission beyond those identified in the Washington SIP are required to meet an ambient air quality standard, if the standard cannot be met through controls on operating "sources," and if the plan must be revised, ERCs may be discounted by the Agency over and above the initial 10 percent without compensation to the holder after public involvement pursuant to SWCAA 400-171. Any such discount shall not exceed the percentage of additional emission reduction needed to reach or maintain attainment status.

(c) The Agency shall not provide greater than 25 percent of the available emission credit in the bank to a single applicant. Any exceptions shall be considered on a case-by-case basis by the Board of Directors after a public notice at the next regularly scheduled meeting.

(d) When the Agency issues credits for a new or modified "stationary source," the amount of emission credits shall be removed from the bank and a regulatory order allocating the emission credits shall be issued. The applicant shall start a continuous program of construction or process modification within 18 months. If the applicant does not exercise the approval, the emission credit allocation shall expire and revert to the bank. If there is a six month delay in construction after the start of a continuous program to construct or modify a "stationary source" or emission unit the remaining amount of the emission reduction credit shall be reviewed by the Agency and if it is determined that the unused portion of the credit will not, in all likelihood be used in the next year, the Agency shall notify the applicant that the credit allocation has expired and shall revert to the bank. The applicant shall reapply, as needed, for use of the emission reduction credits when a continuous program of construction or modification begins.

(4) **Annual review.** The Agency shall review the content and administration of this section annually to ensure regulatory consistency and equity of impact as a portion of the Washington SIP review. The results of the review shall be reported to the Board with recommendations for correction if the Agency deems that such corrections are necessary to properly administer the emission credit bank.

(5) **Issuance and use of ERCs.** The Agency has established its policy and procedure for deposit of ERCs in SWCAA 400-131. The Agency has established its policy and procedure for use of ERCs in SWCAA 400-130.

(6) **Expiration of public credits.**

(a) Each "stationary source" which had credits assigned from the public bank by issuance of a regulatory order shall be approved for the total of previous emissions plus any additional amount approved under a regulatory order assigning public credits to that "stationary source" effective July 8, 1996.

(b) Emission reduction credits deposited into the public bank shall not be available to be assigned to any "stationary source" after July 8, 1996.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.850 RCW. Original Board adoption as 400-125 4/17/84; renumbered to 400-136 in 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

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SWCAA 400-151 Retrofit Requirements for Visibility Protection

(1) The requirements of this section apply to any "existing stationary facility" as defined in SWCAA 400-030.

(2) SWCAA shall identify each "existing stationary facility" within its jurisdiction, which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class I federal area in Washington and any adjacent state.

(3) For each "existing stationary facility" identified under subsection (2) of this section, SWCAA shall determine BART for the 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 when it 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 I federal area is reasonably attributable to the emissions of the air contaminant.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-161 Compliance Schedules

(1) **Issuance.** Whenever a source is found to be in violation of an emission standard or other provision of this regulation the Agency 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 of emission control technology, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (SWCAA 400-171) must be met.

(2) **Federal action.** A source shall be considered to be in compliance with this regulation 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.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 5.08); Amended by Board 12/18/79 renumbered to 400-080; Amended by Board 4/17/84 deleted section; New section added 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-171 Public Involvement

(1) **Public notice.**

(a) Notice shall be published on the SWCAA Internet website announcing the receipt of air discharge permit applications, nonroad engine permit applications and other

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

(i) The name and address of the owner or operator and the affected facility;
(ii) A brief description of the proposed action;
(iii) Agency contact information;
(iv) A statement that a public comment period will be provided upon request pursuant to SWCAA 400-171(3); and
(v) The date by which a request for a public comment period is due.

(b) Requests for a public comment period shall be submitted to the Agency in writing via letter or fax. A request may be submitted via electronic mail provided the sender confirms receipt by the Agency via telephone or electronic receipt confirmation. A public comment period shall be provided pursuant to subsection (3) of this section for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not provided may be processed without further public involvement.

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

(a) A public comment period shall be provided pursuant to subsection (3) of this section before approving or denying any of the following:

(i) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (as in effect on July 1, 2015) as part of review under SWCAA 400-046, 400-110, or WAC 173-400-117;
(ii) Any order or permit to determine RACT;
(iii) Any order or permit to establish a compliance schedule pursuant to SWCAA 400-161 or a variance pursuant to SWCAA 400-180;
(iv) Any order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;
(v) Any order or permit to authorize a bubble;
(vi) Any order or permit used to establish a creditable emission reduction;
(vii) An Order of Discontinuance as provided in SWCAA 400-230(1)(g);
(viii) Any order or permit used to establish a "synthetic minor" or modification thereof;
(ix) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;
(x) Any application or other proposed action which has received a request for public notice pursuant to subsection (1) of this section; or
(xi) Any proposed action for which the Executive Director determines there is a substantial public interest including:
- Air discharge permit applications
- Nonroad engine permit applications

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- Other actions of significance

(xii) Any order or permit to approve a new or modified source if the associated increase in emissions of any toxic air pollutant is greater than the applicable acceptable source impact level specified in WAC 173-460, as in effect 8/21/98.

(b) Any air discharge permit application designated for integrated review that includes a PSD permit application must comply with the public notice requirements of WAC 173-400-740.

(3) **Public comment period requirements.** A public comment period shall be provided only after all information required by the Agency has been submitted and after applicable preliminary determinations, if any, have been made.

(a) Availability for public inspection. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effect(s) on air quality, shall be available for public inspection in at least one location near the proposed project. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and SWCAA 400-270.

(b) Publication of comment period notice. Notice shall be given by prominent advertisement in the area of the proposed project. Notice for a public comment period shall include the following information:

(i) The name and address of the owner or operator and the affected facility;

(ii) A brief description of the proposal, including a description of the processes subject to permitting;

(iii) A description of the air pollutant emissions associated with the proposal;

(iv) Identification of Agency staff from whom interested persons may obtain additional information;

(v) The location of the documents made available for public inspection;

(vi) Identification of a 30 calendar day period for submitting written comment to the Agency;

(vii) A statement that a public hearing may be held if the Agency determines within a 30 calendar day period that significant public interest exists;

(viii) The length of the public comment period in the event of a public hearing; and

(ix) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117(5)(c), the comment period notice shall explain the Agency's draft decision.

(c) EPA Notification. A copy of each comment period notice shall be sent to the EPA Region 10 Regional Administrator.

(d) Consideration of public comment. The Agency shall make no final decision on any application or other action for which a public comment period has been provided until the public comment period has ended and any comments received during the public comment period have been considered.

(e) Public hearings. Any person may request a public hearing within the thirty-day public comment period. Each request shall indicate the interest of the party filing it and why a hearing is warranted. The Agency may hold a public hearing if the Executive Director determines significant public interest exists. The Agency will determine the location, date, and time of the public hearing. If a public hearing is held, a minimum of 30 days notice will be provided to the public prior to the hearing

date. The public comment period for the affected action shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) **Public involvement for integrated review with an operating permit.** Any air discharge permit application designated for integrated review with an application to issue or modify an operating permit shall be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC).

(5) **Other requirements of law.** Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to PSD permit applications processed by Ecology.

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

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 06-23-073, filed 11/13/06, effective 12/14/06; 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-172 Technical Advisory Council

(1) **Purpose.** To provide input to the Board of Directors regarding technical and practical aspects of present and proposed regulations. To provide a cross section of knowledge of air quality problems and methods of reducing air pollution in the Southwest Clean Air Agency's jurisdiction.

(2) **Objectives.** Review regulations and make recommendations to conform with the federal and state requirements and SIP.

(a) Study changes of the federal and state clean air acts. Draft and make recommendations for necessary revisions to SWCAA regulations. Provide technical support for those recommendations.

(b) Participate, as requested by the Board of Directors, in SIP revisions required by the FCAA as the revisions affect the region.

(3) **Committee.** The committee shall consist of at least seven members. These members shall represent, with technical interest, the public at large and the legal profession, with at least two members being representatives of industry. Each member shall retain the right to vote.

(4) **Chair.** The Chair of the Board of Directors shall serve as the ex officio member and Chair of the Technical Advisory Council. The Technical Advisory Council may adopt rules of procedure and shall meet on call subject to timely notice. The Technical Advisory Council shall elect a Vice Chair from the Council who shall retain the right to vote.

(5) **Term of Office.** Members may be appointed for a three year term ending June 30 of the third year of said term. No member shall serve for more than two consecutive three year terms.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.240 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.06); Amended by Board 12/18/79 recodified and removed; Amended by Board new section 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

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SWCAA 400-180 Variance

Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to the Agency for a variance from provisions of SWCAA regulations governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70.94.181.

(1) **Jurisdiction.** "Stationary sources" in any area over which the Agency has jurisdiction shall make application to the Agency. Variances to State rules shall require approval of Ecology prior to being issued by the Agency. The Board of Directors may grant a variance only after public involvement per SWCAA 400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by the Agency for "sources" under its jurisdiction shall be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the EPA.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.181 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.07); Amended by Board 12/18/79; Amended by Board 4/17/84; Repealed and renumbered to 400-180 93-21-005 filed 10/7/93, effective 11/8/93, previous 400-180 (Maintenance of Pay was deleted; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-190 Requirements for Nonattainment Areas

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and must include public involvement per SWCAA 400-171. Requirements for new or modified "stationary sources" in nonattainment areas are found in SWCAA 400-110, 400-112 and 400-800 through -860.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

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

(1) **Vertical Dispersion Requirement.** Effective December 14, 2006, all new exhaust stacks shall be configured to discharge vertically to the ambient atmosphere. Stack devices, such as rain caps, that obstruct or prevent vertical discharge are prohibited. Where possible, exhaust stacks shall discharge at a point higher than surrounding buildings and/or terrain. Alternate exhaust stack configurations may be approved by SWCAA on a case-by-case basis provided the owner/operator demonstrates that the alternate configuration will not cause or contribute to a violation of increment or a NAAQS.

The following source categories are not subject to the provisions of this section:

(a) Combustion units used for space heating provided the units are fired on natural gas, propane, or ultra low sulfur diesel (≤15 ppmw S content) and have an individual heat input rating of 2.0 MMBtu/hr or less.

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(2) **Creditable Stack Height and Dispersion Techniques - Applicability.** The provisions of subsections (3) and (4) of this section are applicable 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) Open or outdoor burning for agricultural or silvicultural purposes as covered under an applicable Smoke Management Plan;

(e) Residential wood combustion and open or outdoor burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(3) **Creditable Stack Height and Dispersion Techniques - 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 that exceeds the greater of:

(i) Sixty-five meters (213.25 feet), 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 provisions 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.

(4) **Creditable Stack Height - Exception.** The Agency 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 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect that 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.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 400-160 4/17/84 (Refer to WAC 403); Amended by Board 92-04-030 filed 1/28/92; Amended by Board and renumbered to 400-200 in 93-21-005 filed 10/7/93, effective 11/8/93, original 400-200 was renumbered to 400-230; 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-057 filed 2/15/01, effective 3/18/01; 06-23-073, filed 11/13/06, effective 12/14/06, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 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 as specified at SWCAA 400-230(5).

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[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-210 Emission Requirements of Prior Jurisdictions

Any emissions unit that was under the jurisdiction of the Agency 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 regulation or the specific regulation relating to that source.

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.331 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93, previous 400-210 (Criminal Penalties) was renumbered to 400-240; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-220 Requirements for Board Members

(1) **Public interest.** A majority of the members of the Agency's Board of Directors shall represent the public interest. A majority of the members of the Board shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts. An elected public official and the Board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program that involves these persons to an assistant.

(2) **Disclosure.** Each member of the Agency's Board of Directors shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a Board member in any action or voting on such matter.

(3) **Define significant income.** For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from employment with local or state government shall not be considered in the determination of "significant portion of income".

[Statutory Authority: Chapter 70.94.100 RCW, and 70.94.141 RCW. Original Board adoption as 400-170 12/18/79; Amended by Board 4/17/84 renumbered to 400-190; Amended by Board deleted section and renumbered to 400-220 in 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-230 Regulatory Actions and Civil Penalties

(1) The Agency shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 and RCW 43.21B as provided in, but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, RCW 70.94.332 and RCW 43.21B.300. For informational purposes, a list of specific regulatory orders issued by the Agency in the past is presented below.

   (a) **Order of Approval.** An order issued by the Agency to provide approval for an air discharge permit or ERC application. Orders of Approval are also known as air discharge permits.

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(b) **Order of Denial.** An order issued by the Agency in response to an air discharge permit application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or applicable emission standard.

(c) **Order of Violation.** An order issued by the Agency to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation.

(d) **Order of Prevention.** An order issued by the Agency to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Agency review and approval, or actions being conducted in addition to a previous Agency approval without prior approval.

(e) **Consent Order.** An order issued by the Agency to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls that are determined by the Agency to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a "source" may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. Consent Orders are agreed to and signed by an appropriate officer of the company or "source" for which the Consent Order is prepared and the Control Officer, or designee, of the Agency. A Consent Order does not sanction noncompliance with applicable requirements.

(f) **Compliance Schedule Order.** An order issued by the Agency to a "source" to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed.

(g) **Order of Discontinuance.** An order issued by the Agency for any "source" that has permanently shutdown, has not maintained registration for affected emission units, or that continues to operate in violation of applicable regulations and requirements.

(h) **Corrective Action Order.** An order issued by the Agency to any "source" to provide measures to correct or rectify a situation that is an immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property.

(i) **Administrative Order.** An order issued by the Agency to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Agency.

(j) **Resolutions.** A document issued by the Agency as a means to record a Board of Directors decision, authorize or approve budget transactions, establish Agency policies, or take other actions as determined by the Agency.

(2) The Agency may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) **Notice of Violation.** At least thirty days prior to the commencement of any formal

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enforcement action under RCW 70.94.430 and 70.94.431, the Agency shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Agency may require that the alleged violator or violators appear before it for the purpose of providing the Agency information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Agency prior to the commencement of enforcement action.

(b) **Civil penalties.**

(i) In addition to or as an alternate to any other penalty provided by law, any person (e.g., owner, owner's agent, contractor, operator) who violates any of the provisions of Chapter 70.94 or any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission that procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300.

(iv) All penalties recovered under this section by the Agency, shall be paid into the treasury of the Agency and credited to its funds.

(v) To secure the penalty incurred under this section, the Agency shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Agency shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, 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 ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) **Assurance of Discontinuance.** The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the "source." Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation

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of its regulations or any order issued there under which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) **Restraining orders & injunctions.** Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) **Emergency episodes.** The Agency may issue such orders as authorized by SWCAA 435 whenever an air pollution episode forecast is declared.

(6) **Compliance Orders.** The Agency may issue a Compliance Order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed. Compliance Orders are not subject to the public notice requirements of SWCAA 400-171.

[Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431, 70.94.435 RCW and 70.94.715 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2 & 3); Amended by Board renumbered to 400-130 12/18/79; Amended by Board renumbered to 400-200 4/17/84; Amended by Board 12/16/86; Amended by Board 1/21/92, 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-100 filed 10/21/96, effective 11/21/96; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 400-240 Criminal Penalties

Persons in violation of the Agency's regulations or Title 173 WAC may be subject to the provisions of RCW 70.94.430.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.430 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 2.09); Amended by Board 10/29/69 (Regulation 2 Sec 2.03); Amended by Board and renumbered to 400-135 12/18/79; Amended by Board renumber to 400-210 4/17/84; Amended by Board 1/21/92, 92-04-030 filed 1/28/92; 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-250 Appeals

Any decision or regulatory order issued by the Agency may be appealed to the Pollution Control Hearings Board as provided by Chapter 43.21B RCW and Chapter 371-08 WAC.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.221 RCW. Original Board adoption 12/18/79 as 400-140; Amended by Board renumbered to 400-220 4/17/84; renumbered to 400-250 93-21-005, filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-260 Conflict of Interest

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

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[Statutory Authority: Chapter 70.94.100 RCW, and 70.94.141 RCW. Original Board adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-270 Confidentiality of Records and Information

(1) The owner or operator of a "source" (or the agent submitting the information) is responsible for clearly identifying information that is considered proprietary and confidential prior to submittal to the Agency. Information submitted to the Agency that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Agency by an owner, operator or agent shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Agency, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as provided under RCW 70.94.205. Such information shall be released to the public only after:

(a) Legal opinion by the Agency's legal counsel, and

(b) Notice to the source of the intent to either release or deny the release of information.

(3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Agency, related to processes or production unique to the owner or operator, or likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, shall be only for the confidential use of the Agency as provided in RCW 70.94.205.

(4) Emissions 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 the office of the Agency.

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.205 RCW. Original Board adoption 10/29/69 (Regulation 2 Sec 2.05); recodified and removed by Board 12/18/79; new section 95-17-084 filed 8/21/95, effective 9/21/95; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

SWCAA 400-280 Powers of Agency

In addition to any other powers vested in the Agency, consistent with RCW 70.94.141, the Agency shall have the power to:

(1) Adopt, amend, and repeal its own rules and regulations, implementing RCW 70.94 and consistent with it, after consideration at a public hearing held in accordance with RCW 42.30. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with RCW 42.30, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with RCW 34.08, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the Agency shall be in accordance with Part V of RCW 34.05.

(2) Hold hearings relating to any aspect of or matter in the administration of RCW 70.94 not prohibited by the provisions of Chapter 62, Laws of 1970 ex.sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate RCW 70.94 and enforce the same by all

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appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the Agency.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of RCW 70.94.

(8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with RCW 70.94, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of RCW 70.94.

except:

(13) SWCAA may not hold adjudicative proceedings pursuant to the Administrative Procedures Act (RCW 34.05). Such hearings shall be held by the Pollution Control Hearings Board as provided at RCW 43.21B.240.

[Statutory Authority: Chapter 70.94.141 RCW. 95-17-084 filed 8/21/95, effective 9/21/95; 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01]

SWCAA 400-290 Severability

The provisions of this regulation are severable. If any provision, meaning phrase, clause, subsection or section, or its application to any person or circumstance is held to be invalid by any court of competent jurisdiction, the application of such provision to other circumstances and the remainder of the regulation to other persons or circumstances will not be affected.

[Statutory Authority: Chapter 70.94.141 RCW, and RCW 43.21B.001 notes. Original Board adoption 12/17/68 (Regulation 1 Sec 2.08); Amended by Board 10/29/69 (Regulation 2 Sec 2.02); Amended by Board 12/18/79 renumbered to 400-175; Amended by Board 4/17/84 removed section; 01-05-057 filed 2/15/01, effective 3/18/01]

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SWCAA 400-800 Major Stationary Source and Major Modification in a Nonattainment Area

SWCAA 400-800 through 400-860 shall 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.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 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 SWCAA 400-800 through 400-860. If a term is defined differently in the federal program requirements for issuance, renewal and expiration of a Plant Wide Applicability Limit which are adopted by reference in SWCAA 400-850, then that definition is to be used for purposes of the Plant Wide Applicability Limit 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 SWCAA 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 24 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.

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(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 24 month period selected by the owner or operator within the 5 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 24 month period.

(iii) For a regulated NSR pollutant, when a project involves multiple emissions units, only one consecutive 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.

(iv) The average rate shall not be based on any consecutive 24 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 24 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 SWCAA 400-800 through 400-860 or under a plan approved by the administrator, whichever is earlier, except that the 10 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 24 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 24 month period. However, if an emission limitation is part of a maximum achievable control technology standard that the administrator proposed or promulgated under 40 CFR 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 24 month period must be used to determine the baseline actual emissions for the emissions units being changed. A different consecutive 24 month period can be used for each regulated NSR pollutant.

(v) The average rate shall not be based on any consecutive 24 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

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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) **"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 if it 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 CFR 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.

(4) **"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).

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(5) **"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.

(6) **"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.

(7) **"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.

(8) **"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.

(9) **"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, O_2 or CO_2 concentrations), and to record average operational parameter value(s) on a continuous basis.

(10) **"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).

(11) **"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.

(12) **"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:

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(a) A new emissions unit is any emissions unit which is (or will be) newly constructed and which has existed for less than 2 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.

(13) **"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

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offsets (see SWCAA 400-840(7)) and for PALs (see SWCAA 400-850).

(14) **"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.

(15) **"Major stationary source"** means:

(a) Any stationary source of air pollutants that emits, or has the potential to emit, 100 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) 50 tons per year of volatile organic compounds in any serious ozone nonattainment area;

(ii) 50 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) 25 tons per year of volatile organic compounds in any severe ozone nonattainment area;

(iv) 10 tons per year of volatile organic compounds in any extreme ozone nonattainment area;

(v) 50 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 the administrator);

(vi) 70 tons per year of PM-10 in any serious nonattainment area for PM-10.

(b) For the purposes of applying the requirements of SWCAA 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, 100 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) 100 tons per year or more of nitrogen oxides in any ozone nonattainment area classified as marginal or moderate.

(ii) 100 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) 100 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) 50 tons per year or more of nitrogen oxides in any serious nonattainment area for ozone.

(v) 25 tons per year or more of nitrogen oxides in any severe nonattainment area for ozone.

(vi) 10 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 50 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;

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(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 250 million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 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.

(16) **"Major modification"** means:

(a) 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 CFR 52.21 or under regulations approved pursuant to 40 CFR Part 51, Subpart I or section 51.166; or

(B) The source is approved to use under any permit issued under regulations approved by the administrator implementing 40 CFR 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 CFR 52.21 or regulations approved pursuant to 40 CFR Part 51, Subpart I or 40 CFR 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 CFR Part 51, Appendix S adopted by reference in SWCAA 400-850 shall apply.

(e) For the purpose of applying the requirements of SWCAA 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

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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.

(17) **"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.

(18) **"Net emissions increase"** means:

(a) 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 SWCAA 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 1 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 CFR 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 SWCAA 400-113(3) or 400-830 or in issuing any permit under regulations approved pursuant to 40 CFR 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.

(19) **"Nonattainment major new source review (NSR) program"** means the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.165, or a program that implements 40 CFR Part 51 Appendix S, sections I through VI. Any permit issued under either program is a major NSR permit.

(20) **"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.

(21) **"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, O_2 or CO_2 concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis.

(22) **"Prevention of significant deterioration (PSD) permit"** means any permit that is issued under the major source preconstruction permit program that has been approved by the administrator and incorporated into the plan to implement the requirements of 40 CFR 51.166, or under the program in 40 CFR 52.21.

(23) **"Project"** means a physical change in, or change in the method of operation of, an existing major stationary source.

(24) **"Projected actual emissions"** means:

(a) 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 (12 month period) following the date the unit resumes regular operation after the project, or in any one of the 10 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 24 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) 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).

(25) **"Regulated NSR pollutant"** means the following pollutants:

(a) (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 and 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 SWCAA 400-800 through 400-850 made without accounting for

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condensable particulate matter shall not be considered in violation of SWCAA 400-800 through 400-850.

(26) **"Replacement unit"** means:

(a) 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 CFR 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.

(27) **"Reviewing authority"** means the same as "permitting authority" as defined in SWCAA 400-030.

(28) **"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 tpy
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Ozone	40 tpy of volatile organic compounds; or 40 tpy of nitrogen oxides
Lead	0.6 tpy
PM-10	15 tpy
PM-2.5	10 tpy of direct PM-2.5 emissions; or 40 tpy of nitrogen oxide emissions; or 40 tpy 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

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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 25 tons per year.

(c) For the purposes of applying the requirements of SWCAA 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 50 tons per year, provided the administrator 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.

(29) **"Significant emissions increase"** means, for a regulated NSR pollutant, an increase in emissions that is significant for that pollutant.

(30) **"Source"** and "stationary source" means any building, structure, facility, or installation which emits or may emit a regulated NSR pollutant.

(31) **"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.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 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 would be major for the pollutant for which the area is designated nonattainment is subject to the permitting requirements of SWCAA 400-830 through 400-850. Any major modification of an existing major stationary source that is major for the pollutant for which an area is designated nonattainment, is located anywhere in a nonattainment area designated under section 107(d)(1)(A)(i) of the Federal Clean Air Act, and has a significant net emissions increase of the pollutant for which the area is designated nonattainment, is subject to the permitting requirements of SWCAA 400-830 through 400-850. The procedures provided below must be used to determine if a 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 SWCAA 400-810(15)(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 SWCAA 400-810(15)(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

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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 SWCAA 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 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 SWCAA 400-810(24)(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 SWCAA 400-810(24)(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 SWCAA 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 5 years following resumption of regular operations after the change, or for a period of 10 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 60 calendar 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 60 calendar 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).

(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 WAC 173-401.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 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 SWCAA 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 SWCAA 400-110(3)(c) and 400-113(3) 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 stationary source is major and the proposed modification is significant.

(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 SWCAA 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 CFR 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 the administrator of the environmental protection agency 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

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PM-2.5 shall also apply to major stationary sources and major modifications of PM-10 and PM-2.5 precursors, except where the administrator of the 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 enforcement 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 CFR 51.165, or the requirements of 40 CFR Part 51, Appendix S, shall apply to the source or modification as though construction had not yet commenced on the source or modification. The requirements of 40 CFR Part 51, Appendix S shall not apply to a new or modified source for which enforceable limitations are established after SWCAA 400-800 through 400-850 have been approved into the Washington SIP.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

SWCAA 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 SWCAA 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 SWCAA 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.

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(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 CFR 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 SWCAA 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 SWCAA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(7) Emission offsets are required for allowable emissions occurring during stationary source startup and shutdown.

(8) Emission offsets, including those described in an emission reduction credit issued under SWCAA 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

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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 CFR 52.21 or regulations approved pursuant to 40 CFR 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).

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

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

The Actuals Plantwide Applicability limit program contained in Section IV.K of 40 CFR Part 51, Appendix S, Emission Offset Ruling, as of May 1, 2012, is adopted by reference with the following exceptions:

(1) The term "reviewing agency" means "permitting agency" as defined in SWCAA 400-030.

(2) "PAL permit" means the major or minor new source review permit issued that establishes the PAL and those PAL terms as they are incorporated into an air operating permit issued pursuant to WAC 173-401.

(3) The reference to 40 CFR 70.6 (a)(3)(iii)(B) in subsection IV.K.14 means WAC 173-401-615 (3)(b).

(4) No PAL permit can be issued under this provision until EPA adopts this section into the state implementation plan.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

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SWCAA 400-860 Public Involvement Procedures

The public involvement procedures in SWCAA 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 SWCAA 400-830 or 400-850 must comply with SWCAA 400-171.

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 16-19-009 filed 9/8/16, effective 10/9/16]

APPENDIX A
SWCAA METHOD 9
VISUAL OPACITY DETERMINATION METHOD

1. Principle

The opacity of emissions from stationary sources is determined visually by a qualified observer.

2. Procedure

The observer must be certified in accordance with the provisions of Section 3 of 40 CFR Part 60, Appendix A, Method 9, as in effect on July 1, ((~~2002~~)) 2015.

2.1 Position

The observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140° sector to his/her back. Consistent with maintaining the above requirement, the observer shall, as much as possible, make his/her observations from a position such that his/her line of vision is approximately perpendicular to the plume direction, and when observing opacity of emissions from rectangular outlets (e.g., roof monitors, open baghouses, noncircular stacks), approximately perpendicular to the longer axis of the outlet. The observer's line of sight should not include more than one plume at a time when multiple stacks are involved, and in any case, the observer should make his/her observations with his/her line of sight perpendicular to the longer axis of such a set of multiple stacks (e.g., stub stacks on baghouses).

2.2 Field Records

The observer shall record the name of the plant, emission location, type of facility, observer's name and affiliation, a sketch of the observer's position relative to the source, and the date on a field data sheet. The time, estimated distance to the emission location, approximate wind direction, estimated wind speed, description of the sky condition (presence and color of clouds), and plume background are recorded on a field data sheet at the time opacity readings are initiated and completed.

2.3 Observations

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

2.3.1 Attached Steam Plumes

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

2.3.2 Detached Steam Plumes

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

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2.4 Recording Observations

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

2.5 Data Reduction

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

3. References

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

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

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

Notes: (1) The difference between the SWCAA Method 9 and WDOE Method 9 or WDOE Method 9A is the SWCAA method does not recommend that the observer make note of the ambient relative humidity, ambient temperature, the point in the plume that the observations were made, the estimated depth of the plume at the point of observation, and the color and condition of the plume. In addition, the SWCAA method does not recommend that pictures be taken.

(2) The difference between the SWCAA Method 9 and EPA Method 9 is in the data reduction section. The SWCAA method establishes a three-minute period in any one-hour period where opacity can not exceed an opacity limit. For the SWCAA method, 13 readings in a 1-hour period or less, above the established opacity limit, no matter how much, constitutes a violation. The EPA method is an arithmetic average of any 24 consecutive readings at 15-second intervals. These values are averaged and this average value cannot exceed the established opacity limit.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 99-07-029 filed 3/10/99, effective 4/11/99; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03, 16-19-009 filed 9/8/16, effective 10/9/16]

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APPENDIX B
Description of Vancouver Ozone and Carbon Monoxide Maintenance Plan Boundary

The ozone and carbon monoxide maintenance area boundary description begins at the northwest corner at the intersection of the section line on the south side of Section 36 of T4N.R1W and the north side of Section 1 of T3N.R1W. The boundary turns southward following the east shores of Lake River, until it would intersect with the 14900 block NW, then easterly to join with NW 149th Street. This boundary runs until it meets the western edge of Interstate 5, then north to 159th Street and east on 159th Street to the east side of NE 50th Avenue. On 50th Avenue the boundary runs south until it joins the south bank of Salmon Creek, following the south branch of the creek until it reaches NE Caples Road, then southerly on the west side of Caples Road (currently SR-502) until it intersects with NE 144th Street. The boundary continues eastward along the south side of NE 144th Street following the 14400 block plane to where it would join with the west side of NE 212 Avenue, then southward to the south side of NE 109th Street. The boundary continues east on NE 109th Street, then southerly along the west side of NE 232 Avenue to where the 23200 block joins with the northern edge of NE 58th Street. The boundary continues east on NE 58th Street until the 5800 block intersects with the western edge of Livingston Road. The boundary follows Livingston Road South until it turns into NE 292nd Avenue. Staying on the plane of the 29200 block, the boundary proceeds south until it joins SE Blair Road. The boundary follows along the south-west side of Blair Road south-eastward to its intersection with Washougal River Road. The boundary proceeds eastward at the northern edge of the 2000 block to SE 20th Street. The boundary continues east on SE 20th Street until it intersects the western edge of SE Jennings Road (352nd Avenue), then south along the 4900 plane to SE 49th Avenue. The boundary follows the 4900 plane south until it intersects Evergreen Boulevard (the eastern edge of current Washougal City limits). The boundary continues south along the Washougal City limits to the State border along the section line on the west side of Section 21 of T1N.R4E. The boundary follows the Clark County line (State boundary) down the Columbia River until it connects at the northwest corner of the boundary at the section line of Section 36 of T4N.R1W and the north side of Section 1 of T3N.R1W.

Note: The Columbia River is the common boundary shared by Washington and Oregon for the Portland-Vancouver carbon monoxide and ozone non-attainment area.

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption - 01-05-058 filed 2/15/01, effective 3/18/01, 16-19-009 filed 9/8/16, effective 10/9/16]

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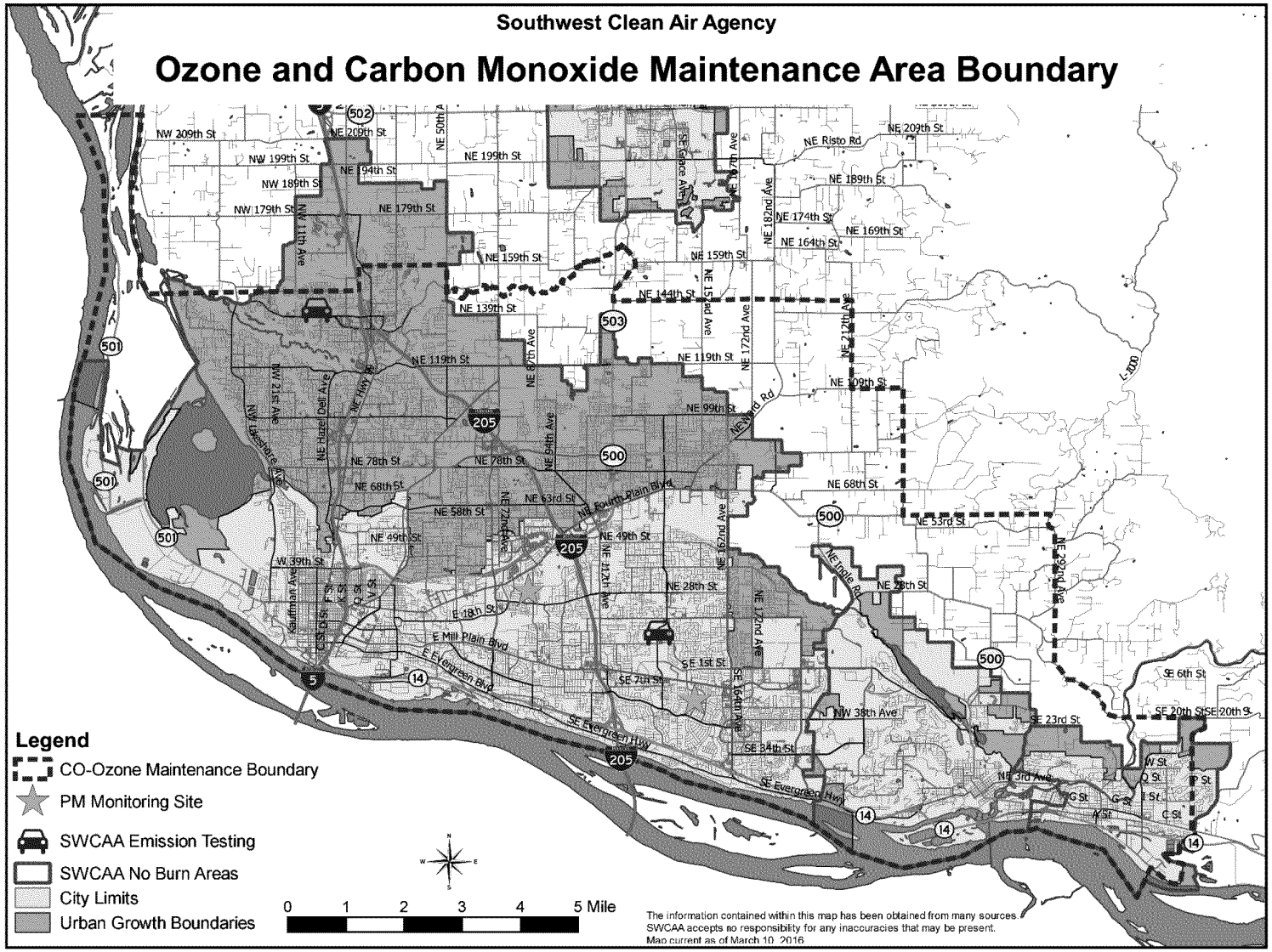
Appendix B (cont)
Map of Vancouver Ozone and
Carbon Monoxide Maintenance Area Boundary



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APPENDIX C
FEDERAL STANDARDS ADOPTED BY REFERENCE

The following lists of affected subparts are provided for informational purposes only.

STANDARDS OF PERFORMANCE FOR NEW STATIONARY SOURCES (NSPS) 40 CFR 60

Subpart A	General Provisions (re105f. 40 CFR 60.1 et seq.)
Subpart D	Fossil Fuel-fired Steam Generators for Which Construction is Commenced After August 17, 1971, and Prior to September 19, 1978, Which Have a Heat Input Greater Than 73 Megawatts but not Greater Than 250 Megawatts (ref. 40 CFR 60.40 et seq.)
Subpart Da	Electric Utility Steam Generating Units for Which Construction Commenced After September 18, 1978, Which Have a Heat Input Greater Than 73 Megawatts but not Greater Than 250 Megawatts (ref. 40 CFR 60.40a et seq.)
Subpart Db	Industrial-Commercial-Institutional Steam Generating Units for Which Construction Commenced After June 19, 1984, and Prior to June 19, 1986, Which Have a Heat Input Greater Than 29 Megawatts but less Than 73 Megawatts (ref. 40 CFR 60.40b et seq.)
Subpart Dc	Small Industrial-Commercial-Institutional Steam Generating Units (ref. 40 CFR 60.40c et seq.)
Subpart E	Incinerators (ref. 40 CFR 60.50 et seq.)
Subpart Ea	Municipal Waste Combustors for Which Construction Commenced After December 20, 1989 and on or Before September 20, 1994 (ref. 40 CFR 60.50a et seq.)
Subpart Eb	Large Municipal Waste Combustors for Which Construction is Commenced After September 20, 1994 or for Which Modification of Reconstruction is Commenced After June 19, 1996 (ref. 40 CFR 60.50b et seq.)
Subpart Ec	Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996 (ref. 40 CFR 60.50c et seq.)
Subpart F	Portland Cement Plants (ref. 40 CFR 60.60 et seq.)
Subpart G	Nitric Acid Plants (ref. 40 CFR 60.70 et seq.)
Supbart Ga	Nitric Acid Plants for Which Construction, Reconstruction, or modification Commenced After October 14, 2001 (ref. 40 CFR 60.70a et seq.)
Subpart H	Sulfuric Acid Plants (ref. 40 CFR 60.80 et seq.)
Subpart I	Hotmix Asphalt Facilities (ref. 40 CFR 60.90 et seq.)
Subpart J	Petroleum Refineries Which Produce Less Than 25,000 Barrels per Day of Refined Products (ref. 40 CFR 60.100 et seq.)
Subpart Ja	Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After May 14, 2007 (ref. 40 CFR 60.100a et seq.)
Subpart K	Storage Vessels for Petroleum Liquids Constructed After June 11, 1973, and Prior to May 19, 1978, Which Have a Capacity Greater Than 40,000 Gallons (ref. 40 CFR 60.110 et seq.)
Subpart Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or

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	Modification Commenced After May 18, 1978, and Prior to July 23, 1984 (ref. 40 CFR 60.110a et seq.)
Subpart Kb	Volatile Organic Liquid Storage Vessels (Including Petroleum Liquid Storage Vessels) Constructed, Reconstructed, or Modified After July 23, 1984 (ref. 40 CFR 60.110b et seq.)
Subpart L	Secondary Lead Smelters (ref. 40 CFR 60.120 et seq.)
Subpart M	Brass and Bronze Ingot Production Plants (ref. 40 CFR 60.130 et seq.)
Subpart N	Iron and Steel Plants (ref. 40 CFR 60.140 et seq.)
Subpart Na	Secondary Emissions From Basic Oxygen Process Steel Making Facilities (ref. 40 CFR 60.140 et seq.)
Subpart O	Sewage Treatment Plants (ref. 40 CFR 60.150 et seq.)
Subpart P	Primary Copper Smelters (ref. 40 CFR 60.160 et seq.)
Subpart Q	Primary Zinc Smelters (ref. 40 CFR 60.170 et seq.)
Subpart R	Primary Lead Smelters (ref. 40 CFR 60.180 et seq.)
Subpart S	Primary Aluminum Reduction Plants (ref. 40 CFR 60.190 et seq.)
Subpart T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants (ref. 40 CFR 60.200 et seq.)
Subpart U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants (ref. 40 CFR 60.210 et seq.)
Subpart V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants (ref. 40 CFR 60.220 et seq.)
Subpart W	Phosphate Fertilizer Industry: Triple Superphosphate Plants (ref. 40 CFR 60.230 et seq.)
Subpart X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities (ref. 40 CFR 60.240 et seq.)
Subpart Y	Coal Preparation Plants (ref. 40 CFR 60.250 et seq.)
Subpart Z	Ferroalloy Production Facilities (ref. 40 CFR 60.260 et seq.)
Subpart AA	Steel Plants: Electric Arc Furnaces (ref. 40 CFR 60.270 et seq.)
Subpart AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels (ref. 40 CFR 60.270a et seq.)
Subpart BB	Kraft Pulp Mills (ref. 40 CFR 60.280 et seq.)
Subpart CC	Glass Manufacturing Plants (ref. 40 CFR 60.290 et seq.)
Subpart DD	Grain Elevators (ref. 40 CFR 60.300 et seq.)
Subpart EE	Industrial Surface Coating: Metal Furniture (ref. 40 CFR 60.310 et seq.)
Subpart GG	Stationary Gas Turbines (ref. 40 CFR 60.330 et seq.)
Subpart HH	Lime Manufacturing Plants (ref. 40 CFR 60.340 et seq.)
Subpart KK	Lead-Acid Battery Plants (ref. 40 CFR 60.370 et seq.)
Subpart LL	Metallic Mineral Processing Plants (ref. 40 CFR 60.380 et seq.)
Subpart MM	Automobile and Light Duty Truck Surface Coating Operations (ref. 40 CFR 60.390 et seq.)
Subpart NN	Phosphate Rock Plants (ref. 40 CFR 60.400 et seq.)
Subpart PP	Ammonium Sulfate Manufacture (ref. 40 CFR 60.420 et seq.)
Subpart QQ	Publication Rotogravure Printing (ref. 40 CFR 60.430 et seq.)
Subpart RR	Pressure Sensitive Tape and Label Surface Coating Operations (ref. 40 CFR 60.440 et seq.)
Subpart SS	Industrial Surface Coating: Large Appliances (ref. 40 CFR 60.450 et seq.)
Subpart TT	Industrial Surface Coating: Metal Coils (ref. 40 CFR 60.460 et seq.)

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Subpart UU	Asphalt Processing and Asphalt Roofing Manufacture (ref. 40 CFR 60.470 et seq.)
Subpart VV	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After January 5, 1981, and on or before November 7, 2006 (ref. 40 CFR 60.480 et seq.)
Subpart VVa	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.480a et seq.)
Subpart WW	Beverage Can Surface Coating Operations (ref. 40 CFR 60.490 et seq.)
Subpart XX	Bulk Gasoline Terminals (ref. 40 CFR 60.500 et seq.)
Subpart AAA	New Residential Wood Heaters (ref. 40 CFR 60.530 et seq.)
Subpart BBB	Rubber Tire Manufacturing Industry (ref. 40 CFR 60.540 et seq.)
Subpart DDD	VOC Emissions From the Polymer Manufacturing Industry (ref. 40 CFR 60.560 et seq.)
Subpart FFF	Flexible Vinyl and Urethane Coating and Printing (ref. 40 CFR 60.580 et seq.)
Subpart GGG	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After January 4, 1983, and on or before November 7, 2006 (ref. 40 CFR 60.590 et seq.)
Subpart GGGa	Equipment Leaks of VOC in Petroleum Refineries for Which Construction, Reconstruction, or Modification Commenced After November 7, 2006 (ref. 40 CFR 60.590a et seq.)
Subpart HHH	Synthetic Fiber Production Facilities (ref. 40 CFR 60.600 et seq.)
Subpart III	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes (ref. 40 CFR 60.610 et seq.)
Subpart JJJ	Petroleum Dry Cleaners (ref. 40 CFR 60.620 et seq.)
Subpart KKK	Equipment Leaks of VOC From Onshore Natural Gas Processing Plants (ref. 40 CFR 60.630 et seq.)
Subpart LLL	Onshore Natural Gas Processing; SO_2 Emissions (ref. 40 CFR 60.640 et seq.)
Subpart NNN	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Distillation Operations (ref. 40 CFR 60.660 et seq.)
Subpart OOO	Nonmetallic Mineral Processing Plants (ref. 40 CFR 60.670 et seq.)
Subpart PPP	Wool Fiberglass Insulation Manufacturing Plants (ref. 40 CFR 60.680 et seq.)
Subpart QQQ	VOC Emissions From Petroleum Refinery Waste Water Emissions (ref. 40 CFR 60.690 et seq.)
Subpart RRR	Volatile Organic Compound Emissions From Synthetic Organic Chemical Manufacturing Industry (SOCMI) Reactor Processes (ref. 40 CFR 60.700 et seq.)
Subpart SSS	Magnetic Tape Coating Facilities (ref. 40 CFR 60.710 et seq.)
Subpart TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines (ref. 40 CFR 60.720 et seq.)
Subpart UUU	Calciners and Dryers in Mineral Industries (ref. 40 CFR 60.730 et seq.)

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Subpart VVV	Polymeric Coating of Supporting Substrates Facilities (ref. 40 CFR 60.740 et seq.)
Subpart WWW	Municipal Solid Waste Landfills Constructed, Reconstructed or Modified on or After May 30, 1991 (ref. 40 CFR 60.750 et seq.) (See SWCAA 400-070(8) for rules regulating MSW landfills constructed or modified before May 30, 1991)
Subpart AAAA	Small Municipal Waste Combustion Units Constructed After August 30, 1999, or Modified or Reconstructed After June 6, 2001 (ref. 40 CFR 60.1000 et seq.) *(See SWCAA 400-050(5) for rules regulating small municipal waste combustion units constructed on or before August 30, 1999)*
Subpart CCCC	Commercial and Industrial Solid Waste Incinerators Constructed After November 30, 1999; or Modified or Reconstructed on or After June 1, 2001 (ref. 40 CFR 60.2000 et seq.) *(See SWCAA 400-050(4) for Rules Regulating Commercial and Industrial Solid Waste Incinerators Constructed on or Before November 30, 1999)*
Subpart EEEE	Other Solid Waste Incineration Unit for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006. (ref. 40 CFR 60.2880 et seq.)
Subpart IIII	Stationary Compression Ignition Internal Combustion Engines (ref. 40 CFR 60.4200 et seq.)
Subpart KKKK	Stationary Combustion Turbines (ref. 40 CFR 60.4300 et seq.)
Subpart LLLL	Sewage Sludge Incineration Units (ref. 40 CFR 60.4760 et seq.)
Subpart OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution (ref. 40 CFR 60.5360 et seq.)
Subpart QQQQ	New Residential Hydronic Heaters and Forced-air Furnaces (ref. 40 CFR 60.5472 et seq.)
Appendix A	Test Methods (ref. 40 CFR 60, Appendix A)
Appendix B	Performance Specifications (ref. 40 CFR 60, Appendix B)
Appendix C	Determination of Emission Rate Change (ref. 40 CFR 60, Appendix C)
Appendix D	Required Emission Inventory Information (ref. 40 CFR 60, Appendix D)
Appendix F	Quality Assurance Procedures (ref. 40 CFR 60, Appendix F)
Appendix I	Removable Label and Owner's Manual (ref. 40 CFR 60, Appendix I)

NATIONAL EMISISON STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) 40 CFR 61

Subpart A	General Provisions (ref. 40 CFR 61.01 et seq.)
Subpart B	Radon Emissions from Underground Uranium Mines (ref. 40 CFR 61.20 et seq.)
Subpart C	Beryllium (ref. 40 CFR 61.30 et seq.)
Subpart D	Beryllium Rocket Motor Firing (ref. 40 CFR 61.40 et seq.)
Subpart E	Mercury (ref. 40 CFR 61.50 et seq.)
Subpart F	Vinyl Chloride (ref. 40 CFR 61.60 et seq.)

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Subpart H	Emissions of Radionuclides Other Than Radon from Department of Energy Facilities (ref. 40 CFR 61.90 et seq.)
Subpart I	Radionuclide Emissions from Federal Facilities Other Than Nuclear Regulatory Commission Licensees and not Covered by Subpart H (ref. 40 CFR 61.100 et seq.)
Subpart J	Equipment Leaks (Fugitive Emission Sources) of Benzene (ref. 40 CFR 61.110 et seq.)
Subpart K	Radionuclide Emissions from Elemental Phosphorus Plants (ref. 40 CFR 61.120 et seq.)
Subpart L	Benzene Emissions from Coke by Product Recovery Plants (ref. 40 CFR 61.130 et seq.)
Subpart M	Asbestos (ref. 40 CFR 61.140 et seq.)
Subpart N	Inorganic Arsenic Emissions from Glass Manufacturing Plants (ref. 40 CFR 61.160 et seq.)
Subpart O	Inorganic Arsenic Emissions from Primary Copper Smelters (ref. 40 CFR 61.170 et seq.)
Subpart P	Inorganic Arsenic Emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities (ref. 40 CFR 61.180 et seq.)
Subpart Q	Radon Emissions from Department of Energy Facilities (ref. 40 CFR 61.190 et seq.)
Subpart R	Radon Emissions from Phosphogypsum Stacks (ref. 40 CFR 61.200 et seq.)
Subpart T	Radon Emissions from the Disposal of Uranium Mill Tailings (ref. 40 CFR 61.220 et seq.)
Subpart V	Equipment Leaks (Fugitive Emission Sources) (ref. 40 CFR 61.240 et seq.)
Subpart W	Radon Emissions from Operating Mill Tailings (ref. 40 CFR 61.250 et seq.)
Subpart Y	Benzene Emissions from Benzene Storage Vessels (ref. 40 CFR 61.270 et seq.)
Subpart BB	Benzene Emissions from Benzene Transfer Operations (ref. 40 CFR 61.300 et seq.)
Subpart FF	Benzene Waste Operations (ref. 40 CFR 61.340 et seq.)

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES (MACT) 40 CFR 63

Subpart A	General Provisions (ref. 40 CFR 63.1 et seq.)
Subpart B	Requirements for Control Technology Determinations for Major Sources in Accordance With Clean Air Act Sections 112(G) and 112(J) (ref. 40 CFR 63.50 et seq.)
Subpart D	Compliance Extensions for Early Reductions of Hazardous Air Pollutants (ref. 40 CFR 63.70 et seq.)
Subpart F	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry (ref. 40 CFR 63.100 et seq.)
Subpart G	Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry for Process Vents, Storage Vessels, Transfer Operations,

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	and Wastewater (ref. 40 CFR 63.110 et seq.)
Subpart H	Organic Hazardous Air Pollutants for Equipment Leaks (ref. 40 CFR 63.160 et seq.)
Subpart I	Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks (ref. 40 CFR 60.190 et seq.)
Subpart J	Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 60.210 et seq.)
Subpart L	Coke Oven Batteries (ref. 40 CFR 63.300 et seq.)
Subpart M	Perchloroethylene Air Emission Standards for Dry Cleaning Facilities (*as it applies to major sources only*) (ref. 40 CFR 63.320 et seq.)
Subpart N	Hard and Decorative Chromium Electroplating and Chromium Anodizing Operations (ref. 40 CFR 63.340 et seq.)
Subpart O	Ethylene Oxide Emissions Standards for Sterilization Facilities (ref. 40 CFR 63.360 et seq.)
Subpart Q	Industrial Process Cooling Towers (ref. 40 CFR 63.400 et seq.)
Subpart R	Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations (ref. 40 CFR 63.420 et seq.)
Subpart S	Pulp and Paper Industry (ref. 40 CFR 63.440 et seq.)
Subpart T	Halogenated Solvent Cleaning (ref. 40 CFR 63.460 et seq.)
Subpart U	Group I Polymers and Resins (ref. 40 CFR 63.480 et seq.)
Subpart W	Epoxy Resins Production and Non-Nylon Polyamides Production (ref. 40 CFR 63.520 et seq.)
Subpart X	Secondary Lead Smelting (ref. 40 CFR 63.541 et seq.)
Subpart Y	Marine Tank Vessel Loading Operations (ref. 40 CFR 63.560 et seq.)
Subpart AA	Phosphoric Acid Manufacturing Plants (ref. 40 CFR 63.600 et seq.)
Subpart BB	Phosphate Fertilizers Production Plants (ref. 40 CFR 63.620 et seq.)
Subpart CC	Petroleum Refineries (ref. 40 CFR 63.640 et seq.)
Subpart DD	Off-Site Waste and Recovery Operations (ref. 40 CFR 63.680 et seq.)
Subpart EE	Magnetic Tape Manufacturing Operations (ref. 40 CFR 63.701 et seq.)
Subpart GG	Aerospace Manufacturing and Rework Facilities (ref. 40 CFR 63.741 et seq.)
Subpart HH	Oil and Natural Gas Production Facilities (ref. 40 CFR 63.760 et seq.)
Subpart II	Shipbuilding and Ship Repair (Surface Coating) (ref. 40 CFR 63.780 et seq.)
Subpart JJ	Wood Furniture Manufacturing Operations (ref. 40 CFR 63.800 et seq.)
Subpart KK	Printing and Publishing Industry (ref. 40 CFR 63.820 et seq.)
Subpart LL	Primary Aluminum Reduction Plants (ref. 40 CFR 63.840 et seq.)
Subpart MM	Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-alone Semichemical Pulp Mills (ref. 40 CFR 63.860 et seq.)
Subpart NN	Wool Fiberglass Manufacturing at Area Sources (ref. 40 CFR 63.880 et seq.)
Subpart OO	Tanks – Level 1 (ref. 40 CFR 63.900 et seq.)
Subpart PP	Containers (ref. 40 CFR 63.920 et seq.)
Subpart QQ	Surface Impoundments (ref. 40 CFR 63.940 et seq.)
Subpart RR	Individual Drain Systems (ref. 40 CFR 63.960 et seq.)

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Subpart SS	Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process (ref. 40 CFR 63.980 et seq.)
Subpart TT	Equipment Leaks – Control Level 1 (ref. 40 CFR 63.1000 et seq.)
Subpart UU	Equipment Leaks – Control Level 2 (ref. 40 CFR 63.1019 et seq.)
Subpart VV	Oil-Water Separators and Organic-Water Separators (ref. 40 CFR 63.1040 et seq.)
Subpart WW	Storage Vessels (Tanks) – Control Level 2 (ref. 40 CFR 63.1060 et seq.)
Subpart XX	Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations (ref. 40 CFR 63.1080 et seq.)
Subpart YY	Generic Maximum Achievable Control Technology (ref. 40 CFR 63.1100 et seq.)
Subpart CCC	Steel Pickling – HCL Process Facilities and Hydrochloric Acid Regeneration Plants (ref. 40 CFR 63.1155 et seq.)
Subpart DDD	Mineral Wool Production (ref. 40 CFR 63.1175 et seq.)
Subpart EEE	Hazardous Waste Combustors (ref. 40 CFR 63.1200 et seq.)
Subpart GGG	Pharmaceuticals Production (ref. 40 CFR 63.1250 et seq.)
Subpart HHH	Natural Gas Transmission and Storage Facilities (ref. 40 CFR 63.1270 et seq.)
Subpart III	Flexible Polyurethane Foam Production (ref. 40 CFR 63.1290 et seq.)
Subpart JJJ	Group IV Polymers and Resins (ref. 40 CFR 63.1310 et seq.)
Subpart LLL	Portland Cement Manufacturing Industry (ref. 40 CFR 63.1340 et seq.)
Subpart MMM	Pesticide Active Ingredient Production (ref. 40 CFR 63.1360 et seq.)
Subpart NNN	Wool Fiberglass Manufacturing (ref. 40 CFR 63.1380 et seq.)
Subpart OOO	Manufacture of Amino/Phenolic Resins (ref. 40 CFR 63.1400 et seq.)
Subpart PPP	Polyether Polyols Production (ref. 40 CFR 63.1420 et seq.)
Subpart QQQ	Primary Copper Smelting (ref. 40 CFR 63.1440 et seq.)
Subpart RRR	Secondary Aluminum Production (ref. 40 CFR 63.1500 et seq.)
Subpart TTT	Primary Lead Smelting (ref. 40 CFR 63.1541 et seq.)
Subpart UUU	Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units (ref. 40 CFR 63.1560 et seq.)
Subpart VVV	Publicly Owned Treatment Works (ref. 40 CFR 63.1580 et seq.)
Subpart XXX	Ferroalloys Production: Ferromanganese and Silicomanganese (ref. 40 CFR 63.1650 et seq.)
Subpart AAAA	Municipal Solid Waste Landfills (ref. 40 CFR 63.1930 et seq.)
Subpart CCCC	Manufacturing of Nutritional Yeast (ref. 40 CFR 63.2130 et seq.)
Subpart DDDD	Plywood and Composite Wood Products (ref. 40 CFR 63.2230 et seq.)
Subpart EEEE	Organic Liquids Distribution (Non-Gasoline) (ref. 40 CFR 63.2330 et seq.)
Subpart FFFF	Miscellaneous Organic Chemical Manufacturing (ref. 40 CFR 63.2430 et seq.)
Subpart GGGG	Solvent Extraction for Vegetable Oil Production (ref. 40 CFR 63.2830 et seq.)
Subpart HHHH	Wet-Formed Fiberglass Mat Production (ref. 40 CFR 63.2980 et seq.)
Subpart IIII	Surface Coating of Automobiles and Light-Duty Trucks (ref. 40 CFR 63.3080 et seq.)
Subpart JJJJ	Paper and Other Web Coating (ref. 40 CFR 63.3280 et seq.)

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Subpart KKKK	Surface Coating of Metal Cans (ref. 40 CFR 63.3480 et seq.)
Subpart MMMM	Surface Coating of Miscellaneous Metal Parts and Products (ref. 40 CFR 63.3880 et seq.)
Subpart NNNN	Surface Coating of Large Appliances (ref. 40 CFR 63.4080 et seq.)
Subpart OOOO	Printing, Coating, and Dyeing of Fabrics and Other Textiles (ref. 40 CFR 63.4280 et seq.)
Subpart PPPP	Surface Coating of Plastic Parts and Products (ref. 40 CFR 63.4480 et seq.)
Subpart QQQQ	Surface Coating of Wood Building Products (ref. 40 CFR 63.4680 et seq.)
Subpart RRRR	Surface Coating of Metal Furniture (ref. 40 CFR 63.4880 et seq.)
Subpart SSSS	Surface Coating of Metal Coil (ref. 40 CFR 63.5080 et seq.)
Subpart TTTT	Leather Finishing Operations (ref. 40 CFR 63.5280 et seq.)
Subpart UUUU	Cellulose Products Manufacturing (ref. 40 CFR 63.5480 et seq.)
Subpart VVVV	Boat Manufacturing (ref. 40 CFR 63.5680 et seq.)
Subpart WWWW	Reinforced Plastic Composites Production (ref. 40 CFR 63.5780 et seq.)
Subpart XXXX	Rubber Tire Manufacturing (ref. 40 CFR 63.5980 et seq.)
Subpart YYYY	Stationary Combustion Turbines (ref. 40 CFR 63.6080 et seq.)
Subpart ZZZZ	Stationary Reciprocating Internal Combustion Engines (ref. 40 CFR 63.6580 et seq.) *Title V Sources Only*
Subpart AAAAA	Lime Manufacturing Plants (ref. 40 CFR 63.7080 et seq.)
Subpart BBBBB	Semiconductor Manufacturing (ref. 40 CFR 63.7180 et seq.)
Subpart CCCCC	Coke Ovens: Pushing, Quenching, and Battery Stacks (ref. 40 CFR 63.7280 et seq.)
Subpart DDDDD	Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters (ref. 40 CFR 63.7480 et seq.)
Subpart EEEEE	Iron and Steel Foundries (ref. 40 CFR 63.7680 et seq.)
Subpart FFFFF	Integrated Iron and Steel Manufacturing Facilities (ref. 40 CFR 63.7780 et seq.)
Subpart GGGGG	Site Remediation (ref. 40 CFR 63.7880 et seq.)
Subpart HHHHH	Miscellaneous Coating Manufacturing (ref. 40 CFR 63.7980 et seq.)
Subpart IIIII	Mercury Cell Chlor-Alkali Plants (ref. 40 CFR 63.8180 et seq.)
Subpart JJJJJ	Brick and Structural Clay Products Manufacturing (ref. 40 CFR 63.8380 et seq.)
Subpart KKKKK	Clay Ceramics Manufacturing (ref. 40 CFR 63.8530 et seq.)
Subpart LLLLL	Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.8680 et seq.)
Subpart MMMMM	Flexible Polyurethane Foam Fabrication Operations (ref. 40 CFR 63.8780 et seq.)
Subpart NNNNN	Hydrochloric Acid Production (ref. 40 CFR 63.8980 et seq.)
Subpart PPPPP	Engine Test Cells/Stands (ref. 40 CFR 63.9280 et seq.)
Subpart QQQQQ	Friction Materials Manufacturing Facilities (ref. 40 CFR 63.9480 et seq.)
Subpart RRRRR	Taconite Iron Ore Processing (ref. 40 CFR 63.9580 et seq.)
Subpart SSSSS	Refractory Products Manufacturing (ref. 40 CFR 63.9780 et seq.)
Subpart TTTTT	Primary Magnesium Refining (ref. 40 CFR 63.9880 et seq.)
Subpart UUUUU	Coal and Oil Fired Electric Utility Steam Generating Units

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	(ref. 40 CFR 63.9980 et seq.)
Subpart WWWWW	Hospital Ethylene Oxide Sterilizers (ref. 40 CFR 63.10382 et seq.)
Subpart YYYYY	Area Sources: Electric Arc Furnace Steelmaking Facilities (ref. 40 CFR 63.10680 et seq.)
Subpart ZZZZZ	Iron and Steel Foundries Area Sources (ref. 40 CFR 63.10880 et seq.)
Subpart BBBBBB	Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities (ref. 40 CFR 63.11080 et seq.)
Subpart CCCCCC	Gasoline Dispensing Facilities (ref. 40 CFR 63.11110 et seq.)
Subpart DDDDDD	Polyvinyl Chloride and Copolymers Production Area Sources (ref. 40 CFR 63.11140 et seq.)
Subpart EEEEEE	Primary Copper Smelting Area Sources (ref. 40 CFR 63.11146 et seq.)
Subpart FFFFFF	Secondary Copper Smelting Area Sources (ref. 40 CFR 63.11153 et seq.)
Subpart GGGGGG	Primary Nonferrous Metals Area Sources – Zinc, Cadmium, and Beryllium (ref. 40 CFR 63.11160 et seq.)
Subpart HHHHHH	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources (ref. 40 CFR 63.11169 et seq.) *Title V Sources Only*
Subpart JJJJJJ	Industrial, Commercial, and Institutional Boilers Area Sources (ref. 40 CFR 63.11193 et seq.) *Title V Sources Only*
Subpart LLLLLL	Acrylic and Modacrylic Fibers Production Area Sources (ref. 40 CFR 63.11393 et seq.)
Subpart MMMMMM	Carbon Black Production Area Sources (ref. 40 CFR 63.11400 et seq.)
Subpart NNNNNN	Chemical Manufacturing Area Sources: Chromium Compounds (ref. 40 CFR 63.11407 et seq.)
Subpart OOOOOO	Flexible Polyurethane Foam Production and Fabrication Area Sources (ref. 40 CFR 63.11414 et seq.)
Subpart PPPPPP	Lead Acid Battery Manufacturing Area Sources (ref. 40 CFR 63.11421 et seq.)
Subpart QQQQQQ	Wood Preserving Area Sources (ref. 40 CFR 63.11428 et seq.)
Subpart RRRRRR	Clay Ceramics Manufacturing Area Sources (ref. 40 CFR 63.11435 et seq.)
Subpart SSSSSS	Glass Manufacturing Area Sources (ref. 40 CFR 63.11448 et seq.)
Subpart TTTTTT	Secondary Nonferrous Metals Processing Area Sources (ref. 40 CFR 63.11462 et seq.)
Subpart VVVVVV	Chemical Manufacturing Area Sources (ref. 40 CFR 63.11494 et seq.)
Subpart WWWWWW	Area Source Standards for Plating and Polishing Operations (ref. 40 CFR 63.11504 et seq.)
Subpart XXXXXX	Area Source Standards for Nine Metal Fabrication and Finishing Source Categories (ref. 40 CFR 63.11514 et seq.) *Title V Sources Only*
Subpart YYYYYY	Area Sources: Ferroalloys Production Facilities (ref. 40 CFR 63.11524 et seq.)
Subpart ZZZZZZ	Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries (ref. 40 CFR 63.11544 et seq.)
Subpart AAAAAAA	Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing (ref. 40 CFR 63.11559 et seq.)
Subpart BBBBBBB	Area Sources: Chemical Preparations Industry

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	(ref. 40 CFR 63.11579 et seq.)
Subpart CCCCCCC	Area Sources: Paints and Allied Products Manufacturing (ref. 40 CFR 63.11599 et seq.)
Subpart DDDDDDD	Area Sources: Prepared Feeds Manufacturing (ref. 40 CFR 63.11619 et seq.)
Subpart EEEEEEE	Gold Mine Ore Processing and Production Area Source Category (ref. 40 CFR 63.11640 et seq.)
Subpart HHHHHHH	Polyvinyl Chloride and Copolymers Production (ref. 40 CFR 63.11860 et seq.)
Appendix A	Test Methods (ref. 40 CFR 63, Appendix A)
Appendix B	Sources Defined for Early Reduction Provisions (ref. 40 CFR 63, Appendix B)
Appendix C	Determination of the Fraction Biodegraded in a Biological Treatment Unit (ref. 40 CFR 63, Appendix C)
Appendix D	Alternative Validation procedure for EPA Waste and Wastewater Methods (ref. 40 CFR 63, Appendix D)
Appendix E	Monitoring Procedures for Nonthoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions (ref. 40 CFR 63, Appendix E)

[Statutory Authority: Chapter 70.94.141 RCW. Original adoption 09-21-056 filed 10/15/09, effective 11/15/09, 16-19-009 filed 9/8/16, effective 10/9/16]

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Appendix B.5 SWCAA 400 and Chapter 173-400 WAC Comparison Document

SWCAA 400-010 Policy and Purpose

Statutory Authority:	Chapter 70.94.057 RCW and 70.94.141 RCW
Corresponding WAC:	WAC 173-400-010
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section defines general purpose and intent. Submit all subsections to SIP.

Comparison with WAC: The language in the current version of SWCAA 400-010 differs significantly from that of the corresponding WAC. However, the meaning and content of the section is substantially equivalent to the meaning and content of WAC 173-400-010.

Section Notes: None.

SWCAA 400-020 Applicability

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.422 RCW
Corresponding WAC:	WAC 173-400-020
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section defines SWCAA's geographic jurisdiction and clarifies applicability of SWCAA regulations. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-020 contains the same local authority source category exemptions as WAC 173-400-020. Identified jurisdiction differs as appropriate. The current version does not cite the applicability of Ecology adopted provisions found in Title 173 WAC in situations where SWCAA has not adopted corresponding provisions.

Section Notes: None.

SWCAA 400-030 Definitions

Statutory Authority:	Chapter 70.94.030 RCW, and 70.94.141 RCW
Corresponding WAC:	WAC 173-400-030
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	Yes. Defines terms that are relied upon by SIP/TIP rules. Submit all subsections to SIP except for (21) *climate change* and (129) *toxic air pollutant*.

Comparison with WAC: The current version of SWCAA 400-030 provides definitions for all of the general terms found in WAC 173-400-030, but also includes a number of terms that do not currently appear in WAC 173-400-030. Terms appearing in both regulations are defined in a manner consistent with WAC 173-400-030 and other sections of Chapter 173-400 WAC.

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Section Notes: SWCAA's general regulations rely heavily on term specific definitions. The majority of those terms are defined in this section. SWCAA's intent is to maintain a single set of definitions applicable to local regulations that is also consistent with associated sections of WAC 173-400 and 40 CFR.

SWCAA 400-036 Relocation of Portable Sources

Statutory Authority:	Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW
Corresponding WAC:	WAC 173-400-036
Submitted to SIP:	*Pending*
SIP applicable:	Yes. This section is part of the NSR program. Submit all subsections to SIP.

Comparison with WAC: The proposed rule section is patterned on WAC 173-400-036 and has substantially similar provisions. SWCAA's rule requires portable sources to use their SWCAA permit if the source currently has a valid permit.

Section Notes: This section is part of an effort by permitting authorities statewide to reduce the regulatory burden on portable sources that routinely work in multiple jurisdictions (e.g., rock crushers, concrete plants, asphalt plants, etc.). Other locals are adopting similar language or adopting WAC 173-400-036 by reference.

The provisions of 400-036 do not apply to nonroad engines of any type.

SWCAA 400-040 General Standards for Maximum Emissions

Statutory Authority:	Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW
Corresponding WAC:	WAC 173-400-040
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains SIP prohibitory rules. Submit all subsections to SIP except subsections (1)(a,c,d), (2), and (4).

Comparison with WAC: The current version of SWCAA 400-040 has the same general structure and content as WAC 173-400-040. Most corresponding sections have similar language and requirements. There are noticeable differences in the following subsections:

- As proposed, SWCAA 400-040(1)(a) includes a requirement to maintain a written soot blowing/grate cleaning schedule on file with the Agency, which is not present in WAC 173-400-040(1)(a). The remainder of SWCAA 400-040(1) is substantially similar to WAC 173-400-040(1).
- SWCAA 400-040(4)(a) contains language similar in format and requirements to WAC 400-040(4), but also incorporates a numerical ranking system for gauging the severity of observed odors. As proposed, SWCAA 400-040(4)(b) contains provisions regarding the implementation of "good agricultural practices" that are not found in WAC 173-400-040(4).
- SWCAA 400-040(6) "Sulfur dioxide" contains the same general standard as WAC 173-400-040(6) with two differences. SWCAA 400-040(6) allows sulfur dioxide emission concentrations

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to be corrected to 12% CO_2 in lieu of 7% O_2. SWCAA's rule does not contain the exception clause in the second paragraph of WAC 173-400-040(6) allowing emission concentrations greater than 1,000 ppm.

Section Notes: SWCAA considers this section to be functionally equivalent to WAC 173-400-040. The numerical odor ranking system was based on similar rules for Puget Sound Clean Air Agency (Reg I Article 9 Section 9.11).

SWCAA 400-045 Permit Application for Nonroad Engines

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-035
Submitted to SIP:	No.
SIP applicable:	Yes. This section is part of a program to protect NAAQS and PSD increments, but SWCAA has decided not to submit it to the SIP at this time. This is consistent with Ecology's treatment of WAC 173-400-035. Withhold all subsections from SIP.

Comparison with WAC: Ecology regulates nonroad engines under the provisions of WAC 173-400-035 *Nonroad Engines*. Ecology has the same applicability threshold as SWCAA (cumulative rating of >500 bhp). Ecology's notification/application process is not as formal as SWCAA's process, and does not require a permit application. Owners/operators are required to submit a notification of intent to operate to Ecology containing specified information. Ecology does not charge any fee for reviewing notifications whereas SWCAA charges a fee for each nonroad engine application.

Section Notes: SWCAA 400-045 governs the submittal of permit applications for nonroad engines within SWCAA's jurisdiction, and is intended to support the review requirements of SWCAA 400-046. This section is completely independent from the application process found in SWCAA 400-109, and does not apply to stationary sources.

SWCAA 400-046 Application Review Process for Nonroad Engines

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-035
Submitted to SIP:	No.
SIP applicable:	Yes. This section is part of a program to protect NAAQS and PSD increments, but SWCAA has decided not to submit it to the SIP at this time. This is consistent with Ecology's treatment of WAC 173-400-035. Withhold all subsections from SIP.

Comparison with WAC: Ecology reviews and approves nonroad engines under the provisions of WAC 173-400-035 *Nonroad Engines*. Ecology does not require formal review/approval for projects with cumulative engine ratings of 2000 bhp or less. Written approval is required for cumulative engine ratings greater than 2000 bhp, but no permit is issued. The written approval requirement is intended to assure

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compliance with the NAAQS, and approval may impose conditions as necessary to maintain compliance. This is similar in purpose and intent to SWCAA's permits. WAC 173-400-035(3) contains a proscriptive fuel standard not found in SWCAA's rule language although SWCAA routinely imposes a similar fuel standard in its nonroad engine permits and a general fuel oil sulfur limitation for combustion units is established in SWCAA 400-050(2).

SWCAA 400-046 requires nonroad engines to be registered and pay an annual registration fee. Ecology does not require nonroad engine registration.

Section Notes: This section provides a review/approval mechanism for nonroad engine projects that may have a significant impact on ambient air quality. The primary purpose of the section is to maintain compliance with applicable NAAQS, and regulation of nonroad engines to achieve this purpose is consistent with current EPA policy pursuant to 40 CFR 89. This section is completely independent from the application process found in SWCAA 400-109, and does not apply to stationary sources.

SWCAA 400-050 Emission Standards for Combustion and Incineration Units

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-050
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. Contains general SIP prohibitory rules. Submit subsections (1), (2) and (4) to SIP. Withdraw subsection (3) from SIP. Withhold subsections (5) and (6) from SIP.

Comparison with WAC: SWCAA 400-050 is similar in format and content to WAC 173-400-050. The current version of SWCAA 400-050 incorporates all substantial requirements of WAC 173-400-050 with small changes in language and regulatory references as required to assure consistency with the remainder of SWCAA 400.

Section Notes: EPA has previously commented that category specific alternate oxygen correction values contained in older versions of both the WAC and SWCAA are too discretionary and/or may require relaxation analyses when changed. In response, SWCAA has revised the section to incorporate WAC language that does not contain specific alternate oxygen correction values.

Sections 400-050(5) & (6) are emission guidelines adopted by SWCAA in lieu of 40 CFR 60, Subparts BBBB and DDDD. WAC 173-400-050(4) & (5) are the corresponding rule sections for Ecology.

SWCAA 400-052 Stack Sampling of Large Combustion Sources (DELETED)

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	This rule section was deleted in 2009. Withdraw all subsections from SIP.

Comparison with WAC: There is no directly equivalent section of the WAC.

Section Notes: None.

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SWCAA 400-060 Emission Standards for General Process Units

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-060
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. Contains general SIP prohibitory rules. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-060 contains the same particulate matter standard as WAC 173-400-060, but differs slightly in methods use to determine compliance. WAC 173-400-060 cites test methods found in 40 CFR Parts 51, 60, 61 and 63 or contained in Ecology's "Source Test Manual – Procedures for Compliance Testing." SWCAA 400-060 cites test methods from 40 CFR Parts 51, 60, 61 and 63 and any other "appropriate test procedures" approved in advance by SWCAA and EPA.

Section Notes: None.

SWCAA 400-070 Emission Standards for Certain Source Categories

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.610 RCW
Corresponding WAC:	WAC 173-400-070
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97) EPA has not approved subsection (5).
SIP applicable:	Yes. Contains SIP prohibitory rules. Submit all subsections to SIP except (2)(a), (3)(b), (5), (7), (8)(c), (9)-(12), (14) and (15)(c). Withdraw subsection (6).

Comparison with WAC: SWCAA 400-070 contains corresponding subsections for most of the source categories listed in WAC 173-400-070. It also contains a significant number of source categories not found in the WAC. Where there is overlap between the two rule sections, requirements are substantially similar with SWCAA's requirements generally being more stringent.

Category specific comparisons are given below.

WAC 173-400-070(1) – SWCAA 400-070(1) prohibits the use of wigwam burners and equivalent units effective January 1, 1994 whereas the WAC establishes operational requirements and emission standards. At the time of original adoption, there were no wigwam burners operating in SWCAA's jurisdiction.

WAC 173-400-070(2) – SWCAA 400-070(2) has substantially similar requirements as WAC 173-400-070(2).

WAC 173-400-070(3) – SWCAA 400-070(3) has the same requirements as WAC 173-400-070(3).

WAC 173-400-070(4) – SWCAA 400-070 has no equivalent language for grain elevators. Grain elevators are subject to all general standards and permitting.

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WAC 173-400-070(5) – WAC 173-400-070(5) establishes standards for both new and existing units. There are no existing units within SWCAA's jurisdiction. SWCAA 400-070(4) requires NSR and BACT for new catalytic units similar to the requirement in WAC 173-400-070(5)(b).

WAC 173-400-070(6) – SWCAA 400-070 has no equivalent language. Wood waste burners are subject to all general standards and permitting.

WAC 173-400-070(7) – SWCAA 400-070(5) has the same requirements as WAC 173-400-070(7).

WAC 173-400-070(8) – SWCAA 400-070(10) has the same requirements as WAC 173-400-070(8).

WAC 173-400-070 does not contain corresponding language for SWCAA 400-070 subsections (6) *Gasoline Dispensing Facilities*, (7) *Perchloroethylene dry cleaners*, (8) *Abrasive blasting*, (9) *Sewage sludge incinerators*, (11) *Used oil burners*, (12) *Coffee roasters*, (13) *Natural gas fired water heaters*, (14) *Rendering plants*, or (15) *Outdoor wood-fired boilers*. Certain provisions of WAC 173-433 overlap with the requirements of SWCAA 400-070(15) *Outdoor wood fired boilers*.

Section Notes: SWCAA implements this section in lieu of WAC 173-400-070 in its entirety. Unlike WAC 173-400-070, SWCAA 400-070 does not provide exemptions from the requirements of 400-040, -050, and -060. All source categories (both cited and uncited) are subject to those general provisions.

SWCAA 400-072 Small Unit Notification for Selected Source Categories

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	*Pending*
SIP applicable:	Yes. Section compliments SWCAA's NSR program. Submit all subsections to SIP except (5)(a)(ii)(B), (5)(d)(ii)(B), (5)(d)(iii)(A), (5)(d)(iii)(B) and all reporting requirements related to TAPs.

Comparison with WAC: There is no equivalent section in the WAC. Some of the affected emission units would be subject to general NSR requirements, but others would be exempt under Ecology's permitting thresholds. (e.g., small coffee roasters, nat gas boilers <4.0 MMBtu/hr) All equipment categories identified in this section would be subject to SWCAA's general NSR requirements if the rule section was not in place. Arguably, the section is more stringent than the WAC.

Section Notes: This section serves as a limited exemption to new source review. Affected sources are not subject to 400-109.

Source categories were selected based homogeneous equipment configurations, low potential emissions, and uniformity of control technology determinations. Requirements for each category have been developed based an Agency review of potential emissions and available control measures (add-on equipment, work practices, etc.) for the affected equipment/activity. The emission controls and/or limitations in the rule section are intended to represent BACT.

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Minor source categories affected by this proposed rule change are as follows:

- Batch configuration coffee roasters with rated capacity > 10 lbs, but < 100 lbs, per batch.
- Natural gas fired boilers/heaters with rated heat input ≥ 0.4 MMBtu/hr and ≤ 2.0 MMbtu/hr.
- Emergency service internal combustion engines rated at < 1,000 horsepower.
- Petroleum dry cleaning facilities with total rated dryer capacity < 84 lbs (excludes perchloroethylene facilities).
- Individual rock crushers and aggregate screens located at permitted rock crushing operations with existing facilitywide emission limits.

SWCAA 400-074 Gasoline Transport Tanker Registration

Statutory Authority:	Chapter 70.94.141 RCW, refer to WAC 173-491-040
Corresponding WAC:	None
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains control measures intended to support a maintenance plan. Submit all subsections to SIP except (2).

Comparison with WAC: There is no directly equivalent section in the WAC.

Section Notes: None.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-075
Submitted to SIP:	No
SIP applicable:	No. This section adopts federal HAP regulations by reference.

Comparison with WAC: WAC 173-400-075 is similar in content to SWCAA 400-075. Both SWCAA and Ecology have adopted 40 CFR 61 in its entirety and 40 CFR 63 as it applies to major sources. There is a difference in approach in regards to 40 CFR 63 as it applies to area sources. SWCAA proscriptively adopts all of the regulation's subparts except for specifically listed sections whereas WAC 173-400-075(5) specifically adopts only a specific list of subparts. The end result is that SWCAA's adoption is similar to, but broader than, Ecology's adoption. Both Ecology and SWCAA have decided not to adopt area source applicability for a number of recently promulgated MACT standards due to the excessive scope of the affected source categories and minimal air quality improvement likely to be gained through local adoption/implementation.

WAC 173-400-075(8) contains emission standards for perchloroethylene dry cleaners. Corresponding requirements are found in SWCAA 400-070(7).

Section Notes: An informational list of adopted subparts is provided in SWCAA 400, Appendix C for ease of reference.

SWCAA 400-076 Emission Standards for Sources Emitting Toxic Air Pollutants

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Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-110(1)(c)
Submitted to SIP:	No
SIP applicable:	No. This section relates to toxic contaminants.

Comparison with WAC: SWCAA 400-076 governs the implementation of SWCAA's toxics program for new sources. WAC 173-400-110(1)(c) cites new or modified TAP sources as being subject to NSR and required to meet the requirements of WAC 173-460. This is similar to the provisions of SWCAA 400-076(2) although the version of WAC 173-460 cited by SWCAA is the 1998 version rather than the 2009 version.

Section Notes: The intent of this section is to provide clear authority for SWCAA to regulate sources of toxic air pollutants pursuant to the provisions of WAC 173-460. SWCAA has chosen to implement the 1998 version of WAC 173-460, and is considering adoption of a local toxics rule in lieu of the 2009 version.

SWCAA 400-081 Startup and Shutdown

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-081
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains provisions affecting permitting and compliance with general standards. Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-081 has a slightly different format, but is substantially similar to WAC 173-400-081.

Section Notes: None.

SWCAA 400-091 Voluntary Limits on Emissions

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-091
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains provisions affecting permit program. Submit all subsections to SIP.

Comparison with WAC: As currently adopted, SWCAA 400-091 has the same format and requirements as WAC 173-400-091.

Section Notes: None.

SWCAA 400-099 Per Capita Fees

Statutory Authority:	Chapter 70.94.093 RCW
Corresponding WAC:	None
Submitted to SIP:	No
SIP applicable:	No. This section applies to a general revenue fee that is not related to a specific SIP/TIP provision.

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Comparison with WAC: No equivalent section in WAC 173-400.

Section Notes: The last approved increase in per capita assessment fees was phased in over the course of three years (2006-2008). All of the effective dates have now passed so reference to transitory assessment rates has been removed.

SWCAA 400-100 Registration Requirements

Statutory Authority:	Chapter 70.94.141 RCW, 70.94,151 RCW, 70.94.162 RCW, 70.94.200 RCW, and 70.94.395 RCW
Corresponding WAC:	WAC 173-400-099, -100, -101, -102, -104
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97) EPA did not approve subsection (4) and the first sentence of subsection (3)(a)(iv).
SIP applicable:	No. SWCAA has decided to withdraw its registration program from the SIP. Withdraw all subsection from SIP.

Comparison with WAC: The registration requirements contained in the current/proposed versions of SWCAA 400-100 are similar in intent and form to the registration program described in WAC 173-400-099 through -104. There are two notable differences between the programs. First, the applicability thresholds for SWCAA's program are significantly lower than the WAC (1.0 tpy combined criteria pollutants versus 0.5-5.0 tpy individual pollutant thresholds in WAC 173-400-102(5)). Second, SWCAA requires annual emission reporting for all registered sources whereas the WAC has two reporting tiers (annual and every three years) depending on the type of source involved.

Section Notes: SWCAA unlinked the exemption thresholds for the registration and NSR programs in the 2009 rule revision. The registration program has higher thresholds than the registration program. This is intended to allow permitting resources to be focused on larger facilities and Title V activities rather than small stationary sources. The registration program includes a combination of permitted sources, unpermitted sources, and presumptively approved sources (SWCAA 400-072).

SWCAA 400-101 Emission Units Exempt from Registration Requirements

Statutory Authority:	Chapter 70.94.141 RCW, 70.94.163 RCW
Corresponding WAC:	WAC 173-400-100, -102, -110(4)&(5)
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	No. SWCAA has decided to withdraw its registration program from the SIP. Withdraw all subsection from SIP.

Comparison with WAC: WAC 173-400-100 and -102 specify which stationary sources are required to register with Ecology and applicable exemption thresholds. The general structure of the program exemptions is similar to the provisions of SWCAA 400-101. In general, the exemption thresholds contained in SWCAA's program are lower than the equivalent levels in the WAC. Likewise, the SWCAA program generally identifies smaller equipment sizes or capacities in cases where exemption is based on emission unit size or capacity.

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Section Notes: Exemption thresholds for SWCAA's registration and NSR programs were the same until the 2009 rule revision unlinked the two programs. The exemption thresholds cited in SWCAA 400-101 now only apply to the registration program.

SWCAA 400-103 Operating Permit Fees

Statutory Authority:	Chapter 70.94.162 RCW
Corresponding WAC:	WAC 173-401-900, -905
Submitted to SIP:	No
SIP applicable:	No. This section is part of the Part 70 permit program, which is not included in the SIP.

Comparison with WAC: Ecology's fess for Air Operating Permit sources are developed and assessed pursuant to WAC 173-401-900. Pursuant to WAC 173-401-905, SWCAA has established its own process for developing and assessing fees to operating permit program sources. The WAC does not provide proscriptive requirements for this process, but does require that the assessed fees be sufficient to cover program costs and that the fee process provide opportunity for public participation. The current language meets those requirements.

Section Notes: Nonc.

SWCAA 400-105 Records, Monitoring and Reporting

Statutory Authority:	Chapters 70.94.141 RCW, 70.94.151 RCW
Corresponding WAC:	WAC 173-400-105
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section is part of SWCAA's overall strategy to maintain the NAAQS and supports emission reporting/inventory functions. Submit all subsections to SIP except requirements related to toxics.

Comparison with WAC: SWCAA 400-105 is applicable to all registered and Title V sources as described in the first paragraph of the section. In practical terms, this is similar in scope to WAC 173-400-105, which is applicable to all sources receiving notification from the director of Ecology. Section by section comparisons are provided below.

WAC 173-400-105(1) – Emission inventory requirements in SWCAA 400-105(1) contain a more extensive list of reportable pollutants than the WAC and delineate between small and large sources. SWCAA's submittal deadline for emission inventory information is March 15th versus 105th day of the calendar year. SWCAA 400-105(1) allows for an extension of the submittal deadline of up to 60 days.

WAC 173-400-105(2) – SWCAA 400-105(2) has the same requirements as WAC 173-400-105(2).

WAC 173-400-105(3) – SWCAA 400-105(3) has the same requirements as WAC 173-400-105(3).

WAC 173-400-105(4) – The current version of SWCAA 400-105 does not contain language corresponding to WAC 173-400-105(4). Corresponding language is found in SWCAA 400-106(1).

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WAC 173-400-105(5) – The current/proposed version of SWCAA 400-105(4) is functionally equivalent to WAC 13-400-105(5) except for the differences listed below.

- WAC 173-400-105(5)(e) requires installed monitoring equipment to meet the specifications and reporting requirements of 40 CFR 51, Appendix P, Sections 3-5. SWCAA 400-105(4)(e) has the same requirement, but also requires compliance with the specifications and reporting requirements of 40 CFR 60, Appendices B and F.
- SWCAA 400-105(4)(f) cites continuous process parameter monitoring as a possible surrogate to continuous emission monitoring in addition to frequent stack testing.

WAC 173-400-105(6) – SWCAA 400-105(5) has the same requirements as WAC 173-400-105(6).

WAC 173-400-105(7) – SWCAA 400-105(7) has the same requirements as WAC 173-400-105(7).

WAC 173-400-105(8) – SWCAA 400-105(6) has the same requirements as WAC 173-400-105(8).

Section Notes: Small sources exempt from registration are not subject to inventory requirements, but must maintain records and other information necessary to substantiate their exempt status.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-105(4)
Submitted to SIP:	No
SIP applicable:	Yes. This section proscribes emission testing and monitoring requirements relied on by other rules (new source permitting, general standards, etc.). Submit only subsections (1)(a,b,c) to SIP.

Comparison with WAC: The current version of subsections SWCAA 400-106(a)-(c) contain all of the emission testing requirements listed in WAC 173-400-105(4). Additional requirements are included in subsequent subsections. SWCAA allows the use of selected Oregon DEQ test methods based on historic practice, whereas the WAC does not. The emission monitoring requirements contained in SWCAA 400-106(2) do not have an equivalent section in WAC 173-400-105(4).

Section Notes: None.

SWCAA 400-107 Excess Emissions

Statutory Authority:	Chapters 70.94.141 RCW, 70.94.431 RCW
Corresponding WAC:	WAC 173-400-108 and -109 (previously WAC 173-400-107)
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains provisions that affect compliance with permitted emission limits and general standards. This section will not be submitted to the SIP until such time as EPA resolves issues with Washington's excess emission rules.

Comparison with WAC: SWCAA 400-107 has been updated to be consistent with the requirements of

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WAC 173-400-108 and -109. Section specific comparisons are provided below.

WAC 173-400-108 – SWCAA 400-107(1) has the same requirements as WAC 173-400-108.

WAC 173-400-109 – SWCAA 400-107(2) has substantively similar requirements as WAC 173-400-109.

Section Notes: The 2012 revision of 400-107 significantly expanded the level of information and detail required to claim an excess emission event as 'unavoidable'. Most of the changes were the result of EPA's review and approval of revised language in WAC 173-400-108 and -109. SWCAA 400-107 was revised to be consistent.

SWCAA 400-109 Air Discharge Permit Applications

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-110
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97) EPA did not approve subsections (3)(b), (3)(c), (3)(g), (3)(h) and (3)(i) of the 1996 rule.
SIP applicable:	Yes. This section is a minor source permitting rule. Submit all subsections to SIP except TAP thresholds in (3)(d), TAP provisions in (3)(e)(ii), and (4).

Comparison with WAC: SWCAA 400-109 contains requirements to file an air discharge permit application that are similar to corresponding sections of WAC 173-400-110. Section specific comparisons are provided below.

WAC 173-400-110(1)-(3) – SWCAA 400-109(2) uses different language and does not contain integral definitions, but has the same functional requirements as sections WAC 173-400-110(1)-(3).

WAC 173-400-110(4)-(6) – SWCAA 400-109(3) uses a format similar to the WAC. Separate exemptions are provided based on source category and pollutant specific potential to emit. SWCAA 400-109(3) exemptions for approved portable sources and greenhouse emission sources are similar to those contained in WAC 173-400-110(5) and (6).

Section Notes: SWCAA's NSR exemption thresholds are as stringent, and generally more stringent, than corresponding thresholds for Ecology and surrounding local authorities.

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

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-110(1) and -111
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (1)(d).

Comparison with WAC: SWCAA 400-110 contains equivalent measures for most of the provisions of WAC 173-400-110. An effort has been made to maintain consistency with WAC 173-400-110 wherever practical. Specific sections are discussed below.

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WAC 173-400-110(1). The applicability provisions of SWCAA 400-110(1) overlap with those of SWCAA 400-109(2), and are functionally equivalent to the provisions of WAC 173-400-110(1).

WAC 173-400-111(1). SWCAA 400-110(2) contains provisions for application completeness determination similar to those found in WAC 173-400-111(1). The determination timeline is the same (30 days). SWCAA 400-110(2)(d) has a requirement to demonstrate SEPA compliance, which is not cited in WAC 173-400-111.

WAC 173-400-111(2). SWCAA 400-110(4)(a) contains similar provisions to WAC 173-400-111(2) for integrated review of WAC 173-401 operating permit applications.

WAC 173-400-111(3). SWCAA 400-110(3) contains similar requirements to WAC 173-400-111(3) with two exceptions.

- WAC 173-400-111(3)(e) cites compliance with WAC 173-400-200 and -205. SWCAA 400 has equivalent rule sections (SWCAA 400-200 and -205), but they are applied as general rules, and are not directly cited in SWCAA 400-110(3).
- WAC 173-400-111(3) does not contain any reference to requirements for maintenance plan areas, whereas SWCAA 400-110(3) does (SWCAA 400-111).

WAC 173-400-111(4) and (5). SWCAA 400-110(4) contains requirements equivalent to those in WAC 173-400-111(4) and (5). SWCAA 400-110(4)(f) addresses incorporation of SEPA mitigation measures whereas the WAC does not mention SEPA.

WAC 173-400-111(6). SWCAA 400-110(5) contains the same provisions as WAC 173-400-111(6).

WAC 173-400-111(7). SWCAA 400-110(8) contains the same 18 month permit expiration period and exception for phased construction as WAC 173-400-111(7). SWCAA 400-110(8) allows the agency to specify an earlier date for commencement of construction in the applicable permit.

WAC 173-400-111(8). SWCAA 400-110(9) contains the same requirements as WAC 173-400-111(8).

WAC 173-400-111(9). Permit application fees and other costs related to new source review are found in SWCAA 400-109(4).

WAC 173-400-111(10). SWCAA 400-110(7) contains provisions specifying that noncompliance with any term of an approval order or permit issued pursuant to the section is a violation of the section. This is equivalent to the terms of WAC 173-400-111(10).

Section Notes: WAC 173-400-111 does not have language equivalent to SWCAA 400-110(6). Ecology uses WAC 173-400-036 to address relocation of portable stationary equipment without a site-specific or authority specific notice of construction. SWCAA 400-110(6) predates the creation of WAC 173-400-036, and has a narrower scope. SWCAA 400-110(6) applies to the relocation of Agency permitted sources without a site specific application whereas SWCAA 400-036 applies to relocation of portable sources permitted by other jurisdictions.

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WAC 173-400-111 does not address reopening of approval orders for cause so there is no corresponding section for SWCAA 400-110(10) *Reopening for cause*.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (7).

Comparison with WAC:

WAC 173-400 does not contain a section equivalent to SWCAA 400-111.

Section Notes: None.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-112
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (6).

Comparison with WAC: SWCAA 400-112 contains equivalent measures for all of the provisions of WAC 173-400-112. Additional sections are included that reference toxics and visibility. Specific sections are discussed below.

WAC 173-400-112(1). SWCAA 400-112(1) contains the same requirements as WAC 173-400-112(1) except that the language references emission standards of the Agency.

WAC 173-400-112(2) and (3). SWCAA 400-112(2) contains the same requirements are WAC 173-400-112(2) and (3).

WAC 173-400-112(4). SWCAA 400-112(3) contains the same requirements are WAC 173-400-112(4).

WAC 173-400-112(5). SWCAA 400-112(5) contains the same requirements as WAC 173-400-112(5).

Section Notes: WAC 173-400-112 does not have sections that correspond to SWCAA 400-112(4) *Noncompliance*, (6) *Toxics* or (7) *Visibility*.

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SWCAA 400-113 Requirements for New Sources in Attainment or Nonclassifiable Areas

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-113
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (5).

Comparison with WAC: SWCAA 400-113 contains equivalent measures for all of the provisions of WAC 173-400-113. Additional sections are included that reference toxics and visibility. Specific sections are discussed below.

WAC 173-400-113(1). SWCAA 400-113(1) contains the same requirements as WAC 173-400-113(1) except that the language references emission standards of the Agency.

WAC 173-400-113(2). SWCAA 400-113(2) contains the same requirements are WAC 173-400-113(2).

WAC 173-400-113(3) and (4). SWCAA 400-113(3) contains the same requirements are WAC 173-400-113(3) and (4).

WAC 173-400-113(5). SWCAA 400-113(4) contains the same requirements as WAC 173-400-113(5).

Section Notes: WAC 173-400-113 does not have sections that correspond to SWCAA 400-113(5) *Toxics*, (6) *Visibility* or (7) *Noncompliance*.

SWCAA 400-114 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.153 RCW
Corresponding WAC:	WAC 173-400-114
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP.

Comparison with WAC (2003): The current version of SWCAA 400-114 is nearly identical to WAC 173-400-114 in format and meaning.

Section Notes: None.

SWCAA 400-115 Standards of Performance for New Sources

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-115
Submitted to SIP:	No
SIP applicable:	No. This section adopts by reference regulations that are already federally enforceable.

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Comparison with WAC: SWCAA 400-115 is similar in format and content to WAC 173-400-115. The specific list of adopted NSPS standards varies slightly.

Section Notes: An informational list of adopted NSPS regulations is found in SWCAA 400, Appendix C.

SWCAA 400-116 Maintenance of Equipment

Statutory Authority:	Chapter 70.94.152(7) RCW and 70.94.155 RCW
Corresponding WAC:	None
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	Yes. This section contains provisions regarding proper operation of process and emission control equipment, and supports compliance with permitted limits and general standards. Submit all subsections to SIP.

Comparison with WAC: There is no equivalent rule section in WAC 173-400.

Section Notes: None.

SWCAA 400-120 Bubble Rules

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.155 RCW
Corresponding WAC:	WAC 173-400-120
Submitted to SIP:	No
SIP applicable:	No SIP action is planned at this time.

Comparison with WAC: As currently adopted, SWCAA 400-120 is identical to WAC 173-400-120.

Section Notes: None.

SWCAA 400-130 Use of Emission Reduction Credits

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-136
Submitted to SIP:	No. Previously been submitted to the SIP, but not approved.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Comparison with WAC: The proposed version of SWCAA 400-130 contains all of the functional requirements of WAC 173-400-136 except that SWCAA 400-130 does not contain provisions for discounting issued ERCs as provided in WAC 173-400-136(6). The expiration period is the same (10 years) in both regulations.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

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SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-131
Submitted to SIP:	No. Previously been submitted to the SIP, but not approved.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-131 uses slightly different language, but contains all of the effective provisions of WAC 173-400-131.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-136(6)
Submitted to SIP:	No. This section has been previously submitted for SIP inclusion, but EPA has not approved the section.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-136 contains provisions for the establishment and maintenance of an ERC "bank" to document and track outstanding ERCs. The WAC program for ERCs does not provide for any type of official ERC bank.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

SWCAA 400-140 Protection of Ambient Air Increments

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-116
Submitted to SIP:	No
SIP applicable:	Yes. Section deleted. SWCAA will implement WAC 173-400-116.

Comparison with WAC: N/A.

Section Notes: This section was originally meant to work in conjunction with Ecology's efforts under WAC 173-400-116. SWCAA has decided to delete the section and rely upon the WAC.

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SWCAA 400-141 Prevention of Significant Deterioration

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-700 through -750
Submitted to SIP:	No
SIP applicable:	Yes. Section deleted. SWCAA will implement WAC 173-400-700 through -750.

Proposed Change: The proposed rule change does the following:

1) Deletes the rule section. SWCAA does not have, and is not seeking, PSD delegation from EPA. Maintenance of a local only PSD rule is potentially confusing and/or problematic. Therefore, SWCAA has chosen to remove the section and rely directly upon WAC 173-400-700 through -750.

Comparison with WAC: N/A.

Section Notes: None.

SWCAA 400-151 Retrofit Requirements for Visibility Protection

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-151
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section applies to control measures required by the Federal Clean Air Act. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-151 is identical to WAC 173-400-151 except that SWCAA is the only identified permitting agency and the definition of an "existing stationary facility" is given in SWCAA 400-030 rather than in the text of the section itself.

Section Notes: None.

SWCAA 400-161 Compliance Schedules

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-161
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section supports the implementation of general SIP standards and permit requirements. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-161 is identical to the corresponding section of the WAC.

Section Notes: None.

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SWCAA 400-171 Public Involvement

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-171
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. Public involvement provisions required by FCAA in support of new source review and other program actions. Submit all subsections to SIP except (2)(a)(xii).

Comparison with WAC: SWCAA 400-171 is similar to WAC 173-400-171 in both format and requirements.

Section Notes: None.

SWCAA 400-172 Technical Advisory Council

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.240 RCW
Corresponding WAC:	None
Submitted to SIP:	No
SIP applicable:	No. This section contains local administrative provisions not appropriate for SIP inclusion.

Comparison with WAC: N/A.

Section Notes: None.

SWCAA 400-180 Variance

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.181 RCW
Corresponding WAC:	WAC 173-400-180
Submitted to SIP:	No
SIP applicable:	No. This section allows for local variances, and is not appropriate for SIP inclusion. Any variance that affects requirements of the Federal Clean Air Act requires EPA concurrence prior to enactment. No SIP action is planned at this time.

Comparison with WAC: The current version of SWCAA 400-180 has the same format and meaning as WAC 173-400-180.

Section Notes: None.

SWCAA 400-190 Requirements for Nonattainment Areas

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-190
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	Yes. This section contains provisions for developing requirements for nonattainment areas. Submit all subsections to SIP.

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Comparison with WAC: SWCAA 400-190 contains all of the provisions found in WAC 173-400-190. The WAC does not cite any specific rule sections in regards to new sources or modifications.

Section Notes: None.

SWCAA 400-200 Creditable Stack Height and Dispersion Techniques

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-200
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section supports permitting rules and NAAQS compliance demonstrations. Submit all subsections to SIP except (1).

Comparison with WAC: SWCAA 400-200(2) through (4) contains all of the provisions of WAC 173-400-200. WAC 173-400-200 does not any language regarding vertical dispersion or rain cap installation.

Section Notes: None.

SWCAA 400-205 Adjustment for Atmospheric Conditions

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-205
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section directly supports preconstruction permitting rules and NAAQS compliance demonstrations. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-205 contains the same provisions as WAC 173-400-205.

Section Notes: None.

SWCAA 400-210 Emission Requirements of Prior Jurisdictions

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.331 RCW
Corresponding WAC:	WAC 173-400-210
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains provisions for preconstruction permit requirements established by a previous permitting authority. Submit all subsections to SIP.

Comparison with WAC: The current version of SWCAA 400-210 contains the same provisions as WAC 173-400-210.

Section Notes: None.

SWCAA 400-220 Requirements for Board Members

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Statutory Authority: Chapter 70.94.100 RCW and 70.94.141 RCW
Corresponding WAC: WAC 173-400-220
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: The current version of SWCAA 400-220 contains the same provisions as WAC 173-400-220.

Section Notes: None.

SWCAA 400-230 Regulatory Actions and Civil Penalties

Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431 RCW, and 70.94.435 RCW
Corresponding WAC: WAC 173-400-230
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: The current version of SWCAA 400-230 has two parts. The first part contains a nonexclusive list of the regulatory actions that may be taken by SWCAA. There is no equivalent descriptive section in the WAC. The second part of SWCAA 400-230 contains all of the provisions contained in WAC 173-400-230, with the exception of WAC 173-400-230(2)(f). SWCAA has not previously made grants to public or private entities, so the requirements of WAC 173-400-230(2)(f) have not been necessary.

Section Notes: None.

SWCAA 400-240 Criminal Penalties

Statutory Authority: Chapter 70.94.141 RCW and 70.94.430 RCW
Corresponding WAC: WAC 173-400-240
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: The current version of SWCAA 400-240 contains the same provisions as WAC 173-400-240.

Section Notes: None.

SWCAA 400-250 Appeals

Statutory Authority: Chapter 70.94.141 RCW and 70.94.221 RCW
Corresponding WAC: WAC 173-400-250
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: The current version of SWCAA 400-250 is nearly identical to WAC 173-400-250.

Section Notes: None.

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SWCAA 400-260 Conflict of Interest

Statutory Authority: Chapter 70.94.100 RCW and 70.94.141 RCW
Corresponding WAC: WAC 173-400-260
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: The current version of SWCAA 400-260 contains the same provisions as WAC 173-400-260.

Section Notes: None.

SWCAA 400-270 Confidentiality of Records and Information

Statutory Authority: Chapter 70.94.141 RCW and 70.94.205 RCW
Corresponding WAC: None
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.

Comparison with WAC: N/A

Section Notes: None.

SWCAA 400-280 Powers of Authority

Statutory Authority: Chapter 70.94.141 RCW
Corresponding WAC: None
Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable: No. Submit section informally as proof of program authority.
Comparison with WAC: N/A

Section Notes: None.

SWCAA 400-290 Severability

Statutory Authority: Chapter 70.94.141 RCW and RCW 43.21B.001 notes
Corresponding WAC: None
Submitted to SIP: No
SIP applicable: No. This section contains local administrative provisions. Withhold all subsections from SIP.

Comparison with WAC: N/A.

Section Notes: None.

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SWCAA 400-800 Major Stationary Source and Major Modification in a Nonattainment Area

Statutory Authority: Chapter 70.94.141 RCW
Corresponding WAC: WAC 173-400-800
Submitted to SIP: No.
SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
Submit all subsections to the SIP.

Comparison with WAC: SWCAA 400-800 is nearly identical to WAC 173-400-800.

Section Notes: None.

SWCAA 400-810 Major Stationary Source and Major Modification Definitions

Statutory Authority: Chapter 70.94.141 RCW
Corresponding WAC: WAC 173-400-810
Submitted to SIP: No.
SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-810 is nearly identical to WAC 173-400-810.

Section Notes: None.

SWCAA 400-820 Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements

Statutory Authority: Chapter 70.94.141 RCW
Corresponding WAC: WAC 173-400-820
Submitted to SIP: No.
SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-820 is nearly identical to WAC 173-400-820.

Section Notes: None.

SWCAA 400-830 Permitting Requirements

Statutory Authority: Chapter 70.94.141 RCW
Corresponding WAC: WAC 173-400-830
Submitted to SIP: No.
SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
Submit all subsections to SIP.

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Comparison with WAC: SWCAA 400-830 is nearly identical to WAC 173-400-830.

Section Notes: None.

SWCAA 400-840 Emission Offset Requirements

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-840
Submitted to SIP:	No.
SIP applicable:	Yes. This section directly supports permitting rules and NAAQS compliance demonstrations. Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-840 is nearly identical to WAC 173-400-840.

Section Notes: None.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-850
Submitted to SIP:	No.
SIP applicable:	Yes. This section directly supports permitting rules and NAAQS compliance demonstrations. Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-850 is nearly identical to WAC 173-400-850.

Section Notes: None.

SWCAA 400-860 Public Involvement Procedures

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-860
Submitted to SIP:	No.
SIP applicable:	Yes. This section directly supports permitting rules and NAAQS compliance demonstrations. Submit all subsections to SIP.

Comparison with WAC: SWCAA 400-860 is nearly identical to WAC 173-400-860.

Section Notes: None.

SWCAA 400, Appendix A SWCAA Method 9 / Visual Opacity Determination Method

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	No
SIP applicable:	Yes. This section establishes an official test method for opacity similar to

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EPA Method 9 and Ecology Methods 9A and 9B. As such, the method must be submitted to EPA for approval.
Submit all subsections to SIP.

Comparison with WAC: N/A.

Section Notes: None.

SWCAA 400, Appendix B	**Description of Vancouver Ozone and Carbon Monoxide Maintenance Area Boundary**
Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	Yes (Part of approved Maintenance Plan)
SIP applicable:	Yes. This section describes the Vancouver Ozone and Carbon Monoxide Maintenance Area Boundary. The requirements for new sources differ depending on whether or not the new source is located within the maintenance area. No action, provisions alrcady in SIP.

Comparison with WAC: There is no comparable section of the WAC.

Section Notes: None.

SWCAA 400, Appendix C	**Federal Standards Adopted by Reference**
Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	No
SIP applicable:	No

Comparison with WAC: There is no comparable section of the WAC.

Section Notes: Prior to creation of Appendix C, the Agency provided a reference list of adopted NSPS and MACT regulations in 400-115 and 400-075. Presentation of the reference lists in the main body of the rules became cumbersome as the list of regulations grew longer. Consequently, the reference lists were moved to a separate appendix in the 2008 rule revision. Appendix C also includes a reference list of adopted NESHAP regulations which were previously unlisted in 400-075.

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Appendix B.6 SWCAA Board of Director Meeting Notes for Rule Adoption

Appendix C. Public Involvement

This section will be filled in before final submittal.

Appendix C.1. Notices of Proposed SIP Revision

Appendix C.1.1 Notice on Ecology Website

Appendix C.1.2 Notice Sent through Ecology Listserv

Appendix C.1.3 Notice on SWCAA Website

Appendix C.2. Public Involvement Calendar

Appendix C.3 Legal Notice

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To: robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; gary@yrcaa.org[gary@yrcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; masmundson@nwcleanair.org[masmundson@nwcleanair.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]
Cc: amyf@pscleanair.org[amyf@pscleanair.org]; andrewg@pscleanair.org[andrewg@pscleanair.org]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]; brud461@ecy.wa.gov[brud461@ecy.wa.gov]; Miller, Christina[Miller.Christina@epa.gov]; Dale Jensen[djen461@ECY.WA.GOV]; Brown, Dan[Brown.Dan@epa.gov]; dan.nelson@orcaa.org[dan.nelson@orcaa.org]; Debbie Moody[debbie.moody@orcaa.org]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Elena Guilfoil[egui461@ecy.wa.gov]; Garin Schreive[gasc461@ecy.wa.gov]; hasan@yrcaa.org[hasan@yrcaa.org]; Hastings, Janis[Hastings.Janis@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]; Jo Niehaus[jniehaus@LRAPA.ORG]; Joanne Todd[JoanneT@pscleanair.org]; judithw@pscleanair.org[judithw@pscleanair.org]; Karen Wood[KWOO461@ECY.WA.GOV]; Kathy Strange[KathyS@pscleanair.org]; Keith Hurley[keith@yrcaa.org]; Ken Zarker[kzar461@ecy.wa.gov]; Lynette Haller[lhul461@ecy.wa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Islam, Mahbubul[Islam.Mahbubul@epa.gov]; Mark Goodin[mark.goodin@orcaa.org]; Marsh Taylor[MTAY461@ECY.WA.GOV]; McGown, Michael[McGown.Michael@epa.gov]; Mike Ragan[MRAG461@ECY.WA.GOV]; Nancy Pritchett[npri461@ECY.WA.GOV]; Nick Roach[NROA461@ECY.WA.GOV]; Robert Moody[robert.moody@orcaa.org]; Rod Tinnemore[rtin461@ecy.wa.gov]; Scott Downey[Downey.Scott@epa.gov]; slun461@ecy.wa.gov[slun461@ecy.wa.gov]; Sue Billings[SBIL461@ECY.WA.GOV]; Teddy Le[teddy.le@ecy.wa.gov]; Turnbow, Marilyn (ECY[matu461@ECY.WA.GOV]; Steve Van Slyke[SteveV@pscleanair.org]; Carole Cenci[CaroleC@pscleanair.org]
From: Uri Papish
Sent: Fri 8/26/2016 12:54:24 AM
Subject: Washington Air Manager's Meeting - DRAFT Agenda
September DRAFT 2016 WAQMG Agenda.docx

Attached is the DRAFT Agenda for the September 13th Washington Air Manager's Meeting. I was unable to fit a requested 45 min EPA EJ Presentation onto the agenda and propose we delay that for the November meeting.

Please let me know if there are any other missing agenda items or other suggested changes by August 30th.

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

To: All Air Quality Managers and Other Representatives
From: Uri Papish, Chair

Washington Air Quality Managers Group Meeting - DRAFT AGENDA

Location: Seattle, PSCAA Office
Time/Date: 9:30 a.m., September 13, 2016
Call-in Number: Ex. 6 - Personal Privacy

Topic	Presenter(s)	Time
Welcome and Introductions	All	9:30
Multipurpose Grants, VW Mitigation Funds, and VW Ecology Fines – Status and Plan for Use and Distribution of Funds	Stu	9:40
Reallocation Formula Update	Dave	10:30
EPA Budget Update	Christina	11:00
Woodstove Fee Discussion	Fran	11:15
Break	All	11:30
Legislative and Rulemaking Update (Clean Air Rule and SSM SIP Call)	Stu	11:40
State Building Code - Cannabis Technical Advisory Group	Julie	12:00
DNR Smoke Management Plan Update	?	12:20
Recommendations for NACAA in 2017	Craig	12:40
Roundtable	All	1:00

ADJOURN

Next Meeting Date: November 8, 2016

LAST MEETING (March 8, 2016) TOPICS

3. Rulemaking Legislative Budget
4. Asphalt Plants
5. Diesel and Surface Transportation Board
6. EPA Budget and Allocation Formula
7. SSM SIP Call
8. JLARC GVR Stage II
9. Wood Stove Funding Meeting w/ HPBA
10. Emission Check Program Update

To: robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; gary@yrcaa.org[gary@yrcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; masmundson@nwcleanair.org[masmundson@nwcleanair.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]
Cc: amyf@pscleanair.org[amyf@pscleanair.org]; andrewg@pscleanair.org[andrewg@pscleanair.org]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]; brud461@ecy.wa.gov[brud461@ecy.wa.gov]; Miller, Christina[Miller.Christina@epa.gov]; Dale Jensen[djen461@ECY.WA.GOV]; Brown, Dan[Brown.Dan@epa.gov]; dan.nelson@orcaa.org[dan.nelson@orcaa.org]; Debbie Moody[debbie.moody@orcaa.org]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Elena Guilfoil[egui461@ecy.wa.gov]; Garin Schreive[gasc461@ecy.wa.gov]; hasan@yrcaa.org[hasan@yrcaa.org]; 'hone461@ecy.wa.gov'[hone461@ecy.wa.gov]; Hastings, Janis[Hastings.Janis@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]; Jo Niehaus (jniehaus@LRAPA.ORG)[jniehaus@LRAPA.ORG]; Joanne Todd[JoanneT@pscleanair.org]; judithw@pscleanair.org[judithw@pscleanair.org]; Karen Wood[KWOO461@ECY.WA.GOV]; Kathy Strange[KathyS@pscleanair.org]; Keith Hurley[keith@yrcaa.org]; Ken Zarker[kzar461@ecy.wa.gov]; Lynette Haller[lhul461@ecy.wa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Islam, Mahbubul[Islam.Mahbubul@epa.gov]; Mark Goodin[mark.goodin@orcaa.org]; Marsh Taylor[MTAY461@ECY.WA.GOV]; McGown, Michael[McGown.Michael@epa.gov]; Mike Ragan[MRAG461@ECY.WA.GOV]; Nancy Pritchett[npri461@ECY.WA.GOV]; Nick Roach[NROA461@ECY.WA.GOV]; Robert Moody[robert.moody@orcaa.org]; Rod Tinnemore[rtin461@ecy.wa.gov]; Downey, Scott[Downey.Scott@epa.gov]; slun461@ecy.wa.gov[slun461@ecy.wa.gov]; Sue Billings[SBIL461@ECY.WA.GOV]; Teddy Le[teddy.le@ecy.wa.gov]; Turnbow, Marilyn (ECY) [matu461@ECY.WA.GOV]
From: Uri Papish
Sent: Thur 3/3/2016 12:37:38 AM
Subject: RE: March 8, 2016 WAQMG - Agenda
160308 March 2016 WAQMG Agenda.docx

Attached is the final agenda for next week's Washington Air Quality Manager's meeting.

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

11815 NE 99 Street, Suite 1294

Vancouver, WA 98682

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Tuesday, February 16, 2016 1:51 PM
To: Robin Priddy <robin.priddy@bentoncleanair.org>; Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; craigk@pscleanair.org; Fran McNair <fran.mcnair@orcaa.org>; Gary Pruitt <gary@yrcaa.org>; Julie Oliver <joliver@spokanecleanair.org>; Mark Asmundson <masmundson@nwcleanair.org>; Mark Buford <mark@nwcleanair.org>; Merlyn Hough <merlyn@lrapa.org>
Cc: Amy Fowler <AmyF@pscleanair.org>; Andrew Green <AndrewG@pscleanair.org>; Anya Caudill <ACAU461@ECY.WA.GOV>; Brett Rude <BRUD461@ECY.WA.GOV>; Christina Miller <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Dan Brown <Brown.Dan@epamail.epa.gov>; Dan Nelson <dan.nelson@orcaa.org>; Debbie Moody <debbie.moody@orcaa.org>; Debra Suzuki <suzuki.debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hasan Tahat <hasan@yrcaa.org>; 'hone461@ecy.wa.gov' <hone461@ecy.wa.gov>; 'Jan Hastings' <hastings.janis@epamail.epa.gov>; Jeff Hunt <Hunt.Jeff@epamail.epa.gov>; Jo Niehaus (jniehaus@LRAPA.ORG) <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Judith White Crow <JudithW@pscleanair.org>; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Keith Hurley <keith@yrcaa.org>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Madonna Narvaez <Narvaez.Madonna@epamail.epa.gov>; Mahbubul Islam <islam.mahbubul@epamail.epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; Michael McGown <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; Sean Lundblad <slun461@ECY.WA.GOV>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY) <matu461@ECY.WA.GOV>
Subject: RE: March 8, 2016 WAQMG - DRAFT Agenda

Attached is the draft Agenda for the March 8th Washington Air Quality Manager's meeting in Seattle. Please contact me with any additional agenda items or other changes.

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

11815 NE 99 Street, Suite 1294

Vancouver, WA 98682

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Monday, February 8, 2016 4:42 PM
To: Robin Priddy <robin.priddy@bentoncleanair.org>; Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; craigk@pscleanair.org; Fran McNair <fran.mcnair@orcaa.org>; Gary Pruitt <gary@yrcaa.org>; Julie Oliver <joliver@spokanecleanair.org>; Mark Asmundson <masmundson@nwcleanair.org>; Mark Buford <mark@nwcleanair.org>; Merlyn Hough <merlyn@lrapa.org>; Uri Papish <Uri@swcleanair.org>
Cc: Amy Fowler <AmyF@pscleanair.org>; Andrew Green <AndrewG@pscleanair.org>; Anya Caudill <ACAU461@ECY.WA.GOV>; Brett Rude <BRUD461@ECY.WA.GOV>; Christina Miller <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Dan Brown <Brown.Dan@epamail.epa.gov>; Dan Nelson <dan.nelson@orcaa.org>; Debbie Moody <debbie.moody@orcaa.org>; Debra Suzuki <suzuki.debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hasan Tahat <hasan@yrcaa.org>; 'hone461@ecy.wa.gov' <hone461@ecy.wa.gov>; 'Jan Hastings' <hastings.janis@epamail.epa.gov>; Jeff Hunt <Hunt.Jeff@epamail.epa.gov>; Jo Niehaus (jniehaus@LRAPA.ORG) <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Judith White Crow <JudithW@pscleanair.org>; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Keith Hurley <keith@yrcaa.org>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Madonna Narvaez <Narvaez.Madonna@epamail.epa.gov>; Mahbubul Islam <islam.mahbubul@epamail.epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; Michael McGown <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; Sean Lundblad <slun461@ECY.WA.GOV>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY) <matu461@ECY.WA.GOV>
Subject: March 8, 2016 WAQMG - Call for Agenda Items

Hi All,

We are a month away from our next Washington Air Quality Managers Meeting. Please send me any agenda topics you have by end of the week and I'll prepare the draft agenda.

Thanks,

Uri

From: Robin Priddy [mailto:robin.priddy@bentoncleanair.org]
Sent: Monday, January 11, 2016 9:05 AM
To: Clark, Stuart (ECY) <scla461@ECY.WA.GOV>; craigk@pscleanair.org; Fran McNair <fran.mcnair@orcaa.org>; Gary Pruitt <gary@yrcaa.org>; Julie Oliver <joliver@spokanecleanair.org>; Mark Asmundson <masmundson@nwcleanair.org>; Mark Buford <mark@nwcleanair.org>; Merlyn Hough <merlyn@lrapa.org>; Uri Papish <Uri@swcleanair.org>
Cc: Amy Fowler <AmyF@pscleanair.org>; Andrew Green <AndrewG@pscleanair.org>; Anya Caudill <ACAU461@ECY.WA.GOV>; Brett Rude <BRUD461@ECY.WA.GOV>; Christina Miller <Miller.Christina@epa.gov>; Dale Jensen <djen461@ECY.WA.GOV>; Dan Brown <Brown.Dan@epamail.epa.gov>; Dan Nelson <dan.nelson@orcaa.org>; Debbie Moody <debbie.moody@orcaa.org>; Debra Suzuki <suzuki.debra@epa.gov>; Elena Guilfoil <egui461@ecy.wa.gov>; Garin Schreive <gasc461@ecy.wa.gov>; Hasan Tahat <hasan@yrcaa.org>; 'hone461@ecy.wa.gov' <hone461@ecy.wa.gov>; 'Jan Hastings' <hastings.janis@epamail.epa.gov>; Jeff Hunt <Hunt.Jeff@epamail.epa.gov>; Jo Niehaus (jniehaus@LRAPA.ORG) <jniehaus@LRAPA.ORG>; Joanne Todd <JoanneT@pscleanair.org>; Judith White Crow <JudithW@pscleanair.org>; Karen Wood <KWOO461@ECY.WA.GOV>; Kathy Strange <KathyS@pscleanair.org>; Keith Hurley <keith@yrcaa.org>; Ken Zarker <kzar461@ecy.wa.gov>; Lynette Haller <lhul461@ecy.wa.gov>; Madonna Narvaez <Narvaez.Madonna@epamail.epa.gov>; Mahbubul Islam <islam.mahbubul@epamail.epa.gov>; Mark Goodin <mark.goodin@orcaa.org>; Marsh Taylor <MTAY461@ECY.WA.GOV>; Michael McGown <McGown.Michael@epa.gov>; Mike Ragan <MRAG461@ECY.WA.GOV>; Nancy Pritchett <npri461@ECY.WA.GOV>; Nick Roach <NROA461@ECY.WA.GOV>; Robert Moody <robert.moody@orcaa.org>; Rod Tinnemore <rtin461@ecy.wa.gov>; Scott Downey <Downey.Scott@epa.gov>; Sean Lundblad <slun461@ECY.WA.GOV>; Sue Billings <SBIL461@ECY.WA.GOV>; Teddy Le <teddy.le@ecy.wa.gov>; Turnbow, Marilyn (ECY) <matu461@ECY.WA.GOV>
Subject: 160112 Jamuary 2016 WAQMG Agenda Draft

Here's a revised last agenda for tomorrow – I don't have any sense of how long topics will take, so I've put Cristina on at 10:30; we'll just work around so she can have a time to plan around. Jeff follows her and also the rule update in case someone from Ecology will call in; they'll have a time as well.

Thanks - Robin

To: All Air Quality Managers and Other Representatives
From: Uri Papish, Chair

Washington Air Quality Managers Group Meeting

Location: Seattle, PSCAA Office
Time/Date: 9:30 a.m., March 8, 2016
Call-in Number: Ex. 6 - Personal Privacy

Topic	Presenter(s)	Time
Welcome and Introductions	All	9:30
Rulemaking, Legislative, and Budget Update	Stu	9:40
Asphalt Plants and HB 2385	Craig	10:00
SRCAA's Marijuana Advisory Committee	Julie	10:20
Diesel and Surface Transportation Board	Uri	10:30
EPA Budget Process and Allocation Formula	Christina	11:00
SSM SIP Call - Status and Plan	Stu	11:20
Emission Check Program Update	Julie/Stu	11:30
JLARC GVR Stage II	Stu	11:45
Wood Stove Funding - Meeting w/ HPBA	Craig	12:00
Roundtable	All	12:15

ADJOURN

Next Meeting Date: September 13, 2016

LAST MEETING (January 12, 2016) TOPICS

1. Diesel and Surface Transportation Board
2. Governor Inslee's Carbon Cap Proposal
3. Budget Update 105/103
4. Update on WAC 173-401
5. SIP Work/EPA Update
6. Chair for 2016

To: robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; gary@yrcaa.org[gary@yrcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; masmundson@nwcleanair.org[masmundson@nwcleanair.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]
Cc: amyf@pscleanair.org[amyf@pscleanair.org]; andrewg@pscleanair.org[andrewg@pscleanair.org]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]; brud461@ecy.wa.gov[brud461@ecy.wa.gov]; Miller, Christina[Miller.Christina@epa.gov]; Dale Jensen[djen461@ECY.WA.GOV]; Brown, Dan[Brown.Dan@epa.gov]; dan.nelson@orcaa.org[dan.nelson@orcaa.org]; Debbie Moody[debbie.moody@orcaa.org]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Elena Guilfoil[egui461@ecy.wa.gov]; Garin Schreive[gasc461@ecy.wa.gov]; hasan@yrcaa.org[hasan@yrcaa.org]; Hastings, Janis[Hastings.Janis@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]; Jo Niehaus[jniehaus@LRAPA.ORG]; Joanne Todd[JoanneT@pscleanair.org]; judithw@pscleanair.org[judithw@pscleanair.org]; Karen Wood[KWOO461@ECY.WA.GOV]; Kathy Strange[KathyS@pscleanair.org]; Keith Hurley[keith@yrcaa.org]; Ken Zarker[kzar461@ecy.wa.gov]; Lynette Haller[lhul461@ecy.wa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Islam, Mahbubul[Islam.Mahbubul@epa.gov]; Mark Goodin[mark.goodin@orcaa.org]; Marsh Taylor[MTAY461@ECY.WA.GOV]; McGown, Michael[McGown.Michael@epa.gov]; Mike Ragan[MRAG461@ECY.WA.GOV]; Nancy Pritchett[npri461@ECY.WA.GOV]; Nick Roach[NROA461@ECY.WA.GOV]; Robert Moody[robert.moody@orcaa.org]; Rod Tinnemore[rtin461@ecy.wa.gov]; Scott Downey[Downey.Scott@epa.gov]; slun461@ecy.wa.gov[slun461@ecy.wa.gov]; Sue Billings[SBIL461@ECY.WA.GOV]; Teddy Le[teddy.le@ecy.wa.gov]; Turnbow, Marilyn (ECY[matu461@ECY.WA.GOV]; Steve Van Slyke[SteveV@pscleanair.org]; Carole Cenci[CaroleC@pscleanair.org]
From: Uri Papish
Sent: Tue 11/1/2016 11:12:29 PM
Subject: RE: Washington Air Manager Meeting Agenda November 8th
November 2016 WAQMG Agenda.docx

Here is the new agenda for the November 8th Washington Air Managers Meeting. We had three agenda items drop off (get postponed by the presenters), so I added a couple new ones.

Please let me know if any additional changes are needed.

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Monday, October 24, 2016 10:46 AM
To: 'Robin Priddy' <robin.priddy@bentoncleanair.org>; 'Clark, Stuart (ECY' <scla461@ECY.WA.GOV>; 'craigk@pscleanair.org' <craigk@pscleanair.org>; 'Fran McNair' <fran.mcnair@orcaa.org>; 'Gary Pruitt' <gary@yrcaa.org>; 'Julie Oliver' <joliver@spokanecleanair.org>; 'Mark Asmundson' <masmundson@nwcleanair.org>; 'Mark Buford' <mark@nwcleanair.org>; 'Merlyn Hough' <merlyn@lrapa.org>
Cc: 'Amy Fowler' <AmyF@pscleanair.org>; 'Andrew Green' <AndrewG@pscleanair.org>; 'Anya Caudill' <ACAU461@ECY.WA.GOV>; 'Brett Rude' <BRUD461@ECY.WA.GOV>; 'Christina Miller' <Miller.Christina@epa.gov>; 'Dale Jensen' <djen461@ECY.WA.GOV>; 'Dan Brown' <Brown.Dan@epamail.epa.gov>; 'Dan Nelson' <dan.nelson@orcaa.org>; 'Debbie Moody' <debbie.moody@orcaa.org>; 'Debra Suzuki' <suzuki.debra@epa.gov>; 'Elena Guilfoil' <egui461@ecy.wa.gov>; 'Garin Schreive' <gasc461@ecy.wa.gov>; 'Hasan Tahat' <hasan@yrcaa.org>; 'Jan Hastings' <hastings.janis@epamail.epa.gov>; 'Jeff Hunt' <Hunt.Jeff@epamail.epa.gov>; 'Jo Niehaus' <jniehaus@LRAPA.ORG>; 'Joanne Todd' <JoanneT@pscleanair.org>; 'Judith White Crow' <JudithW@pscleanair.org>; 'Karen Wood' <KWOO461@ECY.WA.GOV>; 'Kathy Strange' <KathyS@pscleanair.org>; 'Keith Hurley' <keith@yrcaa.org>; 'Ken Zarker' <kzar461@ecy.wa.gov>; 'Lynette Haller' <lhul461@ecy.wa.gov>; 'Madonna Narvaez' <Narvaez.Madonna@epamail.epa.gov>; 'Mahbubul Islam' <islam.mahbubul@epamail.epa.gov>; 'Mark Goodin' <mark.goodin@orcaa.org>; 'Marsh Taylor' <MTAY461@ECY.WA.GOV>; 'Michael McGown' <McGown.Michael@epa.gov>; 'Mike Ragan' <MRAG461@ECY.WA.GOV>; 'Nancy Pritchett' <npri461@ECY.WA.GOV>; 'Nick Roach' <NROA461@ECY.WA.GOV>; 'Grass, Running' <Grass.Running@epa.gov>; 'Robert Moody' <robert.moody@orcaa.org>; 'Rod Tinnemore' <rtin461@ecy.wa.gov>; 'Scott Downey' <Downey.Scott@epa.gov>; 'Sean Lundblad' <slun461@ECY.WA.GOV>; 'Sue Billings' <SBIL461@ECY.WA.GOV>; 'Teddy Le' <teddy.le@ecy.wa.gov>; 'Turnbow, Marilyn (ECY' <matu461@ECY.WA.GOV>; 'Steve Van Slyke' <SteveV@pscleanair.org>; 'Carole Cenci' <CaroleC@pscleanair.org>; 'Bray, Dave' <Bray.Dave@epa.gov>; 'Johnson, Kari D. (ECY)' <KAJO461@ECY.WA.GOV>
Subject: Washington Air Manager Meeting DRAFT Agenda

Attached is a draft agenda for the November 8th Washington Air Managers Meeting. A couple items are listed as tentative as I'm waiting for confirmation. Let me know if you have any edits or additions by the end of the week.

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Wednesday, October 12, 2016 2:28 PM
To: 'Robin Priddy' <robin.priddy@bentoncleanair.org>; 'Clark, Stuart (ECY' <scla461@ECY.WA.GOV>; 'craigk@pscleanair.org' <craigk@pscleanair.org>; 'Fran McNair' <fran.mcnair@orcaa.org>; 'Gary Pruitt' <gary@yrcaa.org>; 'Julie Oliver' <joliver@spokanecleanair.org>; 'Mark Asmundson' <masmundson@nwcleanair.org>; 'Mark Buford' <mark@nwcleanair.org>; 'Merlyn Hough' <merlyn@lrapa.org>
Cc: 'Amy Fowler' <AmyF@pscleanair.org>; 'Andrew Green' <AndrewG@pscleanair.org>; 'Anya Caudill' <ACAU461@ECY.WA.GOV>; 'Brett Rude' <BRUD461@ECY.WA.GOV>; 'Christina Miller' <Miller.Christina@epa.gov>; 'Dale Jensen' <djen461@ECY.WA.GOV>; 'Dan Brown' <Brown.Dan@epamail.epa.gov>; 'Dan Nelson' <dan.nelson@orcaa.org>; 'Debbie Moody' <debbie.moody@orcaa.org>; 'Debra Suzuki' <suzuki.debra@epa.gov>; 'Elena Guilfoil' <egui461@ecy.wa.gov>; 'Garin Schreive' <gasc461@ecy.wa.gov>; 'Hasan Tahat' <hasan@yrcaa.org>; 'Jan Hastings' <hastings.janis@epamail.epa.gov>; 'Jeff Hunt' <Hunt.Jeff@epamail.epa.gov>; 'Jo Niehaus' <jniehaus@LRAPA.ORG>; 'Joanne Todd' <JoanneT@pscleanair.org>; 'Judith White Crow' <JudithW@pscleanair.org>; 'Karen Wood' <KWOO461@ECY.WA.GOV>; 'Kathy Strange' <KathyS@pscleanair.org>; 'Keith Hurley' <keith@yrcaa.org>; 'Ken Zarker' <kzar461@ecy.wa.gov>; 'Lynette Haller' <lhul461@ecy.wa.gov>; 'Madonna Narvaez' <Narvaez.Madonna@epamail.epa.gov>; 'Mahbubul Islam' <islam.mahbubul@epamail.epa.gov>; 'Mark Goodin' <mark.goodin@orcaa.org>; 'Marsh Taylor' <MTAY461@ECY.WA.GOV>; 'Michael McGown' <McGown.Michael@epa.gov>; 'Mike Ragan' <MRAG461@ECY.WA.GOV>; 'Nancy Pritchett' <npri461@ECY.WA.GOV>; 'Nick Roach' <NROA461@ECY.WA.GOV>; 'Robert Moody' <robert.moody@orcaa.org>; 'Rod Tinnemore' <rtin461@ecy.wa.gov>; 'Scott Downey' <Downey.Scott@epa.gov>; 'Sean Lundblad' <slun461@ECY.WA.GOV>; 'Sue Billings' <SBIL461@ECY.WA.GOV>; 'Teddy Le' <teddy.le@ecy.wa.gov>; 'Turnbow, Marilyn (ECY' <matu461@ECY.WA.GOV>; 'Steve Van Slyke' <SteveV@pscleanair.org>; 'Carole Cenci' <CaroleC@pscleanair.org>
Subject: Washington Air Manager Meeting - Call for Agenda Items

The next Washington Air Manager's meeting is on November 8th. Please send me any items you have and I will prepare a draft agenda next week.

So far I have:

- EJ presentation – Running Grass, EPA
- Oil Spill Impacts – Dale Jensen, Ecology

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

To: All Air Quality Managers and Other Representatives
From: Uri Papish, Chair

Washington Air Quality Managers Group Meeting - DRAFT

Location: Seattle, PSCAA Office
Time/Date: 9:30 a.m., November 8, 2016
Call-in Number: Ex. 6 - Personal Privacy

Topic	Presenter(s)	Time
Welcome and Introductions	All	9:30
DNR Smoke Management Plan Update	Jonathan Guzzo	9:40
VW Settlement and Mitigation Funds Update	Stu	10:00
Legislative and Rulemaking Update	Stu	10:20
Marijuana Odor Regulation Updates	Uri	10:40
Chair and Meeting Schedule for 2017	Uri	11:00
Roundtable	All	11:20
Break	All	11:50
Oil Spill Impacts and In-situ Burning of Oil	Dale Jensen	12:00
Adjourn	All	12:45

ADJOURN

Next Meeting Date: January 10, 2016 (Tentative)

LAST MEETING (September 13, 2016) TOPICS

1. Multipurpose Grants, VW Mitigation Funds, and VW Ecology Fines – Status and Plan for Use and Distribution of Funds
2. Reallocation Formula Update
3. Woodstove Fee Discussion
4. Legislative and Rulemaking Update (Clean Air Rule and SSM SIP Call)
5. State Building Code - Cannabis Technical Advisory Group
6. DNR Smoke Management Plan Update
7. Recommendations for NACAA in 2017
8. WA CAA Anniversary and NW Communicators Plan

To: robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; gary@yrcaa.org[gary@yrcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; masmundson@nwcleanair.org[masmundson@nwcleanair.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]
Cc: amyf@pscleanair.org[amyf@pscleanair.org]; andrewg@pscleanair.org[andrewg@pscleanair.org]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]; brud461@ecy.wa.gov[brud461@ecy.wa.gov]; Miller, Christina[Miller.Christina@epa.gov]; Dale Jensen[djen461@ECY.WA.GOV]; Brown, Dan[Brown.Dan@epa.gov]; dan.nelson@orcaa.org[dan.nelson@orcaa.org]; Debbie Moody[debbie.moody@orcaa.org]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Elena Guilfoil[egui461@ecy.wa.gov]; Garin Schreive[gasc461@ecy.wa.gov]; hasan@yrcaa.org[hasan@yrcaa.org]; Hastings, Janis[Hastings.Janis@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]; Jo Niehaus[jniehaus@LRAPA.ORG]; Joanne Todd[JoanneT@pscleanair.org]; judithw@pscleanair.org[judithw@pscleanair.org]; Karen Wood[KWOO461@ECY.WA.GOV]; Kathy Strange[KathyS@pscleanair.org]; Keith Hurley[keith@yrcaa.org]; Ken Zarker[kzar461@ecy.wa.gov]; Lynette Haller[lhul461@ecy.wa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Islam, Mahbubul[Islam.Mahbubul@epa.gov]; Mark Goodin[mark.goodin@orcaa.org]; Marsh Taylor[MTAY461@ECY.WA.GOV]; McGown, Michael[McGown.Michael@epa.gov]; Mike Ragan[MRAG461@ECY.WA.GOV]; Nancy Pritchett[npri461@ECY.WA.GOV]; Nick Roach[NROA461@ECY.WA.GOV]; Grass, Running[Grass.Running@epa.gov]; Robert Moody[robert.moody@orcaa.org]; Rod Tinnemore[rtin461@ecy.wa.gov]; Scott Downey[Downey.Scott@epa.gov]; slun461@ecy.wa.gov[slun461@ecy.wa.gov]; Sue Billings[SBIL461@ECY.WA.GOV]; Teddy Le[teddy.le@ecy.wa.gov]; Turnbow, Marilyn (ECY[matu461@ECY.WA.GOV]; Steve Van Slyke[SteveV@pscleanair.org]; Carole Cenci[CaroleC@pscleanair.org]; Bray, Dave[Bray.Dave@epa.gov]; Johnson, Kari D. (ECY)[KAJO461@ECY.WA.GOV]
From: Uri Papish
Sent: Mon 10/24/2016 5:46:21 PM
Subject: Washington Air Manager Meeting DRAFT Agenda
November 2016 WAQMG DRAFT Agenda.docx

Attached is a draft agenda for the November 8th Washington Air Managers Meeting. A couple items are listed as tentative as I'm waiting for confirmation. Let me know if you have any edits or additions by the end of the week.

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Wednesday, October 12, 2016 2:28 PM
To: 'Robin Priddy' <robin.priddy@bentoncleanair.org>; 'Clark, Stuart (ECY' <scla461@ECY.WA.GOV>; 'craigk@pscleanair.org' <craigk@pscleanair.org>; 'Fran McNair' <fran.mcnair@orcaa.org>; 'Gary Pruitt' <gary@yrcaa.org>; 'Julie Oliver' <joliver@spokanecleanair.org>; 'Mark Asmundson' <masmundson@nwcleanair.org>; 'Mark Buford' <mark@nwcleanair.org>; 'Merlyn Hough' <merlyn@lrapa.org>
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Subject: Washington Air Manager Meeting - Call for Agenda Items

The next Washington Air Manager's meeting is on November 8th. Please send me any items you have and I will prepare a draft agenda next week.

So far I have:

- EJ presentation – Running Grass, EPA

- Oil Spill Impacts – Dale Jensen, Ecology

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

To: All Air Quality Managers and Other Representatives
From: Uri Papish, Chair

Washington Air Quality Managers Group Meeting - DRAFT

Location: Seattle, PSCAA Office
Time/Date: 9:30 a.m., November 8, 2016
Call-in Number: Ex. 6 - Personal Privacy

Topic	Presenter(s)	Time
Welcome and Introductions	All	9:30
WA CAA Anniversary Update	Kari/Karen	9:40
Environmental Justice Presentation	Running Grass	10:00
Reallocation Formula Update (Tentative)	Dave Bray	10:45
Legislative and Rulemaking Update	Stu	11:00
VW Settlement and Mitigation Funds Update	Stu	11:15
Chair and Meeting Schedule for 2017	Uri	11:30
Oil Spill Impacts (Tentative)	Dale Jensen	12:00
Roundtable	All	12:45

ADJOURN

Next Meeting Date: January 10, 2016

LAST MEETING (September 13, 2016) TOPICS

1. Multipurpose Grants, VW Mitigation Funds, and VW Ecology Fines – Status and Plan for Use and Distribution of Funds
2. Reallocation Formula Update
3. Woodstove Fee Discussion
4. Legislative and Rulemaking Update (Clean Air Rule and SSM SIP Call)
5. State Building Code - Cannabis Technical Advisory Group
6. DNR Smoke Management Plan Update
7. Recommendations for NACAA in 2017
8. WA CAA Anniversary and NW Communicators Plan

To: robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; scla461@ecy.wa.gov[scla461@ecy.wa.gov]; craigk@pscleanair.org[craigk@pscleanair.org]; fran.mcnair@orcaa.org[fran.mcnair@orcaa.org]; gary@yrcaa.org[gary@yrcaa.org]; Julie Oliver[joliver@spokanecleanair.org]; masmundson@nwcleanair.org[masmundson@nwcleanair.org]; Mark Buford[mark@nwcleanair.org]; merlyn@lrapa.org[merlyn@lrapa.org]
Cc: amyf@pscleanair.org[amyf@pscleanair.org]; andrewg@pscleanair.org[andrewg@pscleanair.org]; acau461@ecy.wa.gov[acau461@ecy.wa.gov]; brud461@ecy.wa.gov[brud461@ecy.wa.gov]; Miller, Christina[Miller.Christina@epa.gov]; Dale Jensen[djen461@ECY.WA.GOV]; Brown, Dan[Brown.Dan@epa.gov]; dan.nelson@orcaa.org[dan.nelson@orcaa.org]; Debbie Moody[debbie.moody@orcaa.org]; Suzuki, Debra[Suzuki.Debra@epa.gov]; Elena Guilfoil[egui461@ecy.wa.gov]; Garin Schreive[gasc461@ecy.wa.gov]; hasan@yrcaa.org[hasan@yrcaa.org]; Hastings, Janis[Hastings.Janis@epa.gov]; Hunt, Jeff[Hunt.Jeff@epa.gov]; Jo Niehaus[jniehaus@LRAPA.ORG]; Joanne Todd[JoanneT@pscleanair.org]; judithw@pscleanair.org[judithw@pscleanair.org]; Karen Wood[KWOO461@ECY.WA.GOV]; Kathy Strange[KathyS@pscleanair.org]; Keith Hurley[keith@yrcaa.org]; Ken Zarker[kzar461@ecy.wa.gov]; Lynette Haller[lhul461@ecy.wa.gov]; Narvaez, Madonna[Narvaez.Madonna@epa.gov]; Islam, Mahbubul[Islam.Mahbubul@epa.gov]; Mark Goodin[mark.goodin@orcaa.org]; Marsh Taylor[MTAY461@ECY.WA.GOV]; McGown, Michael[McGown.Michael@epa.gov]; Mike Ragan[MRAG461@ECY.WA.GOV]; Nancy Pritchett[npri461@ECY.WA.GOV]; Nick Roach[NROA461@ECY.WA.GOV]; Robert Moody[robert.moody@orcaa.org]; Rod Tinnemore[rtin461@ecy.wa.gov]; Scott Downey[Downey.Scott@epa.gov]; slun461@ecy.wa.gov[slun461@ecy.wa.gov]; Sue Billings[SBIL461@ECY.WA.GOV]; Teddy Le[teddy.le@ecy.wa.gov]; Turnbow, Marilyn (ECY[matu461@ECY.WA.GOV]; Steve Van Slyke[SteveV@pscleanair.org]; Carole Cenci[CaroleC@pscleanair.org]; Karen Wood[kwoo461@ecy.wa.gov]; Bray, Dave[Bray.Dave@epa.gov]; Johnson, Kari D. (ECY)[KAJO461@ECY.WA.GOV]
From: Uri Papish
Sent: Thur 9/1/2016 9:20:24 PM
Subject: Washington Air Manager's Meeting - September 13 Agenda
September 2016 WAQMG Agenda.docx

Attached is the revised agenda for September 13th. I looked into extending the meeting, but EPA EJ staff are unavailable for this month's meeting. They will present in November on the EJ 2020 document along with other updates.

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

From: Uri Papish
Sent: Thursday, August 25, 2016 5:54 PM
To: 'Robin Priddy' <robin.priddy@bentoncleanair.org>; 'Clark, Stuart (ECY' <scla461@ECY.WA.GOV>; 'craigk@pscleanair.org' <craigk@pscleanair.org>; 'Fran McNair' <fran.mcnair@orcaa.org>; 'Gary Pruitt' <gary@yrcaa.org>; 'Julie Oliver' <joliver@spokanecleanair.org>; 'Mark Asmundson' <masmundson@nwcleanair.org>; 'Mark Buford' <mark@nwcleanair.org>; 'Merlyn Hough' <merlyn@lrapa.org>
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Subject: Washington Air Manager's Meeting - DRAFT Agenda

Attached is the DRAFT Agenda for the September 13th Washington Air Manager's Meeting. I was unable to fit a requested 45 min EPA EJ Presentation onto the agenda and propose we delay that for the November meeting.

Please let me know if there are any other missing agenda items or other suggested changes by August 30th.

Thanks,

Uri

Uri Papish

Executive Director

Southwest Clean Air Agency

(360) 574-3058 Ext 112

To: All Air Quality Managers and Other Representatives
From: Uri Papish, Chair

Washington Air Quality Managers Group Meeting

Location: Seattle, PSCAA Office
Time/Date: 9:30 a.m., September 13, 2016
Call-in Number: Ex. 6 - Personal Privacy

Topic	Presenter(s)	Time
Welcome and Introductions	All	9:30
Multipurpose Grants, VW Mitigation Funds, and VW Ecology Fines – Status and Plan for Use and Distribution of Funds	Stu	9:40
Reallocation Formula Update	Dave	10:30
Woodstove Fee Discussion	Stu	11:15
Break	All	11:30
Legislative and Rulemaking Update (Clean Air Rule and SSM SIP Call)	Stu	11:40
State Building Code - Cannabis Technical Advisory Group	Julie	12:00
DNR Smoke Management Plan Update	Stu	12:15
Recommendations for NACAA in 2017	Craig	12:30
WA CAA Anniversary and NW Communicators Plan	Karen	1:00
Roundtable	All	1:15

ADJOURN

Next Meeting Date: November 8, 2016

LAST MEETING (March 8, 2016) TOPICS

3. Rulemaking Legislative Budget
4. Asphalt Plants
5. Diesel and Surface Transportation Board
6. EPA Budget and Allocation Formula
7. SSM SIP Call
8. JLARC GVR Stage II
9. Wood Stove Funding Meeting w/ HPBA
10. Emission Check Program Update

To: Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]
Cc: Suzuki, Debra[Suzuki.Debra@epa.gov]; Ruddick, Randall[ruddick.randall@epa.gov]; Bray, Dave[Bray.Dave@epa.gov]; Dererie, Debebe (ECY)[derd461@ECY.WA.GOV]
From: Hunt, Jeff
Sent: Thur 10/20/2016 2:55:00 PM
Subject: RE: SSM rulemaking

Hi Elena – Would you please add me to the distribution list for changes to WAC 173-400? While Randall and Dave are handling the SSM related elements from a policy perspective, I will probably have some role assisting in the eventual SIP revision side of things. Thanks ……. jh

Ps. I am sure you heard from Debebe already that your changes to 173-400 were approved earlier this month and are now in the SIP. Link below. Congratulations on getting that cranked out so smoothly.

https://yosemite.epa.gov/R10/AIRPAGE.NSF/a853080dfbf1a78588256b6e0003579e/7b907bd647089cb888257

From: Suzuki, Debra
Sent: Wednesday, October 19, 2016 4:46 PM
To: Hunt, Jeff <Hunt.Jeff@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>
Cc: Hall, Kristin <Hall.Kristin@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>
Subject: FW: SSM rulemaking

I don't know if you saw this email that went out to the WA permit writers group. Looks like things are moving again!

From: Guilfoil, Elena (ECY) [mailto:egui461@ECY.WA.GOV]
Sent: Wednesday, October 19, 2016 3:12 PM
To: Spencer, Gail (ECY) <gspe461@ECY.WA.GOV>; Adler, David (ECY) <DADL461@ECY.WA.GOV>; Alberich, Jason (ECY) <jalb461@ECY.WA.GOV>; alfredoa@pscleanair.org; Bauder, Lilyann (ECY) <liba461@ECY.WA.GOV>; Billings, Susan M. (ECY) <SBIL461@ECY.WA.GOV>; JasonB@nwcleanairwa.gov; Brown, Dan <Brown.Dan@epa.gov>; MarkB@nwcleanairwa.gov; bethc@pscleanair.org; Carruthers, Robert (ECY) <roca461@ECY.WA.GOV>; acau461@ecy.wa.gov; ncau461@ecy.wa.gov; carolec@pscleanair.org; ChristosC@nwcleanairwa.gov; jcle461@ecy.wa.gov;

jconklin@spokanecleanair.org; sarac@pscleanair.org; maggiec@pscleanair.org; Crooks, Marc (ECY) <mcro461@ECY.WA.GOV>; Cunningham, Roylene <Cunningham.Roylene@epa.gov>; jennifer.demay@orcaa.org; Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>; Dhammapala, Ranil (ECY) <rdha461@ecy.wa.gov>; Dirkx, Mark (ECY) <mdir461@ECY.WA.GOV>; Ekrem, Joanna (ECY) <jekr461@ECY.WA.GOV>; Filipy, Jenny (ECY) <JFIL461@ECY.WA.GOV>; Gent, Philip (ECY) <pgen461@ECY.WA.GOV>; Glass, Geoffrey <GLASS.GEOFFREY@EPA.GOV>; mark.goodin@orcaa.org; Greaves, Natasha <Greaves.Natasha@epa.gov>; Haller, Lynnette A. (ECY) <LHUL461@ECY.WA.GOV>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Holtrop, Bryan <Holtrop.Bryan@epa.gov>; Huitsing, Gary (ECY) <ghui461@ECY.WA.GOV>; Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>; keith@yrcaa.org; Jacobsen, Lisa <Jacobsen.Lisa@epa.gov>; Johnson, Jolaine (ECY) <JOLA461@ECY.WA.GOV>; RobynJ@nwcleanairwa.gov; mkad461@ecy.wa.gov; Keenan, John <keenan.john@epa.gov>; Koster, Robert (ECY) <RKOS461@ECY.WA.GOV>; Clint@swcleanair.org; LaSpina, Jim (UTC) <jlaspina@utc.wa.gov>; Lim, MengChiu (ECY) <mlim461@ECY.WA.GOV>; Vannessa@swcleanair.org; AgataM@nwcleanairwa.gov; DanM@nwcleanairwa.gov; TobyM@nwcleanairwa.gov; paul@swcleanair.org; aaron.manley@orcaa.org; Meyer, Dan <Meyer.Dan@epa.gov>; robert.moody@orcaa.org; ralphm@pscleanair.org; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Nguyen, Liem (ECY) <LNgu461@ECY.WA.GOV>; Newman, Alan (ECY) <anew461@ECY.WA.GOV>; Nolph, Shawn (ECY) <snol461@ECY.WA.GOV>; Ogle, Stephanie (ECY) <stog461@ECY.WA.GOV>; Otterson, Sally (ECY) <sott461@ECY.WA.GOV>; Owens, Katharine <Owens.Katharine@epa.gov>; gerryp@pscleanair.org; gpal461@ecy.wa.gov; Uri@swcleanair.org; Pepple, Karl <Pepple.Karl@epa.gov>; robin.priddy@bentoncleanair.org; Pritchett, Nancy (ECY) <npri461@ECY.WA.GOV>; Ragan, Mike (ECY) <MRAG461@ECY.WA.GOV>; crystalr@nwcleanairwa.gov; brianr@pscleanair.org; Rob.Rodger@bentoncleanair.org; brud461@ecy.wa.gov; John@swcleanair.org; Wess@swcleanair.org; Sandlin, Gail (ECY) <gasa461@ECY.WA.GOV>; Schleif, Stephanie (ECY) <ssch461@ECY.WA.GOV>; Schmidt, John W (DOH) <John.Schmidt@DOH.WA.GOV>; Schwieters, Judith (ECY) <jsch461@ECY.WA.GOV>; Skorska, Maria (ECY) <msko461@ECY.WA.GOV>; Smits, Brenda (ECY) <BREN461@ECY.WA.GOV>; jsouthwell@spokanecleanair.org; Summers, Stephanie (ECY) <ssum461@ECY.WA.GOV>; Sun, Caroline (ECY) <casu461@ECY.WA.GOV>; Suzuki, Debra <Suzuki.Debra@epa.gov>; hasan@yrcaa.org; Thompson, Margo (ECY) <MATH461@ECY.WA.GOV>; LynT@nwcleanairwa.gov; Tran, Ha (ECY) <HTRA461@ECY.WA.GOV>; Utley, Randell J (DOH) <Randell.Utley@DOH.WA.GOV>; stevev@pscleanair.org; Vicente, Ryan (ECY) <rvic461@ECY.WA.GOV>; awestby@spokanecleanair.org; Wigfield, Kim (ECY) <kand461@ECY.WA.GOV>; Wilson, Sam (ECY) <samw461@ECY.WA.GOV>; Wood, Karen K. (ECY) <KWOO461@ECY.WA.GOV>; Yamazaki, Shingo (ECY) <syam461@ECY.WA.GOV>
Subject: FYI: SSM rulemaking

Greetings.

You're receiving this email because you are on the permit writers' distribution list. I'm trying to keep the whole state apprised of our actions. Delete now if you don't care about possible Ecology rule changes.

The startup-shutdown-malfunction rulemaking has been on hold for several months as we worked on other priorities. We are now focused on this action. Look for the next draft SSM revisions on October 19.

In addition to the SSM-related provisions, Ecology will be revising:

•□□□□□□□ nonroad engine provisions in WAC 173-400-035 based on stakeholder comments (draft attached)

•□□□□□□□ public notice provisions in WAC 173-400-171 and 840, and WAC 173-401-800 to align with federal changes to electronic notice and access (draft attached)

•□□□□□□□ adoption by reference date in WAC 173-400-025 to adopt federal rule revisions since our last update

Ecology will be deleting:

•□□□□□□□ last sentence in WAC 173-400-730(4) because it is outdated. Appealing a PSD permit through the process in a delegation agreement no longer applies since Ecology has an approved PSD program.

•□□□□□□□ WAC 173-401-645 (emergency provision) to align with EPA stated direction to remove emergency affirmative defense provisions

Next steps

Ecology will hold an air agency stakeholder meeting on October 31 in Lacey (with a call-in option), followed by a general stakeholder meeting in November and December. We hope to propose our rule in March with a summer adoption date.

If you have other questions, please contact me. Should you like to provide comments on the

attachments, send those to me as well. I will send a separate email with the details of the air agency stakeholder meeting to the agency representatives.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Hall, Kristin
Location: Call in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Alaska / EPA SIP Coordination Call
Start Date/Time: Tue 4/25/2017 6:00:00 PM
End Date/Time: Tue 4/25/2017 7:00:00 PM
Alaska SIP List 4 25 17.xlsx

Hello – ***Tuesday April 25th*** is our next quarterly call. Hope you can make it! Kristin

Alaska / EPA SIP Coordination Call

Tuesday, April 25, 2017

10 AM – 11 AM Alaska Time / 11 AM – 12 PM Pacific Time

Call-in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy

Draft Agenda

- Introductions
- News
- Project list – Excel file attached
- New projects?
- Set date for next call
- Action Items

From: Hall, Kristin
Location: Call in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Alaska / EPA SIP Coordination Call
Start Date/Time: Tue 1/10/2017 7:00:00 PM
End Date/Time: Tue 1/10/2017 8:00:00 PM
Alaska SIP List 1 10 17.xlsx

Happy New Year! This is a reminder that our quarterly call is scheduled for tomorrow. Below is a draft agenda. Talk to you soon - Kristin

Alaska / EPA SIP Coordination Call
Tuesday, January 10, 2017
10 AM - 11 AM Alaska Time / 11 AM - 12 PM Pacific Time
Call-in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy

Draft Agenda

- Introductions
- News
  - The federal government is currently being funded by a continuing resolution passed in December - through April 28
  - Dennis McLerran, Regional Administrator, on the home stretch - last day January 19
  - Proposed consent decree out for public comment - comments due February 2
    - By April 28, 2017, publish finding that Fairbanks attained or failed to attain the 2006 fine particulate matter standard by the attainment date
  - EPA draft precursor guidance out for public comment - comments due January 31
    - addresses PM2.5 nonattainment area planning, including one of the elements of a plan - nonattainment new source review permitting.
  - EPA draft Modeled Emission Rates for Precursors (MERPs) PSD guidance out for public comment - comment due February 3
    - Webinar scheduled for January 19 at 2 PM Eastern Time
    - http://epawebconferencing.acms.com/merps/
    - Audio/Conference Number: 1-866-299-3188 Conference Code: 9195411850
- Current project list - Excel file attached
- New projects?
- Set date for next call
- Action Items

From: Hall, Kristin
Location: Call in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy
Importance: Normal
Subject: Alaska / EPA SIP Coordination Call
Start Date/Time: Tue 9/13/2016 6:00:00 PM
End Date/Time: Tue 9/13/2016 7:00:00 PM
Alaska SIP List 9 13 16.xlsx

Please see agenda and SIP list below - for next month's call. Thank you. - Kristin

Alaska / EPA SIP Coordination Call
Tuesday, September 13, 2016
10 AM - 11 AM Alaska Time / 11 AM - 12 PM Pacific Time
Call-in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy

Draft Agenda

- Introductions
- News
  - Proposed Changes to Title V Rules - to remove affirmative defense - published June 14, 2016
  - Draft Guidance on Significant Impact Levels - posted August 1, 2016
    - Comments accepted through September 30, 2016
  - Fine Particulate Matter Rule - signed July 29, 2016
  - Endangerment finding for GHGs and aircraft - published August 15, 2016
  - New people in the Office of Air and Waste at EPA Region 10
    - Tim Hamlin, Director, Office of Air and Waste
    - Dave Bray, Associate Director for Air Quality
    - Matthew Jentgen and Randall Ruddick, Air Planning Team
- Current project list - Excel file attached

- New projects?
- Set date for next call
- Action Items

From: Hall, Kristin
Location: Call in number: 866-299-3188 Conference Code: Ex. 6 - Personal Privacy
Importance: Normal
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10 AM - 11 AM Alaska Time / 11 AM - 12 PM Pacific Time
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To: Dererie, Debebe (ECY) (derd461@ECY.WA.GOV)[derd461@ECY.WA.GOV]; Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]
Cc: Suzuki, Debra[Suzuki.Debra@epa.gov]; Vergeront, Julie[Vergeront.Julie@epa.gov]; Bray, Dave[Bray.Dave@epa.gov]
From: Ruddick, Randall
Sent: Fri 11/18/2016 10:24:30 PM
Subject: SSM Draft-10_26_2016 clean (jv&RHR).docx
SSM Draft-10_26_2016 clean (jv&RHR).docx

Greetings Debebe & Elena,

Attached is the SSM October draft with some preliminary comments to consider for your December 6th draft.

I'm unavailable next week, but will return Monday morning November 28th.

If you need assistance before I return please contact Julie Vergeront, Dave Bray, or Debra Suzuki.

Sincerely,

Randall Ruddick

Environmental Protection Specialist

Air Planning Unit

Office of Air and Waste

US EPA Region 10

1200 Sixth Ave, Suite 900, OAW-150

Seattle, WA 98101

206.553.1999

Contents

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WAC 173-400-081 Emission limits during startup and shutdown....9

(*NEW*) WAC 173-400-082 Establishing emissions limitations for startup and shutdown for previously permitted sources....10

WAC 173-400-107 Unavoidable excess emissions....11

WAC 173-400-108 Excess emissions reporting....12

WAC 173-400-109 Unavoidable excess emissions....13

ED_001360A_00001188

RCW 70.94.431(8) Civil penalties --- Excusable excess emissions.

By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

WAC 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 except:

(a) 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.

(b) 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.

(c) When an alternate opacity limit has been established per RCW 70.94.331(2)(c).

(d) During start-up of a hog fuel or wood fired boiler with a dry particulate emission control device visible emissions may not exceed forty percent until the earlier of:
  (i) The dry particulate control has met the minimum temperature to be operated; or
  (ii) Three hours has elapsed since the beginning of start-up.

(e) When the emissions occur due to soot blowing/grate cleaning, visible emissions may not exceed forty percent opacity for more than fifteen minutes in any eight consecutive hours. This practice, except for testing and troubleshooting, must be scheduled for the same approximate time(s) each day and the permitting authority must be advised of the schedule.

(f) Exemptions from twenty percent opacity standard.
  (i) Visible emissions reader certification testing. Visible emissions from the "smoke generator" used for testing and certification of visible emissions readers per the requirements of 40 C.F.R. Part 60, Appendix A, Reference Method 9 and ecology methods 9A and 9B shall be exempt from compliance with the twenty percent opacity limitation while being used for certifying visible emission readers.

  (ii) Military training exercises. Visible emissions resulting from military obscurant training exercises are exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:

    (A) No visible emissions shall cross the boundary of the military training site/reservation.

    (B) 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.

  (iii) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities while being used to train firefighters and while complying with the requirements of chapter 173-425 WAC.

  (iv) Established as an alternate emission limit under WAC 173-400-082.

(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 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, except:

(a) During shutdown of a sulfur recovery unit described in 40 CFR 63.1579, the owner or operator shall:
(i) Follow the facility's written startup, shutdown, or maintenance procedures; and
(ii) Limit emissions to less than 100 pounds from the event instead of the numeric limit prescribed by this subsection.

(b) Wet gas/gas recovery compressor maintenance.
(i) During periods of wet gas compressor maintenance, the compressor may be bypassed and the gas sent to the flare for incineration only when there is not redundant compressor capacity available.

(ii) The maintenance must be for the shortest possible period and the owner or operator shall comply with the work practice requirements contained in

the facility's flare management plan.

(iii) The flare management plan must:
(A) Be submitted to the permitting authority for review and approval.
(B) Meet the criteria in 40 CFR 60.103a (a) through (g).

(c) The permitting authority may, by regulatory order, approve for a specific emission unit(s) an alternative to the sulfur dioxide emission limit imposed by this section.

(i) Any order issued under this subsection which increases the permitted sulfur dioxide concentration above a 1 hour average of 1000 ppmdv, at 7% oxygen, shall not take effect until the alternative sulfur dioxide limit is approved by EPA as an amendment to the SIP.

(ii) The regulatory order must specify the emission unit(s) at the source subject to the alternative emission limitation and the criteria defining when the alternative emission limitation is applicable.

(iii) An alternative sulfur dioxide limitation approved under this subsection may be a numerical limitation, technology requirement or a work practice standard.

(iv) An order issued under this subsection shall include:

(A) Requirements to minimize the frequency and duration of the approved alternative operating scenario;

(B) A requirement that the emission unit(s) involved are operated in a manner consistent with good operating practices for minimizing emissions;

(C) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established in the order.

(v) The permitting authority may assess and collect fees at the rate prescribed by the permitting authority's fee schedule.

(vi) The owner or operator of a source requesting approval of an alternative sulfur dioxide limitation applicable to specific operating scenario(s) must demonstrate all of the following to the satisfaction of the permitting authority:

(A) The NAAQS and Washington ambient air quality standards for oxides of sulfur contained in chapter 173-476 WAC will not be exceeded at any time, based on worst-case meteorological

conditions and emission rates. The NAAQS analysis must include the effects of background sulfur dioxide concentrations and sulfur dioxide emissions from adjacent facilities.

(B) Demonstrate that all possible steps will be made to minimize the quantity and impact of emissions during the alternative operating scenario.

(C) The alternative limitation would not exceed the levels allowed by an applicable sulfur dioxide emission standard in 40 C,F,R, Parts 60, 61, 62, 63, or 72.

(D) It is not technologically feasible to design a control system that would avoid the need for an alternative emission standard.

(E) The operating characteristics of the emission unit(s) for which an alternative emission standard is being requested that prevent meeting the sulfur dioxide standard in this subsection. during the specific operating scenario(s)

(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).

WAC 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 and silo burners.** As of January 1, 2020, it is illegal to use a wigwam or silo

burner in Washington. A wigwam or silo burner may operate until midnight December 31, 2019 provided it complies with the following:

(a) All wigwam and silo burners designed to dispose of wood waste must meet all provisions of WAC 173-400-040 (3), (4), (5), (6), (7), (8), and WAC 173-400-050(4) or 173-400-115 (40 C.F.R. Part 60, subpart DDDD) as applicable.

(b) All wigwam and silo burners must 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 permitting 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) The permit authority may establish additional requirements for wigwam and silo burners. 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 and silo burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(2), visible emissions..

(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 and wood fired boilers.** Hog fuel and wood-fired boilers shall:

(a) Meet all provisions of WAC 173-400-040 and 173-400-050(1);

(b) During start-up of a boiler with an dry electrostatic precipitator particulate emission control device:

(i) Visible emissions must not exceed an opacity limit of forty percent until the earlier of:

(A) The electrostatic precipitator temperature is above the dew point (minimum operating temperature) allowing it to be energized; or

(B) Three hours has elapsed since the beginning of start-up; and

(C) Not exceed an opacity limit of 40% during soot blowing. Soot blowing is confined to one fifteen minute period during an eight-hour period.

(ii) This practice must be scheduled for the same specific times each day and the permitting authority shall be notified of the schedule or any changes.

(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.

(c) *Work practice limitation during start-up placeholder*.

(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) **Other wood waste burners.**

(a) Wood waste burners not specifically provided for in this section shall meet all applicable provisions of WAC 173-400-040. In addition, wood waste burners subject to WAC 173-400-050(4) or 173-400-115 (40 C.F.R. 60 subpart DDDD) must meet all applicable provisions of those sections.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(6) **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.

(7) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991

WAC 173-400-081 Emission limits during startup and shutdown.

(1) In promulgating technology-based emission standards and establishing emission limits when making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authority will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) When the permitting authority determines, as part of its control technology determination, 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 limitation or standard during startup or shutdown, the permitting authority must include in the standard or regulatory order 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.

(*NEW*) WAC 173-400-082 Establishing emissions limitations for startup and shutdown for previously permitted sources

(1) For an emission unit(s), the permitting authority may approve an alternative emission standard applicable to emission unit during startup or shutdown, or both, that would allow one or more of the emission standards listed below to be exceeded. The applicable emission standards are:

(a) Opacity limit in WAC 173-400-040(2);

(b) Sulfur dioxide emission limit in WAC 173-400-040(7); and

(c) Particulate matter limitations in WAC 173-400-050 and 060.

(2) An alternative emission limitation approved under this provision may be a numerical limitation, technology requirement or a work practice standard.

(3) Regulatory order.

(a) The permitting authority must include the alternative emission limitation in a regulatory order.

(b) The regulatory order must specify the emission unit(s) at the source subject to the alternative emission limitation and the criteria defining when the alternative emission limitation is applicable.

(c) An order issued under this subsection shall include:

(i) Requirements to minimize the frequency and duration of the approved alternative operating scenario;

(ii) A requirement that the emission unit(s) involved are operated in a manner consistent with good operating practices for minimizing emissions; and

(iii) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established in the order.

(d) An order issued under this provision that increases permitted emissions over levels authorized in the Washington state implementation plan shall not take effect until approved by EPA as a SIP amendment.

(4) The owner or operator of a source requesting approval of an alternative emission limitation applicable to specific operating scenario(s) must demonstrate to the satisfaction of the permitting authority:

(a) The NAAQS in chapter 173-485 WAC will not be exceeded at any time, based on worst case meteorological conditions and emission rates. The NAAQS analysis must include the effects of background concentrations and emissions from adjacent facilities.

(b) Demonstrate that all possible steps will be made to minimize the quantity and impact of emissions during the alternative operating scenario.

(i) The alternative limitation would not exceed the levels allowed by an applicable emission standard in 40 C.F.R. Parts 60, 61, 62, 63, or 72.

(ii) It is not technologically feasible to design a control system that would avoid the need for an alternative emission standard.

(iii) The operating characteristics of the emission unit(s) for which an alternative emission standard is being requested that prevent meeting the standard in this subsection during the specific operating scenario(s).

WAC 173-400-107 Unavoidable excess emissions.

This section is in effect until the effective date of EPA's incorporation of the entirety of WAC 173-400-108 and 173-400-109 into the Washington state implementation plan as replacement for this section. This section is not effective starting on that date.

WAC 173-400-108 Excess emissions reporting.

This section takes effect on the effective date of EPA's incorporation of the entirety of WAC 173-400-108 and 173-400-109 into the Washington state implementation plan as replacement for WAC 173-400-107.

(1) Excess emissions must be reported to the permitting authority. The owner or operator of a source with:

(a) Excess emissions which represent a potential threat to human health or safety must notify the permitting authority as soon as possible, but in no case later than twelve hours after the excess emissions were discovered.

(b) Excess emissions occurring during emissions unit or emission control system upsets or malfunctions which the owner or operator of the source believes to be unavoidable, per the criteria under WAC 173-400-109, must notify the permitting authority as soon as possible, but in no case later than twenty four hours after the excess emissions were discovered.

(c) Excess emissions must submit a report to the permitting authority:

(i) Within thirty days after the end of the month during which the event occurred;

(ii) As part of the routine emission monitoring reports; or

(iii) As provided in WAC 173-401-615 for chapter 173-401 WAC sources.

(2) For those sources not required to report under WAC 173-401-615, the report must contain at least the following information:

(a) Date, time, duration of the episode;

(b) Known causes;

(c) For exceedances of emission limitations other than opacity, an estimate of the quantity of excess emissions;

(d) The corrective actions taken; and

(e) The preventive measures taken or planned to minimize the chance of recurrence.

(3) For any excess emission event that the owner or operator claims to be unavoidable under WAC 173-400-109, the report must include the following information in addition to that required in subsection (2) of this section:

(a) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(b) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage;

(c) All additional information required under WAC 173-400-109 (3), (4) or (5)

supporting the claim that the excess emissions were unavoidable.

WAC 173-400-109 Unavoidable excess emissions.

This section takes effect on the effective date of EPA's incorporation of the entirety of WAC 173-400-108 and 173-400-109 into the Washington state implementation plan as replacement for WAC 173-400-107.

(1) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

(a) The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source.

(b) Excess emissions determined to be unavoidable are a:

(i) Violation under WAC 173-400-230(1) and subject to remedies in WAC 173-400-230(3), (4),and (6);

(ii) Not subject to penalty under WAC 173-400-230(2). In a federal enforcement action filed under 42 U.S.C. 7413 or 7604, a federal court shall determine what weight to assign to the permitting authority's determination that an excess emissions event does or does not qualify as unavoidable under the criteria in this section.

In a civil suit, a federal court shall decide whether to assess penalties for a violation.

(2)

(a) The owner or operator of a source shall have the burden of proving to the permitting authority that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsection (4) of this section.

(b) This section does not apply to exceedances of emission standards in 40 C.F.R. Parts 60, 61, 62, 63, and 72, or a permitting authority's adoption by reference of the federal standards.

(3) Excess emissions that occur due to upsets or malfunctions during startup or shutdown are treated as upsets or malfunctions under subsection (4) of this section.

(4) Excess emissions due to upsets or equipment malfunctions will be considered unavoidable provided the source reports as required by WAC 173-400-108 and

adequately demonstrates to the permitting authority 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;

(c) When the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit or source as necessary to minimize emissions;

(d) If the emitting equipment had to continue operation during the malfunction for safety reasons to prevent the loss of life, prevent personal injury, or to minimize overall emissions, repairs were made in an expeditious fashion;

(e) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(f) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(g) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality.

To: Ruddick, Randall[ruddick.randall@epa.gov]
Cc: Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]
From: Dererie, Debebe (ECY)
Sent: Thur 11/3/2016 5:45:47 PM
Subject: RE: SSM SIP Call Response

Good morning Randall,

Thank you very much for taking the initiative. I was thinking of starting communication with you towards getting early feedbacks on the drafts at this stage. It will also help me know the expectations on your side, and to build working relationship with you.

The main timeframe of the SIP development plan is governed by the rule development timeframe. This week we had the internal stakeholders meeting on the draft rule. As Elena said it, the rule will take its final shape after December 6. Thus, I plan to work more the SIP document preparation after December 6, 2016. Between December 6, 2016 and March 1, 2017 we may need to have frequent communications towards refining the SIP revision document preparation based on your feedback. We may need to have regular weekly or bi-weekly meetings, as we were doing it with Jeff Hunt in previous works.

By the way, I have been in Ecology since January 2016, I am still learning why each provision is in the SIP or not. When it comes to the SSM SIP call, I have tried to understand the EPA's SSM policy in the SIP Call, and was involved in the rule revision process. I expect to learn more through this SSM SIP revision process.

I am looking forward to work with you.

Thank you again for taking the initiative.

Debebe Dererie,

Environmental Planner, EP3,

Program Development Section,

Air Quality Program

360-407-7558 debebe.dererie@ECY.WA.GOV

From: Guilfoil, Elena (ECY)
Sent: Thursday, November 03, 2016 8:49 AM
To: Ruddick, Randall <ruddick.randall@epa.gov>
Cc: Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>
Subject: RE: SSM SIP Call Response

Randall

I'm not sure when we will have a final draft for you to review. I will have a draft for each stakeholder meeting:

- Nov 17
- Dec 6
- Jan 4 (if needed)

My working assumption is that the SSM language will be resolved after the Dec. 6 meeting. I must have final proposed rule language by Jan. 11, 2017.

We intend to propose the SIP revisions along with the proposed rule changes. Debebe Dererie is

handling that portion of this project.

Rulemaking timeline

File rulemaking notice: March 1, 2017

Notice publishes in Washington State Register: March 15, 2017

Public hearing: April 4, 2017

Comment period closes: April 11, 2017

Adopt: summer 2017

I hope this answers your questions.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Ruddick, Randall [mailto:ruddick.randall@epa.gov]
Sent: Thursday, November 03, 2016 8:19 AM
To: Guilfoil, Elena (ECY) <egui461@ECY.WA.GOV>
Subject: SSM SIP Call Response

Good morning Elena,

While I have reviewed parts of the drafts that were sent around, I/we have not done a thorough review.

We were wondering when you all would have a (semi-final/final) draft for us to review and when you want us to have comments back to you and a SIP Development Plan would likely

include those dates. Do you know when Ecology will submit a SIP Development Plan for the SSM revision? We would prefer a chance to provide input before the SIP call response was sent out for public comment in the hopes that we could thereby minimize the number of comments received.

Like you all, we are pretty booked up and any advance notice we get helps.

Sincerely,

Randall Ruddick

Environmental Protection Specialist

Air Planning Unit

Office of Air and Waste

US EPA Region 10

1200 Sixth Ave, Suite 900, OAW-150

Seattle, WA 98101

206.553.1999

To: Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]
From: Ruddick, Randall
Sent: Thur 10/20/2016 3:31:05 PM
Subject: SSM rulemaking

Hello Elena,

Would you keep me in the loop as well? I'll likely be writing the SSM portion of the FR notice and want to work with Ecology up front so we can make approval as easy as possible.

Feel free to call me anytime.

Sincerely,

Randall Ruddick

Environmental Protection Specialist

Air Planning Unit

Office of Air and Waste

US EPA Region 10

1200 Sixth Ave, Suite 900, OAW-150

Seattle, WA 98101

206.553.1999

From: Hunt, Jeff
Sent: Thursday, October 20, 2016 7:55 AM
To: Guilfoil, Elena (ECY) <egui461@ECY.WA.GOV>
Cc: Suzuki, Debra <Suzuki.Debra@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>; Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>
Subject: RE: SSM rulemaking

Hi Elena – Would you please add me to the distribution list for changes to WAC 173-400? While Randall and Dave are handling the SSM related elements from a policy perspective, I will probably have some role assisting in the eventual SIP revision side of things. Thanks ……. jh

Ps. I am sure you heard from Debebe already that your changes to 173-400 were approved earlier this month and are now in the SIP. Link below. Congratulations on getting that cranked out so smoothly.

https://yosemite.epa.gov/R10/AIRPAGE.NSF/a853080dfbf1a78588256b6e0003579e/7b907bd647089cb888257

From: Suzuki, Debra
Sent: Wednesday, October 19, 2016 4:46 PM
To: Hunt, Jeff <Hunt.Jeff@epa.gov>; Ruddick, Randall <ruddick.randall@epa.gov>; Bray, Dave <Bray.Dave@epa.gov>
Cc: Hall, Kristin <Hall.Kristin@epa.gov>; Vergeront, Julie <Vergeront.Julie@epa.gov>
Subject: FW: SSM rulemaking

I don't know if you saw this email that went out to the WA permit writers group. Looks like things are moving again!

From: Guilfoil, Elena (ECY) [mailto:egui461@ECY.WA.GOV]
Sent: Wednesday, October 19, 2016 3:12 PM
To: Spencer, Gail (ECY) <gspe461@ECY.WA.GOV>; Adler, David (ECY) <DADL461@ECY.WA.GOV>; Alberich, Jason (ECY) <jalb461@ECY.WA.GOV>; alfredoa@pscleanair.org; Bauder, Lilyann (ECY) <liba461@ECY.WA.GOV>; Billings, Susan M. (ECY) <SBIL461@ECY.WA.GOV>; JasonB@nwcleanairwa.gov; Brown, Dan <Brown.Dan@epa.gov>; MarkB@nwcleanairwa.gov; bethc@pscleanair.org; Carruthers, Robert (ECY) <roca461@ECY.WA.GOV>; acau461@ecy.wa.gov; ncau461@ecy.wa.gov; carolec@pscleanair.org; ChristosC@nwcleanairwa.gov; jcle461@ecy.wa.gov; jconklin@spokanecleanair.org; sarac@pscleanair.org; maggiec@pscleanair.org; Crooks, Marc (ECY) <mcro461@ECY.WA.GOV>; Cunningham, Roylene <Cunningham.Roylene@epa.gov>; jennifer.demay@orcaa.org; Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>; Dhammapala, Ranil (ECY) <rdha461@ecy.wa.gov>; Dirkx, Mark (ECY) <mdir461@ECY.WA.GOV>;

Ekrem, Joanna (ECY) <jekr461@ECY.WA.GOV>; Filipy, Jenny (ECY) <JFIL461@ECY.WA.GOV>; Gent, Philip (ECY) <pgen461@ECY.WA.GOV>; Glass, Geoffrey <GLASS.GEOFFREY@EPA.GOV>; mark.goodin@orcaa.org; Greaves, Natasha <Greaves.Natasha@epa.gov>; Haller, Lynnette A. (ECY) <LHUL461@ECY.WA.GOV>; Hanlon-Meyer, Christopher (ECY) <chrh461@ECY.WA.GOV>; Hardesty, Doug <Hardesty.Doug@epa.gov>; Hedgpeth, Zach <Hedgpeth.Zach@epa.gov>; Holtrop, Bryan <Holtrop.Bryan@epa.gov>; Huitsing, Gary (ECY) <ghui461@ECY.WA.GOV>; Hulse-Moyer, Laurie (ECY) <lahu461@ECY.WA.GOV>; keith@yrcaa.org; Jacobsen, Lisa <Jacobsen.Lisa@epa.gov>; Johnson, Jolaine (ECY) <JOLA461@ECY.WA.GOV>; RobynJ@nwcleanairwa.gov; mkad461@ecy.wa.gov; Keenan, John <keenan.john@epa.gov>; Koster, Robert (ECY) <RKOS461@ECY.WA.GOV>; Clint@swcleanair.org; LaSpina, Jim (UTC) <jlaspina@utc.wa.gov>; Lim, MengChiu (ECY) <mlim461@ECY.WA.GOV>; Vannessa@swcleanair.org; AgataM@nwcleanairwa.gov; DanM@nwcleanairwa.gov; TobyM@nwcleanairwa.gov; paul@swcleanair.org; aaron.manley@orcaa.org; Meyer, Dan <Meyer.Dan@epa.gov>; robert.moody@orcaa.org; ralphm@pscleanair.org; Narvaez, Madonna <Narvaez.Madonna@epa.gov>; Nguyen, Liem (ECY) <LNgu461@ECY.WA.GOV>; Newman, Alan (ECY) <anew461@ECY.WA.GOV>; Nolph, Shawn (ECY) <snol461@ECY.WA.GOV>; Ogle, Stephanie (ECY) <stog461@ECY.WA.GOV>; Otterson, Sally (ECY) <sott461@ECY.WA.GOV>; Owens, Katharine <Owens.Katharine@epa.gov>; gerryp@pscleanair.org; gpal461@ecy.wa.gov; Uri@swcleanair.org; Pepple, Karl <Pepple.Karl@epa.gov>; robin.priddy@bentoncleanair.org; Pritchett, Nancy (ECY) <npri461@ECY.WA.GOV>; Ragan, Mike (ECY) <MRAG461@ECY.WA.GOV>; crystalr@nwcleanairwa.gov; brianr@pscleanair.org; Rob.Rodger@bentoncleanair.org; brud461@ecy.wa.gov; John@swcleanair.org; Wess@swcleanair.org; Sandlin, Gail (ECY) <gasa461@ECY.WA.GOV>; Schleif, Stephanie (ECY) <ssch461@ECY.WA.GOV>; Schmidt, John W (DOH) <John.Schmidt@DOH.WA.GOV>; Schwieters, Judith (ECY) <jsch461@ECY.WA.GOV>; Skorska, Maria (ECY) <msko461@ECY.WA.GOV>; Smits, Brenda (ECY) <BREN461@ECY.WA.GOV>; jsouthwell@spokanecleanair.org; Summers, Stephanie (ECY) <ssum461@ECY.WA.GOV>; Sun, Caroline (ECY) <casu461@ECY.WA.GOV>; Suzuki, Debra <Suzuki.Debra@epa.gov>; hasan@yrcaa.org; Thompson, Margo (ECY) <MATH461@ECY.WA.GOV>; LynT@nwcleanairwa.gov; Tran, Ha (ECY) <HTRA461@ECY.WA.GOV>; Utley, Randell J (DOH) <Randell.Utley@DOH.WA.GOV>; stevev@pscleanair.org; Vicente, Ryan (ECY) <rvic461@ECY.WA.GOV>; awestby@spokanecleanair.org; Wigfield, Kim (ECY) <kand461@ECY.WA.GOV>; Wilson, Sam (ECY) <samw461@ECY.WA.GOV>; Wood, Karen K. (ECY) <KWOO461@ECY.WA.GOV>; Yamazaki, Shingo (ECY) <syam461@ECY.WA.GOV>
Subject: FYI: SSM rulemaking

Greetings.

You're receiving this email because you are on the permit writers' distribution list. I'm trying to keep the whole state apprised of our actions. Delete now if you don't care about possible Ecology rule changes.

The startup-shutdown-malfunction rulemaking has been on hold for several months as we worked on other priorities. We are now focused on this action. Look for the next draft SSM revisions on October 19.

In addition to the SSM-related provisions, Ecology will be revising:

•□□□□□□□ nonroad engine provisions in WAC 173-400-035 based on stakeholder comments (draft attached)

•□□□□□□□ public notice provisions in WAC 173-400-171 and 840, and WAC 173-401-800 to align with federal changes to electronic notice and access (draft attached)

•□□□□□□□ adoption by reference date in WAC 173-400-025 to adopt federal rule revisions since our last update

Ecology will be deleting:

•□□□□□□□ last sentence in WAC 173-400-730(4) because it is outdated. Appealing a PSD permit through the process in a delegation agreement no longer applies since Ecology has an approved PSD program.

•□□□□□□□ WAC 173-401-645 (emergency provision) to align with EPA stated direction to remove emergency affirmative defense provisions

Next steps

Ecology will hold an air agency stakeholder meeting on October 31 in Lacey (with a call-in option), followed by a general stakeholder meeting in November and December. We hope to propose our rule in March with a summer adoption date.

If you have other questions, please contact me. Should you like to provide comments on the attachments, send those to me as well. I will send a separate email with the details of the air agency stakeholder meeting to the agency representatives.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

To: Ruddick, Randall[ruddick.randall@epa.gov]
From: Dererie, Debebe (ECY)
Sent: Thur 3/23/2017 3:48:38 PM
Subject: RE: Draft SSM rule for your review

Good morning Randall,

Thanks for your efforts to respond to our request while being at conference.

040(2)(e) is an exception to the main requirement of maximum 20% opacity that apply to all sources. During soot blowing this opacity limit can go up to 40% for a maximum of 15 minutes in any consecutive 8 hours. My memory tells me the engineers believe this will serve well also for COMS

I hope to talk to you tomorrow.

Thanks a lot,

Debebe

From: Ruddick, Randall [mailto:ruddick.randall@epa.gov]
Sent: Wednesday, March 22, 2017 12:03 PM
To: Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>
Subject: RE: Draft SSM rule for your review

Good morning Debebe,

I am at a conference this week and will not have time to do an in depth review of this for a while. I'll try to carve out some time this Friday to call and speak to you and/or Elena to discuss logistics and timing.

One quick note:

040(2)(e) in the draft you sent yesterday still reads as no limit for 15 minutes in every 8 hour period. Or, cumulatively: no limit for 45 minutes per day (24hours) or 274 hours a year.

Was the intent to allow an alternative to the 20% opacity limit such as:

May exceed 20% for no more than 15 minutes but may not exceed 40% in any 8 hour period?

If I understood ECY's intent correctly (40% max opacity), there will need to be some identification of how opacity is to be measured and calculated to make the provision practically enforceable. If this is not done, then it could be interpreted that a single reading over 40% would be a violation or a more reasonable interpretation would be any single RM9 6-minute average over 40% would be a violation. While I realize this may seem obtuse, it is still a concern that should be addressed.

I believe Al Newman was aware of the need to identify how to reconcile the 15 minute opacity limit with RM9 6 minute averaging period. In any event, the intended methodology to make the provision practically enforceable will also need to be included in the SIP submittal. Which is why we had discussed incorporating ECY's Source test manual into the SIP.

Sincerely,

Randall

From: Dererie, Debebe (ECY) [mailto:derd461@ECY.WA.GOV]
Sent: Tuesday, March 21, 2017 2:09 PM
To: Ruddick, Randall <ruddick.randall@epa.gov>
Subject: Draft SSM rule for your review

Hi Randall,

We are near the final phase drafting the 400 rule in response to the SSM SIP call. We had the final stakeholder meeting yesterday towards drafting the rule. Thus, most of the requirements are fleshed through your comments and the stakeholders (mainly local air agencies, sources, and environmental organizations) meetings, even though there could be some minor changes before submitting the rule for economic analysis in April 10. It will be after the economic analysis, about six weeks, that we will go for public comment on May 24 2017.

It will be great if we can get your input on the current version of the rule so that we can incorporate your inputs before submitting the draft for economic analysis.

Here are the areas where we may be making some changes:

•□□□□□□□□ 040 (2)(d) Visible emissions. Opacity limits for hog-fuel boiler during startup. We are being requested to include work practice standard as an alternative to 40% opacity limit that include use of clean fuel.

•□□□□□□□□ 040(7)(b) Sulfur dioxide. SO2 emission limits for sulfur recovery unit during startup and shutdown. We may set it as emission concentration and duration, or work practice standard. We are negotiating with sources.

•□□□□□□□□ 082 Alternative emission limit setting process: This has gone through significant changes and there is clarity and consensus about the basic process, but there are still minor changes to be done in the process that involve a local clean air agency and Ecology.

I have also sent the non-SSM changes to Jeff this morning.

Debebe Dererie,

Environmental Planner, EP3,

Program Development Section,

Air Quality Program

360-407-7558 debebe.dererie@ECY.WA.GOV

DRAFT Rulemaking Changes to Chapters 173-400 and 173-401 WAC

March 20, 2017 version

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WAC 173-400-025 Adoption of federal rules.

(1) Federal rules mentioned in this rule are adopted as they exist on DATE, 2017. Adopted or adopted by reference means the federal rule applies as if it was copied into this rule.

ED_001360A_00001195

WAC 173-400-030 Definitions. [The section defines 95 defined terms.]

"**Alternate emission limit**" means an emissions limit that applies during some but not all periods of normal operation (e.g., applies only during a specifically defined mode of operation such as startup or shutdown). An alternative emission limit is a component of a continuously applicable emission limit. An alternative emission limit may be a numerical limit or a design characteristic of the emission unit and associated emission controls, work practices, or other operational standard, such as a control device operating range.

"**Electronic means**" means email, fax or other electronic method.

(27) **"Emission standard"** and **"emission limitation"** and "emission limit" 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.

(30) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard.

"Hog fuel" means an unrefined mix of wood or wood waste.

"Hog fuel boiler" means device, furnace, or boiler using wood or wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"Industrial furnace" means enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy as defined in 40 CFR 260.10.

"**Mode of operation**" means a short-term operating condition of an emission unit with a specific beginning and end.

"Shutdown" means, generally, the cessation of operation of a stationary source for any reason.

"Startup" means, generally, the setting in operation of a stationary source or emissions unit for any reason.

"Useful thermal energy" means energy (steam or hot water) that meets the minimum operating temperature, flow, and/or pressure required by any system that uses energy provided by the affected boiler.

"**Wigwam or silo burner"** means a cone-shaped or cylindrical structure that burns wood waste for disposal.

"**Wood-fired boiler**" means device, furnace, or boiler that burns wood or wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"**Wood-waste burner**" means a device that burns wood.

(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 ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ 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 ($HCOOCH_3$); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2- Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;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 (in effect on the date in WAC 173-400-025). 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 limits or VOC content requirements: Tertiary-butyl acetate.

WAC 173-400-035 Nonroad engines.

(1) **Applicability.** This section applies to any nonroad engines as defined in WAC 173-400-030, except for:

(a) Any nonroad engine that is:
(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; or
(ii) In or on a piece of equipment that is intended to be propelled while performing its function.

(b) Nonroad engines with a cumulative maximum rated brake horsepower of 500 BHP or less.

(c) Engines being stored in work centers, garages, or engine pool sites prior to being dispatched to the field for use and that do not provide back-up power at the work

center, garage, or engine pool. Such engines may be operated at these facilities only for the purpose of engine maintenance, testing, and repair.

(d) A back-up nonroad engine demonstrated to have the same or lower emissions than the primary power nonroad engine.

(2) **Nonroad engines are not subject to:**
- (a) New source review.
- (b) Control technology determinations.
- (c) Emission limits set by the SIP.
- (d) Chapter 173-460 WAC.

(3) **Fuel standards.** All nonroad engines must use ultra low sulfur diesel or ultra low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra low sulfur diesel or ultra low sulfur bio-diesel is deemed to be compliant with this fuel standard.

(4) **> 500 and ≤ 2000 BHP.** This section applies to a project that requires the installation and operation of nonroad engines with a cumulative maximum rated brake horsepower greater than 500 BHP and less than or equal to 2000 BHP.

(a) Notification of intent to operate is required before operations begin. The owner or operator must notify the permitting authority of their intent to operate prior to beginning operation. The notice must contain the following information:
- (i) Name and address of owner or operator;
- (ii) Site address or location;
- (iii) Date of equipment arrival at the site;
- (iv) Cumulative engine maximum rated BHP.

(b) Recordkeeping. For each site, the owner or operator must record the following information for each nonroad engine:
- (i) Site address or location;
- (ii) Date of equipment arrival at the site;
- (iii) Date of equipment departure from the site;
- (iv) Engine function or purpose;
- (v) Identification of each component as follows:
  - (A) Equipment manufacturer, model number and its unique serial number;
  - (B) Engine model year;
- (vi) Type of fuel used with fuel specifications (sulfur content, cetane number, etc.).

(c) Record retention requirements. The owner or operator must keep the records of

the current engine and equipment activity in hard copy or electronic form. These records can be maintained on-site or off-site for at least five years and must be readily available to the permitting authority on request.

(5) **> 2000 BHP.** This section applies to a project that requires the installation and operation of any nonroad engine with a cumulative maximum rated brake horsepower greater than 2000 BHP.

(a) Notification of intent to operate.

(i) Prior to operation, the owner or operator must notify the permitting authority of the intent to operate and supply sufficient information to enable the permitting authority to determine that the operation will comply with national ambient air quality standards as regulated by WAC 173-400-113 (3) and (4).

(ii) The notification must contain, at a minimum, the information in (4)(a) of this section.

(b) Approval is required before operations begin. The owner or operator must obtain written nonroad engine approval to operate, from the permitting authority, prior to operation.

(c) Recordkeeping. The owner or operator must meet all of the requirements of subsection (4)(b) and (c) of this section.

(d) Recordkeeping. The owner or operator must meet all of the requirements of subsection (4)(b) and (c) of this section.

(6) Requirements specific to projects on a Department of Defense and Department of Energy facility.

(a) A Department of Defense and Department of Energy facility over 50 acres in size may exclude engines below 50 brake horsepower to determine cumulative maximum engine horsepower.

(b) Ecology may establish specific criteria to assist it and the Departments of Defense and Energy to determine when a particular nonroad engine becomes a stationary engine. This criteria shall not conflict with the definition of "nonroad" engine.

(7) **Integrated review**. Applicants seeking approval to construct or modify a stationary source that requires review under WAC 173-400-110 or 173-400-560 and to operate one or more nonroad engines in conjunction with the new or modified stationary source may elect to integrate the reviews. The notification process for integrated review must comply with the new source review public involvement procedures for the stationary source as applicable (i.e., WAC 173-400-171 or 173-400-740).

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(8) **Enforcement.** All persons who receive a nonroad engine approval to operate must comply with all conditions contained in the approval.

(9) **Permitting authority review period**. Within fifteen days after receiving a complete notice of intent to operate, the permitting authority must either issue the approval to operate or notify the applicant that operation must not start until the permitting authority has set specific operating conditions. The permitting authority must promptly provide copies of the final decision to the applicant.

(10) **Conditions to assure compliance with NAAQS**. Subject to the limitations of subsection (2) of this section, the permitting authority may set specific conditions for operation as necessary to ensure that the nonroad engines do not cause or contribute to a violation of National Ambient Air Quality Standards.

(11) **Appeals**. Final decisions and orders of ecology or a permitting authority may be appealed to the pollution control hearings board as provided in chapters 43.21B RCW and 371-08 WAC.

(12) **Change of conditions**. The owner or operator may request, at any time, a change in conditions of an approval to operate. The permitting authority may approve the request provided that the permitting authority finds that the operation will comply with WAC 173-400-113 (3) and (4).

WAC 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 limits 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.: The following are exceptions from this standard:

(a) 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.

(b) 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.

(c) When an alternate opacity limit has been established per:

(i) RCW 70.94.331(2)(c); or

(ii) WAC 173-400-082(3).

(d) When emissions occur due to startup of a hog fuel or wood fired boiler, visible emissions may exceed 20 percent opacity when the owner or operator complies with (i) and (ii) of this subsection.

(i) Comply with all of the following mandatory requirements:

(A) This subsection applies to a combustion unit with dry particulate matter controls. This subsection does not apply to a combustion unit with wet particulate matter controls.

(B) For purposes of this subsection:

(I) Startup begins when fuel is ignited in the boiler fire box; and

(II) Startup ends at the earlier of the following;

(III) If applicable, the dry electrostatic precipitator or baghouse controlling emissions from the boiler has met its minimum operating temperature. The control must be operated at this time; or

(IV) Within four hours of the start of supplying useful thermal energy.

(C) Maintain records sufficient to demonstrate compliance.

(ii) Comply with one of the following requirements:

(A) Visible emissions shall not exceed 40 percent opacity for three minutes in an hour during startup; or

(B) Engage all air pollution control devices once you start firing fuels; or

(C) The boiler shall:

(I) Use clean fuel identified in 5.b. in Table 3 to Subpart DDDDD of 40 C.F.R. Part 63 to the extent practicable during the startup;

(II) 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;

(III) Engage all the air pollution control devices as required in (d)(i)(B)(III) of this subsection, if applicable; and

(IV) Engage and operate particulate matter control device within one hour of first feeding fuels that are not clean fuels.

(e) When emissions occur due to soot blowing or grate cleaning of a hog fuel or wood fired boiler, visible emissions may not exceed 40 percent opacity for more than fifteen minutes in any eight consecutive hours. For this provision to apply, the owner or operator must meet all of the following requirements:

(i) Schedule the soot blowing and/or grate cleaning for the same approximate time(s) each day;

(ii) Notify the permitting authority in writing of the schedule in (i) of this subsection in advance of the occurrence of visible emission exceeding 20 percent opacity due to soot blowing and/or grate cleaning; and

(iii) Maintain records sufficient to demonstrate compliance.

(f) When emissions occur during curing of furnace refractory in an existing lime kiln, industrial furnace, or boiler, visible emissions may not exceed 40 percent opacity. For this provision to apply, the owner or operator must meet the following requirements:

(i) The total duration of refractory curing does not exceed 36 hours, unless provided for in an order issued in compliance with WAC 173-400-081(4) or WAC 173-400-082(4); and

(ii) The owner or operator provided a copy of the manufacturer's instructions on curing refractory to the permitting authority; and

(iii) The manufacturer's instructions on curing refractory are followed, including all instructions on temperature increase rates and holding temperatures and time; and

(iv) The emission controls are engaged as soon as possible during the curing process; and

(v) The owner or operator notifies the permitting authority at least one working day prior to the start of the refractory curing process.

(g) Visible emissions reader certification testing.
When testing and certifying visible emission readers, visible emissions from the "smoke generator" are exempt from the 20 percent opacity limit. Testing must follow testing and certification requirements in 40 C.F.R. Part 60, Appendix A, Reference Method 9 (in effect on the date in WAC 173-400-025) and ecology methods 9A and 9B (Ecology *Source Test Manual*).

(h) Military training exercises.
When holding military obscurant training exercises, visible emissions 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.
When training firefighters, visible emissions from fixed and mobile firefighting training facilities are exempt from the 20 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 their 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.**

(a) 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. Exceptions are listed in (b) and (c) of this subsection.

(b) Sulfur recovery unit alternate emission standard. During shutdown of a sulfur recovery unit regulated by 40 C.F.R. 63.1579 (in effect on the date in WAC 173-400-025), the owner or operator shall:

(i) Follow the facility's written startup or shutdown procedures;

(ii) Limit emissions to less than 100 pounds per event ;

(iii) Limit to [time limit]; and

(iv) Maintain records sufficient to demonstrate compliance.

(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).

WAC 173-400-050 Emission standards for combustion and incineration units.

(7) **Sewage sludge incineration units** constructed on or before October 14, 2010. Sewage sludge incineration units constructed on or before October 14, 2010, must comply with 40 C.F.R. Part 62, Subpart LLL (in effect on the date in WAC 173-400-025).

WAC 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 and silo burners.** As of January 1, 2020, it is illegal to use a wigwam or silo burner in Washington. A wigwam or silo burner may operate until midnight December 31, 2019 provided it complies with the following:

(a) All wigwam and silo burners designed to dispose of wood waste must meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), (7), (8), and WAC 173-400-050(4) or) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025), as applicable.

(b) All wigwam and silo burners must 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 permitting 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) The permit authority may establish additional requirements for wigwam and silo burners. 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 and silo burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(2), visible emissions..

(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).

(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 as specified in WAC 173-400-040(2). .

(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) **Other wood waste burners.**

(a) Wood waste burners shall meet all applicable provisions of:

(i) WAC 173-400-040 and -050;

(ii) 40 C.F.R. Part 60, Subpart CCCC (in effect on the date in WAC 173-400-025); and

(iii) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025).

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(6) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991

WAC 173-400-081 Emission limits during startup and shutdown.

(1) In promulgating technology-based emission standards and establishing emission limits when making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authority will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) When the permitting authority determines, as part of its control technology determination, 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 limit or standard during startup or shutdown, the permitting authority must include in the standard or regulatory order appropriate alternate emission limits, 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 limit or other operating parameter adopted under this rule.

(4) An emission limit or other parameter adopted under this rule which increases allowable emissions during a startup or shutdown period over levels authorized in Washington's SIP shall not take effect until the requirements and procedures in WAC 173-400-082(4) are complied with..

WAC 173-400-082 Alternate emission limit that exceeds a standard in the SIP.

(1) Applicability.

(a) The owner or operator of a source or stationary source may request an alternative emission limit that applies to a specific emission unit(s) during a clearly defined mode of operation. The alternative emission limit established under this section becomes a sourcespecific SIP emission standard.

(b) Should we include info about process: request goes from facility to air agency to Ecology to EPA?

(2) Pollutant scope. An alternative emission limit may be established under this section for any of the following SIP-approved emission standards in 40 C.F.R. 52.2470:

(a) Opacity emission standard in:
- (i) WAC 173-400-040 (2);
- (ii) WAC 173-405-040(6);
- (iii) WAC 173-415-030(3) and(3)(a); and
- (iv) WAC 1730434-130(4).

(b) Sulfur dioxide emission standard in:
- (i) WAC 173-400-040 (7);
- (ii) WAC 173-405-040 (11);
- (iii) WAC 173-410-040 (1);
- (iv) WAC 173-415-030(5); and
- (v) WAC 173-434-130(3).

(c) Particulate matter emission standards in:
- (i) WAC 173-400-050 (1) and -060;
- (ii) WAC 173-405-040 (1)(a), (2), (3)(a), and (5);
- (iii) WAC 173-410-040 (2);
- (iv) WAC 173-415-030(2); and
- (v) WAC 173-434-130(1).

(d) Emission standards contained in a local air pollution control authority rule that has been approved into the SIP in 40 CFR 52.2470.

(3) Requirements to request an alternative emission limit.

(a) The owner or operator may request an alternative emission limit applicable to a specific mode of operation that exceeds a standard in the SIP. A mode of operation for an emission unit may include periods of startup, shutdown, maintenance, or other transient (short-term) operation.

(b) A request for an alternative emission limit must be submitted to the permitting

authority in writing. The permitting authority shall determine the adequacy of the information.

(c) A request for an alternative emission limit must provide data and documentation sufficient to:

(i) Specify which emission unit(s) and specific mode of operation the requested alternative emission limit is to cover;

(ii) Demonstrate the operating characteristics of the emission unit(s) for which the alternative emission standard is being requested prevent meeting the applicable emission standard during the specific mode of operation. Operating characteristics may include the operational variations in the emission unit, installed emission control equipment, work practices, or other means of emission control that could affect the frequency, or duration and quantity of emissions during the transient mode of operation.

(iii) Demonstrate why it is not technologically feasible to use the existing control system or any practicable operating scenario that would enable the emission unit or stationary source to comply with the SIP emission standard, and avoid the need for an alternative emission standard;

(iv) Demonstrate that PSD increments when applicable and ambient air quality standards in chapter 173-476 WAC will not be exceeded by emissions from the proposed alternative limit;

(v) Determine best operational practices for the emission unit(s) involved;

(vi) Minimize the frequency and duration of the specific mode of operation to the shortest practicable amount of time;

(vii) Minimize the quantity and impact of the emissions resulting from the specific operating scenario; and

(viii) Not exceed an emission standard applicable to the emission unit in 40 C.F.R. Parts 60, 61, 62, 63, or 72 (in effect on the date in WAC 173-400-025). For the purpose of this subsection, an automatic or discretionary exemption for a specific operating mode in an applicable rule does not apply.

(4) Process a request for a regulatory order.

(a) Completeness determination.

(i) Within sixty days of receiving an application, the permitting authority must notify the applicant that a request for an alternate emission limit is complete or incomplete.

(ii) The permitting authority must include the reasons they find the request incomplete.

(iii) The permitting authority may request or accept additional information after determining a request complete.

(b) Denial. The permitting authority may deny a request for an alternative emission limit. The denial must include the basis for the denial.

(c) Final determination. Within ninety days of receipt of a complete application, the permitting authority must either:

(i) Initiate notice and public comment for a mandatory action as required by WAC 173-400-171 followed as promptly as possibly by a final decision; or

(ii) Coordinate review and public comment consistent with (d) of this subsection.

(iii) Extend the determination period due to the complexity of the request.

(d) Coordinated review process. An applicant may request coordinated review of a request between the permitting authority and Ecology.

(i) Once the permitting authority has prepared a draft order, the permitting authority must send these documents electronically to Ecology for review:

(A) Request for an order;

(B) Draft order in a format specified by Ecology; and

(C) Permitting authority analysis of the request.

(ii) Within 60 days of receiving a draft order from the permitting authority, Ecology must inform the permitting authority of its approval or denial of the draft order. Ecology must include the reasons for a denial.

(iii) Once Ecology has approved a draft order, the permitting authority must initiate notice and public comment for a mandatory action as required by WAC 173-400-171 followed as quickly as as promptly as possibly by a final decision.

(5) Standard review process.
Local air agency must

- Send Ecology materials in advance of the public comment period
- hold hearing/comment period

- Send draft final order/materials to Ecology

Ecology must
- review and if disagree, return order with comments
- review and if agree, hold public comment period
- send SIP request to EPA

(6) The regulatory order must include:

(a) The name or other designation used by the source to identify the specific emission unit(s) subject to the alternative emission limit;

(b) A clearly defined specific mode of operation that includes criteria [parameters?] for determining:

(i) The start and stop point for a mode of operation; and
(ii) When the alternative emission limit applies.

(c) The emission limit for the specific mode of operation.

(d) A requirement that the applicable emission unit(s) are operated in a manner consistent with good operating practices for minimizing emissions during the time the alternative emission limit is in effect;

(e) A statement that the alternative emission limit authorized by the regulatory order is not in effect until the effective date of EPA's incorporation of the alternative emission limit in the SIP; and

(f) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with each condition in the order.

(7) The pemitting authority can not issue a final order under this section until:

(a) Ecology is satisfied that the proposed alternative emission limit is consistent with the purposes of chapter 70.94 RCW as required by RCW 70.94.380; and

(b) The effective date of EPA's approval of the order as a SIP amendment.

(8) Ecology requirements. Ecology must:

(a) Inform the permitting authority and the applicant of its acceptance or denial of the draft order within 60 days of receipt of the request.

(b) Approve an order when satisfied that the proposed alternative emission limit is consistent with the purposes of chapter 70.94 RCW as required by RCW 70.94.380.

(c) Hold a public comment period consistent with WAC 173-400-171(12) to submit

the regulatory order to EPA as a SIP amendment, if the process has not gone through the coordinated review process in (4)(d).

(d) Notify the permitting authority and the applicant of the reasons for denial of a draft order.

(9) Fees. A permitting authority may assess and collect fees according to its fee schedule.

WAC 173-400-107 Excess emissions.

This section is in effect until the effective date of EPA's removal of the September 20, 1993 version of this section from the SIP. This section is not effective starting on that date.

(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.

WAC 173-400-108 Excess emissions reporting. [State-only requirement not federally enforceable]

(1)

Notify the permitting authority.

(i) The owner or operator must notify its permitting authority when excess emissions represent a potential threat to human health or safety as soon as possible, but not later than **twelve hours** after the excess emissions were discovered.

(ii) For all other excess emissions, the owner or operator must notify its permitting authority within 30 days after the end of the month during which the excess emissions event occurred.

(2) Report. The owner or operator must report all excess emissions to the permitting authority:

(i) To claim emissions as unavoidable under WAC 173-400-109, the report must contain the information in (4) of this section.

(ii) Chapter 173-401 WAC source: As provided in WAC 173-401-615(3).

(iii) All other sources:

(A) Within thirty days after the end of the month during which the event occurred; or

(B) As part of the next routine emission monitoring report.

(3) The report must contain at least the following information:

(a) Date, time, duration of the episode;

(b) Known causes;
(c) For exceedances of emission limits other than opacity, an estimate of the quantity of excess emissions;
(d) The corrective actions taken;
(e) The preventive measures taken or planned to minimize the chance of recurrence; and
(f) Information in (4) of this section to claim an excess emission event is unavoidable.
(g) Exemption. A chapter 147-401 source must report equivalent information under WAC 173-401-615 so it is exempt from (a) through (e) of this subsection. Subsection (f) continues to apply.

(4) For any excess emission event that the owner or operator claims to be unavoidable under WAC 173-400-109, the report must also include the following information:

(a) Contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(b) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

(c) All additional information required under WAC 173-400-109 (2), (3), (4), (5) or (6) supporting the claim that the excess emissions were unavoidable.

WAC 173-400-109 Unavoidable excess emissions. [State-only requirement not federally enforceable]

(1) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

(a) The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source.

(b) Excess emissions determined by the permitting authority to be unavoidable :

(i) A violation subject to WAC 173-400-230 (3), (4),and (6); and

(ii) Not subject to civil penalty under WAC 173-400-230(2).

Nothing in a state rule limits a federal court's jurisidiction or discretion to determine the appropriate remedy in an enforcement action.

(2) The owner or operator of a source shall have the burden of proving to the permitting

authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4) of this section.

(3) ~~(c)~~ This section does not apply to an exceedance of an emission standard in 40 C.F.R. Parts 60, 61, 62, 63, and 72 (in effect on the date in WAC 173-400-025), or a permitting authority's adoption by reference of these federal standards.

(4) ~~(d)~~ This section does not apply to an exceedance of an emission limit and standard in a PSD permit issued solely by EPA.

(5) ~~(f)~~ Excess emissions that occur due to upsets or malfunctions during startup or shutdown are treated as upsets or malfunctions under subsection (6) of this section.

(6) Excess emissions due to upsets or equipment malfunctions will be considered unavoidable provided the source reports as required by WAC 173-400-108 and demonstrates to the permitting authority 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;

(c) When the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit or source as necessary to minimize emissions;

(d) If the emitting equipment had to continue operation during the malfunction for safety reasons to prevent the loss of life, prevent personal injury, or to minimize overall emissions, repairs were made in an expeditious fashion;

(e) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(f) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(g) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

WAC 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 means 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 limit; or

(g) An order to authorize a bubble; or

(h) An action to discount the value of an emission reduction credit, ERC, issued to a source per WAC 173-400-136; or

(i) A regulatory order to establish best available retrofit technology, BART, for an existing stationary facility; or

(j) A notice of construction application or regulatory order used to establish a creditable emission reduction; or

(k) An order issued under WAC 173-400-091 that establishes limits 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) An extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area; or

(n) An application or other action for which the permitting authority determines that there is significant public interest; or

(o) An order issued under WAC 173-400-082 that establishes an emission limit that exceeds a SIP standard.

(4) **Advertising the mandatory public comment period.**

(a) Public notice of all applications, orders, or actions listed in subsection (3) of this section must posted on the permitting authority web site for the duration of the public comment period. Duration does not require uninterrupted web site access.

(i) The permitting authority may supplement this method of notification by advertising in a newspaper of general circulation in the area of the proposed action or by other methods appropriate to notify the local community. ..

(ii) A permitting authority must publish a legal notice of the public comment period in a newspaper of general circulation in the area of the proposed action until July 1, 2018. It is recommended that a permitting authority continue publishing a legal notice for a project with high interest.

(b) This public notice can be posted 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.

(c) The notice must be posted or given before any of the applications or other actions listed in subsection (3) of this section are approved or denied.

(d) The applicant or other initiator of the action must pay the publishing cost of providing public notice in a newspaper if the permitting authority determines supplemental noticing is required.

(5) **Information available for public review.**

(a) Administrative record. 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. A permitting authority may comply with this requirement by making these materials available on their web site or in at least one physical location near the proposed project.

(b) The permitting authority must post the following information on their web site for the duration of the public comment period:

(A) Public notice complying with subsection (6) of this section;

(B) Draft permit, order, or action; and

(C) Information on how to access the administrative record.

(D) Duration does not require uninterrupted web site access.

(c) 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.** Public notice must be posted at least by the start date of the public comment period.

(a) The notice must include:
- (i) The date the public notice is posted;
- (ii) The name and address of the owner or operator and the facility;
- (iii) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;
- (iv) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;
- (v) The location where those documents made available for public inspection may be reviewed;
- (vi) Start date and end date for a thirty-day public comment period. If a holiday falls within this period, that is not considered one of the thirty-days.;
- (vii) A statement that a public hearing will be held if the permitting authority determines that there is significant public interest;
- (viii) 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 or electronic means. 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) Post the public hearing notice on the permitting authority web site as directed by (4) of this section;

(ii) The permitting authority may supplement the web posting by advertising in a newspaper of general circulation in the area of the proposed source or action, or by other methods appropriate to notify the local community. and

(iii) Distribute by electronic means or postal service 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 supplemental notice costs if the permitting authority determines a supplemental notice is appropriate. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(11) **Notifying the EPA.**

The permitting authority must distribute by electronic means or postal service 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.

WAC 173-400-740 Permitting public involvement requirements.

(1) **Actions requiring notification of the public.** Ecology must provide public notice before approving or denying any of the following types of actions related to implementation of the PSD program contained in WAC 173-400-720:

(a) Any preliminary determination to approve or disapprove a PSD permit application; or

(b) An extension of the time to begin construction or suspend construction under a PSD permit; or

(c) A revision to a PSD permit, except an administrative amendment to an existing permit; or

(d) Use of a modified or substituted 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 of air quality impacts.

(2) **Notification of the public.** As expeditiously as possible after the receipt of a complete PSD application, and as expeditiously as possible after receipt of a request for extension of the construction time limit under WAC 173-400-730(6), or after receipt of a nonadministrative revision to a PSD permit under WAC 173-400-750, ecology shall:

(a) Administrative record. Make available for public inspection in at least one location in the vicinity where the proposed source would be constructed, or for revisions to a PSD permit where the permittee exists, a copy of the information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality and air quality related values, considered in making the preliminary determination. Ecology may comply with this requirement by making these materials available on ecology's web site or at a physical location.

(i) Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post online on a web site but may be made available as part of the permit record either as hardcopy or on a data storage device.

(ii) 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.

(b) Notify the public by:

(i) Posting the following information on ecology's web site for the duration of the public comment period:

(A) Public notice elements in (3) of this section;

(B) PSD draft permit;

(C) PSD technical support document; and

(D) Information on how to access the administrative record.

(E) Duration does not require uninterrupted web site access.

(ii) If ecology grants a request to extend the public comment period, ecology must:

(A) Post the extension notice on the same web site where the original notice was posted;

(B) Specify the closing date of the extended comment period in the extension notice; and

(C) Distribute a copy of the extension notice by electronic means or postal service to whomever requested the extension and the organizations and individuals listed in (c) and (d) of this

subsection.

(iii) If a hearing is held, the public comment period must extend through the hearing date.

(iv) If ecology determines a supplemental notice is appropriate, the applicant or other initiator of the action must pay the cost of providing this public notice. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(c) Distribute by electronic means or postal service a copy of the public notice to:
- (i) Any Indian governing body whose lands may be affected by emissions from the project;
- (ii) The chief executive of the city where the project is located;
- (iii) The chief executive of the county where the project is located;
- (iv) Individuals or organizations that requested notification of the specific project proposal;
- (v) Other individuals who requested notification of PSD permits;
- (vi) Any state within 100 km of the proposed project.

(d) Distribute by electronic means or postal service a copy of the public notice, PSD preliminary determination, and the technical support document to:
- (i) The applicant;
- (ii) The affected federal land manager;
- (iii) EPA Region 10;
- (iv) The permitting authority with authority over the source under chapter 173-401 WAC; and
- (v) Individuals or organizations who request a copy.

(3) **Public notice content.** The public notice shall contain at least the following information:
- (a) The date the public notice is posted;
- (b) The name and address of the applicant;
- (c) The location of the proposed project;
- (d) A brief description of the project proposal;
- (e) The preliminary determination to approve or disapprove the application;
- (f) How much increment is expected to be consumed by this project;
- (g) The name, address, and telephone number of the person to contact for further information;
- (h) A brief explanation of how to comment on the project;
- (i) An explanation on how to request a public hearing;
- (j) The location of the draft permit and information on how to access the administrative record;
- (k) The start date and end date for a thirty-day public comment period starting from the date of posting notice on the web site. If a holiday falls within this period, that is not considered one of the thirty-days. ;
- (l) A statement that a public hearing may be held if ecology determines within a

thirty-day period that significant public interest exists;

(m) The length of the public comment period in the event of a public hearing; and

(n) For projects subject to special protection requirements for federal Class I areas, in WAC 173-400-117, and where ecology disagrees with the analysis done by the federal land manager, ecology shall explain its decision in the public notice or state that an explanation of the decision appears in the technical support document for the proposed approval or denial.

(4) **Public hearings.**

(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period. A request must indicate the interest of the entity filing it and why a hearing is warranted. Whether a request for a hearing is filed or not, ecology may hold a public hearing if it determines significant public interest exists. Ecology will determine the location, date, and time of the public hearing.

(b) Notification of a public hearing will be accomplished per the requirements of WAC 173-400-740(2).

(c) The public must be notified at least thirty days prior to the date of the hearing (or first of a series of hearings).

(5) **Consideration of public comments.** Ecology shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered. Ecology shall make all public comments available for public inspection at the same website where the preconstruction information on the proposed major source or major modification was made available.

(6) **Issuance of a final determination.**

(a) The final approval or disapproval determination must be made within one year of receipt of a complete application and must include the following:

(i) A copy of the final PSD permit or the determination to deny the permit;

(ii) A summary of the comments received;

(iii) Ecology's response to those comments;

(iv) A description of what approval conditions changed from the preliminary determination; and

(v) A cover letter that includes an explanation of how the final determination may be appealed.

(b) Ecology shall post the final determination on the same website where the draft permit and public notice was posted according to (2)(b)(i) of this section.

(c) Ecology shall distribute by electronic means or postal service a copy of the cover letter that accompanies the final determination to:

(i) Individuals or organizations that requested notification of the specific project proposal; and

(ii) Other individuals who requested notification of PSD permits.

(d) Ecology shall distribute by electronic means or postal service a copy of the final determination shallto:
- (i) The applicant;
- (ii) U.S. Department of the Interior - National Park Service;
- (iii) U.S. Department of Agriculture - Forest Service;
- (iv) EPA Region 10;
- (v) The permitting authority with authority over the source under chapter 173-401 WAC; and
- (vi) Any person who commented on the preliminary determination.

WAC 173-401-645 Emergency provision.

Starting January 1, 2018 this section is no longer effective. A permitting authority must remove this provision from an individual operating permit during the first possible periodic permit renewal, permit modification, or permit reopening after this date.

(1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limit under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limits if the conditions of subsection (3) of this section are met.

(3) Criteria. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) The permitted facility was at the time being properly operated;
- (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (d) The permittee submitted notice of the emergency to the permitting authority within two working days of the time when emission limits were exceeded due to the emergency or shorter periods of time specified in an applicable requirement. This notice fulfills the requirement of WAC 173-401-615 (3)(b) unless the excess emissions represent a potential threat to human health or safety. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) Relationship to other rules. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

WAC 173-401-724 Off-permit changes.

(1) The source shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions. Any change that is a Title I modification of the FCAA or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

(2) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(3) Sources must provide contemporaneous written notice to the permitting authority and EPA of each such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(4) The change shall not qualify for the permit shield under WAC 173-401-640.

(5) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(6) A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152.

WAC 173-401-800 Public involvement.

(1) Purpose. It is ecology's and local air authorities' goal to ensure that accurate permitting information is made available to the public in a timely manner. The permitting authority is responsible for providing notice of permitting actions that allows sufficient time for comment and for providing enough information to inform the public of the extent of the actions proposed. These public involvement regulations establish a statewide process to be followed by all permitting authorities.

(2) Public notice.
(a) The permitting authority shall provide public notice for the following actions:

(i) Issuance of a draft permit or permit renewal;
(ii) Intended denial of a permit application;
(iii) Issuance of a draft permit modification;
(iv) Issuance of a draft general permit;
(v) Scheduling of a public hearing under subsection (4) of this section; and
(vi) Any other related activities that the permitting authority considers to involve substantial public interest.

(b) Notice shall be given by the following methods:

(i) Permitting authority web site. A permitting authoriy must post notice on their web site for the duration of the public comment period. Duration does not require uninterrupted web site access:

(ii) A permitting authority may supplement notice on an individual permit or action. Additional notice may include, but is not limited to, a newspaper of general circulation in the area of the permittee.

(iii) *Permit Register*.

(A) Ecology shall publish notice in the *Permit Register* according to WAC 173-401-805.

(B) The permitting authority shall send information on any action requiring publication in the *Permit Register* to ecology within three days of the action.

(c) Notice of the activities described in (a) of this subsection shall also be provided to persons requesting to receive this notice. The permitting authority shall maintain a mailing list of persons requesting notice, and may maintain more than one list, such as lists based on geographical location. The mailing list may be electronic or hardcopy, or both. No request shall require the extension of the comment period associated with the notice. The permitting authority may from time to time inform the public of the opportunity to be on the list and may also delete from the list persons who fail to respond to an inquiry of continued interest in receiving the notices.

(d) Public notice must include:
(i) Name and address of the permitting authority;
(ii) Name and address of the permit applicant, and if different, the name and address of the facility or activity regulated by the permit, unless it is a general permit;
(iii) A brief description of the business conducted at the facility and activity involved in the permit action;
(iv) Name, address, and telephone number of a person (or an email or web site address) from whom interested persons may obtain further information

such as copies of the draft permit, the application, and relevant supporting materials;

(v) A brief description of the comment procedures, including the procedures to request a hearing, and the time and place of any hearings scheduled for the permit; and

(vi) A description of the emission change involved in any permit modification.

(e) Availability for public inspection.

(i) The permitting authority must post the draft permit and technical support document on their web site. Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post on a web site but may be made available as part of the administrative record either as hardcopy or on a data storage device.

(ii) Administrative record. The permitting authority must make the administrative record available for public inspection for the duration of the public comment period. The administrative record must:

(A) Be available in at least one location near the chapter 401 source. This may be at a physical location and/or posted on the permitting authority web site; and

(B) Include all nonproprietary information contained in the permit application and supporting materials.

(3) Public comment. Except as otherwise provided in WAC 173-401-725, the permitting authority shall provide a minimum of thirty days for public comment on actions described in subsection (2)(a) of this section.

(a) This comment period begins on the date of posting notice on their web site;

(b) No proposed permit shall be issued until the public comment period has ended and the permitting authority has prepared a response to the comments received.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the comment period required under subsection (3) of this section. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The permitting authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held at a time(s) and place(s) as the permitting authority deems reasonable. The permitting authority shall provide at least thirty days prior notice of any hearing.

(5) The permitting authority shall keep a record of the commentors and issues raised during the public participation process. Such records shall be available to the public.

To: adrienne.n.rosecrans@exxonmobil.com[adrienne.n.rosecrans@exxonmobil.com]; agatam@nwcleanairwa.gov[agatam@nwcleanairwa.gov]; alison.dean@westrock.com[alison.dean@westrock.com]; amcintyre@nwcleanair.orga[amcintyre@nwcleanair.orga]; Newman, Alan (ECY)[anew461@ECY.WA.GOV]; awestby@spokanecleanair.org[awestby@spokanecleanair.org]; bob.vantuyl@ashgrove.com[bob.vantuyl@ashgrove.com]; brandonh@awb.org[brandonh@awb.org]; Smits, Brenda (ECY)[BREN461@ECY.WA.GOV]; Smits, Brenda (ECY)[BREN461@ECY.WA.GOV]; carolec@pscleanair.org[carolec@pscleanair.org]; cconklin@spokanecity.org[cconklin@spokanecity.org]; charlestonramos@boisepaper.com[charlestonramos@boisepaper.com]; chris@nwpulpandpaper.org[chris@nwpulpandpaper.org]; darrell.soyars@avistacorp.com[darrell.soyars@avistacorp.com]; darren.wilson@ptpc.com[darren.wilson@ptpc.com]; davel@gravelpits.com[davel@gravelpits.com]; david.hulse@alcoa.com[david.hulse@alcoa.com]; david.w.moore@boeing.com[david.w.moore@boeing.com]; dbisenius@spokanecity.org[dbisenius@spokanecity.org]; Dererie, Debebe (ECY)[derd461@ECY.WA.GOV]; Trainer, Dorothy J. (DOC)[djtrainer@DOC1.WA.GOV]; dkdp44@gmail.com[dkdp44@gmail.com]; doug@nwenvlaw.com[doug@nwenvlaw.com]; dougkrapas@iepco.com[dougkrapas@iepco.com]; douglas.b.price@tsocorp.com[douglas.b.price@tsocorp.com]; ericsteffensen@bc.com[ericsteffensen@bc.com]; eschoedel@spokanecity.org[eschoedel@spokanecity.org]; gerryp@pscleanair.org[gerryp@pscleanair.org]; gmas@vertellus.com[gmas@vertellus.com]; hasan@yrcaa.org[hasan@yrcaa.org]; james.verburg@bp.com[james.verburg@bp.com]; jblais@gmccinc.com[jblais@gmccinc.com]; Filipy, Jenny (ECY)[JFIL461@ECY.WA.GOV]; LaSpina, Jim (UTC)[jlaspina@utc.wa.gov]; jmcdonald@oldcastlematerials.com[jmcdonald@oldcastlematerials.com]; john.rothlin@avistacorp.com[john.rothlin@avistacorp.com]; Schmidt, John W (DOH)[John.Schmidt@DOH.WA.GOV]; John@swcleanair.org[John@swcleanair.org]; Johnson, Jolaine (ECY)[JOLA461@ECY.WA.GOV]; Schwieters, Judith (ECY)[jsch461@ECY.WA.GOV]; jspiegel@wspa.org[jspiegel@wspa.org]; jvanderwood@agcwa.com[jvanderwood@agcwa.com]; kathryn.mitchell@alcoa.com[kathryn.mitchell@alcoa.com]; kathryn@nwpulpandpaper.org[kathryn@nwpulpandpaper.org]; Kelli.Gustaf@bp.com[Kelli.Gustaf@bp.com]; kevin.booth@avistacorp.com[kevin.booth@avistacorp.com]; kgimpel@spokanecity.org[kgimpel@spokanecity.org]; khawar.khan@honeywell.com[khawar.khan@honeywell.com]; klowry@cob.org[klowry@cob.org]; Krista.Kinsey@simplot.com[Krista.Kinsey@simplot.com]; kristin.b.marshall@boeing.com[kristin.b.marshall@boeing.com]; kvigeland@spokanecity.org[kvigeland@spokanecity.org]; lester.w.keel@tsocorp.com[lester.w.keel@tsocorp.com]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; ltober@nwcleanair.org[ltober@nwcleanair.org]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; lynt@nwcleanairwa.gov[lynt@nwcleanairwa.gov]; marjorie.brice@ge.com[marjorie.brice@ge.com]; mark.goodin@orcaa.org[mark.goodin@orcaa.org]; mark@nwcleanair.org[mark@nwcleanair.org]; martin@nwi.net[martin@nwi.net]; matthew.cohen@stoel.com[matthew.cohen@stoel.com]; mchambers@spokanecleanair.org[mchambers@spokanecleanair.org]; mcohen@stoel.com[mcohen@stoel.com]; mgreen@wcgrp.com[mgreen@wcgrp.com]; paul.stenhouse@recsilicon.com[paul.stenhouse@recsilicon.com]; paulbutkus@boisepaper.com[paulbutkus@boisepaper.com]; petewh@comcast.net[petewh@comcast.net]; Gent, Philip (ECY)[pgen461@ECY.WA.GOV]; pocengal_anthony@solarturbines.com[pocengal_anthony@solarturbines.com]; ptawdirector@mailhaven.com[ptawdirector@mailhaven.com]; pwendling@cob.org[pwendling@cob.org]; rebecca.a.spurling@tsocorp.com[rebecca.a.spurling@tsocorp.com]; reed_a_kaldor@rl.gov[reed_a_kaldor@rl.gov]; RichGarber@packagingcorp.com[RichGarber@packagingcorp.com]; Koster, Robert (ECY)[RKOS461@ECY.WA.GOV]; robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; romoyer@microsoft.com[romoyer@microsoft.com]; Ruddick, Randall[ruddick.randall@epa.gov]; russellstrader@bc.com[russellstrader@bc.com]; Vicente, Ryan (ECY)[rvic461@ECY.WA.GOV];

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From: Guilfoil, Elena (ECY)
Sent: Mon 3/20/2017 8:00:27 PM
Subject: RE: SSM Rulemaking - 3-20-2017 agenda and new economics handout
Stakeholder econ handout.docx
SSM agenda_3_20_2017.docx

Greetings.

Attached is an agenda and information about rulemaking economic analysis for today's SSM stakeholder meeting.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Guilfoil, Elena (ECY)
Sent: Monday, March 13, 2017 4:47 PM
To:
Subject: SSM Rulemaking - Draft for last meeting (3-20-2017)

Greetings SSM Stakeholders

Attached is the latest draft rule dated 3-20-2017.

Please pay particular attention to section 082. Items have been shuffled a bit and I added a process for a coordinated review of a request for a regulatory order. I still think the section needs work but I want to give you a full week to look at the entire preliminary draft.

During a separate meeting with oil refineries we agreed to a higher mass SO2 limit for SRU shutdown. The draft retains our last proposal because we have not received the additional information to support the higher number. The data that we do have supports the lower limit. Once we receive additional information, we will go over that with NWCAA and determine an appropriate alternative limit.

Our next meeting

March 20

1:30 pm until 3:30 pm

You may participate via a conference call or attend in-person at the Ecology building in Lacey. Refer to our website to register for the call to get the conference line.

Rulemaking schedule

Propose rule: May 25, 2017

Hearing: June 27, 2017

Adopt: Mid-November 2017

Please contact me if you have questions. Or if you have questions about a change you suggested that we haven't included.

Elena Guilfoil

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

SSM Stakeholder Meeting
March 20, 2017
1:30 p.m – 3:30 p.m.

Agenda

Roll-call

Economics handout

Regulatory order process

- streamlined process – one hearing for permitting agency and Ecology SIP review, templates
- 60 days completeness, 90 days draft order
- Level of detail in section?

Alternate emission standards

- Opacity
    - Furnace refractory: we have NO data to support an alternate standard. We can't propose an alternate standard without data.

- Sulfur dioxide
    - We're evaluate data we got after we distributed this draft.

- Particles

- We will need to revise these rules to make the new alternate standards applicable:
    - aluminum plants (Chapter 173-415 WAC)
    - kraft mills (Chapter 173-405 WAC)
    - sulfite mills (Chapter 173-410 WAC)

- Section 107, 108 and 109
    - Remove section 107 when EPA removes from SIP

Rulemaking schedule

- Propose rule: May 24
- Hearing: late June
- Adopt rule: late November
- SIP request to EPA: early 2018

To: adrienne.n.rosecrans@exxonmobil.com[adrienne.n.rosecrans@exxonmobil.com]; agatam@nwcleanairwa.gov[agatam@nwcleanairwa.gov]; alison.dean@westrock.com[alison.dean@westrock.com]; amcintyre@nwcleanair.orga[amcintyre@nwcleanair.orga]; Newman, Alan (ECY)[anew461@ECY.WA.GOV]; ECY RE AQ Outreach[aqoutreach@ECY.WA.GOV]; awestby@spokanecleanair.org[awestby@spokanecleanair.org]; bob.vantuyl@ashgrove.com[bob.vantuyl@ashgrove.com]; brandonh@awb.org[brandonh@awb.org]; Smits, Brenda (ECY)[BREN461@ECY.WA.GOV]; Smits, Brenda (ECY)[BREN461@ECY.WA.GOV]; carolec@pscleanair.org[carolec@pscleanair.org]; cconklin@spokanecity.org[cconklin@spokanecity.org]; charlestonramos@boisepaper.com[charlestonramos@boisepaper.com]; chris@nwpulpandpaper.org[chris@nwpulpandpaper.org]; darrell.soyars@avistacorp.com[darrell.soyars@avistacorp.com]; darren.wilson@ptpc.com[darren.wilson@ptpc.com]; davel@gravelpits.com[davel@gravelpits.com]; david.hulse@alcoa.com[david.hulse@alcoa.com]; david.w.moore@boeing.com[david.w.moore@boeing.com]; dbisenius@spokanecity.org[dbisenius@spokanecity.org]; Dererie, Debebe (ECY)[derd461@ECY.WA.GOV]; Trainer, Dorothy J. (DOC)[djtrainer@DOC1.WA.GOV]; dkdp44@gmail.com[dkdp44@gmail.com]; doug@nwenvlaw.com[doug@nwenvlaw.com]; dougkrapas@iepco.com[dougkrapas@iepco.com]; douglas.b.price@tsocorp.com[douglas.b.price@tsocorp.com]; Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]; ericsteffensen@bc.com[ericsteffensen@bc.com]; eschoedel@spokanecity.org[eschoedel@spokanecity.org]; gerryp@pscleanair.org[gerryp@pscleanair.org]; gmas@vertellus.com[gmas@vertellus.com]; hasan@yrcaa.org[hasan@yrcaa.org]; james.verburg@bp.com[james.verburg@bp.com]; jblais@grnccinc.com[jblais@grnccinc.com]; Filipy, Jenny (ECY)[JFIL461@ECY.WA.GOV]; LaSpina, Jim (UTC)[jlaspina@utc.wa.gov]; jmcdonald@oldcastlematerials.com[jmcdonald@oldcastlematerials.com]; john.rothlin@avistacorp.com[john.rothlin@avistacorp.com]; Schmidt, John W (DOH)[John.Schmidt@DOH.WA.GOV]; John@swcleanair.org[John@swcleanair.org]; Johnson, Jolaine (ECY)[JOLA461@ECY.WA.GOV]; Schwieters, Judith (ECY)[jsch461@ECY.WA.GOV]; jspiegel@wspa.org[jspiegel@wspa.org]; jvanderwood@agcwa.com[jvanderwood@agcwa.com]; kathryn.mitchell@alcoa.com[kathryn.mitchell@alcoa.com]; kathryn@nwpulpandpaper.org[kathryn@nwpulpandpaper.org]; Kelli.Gustaf@bp.com[Kelli.Gustaf@bp.com]; kevin.booth@avistacorp.com[kevin.booth@avistacorp.com]; kgimpel@spokanecity.org[kgimpel@spokanecity.org]; khawar.khan@honeywell.com[khawar.khan@honeywell.com]; klowry@cob.org[klowry@cob.org]; Krista.Kinsey@simplot.com[Krista.Kinsey@simplot.com]; kristin.b.marshall@boeing.com[kristin.b.marshall@boeing.com]; kvigeland@spokanecity.org[kvigeland@spokanecity.org]; lester.w.keel@tsocorp.com[lester.w.keel@tsocorp.com]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; ltober@nwcleanair.org[ltober@nwcleanair.org]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; lynt@nwcleanairwa.gov[lynt@nwcleanairwa.gov]; marjorie.brice@ge.com[marjorie.brice@ge.com]; mark.goodin@orcaa.org[mark.goodin@orcaa.org]; mark@nwcleanair.org[mark@nwcleanair.org]; martin@nwi.net[martin@nwi.net]; matthew.cohen@stoel.com[matthew.cohen@stoel.com]; mchambers@spokanecleanair.org[mchambers@spokanecleanair.org]; mcohen@stoel.com[mcohen@stoel.com]; mgreen@wcgrp.com[mgreen@wcgrp.com]; paul.stenhouse@recsilicon.com[paul.stenhouse@recsilicon.com]; paulbutkus@boisepaper.com[paulbutkus@boisepaper.com]; petewh@comcast.net[petewh@comcast.net]; Gent, Philip (ECY)[pgen461@ECY.WA.GOV]; pocengal_anthony@solarturbines.com[pocengal_anthony@solarturbines.com]; ptawdirector@mailhaven.com[ptawdirector@mailhaven.com]; pwendling@cob.org[pwendling@cob.org]; rebecca.a.spurling@tsocorp.com[rebecca.a.spurling@tsocorp.com]; reed_a_kaldor@rl.gov[reed_a_kaldor@rl.gov]; RichGarber@packagingcorp.com[RichGarber@packagingcorp.com]; Koster, Robert (ECY)[RKOS461@ECY.WA.GOV]; robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; romoyer@microsoft.com[romoyer@microsoft.com]; Ruddick, Randall[ruddick.randall@epa.gov];

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From: Guilfoil, Elena (ECY)
Sent: Mon 3/13/2017 11:46:57 PM
Subject: SSM Rulemaking - Draft for last meeting (3-20-2017)
SSM Draft-3_20_2017.docx

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Elena Guilfoil

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DRAFT Rulemaking Changes to Chapters 173-400 and 173-401 WAC

March 20, 2017 version

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WAC 173-400-025 Adoption of federal rules.

(1) Federal rules mentioned in this rule are adopted as they exist on DATE, 2017. Adopted or adopted by reference means the federal rule applies as if it was copied into this rule.

ED_001360A_00001200

WAC 173-400-030 Definitions. [The section defines 95 defined terms.]

"**Alternate emission limit**" means an emissions limit that applies during some but not all periods of normal operation (e.g., applies only during a specifically defined mode of operation such as startup or shutdown). An alternative emission limit is a component of a continuously applicable emission limit. An alternative emission limit may be a numerical limit or a design characteristic of the emission unit and associated emission controls, work practices, or other operational standard, such as a control device operating range.

"**Electronic means**" means email, fax or other electronic method.

(27) **"Emission standard"** and **"emission limitation"** and "emission limit" 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.

(30) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard.

"Hog fuel" means an unrefined mix of wood or wood waste.

"Hog fuel boiler" means device, furnace, or boiler using wood or wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"Industrial furnace" means enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy as defined in 40 CFR 260.10.

"**Mode of operation**" means a short-term operating condition of an emission unit with a specific beginning and end.

"Shutdown" means, generally, the cessation of operation of a stationary source for any reason.

"Startup" means, generally, the setting in operation of a stationary source or emissions unit for any reason.

"Useful thermal energy" means energy (steam or hot water) that meets the minimum operating temperature, flow, and/or pressure required by any system that uses energy provided by the affected boiler.

"**Wigwam or silo burner"** means a cone-shaped or cylindrical structure that burns wood waste for disposal.

"**Wood-fired boiler**" means device, furnace, or boiler that burns wood or wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"**Wood-waste burner**" means a device that burns wood.

(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 ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ 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 ($HCOOCH_3$); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2- Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;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 (in effect on the date in WAC 173-400-025). 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 limits or VOC content requirements: Tertiary-butyl acetate.

WAC 173-400-035 Nonroad engines.

(1) **Applicability.** This section applies to any nonroad engines as defined in WAC 173-400-030, except for:

(a) Any nonroad engine that is:
(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; or
(ii) In or on a piece of equipment that is intended to be propelled while performing its function.

(b) Nonroad engines with a cumulative maximum rated brake horsepower of 500 BHP or less.

(c) Engines being stored in work centers, garages, or engine pool sites prior to being dispatched to the field for use and that do not provide back-up power at the work

center, garage, or engine pool. Such engines may be operated at these facilities only for the purpose of engine maintenance, testing, and repair.

(d) A back-up nonroad engine demonstrated to have the same or lower emissions than the primary power nonroad engine.

(2) **Nonroad engines are not subject to:**
- (a) New source review.
- (b) Control technology determinations.
- (c) Emission limits set by the SIP.
- (d) Chapter 173-460 WAC.

(3) **Fuel standards.** All nonroad engines must use ultra low sulfur diesel or ultra low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra low sulfur diesel or ultra low sulfur bio-diesel is deemed to be compliant with this fuel standard.

(4) **> 500 and ≤ 2000 BHP.** This section applies to a project that requires the installation and operation of nonroad engines with a cumulative maximum rated brake horsepower greater than 500 BHP and less than or equal to 2000 BHP.

(a) Notification of intent to operate is required before operations begin. The owner or operator must notify the permitting authority of their intent to operate prior to beginning operation. The notice must contain the following information:
- (i) Name and address of owner or operator;
- (ii) Site address or location;
- (iii) Date of equipment arrival at the site;
- (iv) Cumulative engine maximum rated BHP.

(b) Recordkeeping. For each site, the owner or operator must record the following information for each nonroad engine:
- (i) Site address or location;
- (ii) Date of equipment arrival at the site;
- (iii) Date of equipment departure from the site;
- (iv) Engine function or purpose;
- (v) Identification of each component as follows:
  - (A) Equipment manufacturer, model number and its unique serial number;
  - (B) Engine model year;
- (vi) Type of fuel used with fuel specifications (sulfur content, cetane number, etc.).

(c) Record retention requirements. The owner or operator must keep the records of

the current engine and equipment activity in hard copy or electronic form. These records can be maintained on-site or off-site for at least five years and must be readily available to the permitting authority on request.

(5) **> 2000 BHP.** This section applies to a project that requires the installation and operation of any nonroad engine with a cumulative maximum rated brake horsepower greater than 2000 BHP.

(a) Notification of intent to operate.

(i) Prior to operation, the owner or operator must notify the permitting authority of the intent to operate and supply sufficient information to enable the permitting authority to determine that the operation will comply with national ambient air quality standards as regulated by WAC 173-400-113 (3) and (4).

(ii) The notification must contain, at a minimum, the information in (4)(a) of this section.

(b) Approval is required before operations begin. The owner or operator must obtain written nonroad engine approval to operate, from the permitting authority, prior to operation.

(c) Recordkeeping. The owner or operator must meet all of the requirements of subsection (4)(b) and (c) of this section.

(d) Recordkeeping. The owner or operator must meet all of the requirements of subsection (4)(b) and (c) of this section.

(6) Requirements specific to projects on a Department of Defense and Department of Energy facility.

(a) A Department of Defense and Department of Energy facility over 50 acres in size may exclude engines below 50 brake horsepower to determine cumulative maximum engine horsepower.

(b) Ecology may establish specific criteria to assist it and the Departments of Defense and Energy to determine when a particular nonroad engine becomes a stationary engine. This criteria shall not conflict with the definition of "nonroad" engine.

(7) **Integrated review**. Applicants seeking approval to construct or modify a stationary source that requires review under WAC 173-400-110 or 173-400-560 and to operate one or more nonroad engines in conjunction with the new or modified stationary source may elect to integrate the reviews. The notification process for integrated review must comply with the new source review public involvement procedures for the stationary source as applicable (i.e., WAC 173-400-171 or 173-400-740).

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(8) **Enforcement.** All persons who receive a nonroad engine approval to operate must comply with all conditions contained in the approval.

(9) **Permitting authority review period**. Within fifteen days after receiving a complete notice of intent to operate, the permitting authority must either issue the approval to operate or notify the applicant that operation must not start until the permitting authority has set specific operating conditions. The permitting authority must promptly provide copies of the final decision to the applicant.

(10) **Conditions to assure compliance with NAAQS**. Subject to the limitations of subsection (2) of this section, the permitting authority may set specific conditions for operation as necessary to ensure that the nonroad engines do not cause or contribute to a violation of National Ambient Air Quality Standards.

(11) **Appeals**. Final decisions and orders of ecology or a permitting authority may be appealed to the pollution control hearings board as provided in chapters 43.21B RCW and 371-08 WAC.

(12) **Change of conditions**. The owner or operator may request, at any time, a change in conditions of an approval to operate. The permitting authority may approve the request provided that the permitting authority finds that the operation will comply with WAC 173-400-113 (3) and (4).

WAC 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 limits 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.: The following are exceptions from this standard:

(a) 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.

(b) 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.

(c) When an alternate opacity limit has been established per:

(i) RCW 70.94.331(2)(c); or

(ii) WAC 173-400-082(3).

(d) When emissions occur due to startup of a hog fuel or wood fired boiler, visible emissions may exceed 20 percent opacity when the owner or operator complies with (i) and (ii) of this subsection.

(i) Comply with all of the following mandatory requirements:

(A) This subsection applies to a combustion unit with dry particulate matter controls. This subsection does not apply to a combustion unit with wet particulate matter controls.

(B) For purposes of this subsection:

(I) Startup begins when fuel is ignited in the boiler fire box; and

(II) Startup ends at the earlier of the following;

(III) If applicable, the dry electrostatic precipitator or baghouse controlling emissions from the boiler has met its minimum operating temperature. The control must be operated at this time; or

(IV) Within four hours of the start of supplying useful thermal energy.

(C) Maintain records sufficient to demonstrate compliance.

(ii) Comply with one of the following requirements:

(A) Visible emissions shall not exceed 40 percent opacity for three minutes in an hour during startup; or

(B) Engage all air pollution control devices once you start firing fuels; or

(C) The boiler shall:

(I) Use clean fuel identified in 5.b. in Table 3 to Subpart DDDDD of 40 C.F.R. Part 63 to the extent practicable during the startup;

(II) 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;

(III) Engage all the air pollution control devices as required in (d)(i)(B)(III) of this subsection, if applicable; and

(IV) Engage and operate particulate matter control device within one hour of first feeding fuels that are not clean fuels.

(e) When emissions occur due to soot blowing or grate cleaning of a hog fuel or wood fired boiler, visible emissions may not exceed 40 percent opacity for more than fifteen minutes in any eight consecutive hours. For this provision to apply, the owner or operator must meet all of the following requirements:

(i) Schedule the soot blowing and/or grate cleaning for the same approximate time(s) each day;

(ii) Notify the permitting authority in writing of the schedule in (i) of this subsection in advance of the occurrence of visible emission exceeding 20 percent opacity due to soot blowing and/or grate cleaning; and

(iii) Maintain records sufficient to demonstrate compliance.

(f) When emissions occur during curing of furnace refractory in an existing lime kiln, industrial furnace, or boiler, visible emissions may not exceed 40 percent opacity. For this provision to apply, the owner or operator must meet the following requirements:

(i) The total duration of refractory curing does not exceed 36 hours, unless provided for in an order issued in compliance with WAC 173-400-081(4) or WAC 173-400-082(4); and

(ii) The owner or operator provided a copy of the manufacturer's instructions on curing refractory to the permitting authority; and

(iii) The manufacturer's instructions on curing refractory are followed, including all instructions on temperature increase rates and holding temperatures and time; and

(iv) The emission controls are engaged as soon as possible during the curing process; and

(v) The owner or operator notifies the permitting authority at least one working day prior to the start of the refractory curing process.

(g) Visible emissions reader certification testing.
When testing and certifying visible emission readers, visible emissions from the "smoke generator" are exempt from the 20 percent opacity limit. Testing must follow testing and certification requirements in 40 C.F.R. Part 60, Appendix A, Reference Method 9 (in effect on the date in WAC 173-400-025) and ecology methods 9A and 9B (Ecology *Source Test Manual*).

(h) Military training exercises.
When holding military obscurant training exercises, visible emissions 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.
When training firefighters, visible emissions from fixed and mobile firefighting training facilities are exempt from the 20 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 their 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.**

(a) 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. Exceptions are listed in (b) and (c) of this subsection.

(b) Sulfur recovery unit alternate emission standard. During shutdown of a sulfur recovery unit regulated by 40 C.F.R. 63.1579 (in effect on the date in WAC 173-400-025), the owner or operator shall:

(i) Follow the facility's written startup or shutdown procedures;

(ii) Limit emissions to less than 100 pounds per event ;

(iii) Limit to [time limit]; and

(iv) Maintain records sufficient to demonstrate compliance.

(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).

WAC 173-400-050 Emission standards for combustion and incineration units.

(7) **Sewage sludge incineration units** constructed on or before October 14, 2010. Sewage sludge incineration units constructed on or before October 14, 2010, must comply with 40 C.F.R. Part 62, Subpart LLL (in effect on the date in WAC 173-400-025).

WAC 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 and silo burners.** As of January 1, 2020, it is illegal to use a wigwam or silo burner in Washington. A wigwam or silo burner may operate until midnight December 31, 2019 provided it complies with the following:

(a) All wigwam and silo burners designed to dispose of wood waste must meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), (7), (8), and WAC 173-400-050(4) or) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025), as applicable.

(b) All wigwam and silo burners must 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 permitting 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) The permit authority may establish additional requirements for wigwam and silo burners. 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 and silo burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(2), visible emissions..

(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).

(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 as specified in WAC 173-400-040(2). .

(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) **Other wood waste burners.**

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(a) Wood waste burners shall meet all applicable provisions of:

(i) WAC 173-400-040 and -050;

(ii) 40 C.F.R. Part 60, Subpart CCCC (in effect on the date in WAC 173-400-025); and

(iii) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025).

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(6) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991

WAC 173-400-081 Emission limits during startup and shutdown.

(1) In promulgating technology-based emission standards and establishing emission limits when making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authority will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) When the permitting authority determines, as part of its control technology determination, 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 limit or standard during startup or shutdown, the permitting authority must include in the standard or regulatory order appropriate alternate emission limits, 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 limit or other operating parameter adopted under this rule.

(4) An emission limit or other parameter adopted under this rule which increases allowable emissions during a startup or shutdown period over levels authorized in Washington's SIP shall not take effect until the requirements and procedures in WAC 173-400-082(4) are complied with..

WAC 173-400-082 Alternate emission limit that exceeds a standard in the SIP.

(1) Applicability.

(a) The owner or operator of a source or stationary source may request an alternative emission limit that applies to a specific emission unit(s) during a clearly defined mode of operation. The alternative emission limit established under this section becomes a sourcespecific SIP emission standard.

(b) Should we include info about process: request goes from facility to air agency to Ecology to EPA?

(2) Pollutant scope. An alternative emission limit may be established under this section for any of the following SIP-approved emission standards in 40 C.F.R. 52.2470:

(a) Opacity emission standard in:
- (i) WAC 173-400-040 (2);
- (ii) WAC 173-405-040(6);
- (iii) WAC 173-415-030(3) and(3)(a); and
- (iv) WAC 1730434-130(4).

(b) Sulfur dioxide emission standard in:
- (i) WAC 173-400-040 (7);
- (ii) WAC 173-405-040 (11);
- (iii) WAC 173-410-040 (1);
- (iv) WAC 173-415-030(5); and
- (v) WAC 173-434-130(3).

(c) Particulate matter emission standards in:
- (i) WAC 173-400-050 (1) and -060;
- (ii) WAC 173-405-040 (1)(a), (2), (3)(a), and (5);
- (iii) WAC 173-410-040 (2);
- (iv) WAC 173-415-030(2); and
- (v) WAC 173-434-130(1).

(d) Emission standards contained in a local air pollution control authority rule that has been approved into the SIP in 40 CFR 52.2470.

(3) Requirements to request an alternative emission limit.

(a) The owner or operator may request an alternative emission limit applicable to a specific mode of operation that exceeds a standard in the SIP. A mode of operation for an emission unit may include periods of startup, shutdown, maintenance, or other transient (short-term) operation.

(b) A request for an alternative emission limit must be submitted to the permitting

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authority in writing. The permitting authority shall determine the adequacy of the information.

(c) A request for an alternative emission limit must provide data and documentation sufficient to:

(i) Specify which emission unit(s) and specific mode of operation the requested alternative emission limit is to cover;

(ii) Demonstrate the operating characteristics of the emission unit(s) for which the alternative emission standard is being requested prevent meeting the applicable emission standard during the specific mode of operation. Operating characteristics may include the operational variations in the emission unit, installed emission control equipment, work practices, or other means of emission control that could affect the frequency, or duration and quantity of emissions during the transient mode of operation.

(iii) Demonstrate why it is not technologically feasible to use the existing control system or any practicable operating scenario that would enable the emission unit or stationary source to comply with the SIP emission standard, and avoid the need for an alternative emission standard;

(iv) Demonstrate that PSD increments when applicable and ambient air quality standards in chapter 173-476 WAC will not be exceeded by emissions from the proposed alternative limit;

(v) Determine best operational practices for the emission unit(s) involved;

(vi) Minimize the frequency and duration of the specific mode of operation to the shortest practicable amount of time;

(vii) Minimize the quantity and impact of the emissions resulting from the specific operating scenario; and

(viii) Not exceed an emission standard applicable to the emission unit in 40 C.F.R. Parts 60, 61, 62, 63, or 72 (in effect on the date in WAC 173-400-025). For the purpose of this subsection, an automatic or discretionary exemption for a specific operating mode in an applicable rule does not apply.

(4) Process a request for a regulatory order.

(a) Completeness determination.

(i) Within sixty days of receiving an application, the permitting authority must notify the applicant that a request for an alternate emission limit is complete or incomplete.

(ii) The permitting authority must include the reasons they find the request incomplete.

(iii) The permitting authority may request or accept additional information after determining a request complete.

(b) Denial. The permitting authority may deny a request for an alternative emission limit. The denial must include the basis for the denial.

(c) Final determination. Within ninety days of receipt of a complete application, the permitting authority must either:

(i) Initiate notice and public comment for a mandatory action as required by WAC 173-400-171 followed as promptly as possibly by a final decision; or

(ii) Coordinate review and public comment consistent with (d) of this subsection.

(iii) Extend the determination period due to the complexity of the request.

(d) Coordinated review process. An applicant may request coordinated review of a request between the permitting authority and Ecology.

(i) Once the permitting authority has prepared a draft order, the permitting authority must send these documents electronically to Ecology for review:

(A) Request for an order;

(B) Draft order in a format specified by Ecology; and

(C) Permitting authority analysis of the request.

(ii) Within 60 days of receiving a draft order from the permitting authority, Ecology must inform the permitting authority of its approval or denial of the draft order. Ecology must include the reasons for a denial.

(iii) Once Ecology has approved a draft order, the permitting authority must initiate notice and public comment for a mandatory action as required by WAC 173-400-171 followed as quickly as as promptly as possibly by a final decision.

(5) Standard review process.
Local air agency must

- Send Ecology materials in advance of the public comment period
- hold hearing/comment period

- Send draft final order/materials to Ecology

Ecology must
- review and if disagree, return order with comments
- review and if agree, hold public comment period
- send SIP request to EPA

(6) The regulatory order must include:

(a) The name or other designation used by the source to identify the specific emission unit(s) subject to the alternative emission limit;

(b) A clearly defined specific mode of operation that includes criteria [parameters?] for determining:

(i) The start and stop point for a mode of operation; and
(ii) When the alternative emission limit applies.

(c) The emission limit for the specific mode of operation.

(d) A requirement that the applicable emission unit(s) are operated in a manner consistent with good operating practices for minimizing emissions during the time the alternative emission limit is in effect;

(e) A statement that the alternative emission limit authorized by the regulatory order is not in effect until the effective date of EPA's incorporation of the alternative emission limit in the SIP; and

(f) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with each condition in the order.

(7) The pemitting authority can not issue a final order under this section until:

(a) Ecology is satisfied that the proposed alternative emission limit is consistent with the purposes of chapter 70.94 RCW as required by RCW 70.94.380; and

(b) The effective date of EPA's approval of the order as a SIP amendment.

(8) Ecology requirements. Ecology must:

(a) Inform the permitting authority and the applicant of its acceptance or denial of the draft order within 60 days of receipt of the request.

(b) Approve an order when satisfied that the proposed alternative emission limit is consistent with the purposes of chapter 70.94 RCW as required by RCW 70.94.380.

(c) Hold a public comment period consistent with WAC 173-400-171(12) to submit

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the regulatory order to EPA as a SIP amendment, if the process has not gone through the coordinated review process in (4)(d).

(d) Notify the permitting authority and the applicant of the reasons for denial of a draft order.

(9) Fees. A permitting authority may assess and collect fees according to its fee schedule.

WAC 173-400-107 Excess emissions.

This section is in effect until the effective date of EPA's removal of the September 20, 1993 version of this section from the SIP. This section is not effective starting on that date.

(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.

WAC 173-400-108 Excess emissions reporting. [State-only requirement not federally enforceable]

(1)

Notify the permitting authority.

(i) The owner or operator must notify its permitting authority when excess emissions represent a potential threat to human health or safety as soon as possible, but not later than **twelve hours** after the excess emissions were discovered.

(ii) For all other excess emissions, the owner or operator must notify its permitting authority within 30 days after the end of the month during which the excess emissions event occurred.

(2) Report. The owner or operator must report all excess emissions to the permitting authority:

(i) To claim emissions as unavoidable under WAC 173-400-109, the report must contain the information in (4) of this section.

(ii) Chapter 173-401 WAC source: As provided in WAC 173-401-615(3).

(iii) All other sources:

(A) Within thirty days after the end of the month during which the event occurred; or

(B) As part of the next routine emission monitoring report.

(3) The report must contain at least the following information:

(a) Date, time, duration of the episode;

(b) Known causes;
(c) For exceedances of emission limits other than opacity, an estimate of the quantity of excess emissions;
(d) The corrective actions taken;
(e) The preventive measures taken or planned to minimize the chance of recurrence; and
(f) Information in (4) of this section to claim an excess emission event is unavoidable.
(g) Exemption. A chapter 147-401 source must report equivalent information under WAC 173-401-615 so it is exempt from (a) through (e) of this subsection. Subsection (f) continues to apply.

(4) For any excess emission event that the owner or operator claims to be unavoidable under WAC 173-400-109, the report must also include the following information:

(a) Contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(b) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

(c) All additional information required under WAC 173-400-109 (2), (3), (4), (5) or (6) supporting the claim that the excess emissions were unavoidable.

WAC 173-400-109 Unavoidable excess emissions. [State-only requirement not federally enforceable]

(1) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

(a) The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source.

(b) Excess emissions determined by the permitting authority to be unavoidable :

(i) A violation subject to WAC 173-400-230 (3), (4),and (6); and

(ii) Not subject to civil penalty under WAC 173-400-230(2).

Nothing in a state rule limits a federal court's jurisidiction or discretion to determine the appropriate remedy in an enforcement action.

(2) The owner or operator of a source shall have the burden of proving to the permitting

authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4) of this section.

(3) ~~(c)~~ This section does not apply to an exceedance of an emission standard in 40 C.F.R. Parts 60, 61, 62, 63, and 72 (in effect on the date in WAC 173-400-025), or a permitting authority's adoption by reference of these federal standards.

(4) ~~(d)~~ This section does not apply to an exceedance of an emission limit and standard in a PSD permit issued solely by EPA.

(5) ~~(f)~~ Excess emissions that occur due to upsets or malfunctions during startup or shutdown are treated as upsets or malfunctions under subsection (6) of this section.

(6) Excess emissions due to upsets or equipment malfunctions will be considered unavoidable provided the source reports as required by WAC 173-400-108 and demonstrates to the permitting authority 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;

(c) When the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit or source as necessary to minimize emissions;

(d) If the emitting equipment had to continue operation during the malfunction for safety reasons to prevent the loss of life, prevent personal injury, or to minimize overall emissions, repairs were made in an expeditious fashion;

(e) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(f) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(g) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

WAC 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 means 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 limit; or

(g) An order to authorize a bubble; or

(h) An action to discount the value of an emission reduction credit, ERC, issued to a source per WAC 173-400-136; or

(i) A regulatory order to establish best available retrofit technology, BART, for an existing stationary facility; or

(j) A notice of construction application or regulatory order used to establish a creditable emission reduction; or

(k) An order issued under WAC 173-400-091 that establishes limits 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) An extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area; or

(n) An application or other action for which the permitting authority determines that there is significant public interest; or

(o) An order issued under WAC 173-400-082 that establishes an emission limit that exceeds a SIP standard.

(4) **Advertising the mandatory public comment period.**

(a) Public notice of all applications, orders, or actions listed in subsection (3) of this section must posted on the permitting authority web site for the duration of the public comment period. Duration does not require uninterrupted web site access.

(i) The permitting authority may supplement this method of notification by advertising in a newspaper of general circulation in the area of the proposed action or by other methods appropriate to notify the local community. ..

(ii) A permitting authority must publish a legal notice of the public comment period in a newspaper of general circulation in the area of the proposed action until July 1, 2018. It is recommended that a permitting authority continue publishing a legal notice for a project with high interest.

(b) This public notice can be posted 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.

(c) The notice must be posted or given before any of the applications or other actions listed in subsection (3) of this section are approved or denied.

(d) The applicant or other initiator of the action must pay the publishing cost of providing public notice in a newspaper if the permitting authority determines supplemental noticing is required.

(5) **Information available for public review.**

(a) Administrative record. 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. A permitting authority may comply with this requirement by making these materials available on their web site or in at least one physical location near the proposed project.

(b) The permitting authority must post the following information on their web site for the duration of the public comment period:

(A) Public notice complying with subsection (6) of this section;

(B) Draft permit, order, or action; and

(C) Information on how to access the administrative record.

(D) Duration does not require uninterrupted web site access.

(c) 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.** Public notice must be posted at least by the start date of the public comment period.

(a) The notice must include:
- (i) The date the public notice is posted;
- (ii) The name and address of the owner or operator and the facility;
- (iii) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;
- (iv) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;
- (v) The location where those documents made available for public inspection may be reviewed;
- (vi) Start date and end date for a thirty-day public comment period. If a holiday falls within this period, that is not considered one of the thirty-days.;
- (vii) A statement that a public hearing will be held if the permitting authority determines that there is significant public interest;
- (viii) 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 or electronic means. 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) Post the public hearing notice on the permitting authority web site as directed by (4) of this section;

(ii) The permitting authority may supplement the web posting by advertising in a newspaper of general circulation in the area of the proposed source or action, or by other methods appropriate to notify the local community. and

(iii) Distribute by electronic means or postal service 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 supplemental notice costs if the permitting authority determines a supplemental notice is appropriate. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(11) **Notifying the EPA.**

The permitting authority must distribute by electronic means or postal service 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.

WAC 173-400-740 Permitting public involvement requirements.

(1) **Actions requiring notification of the public.** Ecology must provide public notice before approving or denying any of the following types of actions related to implementation of the PSD program contained in WAC 173-400-720:

(a) Any preliminary determination to approve or disapprove a PSD permit application; or

(b) An extension of the time to begin construction or suspend construction under a PSD permit; or

(c) A revision to a PSD permit, except an administrative amendment to an existing permit; or

(d) Use of a modified or substituted 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 of air quality impacts.

(2) **Notification of the public.** As expeditiously as possible after the receipt of a complete PSD application, and as expeditiously as possible after receipt of a request for extension of the construction time limit under WAC 173-400-730(6), or after receipt of a nonadministrative revision to a PSD permit under WAC 173-400-750, ecology shall:

(a) Administrative record. Make available for public inspection in at least one location in the vicinity where the proposed source would be constructed, or for revisions to a PSD permit where the permittee exists, a copy of the information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality and air quality related values, considered in making the preliminary determination. Ecology may comply with this requirement by making these materials available on ecology's web site or at a physical location.

(i) Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post online on a web site but may be made available as part of the permit record either as hardcopy or on a data storage device.

(ii) 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.

(b) Notify the public by:

(i) Posting the following information on ecology's web site for the duration of the public comment period:

(A) Public notice elements in (3) of this section;

(B) PSD draft permit;

(C) PSD technical support document; and

(D) Information on how to access the administrative record.

(E) Duration does not require uninterrupted web site access.

(ii) If ecology grants a request to extend the public comment period, ecology must:

(A) Post the extension notice on the same web site where the original notice was posted;

(B) Specify the closing date of the extended comment period in the extension notice; and

(C) Distribute a copy of the extension notice by electronic means or postal service to whomever requested the extension and the organizations and individuals listed in (c) and (d) of this

subsection.

(iii) If a hearing is held, the public comment period must extend through the hearing date.

(iv) If ecology determines a supplemental notice is appropriate, the applicant or other initiator of the action must pay the cost of providing this public notice. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(c) Distribute by electronic means or postal service a copy of the public notice to:
- (i) Any Indian governing body whose lands may be affected by emissions from the project;
- (ii) The chief executive of the city where the project is located;
- (iii) The chief executive of the county where the project is located;
- (iv) Individuals or organizations that requested notification of the specific project proposal;
- (v) Other individuals who requested notification of PSD permits;
- (vi) Any state within 100 km of the proposed project.

(d) Distribute by electronic means or postal service a copy of the public notice, PSD preliminary determination, and the technical support document to:
- (i) The applicant;
- (ii) The affected federal land manager;
- (iii) EPA Region 10;
- (iv) The permitting authority with authority over the source under chapter 173-401 WAC; and
- (v) Individuals or organizations who request a copy.

(3) **Public notice content.** The public notice shall contain at least the following information:
- (a) The date the public notice is posted;
- (b) The name and address of the applicant;
- (c) The location of the proposed project;
- (d) A brief description of the project proposal;
- (e) The preliminary determination to approve or disapprove the application;
- (f) How much increment is expected to be consumed by this project;
- (g) The name, address, and telephone number of the person to contact for further information;
- (h) A brief explanation of how to comment on the project;
- (i) An explanation on how to request a public hearing;
- (j) The location of the draft permit and information on how to access the administrative record;
- (k) The start date and end date for a thirty-day public comment period starting from the date of posting notice on the web site. If a holiday falls within this period, that is not considered one of the thirty-days. ;
- (l) A statement that a public hearing may be held if ecology determines within a

thirty-day period that significant public interest exists;

(m) The length of the public comment period in the event of a public hearing; and

(n) For projects subject to special protection requirements for federal Class I areas, in WAC 173-400-117, and where ecology disagrees with the analysis done by the federal land manager, ecology shall explain its decision in the public notice or state that an explanation of the decision appears in the technical support document for the proposed approval or denial.

(4) **Public hearings.**

(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period. A request must indicate the interest of the entity filing it and why a hearing is warranted. Whether a request for a hearing is filed or not, ecology may hold a public hearing if it determines significant public interest exists. Ecology will determine the location, date, and time of the public hearing.

(b) Notification of a public hearing will be accomplished per the requirements of WAC 173-400-740(2).

(c) The public must be notified at least thirty days prior to the date of the hearing (or first of a series of hearings).

(5) **Consideration of public comments.** Ecology shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered. Ecology shall make all public comments available for public inspection at the same website where the preconstruction information on the proposed major source or major modification was made available.

(6) **Issuance of a final determination.**

(a) The final approval or disapproval determination must be made within one year of receipt of a complete application and must include the following:

(i) A copy of the final PSD permit or the determination to deny the permit;

(ii) A summary of the comments received;

(iii) Ecology's response to those comments;

(iv) A description of what approval conditions changed from the preliminary determination; and

(v) A cover letter that includes an explanation of how the final determination may be appealed.

(b) Ecology shall post the final determination on the same website where the draft permit and public notice was posted according to (2)(b)(i) of this section.

(c) Ecology shall distribute by electronic means or postal service a copy of the cover letter that accompanies the final determination to:

(i) Individuals or organizations that requested notification of the specific project proposal; and

(ii) Other individuals who requested notification of PSD permits.

(d) Ecology shall distribute by electronic means or postal service a copy of the final determination shallto:
- (i) The applicant;
- (ii) U.S. Department of the Interior - National Park Service;
- (iii) U.S. Department of Agriculture - Forest Service;
- (iv) EPA Region 10;
- (v) The permitting authority with authority over the source under chapter 173-401 WAC; and
- (vi) Any person who commented on the preliminary determination.

WAC 173-401-645 Emergency provision.

Starting January 1, 2018 this section is no longer effective. A permitting authority must remove this provision from an individual operating permit during the first possible periodic permit renewal, permit modification, or permit reopening after this date.

(1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limit under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limits if the conditions of subsection (3) of this section are met.

(3) Criteria. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

- (a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
- (b) The permitted facility was at the time being properly operated;
- (c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
- (d) The permittee submitted notice of the emergency to the permitting authority within two working days of the time when emission limits were exceeded due to the emergency or shorter periods of time specified in an applicable requirement. This notice fulfills the requirement of WAC 173-401-615 (3)(b) unless the excess emissions represent a potential threat to human health or safety. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) Relationship to other rules. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

WAC 173-401-724 Off-permit changes.

(1) The source shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions. Any change that is a Title I modification of the FCAA or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

(2) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(3) Sources must provide contemporaneous written notice to the permitting authority and EPA of each such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(4) The change shall not qualify for the permit shield under WAC 173-401-640.

(5) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(6) A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152.

WAC 173-401-800 Public involvement.

(1) Purpose. It is ecology's and local air authorities' goal to ensure that accurate permitting information is made available to the public in a timely manner. The permitting authority is responsible for providing notice of permitting actions that allows sufficient time for comment and for providing enough information to inform the public of the extent of the actions proposed. These public involvement regulations establish a statewide process to be followed by all permitting authorities.

(2) Public notice.
(a) The permitting authority shall provide public notice for the following actions:

(i) Issuance of a draft permit or permit renewal;
(ii) Intended denial of a permit application;
(iii) Issuance of a draft permit modification;
(iv) Issuance of a draft general permit;
(v) Scheduling of a public hearing under subsection (4) of this section; and
(vi) Any other related activities that the permitting authority considers to involve substantial public interest.

(b) Notice shall be given by the following methods:

(i) Permitting authority web site. A permitting authoriy must post notice on their web site for the duration of the public comment period. Duration does not require uninterrupted web site access:

(ii) A permitting authority may supplement notice on an individual permit or action. Additional notice may include, but is not limited to, a newspaper of general circulation in the area of the permittee.

(iii) *Permit Register*.

(A) Ecology shall publish notice in the *Permit Register* according to WAC 173-401-805.

(B) The permitting authority shall send information on any action requiring publication in the *Permit Register* to ecology within three days of the action.

(c) Notice of the activities described in (a) of this subsection shall also be provided to persons requesting to receive this notice. The permitting authority shall maintain a mailing list of persons requesting notice, and may maintain more than one list, such as lists based on geographical location. The mailing list may be electronic or hardcopy, or both. No request shall require the extension of the comment period associated with the notice. The permitting authority may from time to time inform the public of the opportunity to be on the list and may also delete from the list persons who fail to respond to an inquiry of continued interest in receiving the notices.

(d) Public notice must include:
(i) Name and address of the permitting authority;
(ii) Name and address of the permit applicant, and if different, the name and address of the facility or activity regulated by the permit, unless it is a general permit;
(iii) A brief description of the business conducted at the facility and activity involved in the permit action;
(iv) Name, address, and telephone number of a person (or an email or web site address) from whom interested persons may obtain further information

such as copies of the draft permit, the application, and relevant supporting materials;

(v) A brief description of the comment procedures, including the procedures to request a hearing, and the time and place of any hearings scheduled for the permit; and

(vi) A description of the emission change involved in any permit modification.

(e) Availability for public inspection.

(i) The permitting authority must post the draft permit and technical support document on their web site. Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post on a web site but may be made available as part of the administrative record either as hardcopy or on a data storage device.

(ii) Administrative record. The permitting authority must make the administrative record available for public inspection for the duration of the public comment period. The administrative record must:

(A) Be available in at least one location near the chapter 401 source. This may be at a physical location and/or posted on the permitting authority web site; and

(B) Include all nonproprietary information contained in the permit application and supporting materials.

(3) Public comment. Except as otherwise provided in WAC 173-401-725, the permitting authority shall provide a minimum of thirty days for public comment on actions described in subsection (2)(a) of this section.

(a) This comment period begins on the date of posting notice on their web site;

(b) No proposed permit shall be issued until the public comment period has ended and the permitting authority has prepared a response to the comments received.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the comment period required under subsection (3) of this section. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The permitting authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held at a time(s) and place(s) as the permitting authority deems reasonable. The permitting authority shall provide at least thirty days prior notice of any hearing.

(5) The permitting authority shall keep a record of the commentors and issues raised during the public participation process. Such records shall be available to the public.

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From: Guilfoil, Elena (ECY)
Sent: Wed 2/22/2017 8:22:13 PM
Subject: RE: SSM Rulemaking - a few corrections
New proposal for boiler provision_2_22_2017.docx
AGENDA_January 9.docx

Greetings.

Attached is a draft proposal for an additional alternate limit for hog-fueled or wood-fired boilers and an agenda for today's meeting.

Thanks to Russell Strader for catching a few mistakes.

My *goal* in 040(2) was to use a parallel structure for (d), (e) and (f) on page 10. The construct is that (2) establishes the standard requirement of 20 percent opacity. (d), (e), and (f) allow up to 40 percent for specific situations.

•□□□□□□□ 040(2)(d) should be "visible emissions may ~~exceed~~ not exceed 40 percent opacity when the following…"

•□□□□□□□ 040(e) relocates the existing requirement from the struck out (2) (a) on page 9 except it allows 40 instead of 20 percent opacity. It should be: "visible emissions may not exceed 40 percent for more than 15 minutes in any 8 consecutive hours." "Consecutive" ended up after 15 instead of 8 in the draft.

•□□□□□□□ 040(f) should be "When ~~visible~~ emissions ~~that~~ occur during curing of furnace refractory ~~after maintenance, repair, or replacement in an existing~~ in a lime kiln, industrial furnace or boiler, visible emissions may not exceed 40 percent opacity. For this exemption to

apply, the owner or operator must meet ~~when~~ the following requirements ~~are met~~: …

"after maintenance, repair, or replacement in an existing "is deleted because curing always occurs during this period.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Guilfoil, Elena (ECY)
Sent: Tuesday, February 21, 2017 10:19 AM
To:

Subject: SSM Rulemaking - next version is attached

SSM Stakeholders

Attached is the latest draft rule and a copy of the 2015 EPA SSM Policy. I apologize that it is late.

Our next meeting is tomorrow:

February 22

1:30 pm until 3:30 pm

You may participate via a conference call or attend in-person at the Ecology building in Lacey. Refer to our website to register for the call to get the conference line.

Please contact me if you have questions.

Elena Guilfoil

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Guilfoil, Elena (ECY)
Sent: Friday, February 17, 2017 4:38 PM
To: 'Agata McIntyre' <AgataM@nwcleanairwa.gov>
Subject: FW: SSM Rulemaking - next version is delayed

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Guilfoil, Elena (ECY)
Sent: Friday, February 17, 2017 2:25 PM
To: Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>; 'adrienne.n.rosecrans@exxonmobil.com' <adrienne.n.rosecrans@exxonmobil.com>; <alison.dean@westrock.com>; <amcintyre@nwcleanair.orga>; <awestby@spokanecleanair.org>; <brandonh@awb.org>; <carolec@pscleanair.org>; <chris@nwpulpandpaper.org>; <davel@gravelpits.com>; <david.w.moore@boeing.com>; <doug@nwenvlaw.com>; <dougkrapas@iepco.com>; <LHUL461@ECY.WA.GOV>; <hasan@yrcaa.org>; <JOLA461@ECY.WA.GOV>; <jspiegel@wspa.org>; <jvanderwood@agcwa.com>; <kevin.booth@avistacorp.com>; <khawar.khan@honeywell.com>; <klowry@cob.org>; <RKOS461@ECY.WA.GOV>; <JLaSpina@utc.wa.gov>; <ltober@nwcleanair.org>; <LHUL461@ECY.WA.GOV>; <lynt@nwcleanairwa.gov>; <mark.goodin@orcaa.org>; <mark@nwcleanair.org>; <mcohen@stoel.com>; <anew461@ECY.WA.GOV>; <pgen461@ecy.wa.gov>; <pwending@cob.org>; <robin.priddy@bentoncleanair.org>; ssch461@ECY.WA.GOV>; <John.Schmidt@DOH.WA.GOV>;<jsch461@ECY.WA.GOV>; <stevev@pscleanair.org>; <swati.shastri@honeywell.com>; <tspeir@co.pierce.wa.us>; <rvic461@ECY.WA.GOV>; <Wess@swcleanair.org>; <gerryp@pscleanair.org>; <John@swcleanair.org>; <gspe461@ECY.WA.GOV>; <martin@nwi.net>; <dkdp44@gmail.com>; <RichGarber@packagingcorp.com>; <mchambers@spokanecleanair.org>; <ruddick.randall@epa.gov>; <kathryn@nwpulpandpaper.org>; <Kelli.Gustaf@bp.com>; <Krista.Kinsey@simplot.com>; <darren.wilson@ptpc.com>; <JOLA461@ECY.WA.GOV>; <JFIL461@ECY.WA.GOV>; <BREN461@ECY.WA.GOV>; pwendling@cob.org

Subject: SSM Rulemaking - next version is delayed

Greetings.

I haven't been able to complete my editing of the next version yet. My fingers are flying but it's taking longer than I'd hoped. I will send the draft out as soon as I can – probably sometime this weekend.

I apologize for not giving you the draft a week in-advance of our next meeting.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

February 22, 2017
SSM Stakeholder Meeting Agenda
1:30 pm – 3:30 pm

1:30 pm	Roll Call
	2015 EPA SSM Policy
Comments	• 040 (10) and (11) • Sections 107, 108, 109
	Section 082
	Section 040
	New opacity option for boilers: 040(d)
	Public notice: holiday schedule change, date notice

Additional alternate opacity emission standard in WAC 173-400-040(2)(d)

Proposal for an additional alternate opacity emission standard for a hog fuel or wood fired boiler provision - in 040(2)(d)

(d) This subsection applies to a combustion unit with dry particulate matter controls. This subsection does not apply to a combustion unit with web particulate matter controls. When emissions occur due to startup of a hog fuel or wood fired boiler, visible emissions may exceed the 20 percent opacity limit when the source complies with (i) and (ii) of this subsection and one of the requirements in (iii) through (v) of this subsection:

(i) For purposes of this subsection:

(A) Startup begins when fuel is ignited in the boiler fire box; and

(B) Startup ends at the earlier of the following;

(I) If applicable, the dry electrostatic precipitator or baghouse controlling emissions from the boiler has met its minimum operating temperature. The control must be operated at this time; or

(II) Within four hours of the start of supplying useful thermal energy.

(ii) Maintain records documenting that the boiler complied with the requirements in this subsection. Records mean properly signed contemporaneous operating logs or other relevant evidence.

(iii) Visible emissions shall not exceed 40 percent opacity; or

(iv) Engage all air pollution control devices once you start firing fuels; or

(v) The boiler shall:

(A) Use clean fuel identified in 5.b. in Table 3 to Subpart DDDDD of 40 C.F.R. Part 63 to the extent practicable during the startup.

(B) Minimize the startup period according to the manufacturer's recommended procedure. In the absence of manufacturer's recommendation, the source shall use recommended startup procedure for a unit of a similar design.

(C) Engage all the air pollution control devices as required in 040(2)(a)(i)(B).

(D) Engage and operate particulate matter control device within one hour of first feeding fuels that are not clean fuels.

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From: Guilfoil, Elena (ECY)
Sent: Tue 2/21/2017 6:18:54 PM
Subject: SSM Rulemaking - next version is attached
EPA SSM Policy 80 FR 33976.pdf
SSM Draft-2_22_2017.docx

SSM Stakeholders

Attached is the latest draft rule and a copy of the 2015 EPA SSM Policy. I apologize that it is late.

Our next meeting is tomorrow:

February 22

1:30 pm until 3:30 pm

You may participate via a conference call or attend in-person at the Ecology building in Lacey. Refer to our website to register for the call to get the conference line.

Please contact me if you have questions.

Elena Guilfoil

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Subject: SSM Rulemaking - next version is delayed

Greetings.

I haven't been able to complete my editing of the next version yet. My fingers are flying but it's taking longer than I'd hoped. I will send the draft out as soon as I can – probably sometime this weekend.

I apologize for not giving you the draft a week in-advance of our next meeting.

Elena

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Part IV

Environmental Protection Agency

40 CFR Part 52
State Implementation Plans: Response to Petition for Rulemaking; Restatement and Update of EPA's SSM Policy Applicable to SIPs; Findings of Substantial Inadequacy; and SIP Calls To Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction; Final Rule

XI. Statement of the EPA's SSM SIP Policy as of 2015

The EPA's longstanding interpretation of the CAA is that SIP provisions cannot include exemptions from emission limitations for emissions during SSM events. In order to be permissible in a SIP, an emission limitation must be applicable to the source continuously, *i.e.,* cannot include periods during which emissions from the source are legally or functionally exempt from regulation. Regardless of its form, a fully approvable SIP emission limitation must also meet all substantive requirements of the CAA applicable to such a SIP provision, *e.g.,* the statutory requirement of section 172(c)(1) for imposition of RACM and RACT on sources located in designated nonattainment areas.

This section of the document provides more specific guidance on the appropriate treatment of emissions during SSM events in SIP provisions, replacing the EPA's prior guidance issued in memoranda of 1982, 1983, 1999 and 2001. The more extended explanations and interpretations provided in other sections of this document are also applicable, should a situation arise that is not sufficiently covered by this section's more concise policy statement. This SSM Policy as of 2015 is a policy statement and thus constitutes guidance. As guidance, this SSM Policy as of 2015 does not bind states, the EPA or other parties, but it does reflect the EPA's interpretation of the statutory requirements of the CAA. The EPA's evaluation of any SIP provision, whether prospectively in the case of a new provision in a SIP submission or retrospectively in the case of a previously approved SIP submission, must be conducted through a notice-and-comment rulemaking in which the EPA will determine whether a given SIP provision is consistent with the requirements of the CAA and applicable regulations.

A. Definitions

The term *alternative emission limitation* means, in this document, an emission limitation in a SIP that applies to a source during some but not all periods of normal operation (*e.g.,* applies only during a specifically defined mode of operation such as startup or shutdown). An alternative emission limitation is a component of a continuously applicable SIP emission limitation, and it may take the form of a control measure such as a design, equipment, work practice or operational standard (whether or not numerical). This definition of the term is independent of the statutory use of the term ''alternative means of emission limitation'' in sections 111(h)(3) and 112(h)(3), which pertain to the conditions under which the EPA may pursuant to sections 111 and 112 promulgate emission limitations, or components of emission limitations,

that are not necessarily in numeric format.

The term *automatic exemption* means a generally applicable provision in a SIP that would provide that if certain conditions existed during a period of excess emissions, then those exceedances would not be considered violations of the applicable emission limitations.

The term *director's discretion provision* means, in general, a regulatory provision that authorizes a state regulatory official unilaterally to grant exemptions or variances from otherwise applicable emission limitations or control measures, or to excuse noncompliance with otherwise applicable emission limitations or control measures, which would be binding on the EPA and the public.

The term *emission limitation* means, in the context of a SIP, a legally binding restriction on emissions from a source or source category, such as a numerical emission limitation, a numerical emission limitation with higher or lower levels applicable during specific modes of source operation, a specific technological control measure requirement, a work practice standard, or a combination of these things as components of a comprehensive and continuous emission limitation in a SIP provision. In this respect, the term *emission limitation* is defined as in section 302(k) of the CAA. By definition, an emission limitation can take various forms or a combination of forms, but in order to be permissible in a SIP it must be applicable to the source continuously, *i.e.,* cannot include periods during which emissions from the source are legally or functionally exempt from regulation. Regardless of its form, a fully approvable SIP emission limitation must also meet all substantive requirements of the CAA applicable to such a SIP provision, *e.g.,* the statutory requirement of section 172(c)(1) for imposition of reasonably available control measures and reasonably available control technology (RACM and RACT) on sources located in designated nonattainment areas.

The term *excess emissions* means the emissions of air pollutants from a source that exceed any applicable SIP emission limitation. In particular, this term includes those emissions above the otherwise applicable SIP emission limitation that occur during startup, shutdown, malfunction or other modes of source operation, *i.e.,* emissions that would be considered violations of the applicable emission limitation but for an impermissible automatic or discretionary exemption from such emission limitation.

The term *malfunction* means a sudden and unavoidable breakdown of process or control equipment.

The term *shutdown* means, generally, the cessation of operation of a source for any reason. In this document, the EPA uses this term in the generic sense. In individual SIP provisions it may be appropriate to include a specifically tailored definition of this term to address a particular source category for a particular purpose.

The term *SSM* refers to startup, shutdown or malfunction at a source. It does not include periods of maintenance at such a source. An SSM event is a period of startup, shutdown or malfunction during which there are exceedances of the applicable emission limitations and thus excess emissions.

The term *startup* means, generally, the setting in operation of a source for any reason. In this document, the EPA uses this term in the generic sense. In an individual SIP provision it may be appropriate to include a specifically tailored definition of this term to address a particular source category for a particular purpose.

B. Emission Limitations in SIPs Must Apply Continuously During All Modes of Operation, Without Automatic or Discretionary Exemptions or Overly Broad Enforcement Discretion Provisions That Would Bar Enforcement by the EPA or by Other Parties in Federal Court Through a Citizen Suit

In accordance with CAA section 302(k), SIPs must contain emission limitations that "limit the quantity, rate, or concentration of emissions of air pollutants on a continuous basis." All of the specific requirements of a SIP emission limitation must be discernible in the SIP, for clarity preferably within a single section or provision; must meet the applicable substantive and stringency requirements of the CAA; and must be legally and practically enforceable.

To the extent that a SIP provision allows any period of time when a source is *not* subject to any requirement that limits emissions, the requirements limiting the source's emissions by definition cannot do so "on a continuous basis." Such a source would not be subject to an "emission limitation," as required by the definition of that term under section 302(k). However, the CAA allows SIP provisions that include numerical limitations, specific technological control requirements and/or work practice requirements that limit emissions during startup and shutdown as components of a continuously applicable emission limitation, as discussed in section XI.C of this document.

Accordingly, automatic or discretionary exemption provisions applicable during SSM events are impermissible in SIPs. This impermissibility applies even for "brief" exemptions from limits on emissions, because such exemptions nevertheless render the limitation noncontinuous. Furthermore, the fact that a SIP provision includes prerequisites to qualifying for an SSM exemption does not mean those prerequisites are themselves an "alternative emission limitation" applicable during SSM events.

Automatic exemptions. A typical SIP provision that includes an impermissible automatic exemption would provide that a source has to meet a specific emission limitation during all modes of operation except startup, shutdown and malfunction; by definition any excess emissions during such events would not be violations and thus there could be no enforcement based on those excess emissions. With respect to automatic exemptions from emission limitations in SIPs, the EPA's longstanding interpretation of the CAA is that such exemptions are impermissible because they are inconsistent with the fundamental requirements of the CAA. Automatic exemptions from otherwise applicable emission limitations render those emission limitations less than continuous as required by CAA sections 302(k), 110(a)(2)(A) and 110(a)(2)(C), thereby inconsistent with a fundamental requirement of the CAA and thus substantially inadequate as contemplated in CAA section 110(k)(5).

Discretionary exemptions. A typical SIP provision that includes an impermissible "director's discretion" component would purport to authorize air agency personnel to modify existing SIP requirements under certain conditions, *e.g.,* to grant a variance from an otherwise applicable emission limitation if the source could not meet the requirement in certain circumstances.[406] Director's discretion provisions operate to allow air agency personnel to make unilateral decisions on an *ad hoc* basis, up to and including the granting of complete exemptions for

[406] The EPA notes that problematic "director's discretion" provisions are not limited only to those that purport to authorize alternative emission limitations from those required in a SIP. Other problematic director's discretion provisions include those that purport to provide for discretionary changes to other substantive requirements of the SIP, such as applicability, operating requirements, recordkeeping requirements, monitoring requirements, test methods or alternative compliance methods.

emissions during SSM events, thereby negating any possibility of enforcement for what would be violations of the otherwise applicable emission limitation. With respect to such director's discretion provisions in SIPs, the EPA interprets the CAA to prohibit these if they provide unbounded discretion to allow what would amount to a case-specific revision of the SIP without meeting the statutory requirements of the CAA for SIP revisions. In particular, the EPA interprets the CAA to preclude SIP provisions that provide director's discretion authority to create discretionary exemptions for violations when the CAA would not allow such exemptions in the first instance.

If an air agency elects to have SIP provisions that contain a director's discretion feature, then to be consistent with CAA requirements the provisions must be structured so that any resulting variances or other deviations from the emission limitation or other SIP requirements have no federal law validity, unless and until the EPA specifically approves that exercise of the director's discretion as a SIP revision. Barring such a later ratification by the EPA through a SIP revision, the exercise of director's discretion is only valid for state (or tribal) law purposes and would have no bearing in the event of an action to enforce the provision of the SIP as it was originally approved by the EPA.

Adoption of the EPA's NSPS or NESHAP that have not yet been revised. The EPA has recently begun revising and will continue to revise NSPS and NESHAP as needed, to make the EPA's regulations consistent with CAA requirements by removing exemptions and affirmative defense provisions applicable to SSM events, and generally on the same legal basis as for this action. A state should not submit an NSPS or NESHAP for inclusion into its SIP as an emission limitation (whether through incorporation by reference or otherwise) unless either: (i) That NSPS or NESHAP does not include an exemption or affirmative defense for SSM events; or (ii) the state takes action as part of the SIP submission to render such exemption or affirmative defense inapplicable to the SIP emission limitation. Because SIP provisions must apply continuously, including during SSM events, the EPA can no longer approve SIP submissions that include any emission limitations with such exemptions, even if those emission limitations are NSPS or NESHAP regulations that the EPA has not yet revised to make consistent with CAA requirements. Alternatively, states may elect to adopt an existing NSPS or NESHAP as a SIP provision, so long as the SIP provision excludes the exemption or affirmative defense applicable to SSM events.[407] States may also wish to replace the SSM exemption in NSPS or NESHAP regulations with appropriately developed alternative emission limitations that apply during startup and shutdown in lieu of the SSM exemption. Otherwise, the EPA's approval of the deficient SSM exemption provisions into the SIP would contravene CAA requirements for SIP provisions and would potentially result in misinterpretation or misapplication of the standards by regulators, regulated entities, courts and members of the public. The EPA emphasizes that the inclusion of an NSPS or NESHAP as an emission limitation in a state's SIP is different and distinct from reliance on such standards indirectly, such as reliance on the NSPS or NESHAP as a source of emission reductions that may be taken into account for SIP planning purposes in emissions inventories or attainment demonstrations. For those uses, states may continue to rely on the EPA's NSPS and NESHAP regulations, even those that have not yet been revised to remove inappropriate exemptions, in accordance with the requirements applicable to those SIP planning functions.

Other modes of normal operation. SIPs also may not create automatic or discretionary exemptions from otherwise applicable emission limitations during periods such as "maintenance," "load change," "soot-blowing," "on-line operating changes" or other similar normal modes of operation. Like startup and shutdown, the EPA considers all of these to be modes of normal operation at a source, for which the source can be designed, operated and maintained in order to meet an applicable emission limitations and during which the source should be expected to control and minimize emissions. Excess emissions that occur during planned and predicted periods should be treated as violations of applicable emission limitations. Accordingly, exemptions for emissions during these periods of normal source operation are not consistent with CAA requirements.

It may be appropriate for an air agency to establish an alternative numerical limitation or other form of control measure that applies during these modes of source operation, as for startup and shutdown events, but any such alternative emission limitation should be developed using the same criteria that the EPA recommends for alternative emission limitations applicable during startup and shutdown. Similarly, any SIP provision that includes an emission limitation for sources that includes alternative emission limitations applicable to modes of operation such as "maintenance," "load change," "soot-blowing" or "on-line operating changes" must also meet the applicable level of stringency for that type of emission limitation and be practically and legally enforceable.

C. Emission Limitations in SIPs May Contain Components Applicable to Different Modes of Operation That Take Different Forms, and Numerical Emission Limitations May Have Differing Levels and Forms for Different Modes of Operation

There are approaches other than exemptions that would be consistent with CAA requirements for SIP provisions that states can use to address excess emissions during certain events. While automatic exemptions and director's discretion exemptions from otherwise applicable emission limitations for SSM events are not consistent with the CAA, SIPs may include criteria and procedures for the use of enforcement discretion by air agency personnel, as described in section XI.E of this document. Similarly, SIPs may, rather than exempt excess emissions, include emission limitations that subject those emissions to alternative numerical limitations or other control requirements during startup and shutdown events or other normal modes of operation, so long as those components of the emission limitations meet applicable CAA requirements and are legally and practically enforceable.

The EPA does not interpret section 110(a)(2) or section 302(k) to require that an emission limitation in a SIP provision be composed of a single, uniformly applicable numerical emission limitation. The text of section 110(a)(2) and section 302(k) does not require states to impose emission limitations that include a static, inflexible standard. The critical aspect for purposes of section 302(k) is that the SIP provision impose limits on emissions on a continuous basis, regardless of whether the emission

[407] Under CAA section 116, states have the explicit general authority to regulate more stringently than the EPA. Indeed, under section 116 states can regulate sources subject to EPA regulations promulgated under section 111 or section 112 so long as they do not regulate them less stringently. According, the EPA believes that states may elect to adopt EPA regulations under section 111 or section 112 as SIP provisions and expressly eliminate the exemptions for emissions during SSM events.

limitation as a whole is expressed numerically or as a combination of numerical limitations, specific control technology requirements and/or work practice requirements applicable during specific modes of operation, and regardless of whether the emission limitation is static or variable. Thus, emission limitations in SIP provisions do not have to be composed solely of numerical emission limitations applicable at all times. For example, so long as the SIP provision meets other applicable requirements, it may impose different numerical limitations for startup and shutdown. Also, for example, SIPs can contain numerical emission limitations applicable only to some periods and other forms of controls applicable only to some periods, with certain periods perhaps subject to both types of limitation. Thus, SIP emission limitations: (i) Do not need to be numerical in format; (ii) do not have to apply the same limitation (*e.g.,* numerical level) at all times; and (iii) may be composed of a combination of numerical limitations, specific technological control requirements and/or work practice requirements, with each component of the emission limitation applicable during a defined mode of source operation. In practice, it may be that numerical emission limitations are the most appropriate from a regulatory perspective (*e.g.,* to be legally and practically enforceable) and thus the emission limitation would need to be established in this form to meet CAA requirements. It is important to emphasize, however, that regardless of how the state structures or expresses a SIP emission limitation—whether solely as one numerical limitation, as a combination of different numerical limitations or as a combination of numerical limitations, specific technological control requirements and/or work practice requirements that apply during certain modes of operation such as startup and shutdown—the emission limitation as a whole must be continuous, must meet applicable CAA stringency requirements and must be legally and practically enforceable.[408]

Startup and shutdown are part of the normal operation of a source and should be accounted for in the design and operation of the source.[409] It should be possible to determine an appropriate form and degree of emission control during startup and shutdown and to achieve that control on a regular basis. Thus, sources should be required to meet defined SIP emission limitations during startup and shutdown. However, the EPA interprets the CAA to permit SIP emission limitations that include alternative emission limitations specifically applicable during startup and shutdown. Regarding startup and shutdown periods, the EPA considers the following to be the correct approach to creating an emission limitation: (i) The emission limitation contains no exemption for emissions during SSM events; (ii) the component of any alternative emission limitation that applies during startup and shutdown is clearly stated and obviously is an emission limitation that applies to the source; (iii) the component of any alternative emission limitation that applies during startup and shutdown meets the applicable stringency level for this type of emission limitation; and (iv) the emission limitation contains requirements to make it legally and practically enforceable. Section XI.D of this document contains more specific recommendations to states for developing alternative emission limitations.

In contrast to startup and shutdown, a malfunction is unpredictable as to the timing of the start of the malfunction event, its duration and its exact nature. The effect of a malfunction on emissions is therefore unpredictable and variable, making the development of an alternative emission limitation for malfunctions problematic. There may be rare instances in which certain types of malfunctions at certain types of sources are foreseeable and foreseen and thus are an expected mode of source operation. In such circumstances, the EPA believes that sources should be expected to meet the otherwise applicable emission limitation in order to encourage sources to be properly designed, maintained and operated in order to prevent or minimize any such malfunctions. To the extent that a given type of malfunction is so foreseeable and foreseen that a state considers it a normal mode of operation that is appropriate for a specifically designed alternative emission limitation, then such alternative should be developed in accordance with the recommended criteria for alternative emission limitations. The EPA does not believe that generic general-duty provisions, such as a general duty to minimize emissions, is sufficient as an alternative emission limitation for any type of event including malfunctions.

States developing SIP revisions to remove impermissible exemption provisions from emissions limitations may choose to consider reassessing particular emission limitations, for example to determine whether limits originally applicable only during non-SSM periods can be revised such that well-managed emissions during planned operations such as startup and shutdown would not exceed the revised emission limitation, while still protecting air quality and meeting other applicable CAA requirements. Such a revision of an emission limitation will need to be submitted as a SIP revision for EPA approval if the existing limitation to be changed is already included in the SIP or if the existing SIP relies on the particular existing emission limitation to meet a CAA requirement.

Some SIPs contain other generic regulatory requirements frequently referred to as "general duty" type requirements, such as a general duty to minimize emissions at all times, a general duty to use good engineering judgment at all times or a general duty not to cause a violation of the NAAQS at any time. To the extent that such other general-duty requirement is properly established and legally and practically enforceable, the EPA would agree that it may be an appropriate separate requirement to impose upon sources in addition to the (continuous) emission limitation. The EPA itself imposes separate general duties of this type in appropriate circumstances. The existence of these generic provisions does not, however, legitimize exemptions for emissions during SSM events in a SIP provision that imposes an emission limitation.

General-duty requirements that are not clearly part of or explicitly cross-referenced in a SIP emission limitation cannot be viewed as a component of a continuous emission limitation. Even if clearly part of or explicitly cross-referenced in the SIP emission limitation, however, a given general-duty requirement may not be consistent with the applicable stringency requirements for SIP provisions that should apply during startup and

[408] The EPA notes that CAA section 123 explicitly prohibits certain intermittent or supplemental controls on sources. In a situation where an emission limitation is continuous, by virtue of the fact that it has components applicable during all modes of source operation, the EPA would not interpret the components that applied only during certain modes of operation, *e.g.,* startup and shutdown, to be prohibited intermittent or supplemental controls.

[409] Every source is designed, maintained and operated with the expectation that the source will at least occasionally start up and shut down, and thus these modes of operation are "normal" in the sense that they are to be expected. The EPA uses this term in the ordinary sense of the word to distinguish between such predictable modes of source operation and genuine "malfunctions," which are by definition supposed to be unpredictable and unforeseen events that could not have been precluded by proper source design, maintenance and operation.

shutdown. In general, the EPA believes that a legally and practically enforceable alternative emission limitation applicable during startup and shutdown should be expressed as a numerical limitation, a specific technological control requirement or a specific work practice applicable to affected sources during specifically defined periods or modes of operation. Accordingly, while states are free to include general-duty provisions in their SIPs as separate additional requirements, for example, to ensure that owners and operators act consistent with reasonable standards of care, the EPA does not recommend using these background standards to bridge unlawful interruptions in an emission limitation.[410]

D. Recommendations for Development of Alternative Emission Limitations Applicable During Startup and Shutdown

A state can develop special, alternative emission limitations that apply during startup or shutdown if the source cannot meet the otherwise applicable emission limitation in the SIP. SIP provisions may include alternative emission limitations for startup and shutdown as part of a continuously applicable emission limitation when properly developed and otherwise consistent with CAA requirements. However, if a non-numerical requirement does not itself (or in combination with other components of the emission limitation) limit the quantity, rate or concentration of air pollutants on a continuous basis, then the non-numerical standard (or overarching requirement) does not meet the statutory definition of an emission limitation under section 302(k).

In cases in which measurement of emissions during startup and/or shutdown is not reasonably feasible, it may be appropriate for an emission limitation to include as a component a control for startup and/or shutdown periods other than a numerically expressed emission limitation.

The federal NESHAP and NSPS regulations and the technical materials in the public record for those rules may provide assistance for states as they develop and consider emission limitations and alternative emission limitations for sources in their states, and definitions of startup and shutdown events and work practices for them found in these regulations may be appropriate for adoption by the state in certain circumstances. In particular, the NSPS regulations should provide very relevant information for sources of the same type, size and control equipment type, even if the sources were not constructed or modified within a date range that would make them subject to the NSPS. The EPA therefore encourages states to explore these approaches.

The EPA recommends that, in order to be approvable (*i.e.,* meet CAA requirements), alternative requirements applicable to the source during startup and shutdown should be narrowly tailored and take into account considerations such as the technological limitations of the specific source category and the control technology that is feasible during startup and shutdown. The EPA recommends the following seven specific criteria as appropriate considerations for developing emission limitations in SIP provisions that apply during startup and shutdown.

(1) The revision is limited to specific, narrowly defined source categories using specific control strategies (*e.g.,* cogeneration facilities burning natural gas and using selective catalytic reduction);

(2) Use of the control strategy for this source category is technically infeasible during startup or shutdown periods;

(3) The alternative emission limitation requires that the frequency and duration of operation in startup or shutdown mode are minimized to the greatest extent practicable;

(4) As part of its justification of the SIP revision, the state analyzes the potential worst-case emissions that could occur during startup and shutdown based on the applicable alternative emission limitation;

(5) The alternative emission limitation requires that all possible steps are taken to minimize the impact of emissions during startup and shutdown on ambient air quality;

(6) The alternative emission limitation requires that, at all times, the facility is operated in a manner consistent with good practice for minimizing emissions and the source uses best efforts regarding planning, design, and operating procedures; and

(7) The alternative emission limitation requires that the owner or operator's actions during startup and shutdown periods are documented by properly signed, contemporaneous operating logs or other relevant evidence.

If a state elects to create an emission limitation with different levels of control applicable during specifically defined periods of startup and shutdown than during other normal modes of operation, then the resulting emission limitation must meet the substantive requirements applicable to the type of SIP provision at issue, meet the applicable level of stringency for that type of emission limitation and be legally and practically enforceable. Alternative emission limitations applicable during startup and shutdown cannot allow an inappropriately high level of emissions or an effectively unlimited or uncontrolled level of emissions, as those would constitute impermissible *de facto* exemptions for emissions during certain modes of operation.

E. Enforcement Discretion Provisions

One approach other than exemptions that would be consistent with CAA requirements for SIP provisions that states can use to address excess emissions during SSM events is to include in the SIP criteria and procedures for the use of enforcement discretion by air agency personnel. SIPs may contain such provisions concerning the exercise of discretion by the air agency's own personnel, but such provisions cannot bar enforcement by the EPA or by other parties through a citizen suit.

Pursuant to the CAA, all parties with authority to bring an enforcement action to enforce SIP provisions (*i.e.,* the state, the EPA or any parties who qualify under the citizen suit provision of section 304) have enforcement discretion that they may exercise as they deem appropriate in any given circumstances. For example, if the event that causes excess emissions is an actual malfunction that occurred despite reasonable care by the source operator to avoid malfunctions, then each of these parties may decide that no enforcement action is warranted. In the event that any party decides that an enforcement action is warranted, then it has enforcement discretion with respect to what remedies to seek from the court for the violation (*e.g.,* injunctive relief, compliance order, monetary penalties or all of the above), as well as the type of injunctive relief and/or amount of monetary penalties sought.[411]

As part of state programs governing enforcement, states can include regulatory provisions or may adopt policies setting forth criteria for how they plan to exercise their own

[410] For example, the EPA has concerns the some general-duty provisions, if at any point relied upon as the sole requirement purportedly limiting emissions, could undermine the ability to ensure compliance with SIP emission limitations relied on to achieve the NAAQS and other relevant CAA requirements at all times. *See* section 110(a)(2)(A), (C); *US Magnesium, LLC* v. *EPA*, 690 F.3d 1157, 1161–62 (10th Cir. 2012).

[411] The EPA notes that only the state and the Agency have authority to seek criminal penalties for knowing and intentional violation of CAA requirements. The EPA has this explicit authority under CAA section 113(c).

enforcement authority. Under section 110(a)(2), states must have adequate authority to enforce provisions adopted into the SIP, but states can establish criteria for how they plan to exercise that authority. Such enforcement discretion provisions cannot, however, impinge upon the enforcement authority of the EPA or of others pursuant to the citizen suit provision of the CAA. Such enforcement discretion provisions in a SIP would be inconsistent with the enforcement structure provided in the CAA. Specifically, the statute provides explicit independent enforcement authority to the EPA under CAA section 113 and to citizens under CAA section 304. Thus, the CAA contemplates that the EPA and citizens have authority to pursue enforcement for a violation even if the state elects not to do so. The EPA and citizens, and any federal court in which they seek to pursue an enforcement claim for violation of SIP requirements, must retain the authority to evaluate independently whether a source's violation of an emission limitation warrants enforcement action. Potential for enforcement by the EPA or through a citizen suit provides an important safeguard in the event that the state lacks resources or ability to enforce violations and provides additional deterrence. Accordingly, a SIP provision that operates at the state's election to eliminate the authority of the EPA or the public to pursue enforcement actions in federal court would undermine the enforcement structure of the CAA and would thus be substantially inadequate to meet fundamental requirements of the CAA.

Also, states should not adopt overly broad enforcement discretion provisions for inclusion in their SIPs, even for their own personnel. Section 110(a)(2) requires states to have adequate enforcement authority, and overly broad enforcement discretion provisions would run afoul of this requirement if they have the effect of precluding adequate state authority to enforce SIP requirements. If such provisions are sufficiently specific, provide for sufficient public process and are sufficiently bounded, so that it is possible to anticipate at the time of the EPA's approval of the SIP provision how that provision will actually be applied and the potential adverse impacts thereof, then such a provision might meet basic CAA requirements. In essence, if it is possible to anticipate and evaluate in advance how the exercise of enforcement discretion could affect compliance with other CAA requirements, then it may be possible to determine in advance that the preauthorized exercise of director's discretion will not interfere with other CAA requirements, such as providing for attainment and maintenance of the NAAQS.

When using enforcement discretion in determining whether an enforcement action is appropriate in the case of excess emissions during a malfunction, satisfaction of the following criteria should be considered:

(1) To the maximum extent practicable the air pollution control equipment, process equipment or processes were maintained and operated in a manner consistent with good practice for minimizing emissions;

(2) Repairs were made in an expeditious fashion when the operator knew or should have known that applicable emission limitations were being exceeded. Off-shift labor and overtime were utilized, to the extent practicable, to ensure that such repairs were made as expeditiously as practicable;

(3) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent practicable during periods of such emissions;

(4) All possible steps were taken to minimize the impact of the excess emissions on ambient air quality; and

(5) The excess emissions are not part of a recurring pattern indicative of inadequate design, operation or maintenance.

F. Affirmative Defense Provisions in SIPs

The EPA believes that SIP provisions that function to alter the jurisdiction or discretion of the federal courts under CAA section 113 and section 304 to determine liability and to impose remedies are inconsistent with fundamental legal requirements of the CAA, especially with respect to the enforcement regime explicitly created by statute. Affirmative defense provisions by their nature purport to limit or eliminate the authority of federal courts to find liability or to impose remedies through factual considerations that differ from, or are contrary to, the explicit grants of authority in section 113(b) and section 113(e). These provisions are not appropriate under the CAA, no matter what type of event they apply to, what criteria they contain or what forms of remedy they purport to limit or eliminate.

Section 113(b) provides courts with explicit jurisdiction to determine liability and to impose remedies of various kinds, including injunctive relief, compliance orders and monetary penalties, in judicial enforcement proceedings. This grant of jurisdiction comes directly from Congress, and the EPA is not authorized to alter or eliminate this jurisdiction under the CAA or any other law. With respect to monetary penalties, CAA section 113(e) explicitly includes the factors that federal courts and the EPA are required to consider in the event of judicial or administrative enforcement for violations of CAA requirements, including SIP provisions. Because Congress has already given federal courts the jurisdiction to determine what monetary penalties are appropriate in the event of judicial enforcement for a violation of a SIP provision, neither the EPA nor states can alter or eliminate that jurisdiction by superimposing restrictions on that jurisdiction and discretion granted by Congress to the courts. Accordingly, pursuant to section 110(k) and section 110(l), the EPA cannot approve any such affirmative defense provision in a SIP. If such an affirmative defense provision is included in an existing SIP, the EPA has authority under section 110(k)(5) to require a state to remove that provision.

Couching an affirmative defense provision in terms of merely defining whether the emission limitation applies and thus whether there is a "violation," as suggested by some commenters, is also problematic. If there is no "violation" when certain criteria or conditions for an "affirmative defense" are met, then there is in effect no emission limitation that applies when the criteria or conditions are met; the affirmative defense thus operates to create an exemption from the emission limitation. As explained in the February 2013 proposal, the CAA requires that emission limitations must apply continuously and cannot contain exemptions, conditional or otherwise. This interpretation is consistent with the decision in *Sierra Club* v. *Johnson* concerning the term "emission limitation" in section 302(k).[412] Characterizing the exemptions as an "affirmative defense" runs afoul of the requirement that emission limitations must apply continuously.

The EPA wishes to be clear that the absence of affirmative defense provisions in SIPs does not alter the legal rights of sources under the CAA. In the event of an enforcement action for an exceedance of a SIP emission limitation, a source can elect to assert any common law or statutory defenses that it determines are supported, based upon the facts and circumstances surrounding the alleged violation.

[412] 551 F.3d 1019 (D.C. Cir. 2008).

Under section 113(b), courts have explicit authority to impose injunctive relief, issue compliance orders, assess monetary penalties or fees and impose any other appropriate relief. Under section 113(e), federal courts are required to consider the enumerated statutory factors when assessing monetary penalties, including "such other factors as justice may require." For example, if the exceedance of the SIP emission limitation occurs due to a malfunction, that exceedance is a violation of the applicable emission limitation but the source retains the ability to defend itself in an enforcement action and to oppose the imposition of particular remedies or to seek the reduction or elimination of monetary penalties, based on the specific facts and circumstances of the event. Thus, elimination of a SIP affirmative defense provision that purported to take away the statutory jurisdiction of the federal court to exercise its authority to impose remedies does not disarm sources in potential enforcement actions. Sources retain all of the equitable arguments they could have made under an affirmative defense provision; they must simply make such arguments to the reviewing court as envisioned by Congress in section 113(b) and section 113(e).

Once impermissible SSM exemptions are removed from the SIP, then any excess emissions during such events may be the subject of an enforcement action, in which the parties may use any appropriate evidence to prove or disprove the existence and scope of the alleged violation and the appropriate remedy for an established violation. Any alleged violation of an applicable SIP emission limitation, if not conceded by the source, must be established by the party bearing the burden of proof in a legal proceeding. The degree to which evidence of an alleged violation may derive from a specific reference method or any other credible evidence must be determined based upon the facts and circumstances of the exceedance of the emission limitation at issue.[413] Congress vested the federal courts with the authority to judge how best to weigh the evidence in an enforcement action.

G. Anti-Backsliding Considerations

The EPA recognizes that one important consideration for air agencies as they evaluate how best to revise their SIP provisions in response to this SIP call is the nature of the analysis that will be necessary for the resulting SIP revisions under section 110(k)(3), section 110(l) and section 193. Under section 110(l), the EPA is prohibited from approving any SIP revision that would interfere with any applicable requirement concerning attainment and reasonable further progress or any other requirements of the CAA. Section 193 prohibits states from modifying regulations in place prior to November 15, 1990, unless the modification ensures equivalent or greater reductions of the pollutant. SIP revision must be evaluated for compliance with section 110(l) and section 193 on the facts and circumstances of the specific revision. Section X of this document provides three example scenarios in which a state might remove an impermissible SSM provision from its SIP, including how sections 110(l) and 193 considerations might apply. These examples are intended to provide general guidance on the considerations and the nature of the analysis that may be appropriate for different types of SIP revisions. Air agencies should contact their respective EPA Regional Offices (see the **SUPPLEMENTARY INFORMATION** section of this document) for further recommendations and assistance concerning the analysis appropriate for specific SIP revisions involving changes in SSM provisions.

[413] For example, the degree to which data from continuous opacity monitoring systems (COMS) is evidence of violations of SIP opacity or PM mass emission limitations is a factual question that must be resolved on the facts and circumstances in the context of an enforcement action. *See, e.g., Sierra Club* v. *Pub. Serv. Co. of Colorado, Inc.*, 894 F.Supp. 1455 (D. Colo. 1995) (allowing use of COMS data to prove opacity limit violations).

DRAFT Rulemaking Changes to Chapters 173-400 and 173-401 WAC

February 22, 2017 version

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WAC 173-400-025 Adoption of federal rules.

(1) Federal rules mentioned in this rule are adopted as they exist on DATE, 2017. Adopted or adopted by reference means the federal rule applies as if it was copied into this rule.

WAC 173-400-030 Definitions. [The section defines 95 defined terms.]

"**Alternate emission limitation**" means an emissions limitation ~~in a SIP~~ that applies during some but not all periods of normal operation (e.g., applies only during a specifically defined mode of operation such as startup or shutdown). An alternative emission limitation is a component of a continuously applicable emission limitation. An alternative emission limitation may be a numerical limitation or a design characteristic of the emission unit and associated emission controls, work practices, or other operational standard, such as a control device operating range.

"**Electronic means**" means email, fax or other electronic method.

(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.

(30) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard.

"Hog fuel boiler" means device, furnace, or boiler using wood or wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"Industrial furnace" means enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy as defined in 40 CFR 260.10.

"Shutdown" means, generally, the cessation of operation of a source for any reason.

"Startup" means, generally, the setting in operation of a stationary source or emissions unit for any reason.

"Useful thermal energy" means energy (steam or hot water) that meets the minimum operating temperature, flow, and/or pressure required by any ~~energy use~~ system that uses energy provided by the affected boiler.

"**Wigwam and silo burners"** means …

"**Wood-fired boiler**" means device, furnace, or boiler used in the process of burning wood or

wood wastes for fuel for the primary purpose of producing hot water or steam by heat transfer.

"**Wood waste burner**" means …

(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 ($C_4F_9OCH_3$); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane ($C_4F_9OC_2H_5$); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ($(CF_3)_2CFCF_2OC_2H_5$); methyl acetate; 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-$C_3F_7OCH_3$ 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 ($HCOOCH_3$); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF_2OCF_2H (HFE-134); $HCF_2OCF_2OCF_2H$ (HFE-236cal2); $HCF_2OCF_2CF_2OCF_2H$ (HFE-338pcc13); $HCF_2OCF_2OCF_2CF_2OCF_2H$ (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); *trans* 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2- Tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;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 (in effect on the date in WAC 173-400-025). 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.

WAC 173-400-035 Nonroad engines.

(1) **Applicability.** This section applies to any nonroad engines as defined in WAC 173-400-030, except for:

(a) Any nonroad engine that is:
(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; or
(ii) In or on a piece of equipment that is intended to be propelled while performing its function.

(b) Nonroad engines with a cumulative maximum rated brake horsepower of 500 BHP or less.

(c) Engines being stored in work centers, garages, or engine pool sites prior to being dispatched to the field for use and that do not provide back-up power at the work center, garage, or engine pool. Such engines may be operated at these facilities only for the purpose of engine maintenance, testing, and repair.

(d) A back-up nonroad engine demonstrated to have the same or lower emissions than the primary power nonroad engine.

(2) **Nonroad engines are not subject to:**
(a) New source review.
(b) Control technology determinations.
(c) Emission limits set by the SIP.
(d) Chapter 173-460 WAC.

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(3) **Fuel standards.** All nonroad engines must use ultra low sulfur diesel or ultra low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra low sulfur diesel or ultra low sulfur bio-diesel is deemed to be compliant with this fuel standard.

(4) **> 500 and ≤ 2000 BHP.** This section applies to a project that requires the installation and operation of nonroad engines with a cumulative maximum rated brake horsepower greater than 500 BHP and less than or equal to 2000 BHP.

(a) Notification of intent to operate is required before operations begin. The owner or operator must notify the permitting authority of their intent to operate prior to beginning operation. The notice must contain the following information:

(i) Name and address of owner or operator;
(ii) Site address or location;
(iii) Date of equipment arrival at the site;
(iv) Cumulative engine maximum rated BHP.

(b) Recordkeeping. For each site, the owner or operator must record the following information for each nonroad engine:
(i) Site address or location;
(ii) Date of equipment arrival at the site;
(iii) Date of equipment departure from the site;
(iv) Engine function or purpose;
(v) Identification of each component as follows:
(A) Equipment manufacturer, model number and its unique serial number;
(B) Engine model year;
(vi) Type of fuel used with fuel specifications (sulfur content, cetane number, etc.).

(c) Record retention requirements. The owner or operator must keep the records of the current engine and equipment activity in hard copy or electronic form. These records can be maintained on-site or off-site for at least five years and must be readily available to the permitting authority on request.

(5) **> 2000 BHP.** This section applies to a project that requires the installation and operation of any nonroad engine with a cumulative maximum rated brake horsepower greater than 2000 BHP.

(a) Notification of intent to operate.

(i) Prior to operation, the owner or operator must notify the permitting authority of the intent to operate and supply sufficient information to enable the permitting authority to determine that the operation will comply with national ambient air quality standards as regulated by WAC 173-400-113 (3) and (4).

(ii) The notification must contain, at a minimum, the information in (4)(a) of this section.

(b) Approval is required before operations begin. The owner or operator must obtain written nonroad engine approval to operate, from the permitting authority, prior to operation.

(c) Recordkeeping. The owner or operator must meet all of the requirements of subsection (4)(b) and (c) of this section.

(d) Recordkeeping. The owner or operator must meet all of the requirements of

subsection (4)(b) and (c) of this section.

(6) Requirements specific to projects on Department of Defense and Department of Energy facilities.

(a) Department of Defense and Department of Energy facilities over 50 acres in size may exclude engines below 50 brake horsepower to determine cumulative maximum engine horsepower.

(b) Ecology may establish specific criteria to assist it and the Departments of Defense and Energy to determine when a particular nonroad engine becomes a stationary engine. This criteria shall not conflict with the definition of "nonroad" engine in 40 CFR 89.2 or with EPA guidance construing that term.

(7) **Integrated review**. Applicants seeking approval to construct or modify a stationary source that requires review under WAC 173-400-110 or 173-400-560 and to operate one or more nonroad engines in conjunction with the new or modified stationary source may elect to integrate the reviews. The notification process for integrated review must comply with the new source review public involvement procedures for the stationary source as applicable (i.e., WAC 173-400-171 or 173-400-740).

(8) **Enforcement.** All persons who receive a nonroad engine approval to operate must comply with all conditions contained in the approval.

(9) **Permitting authority review period**. Within fifteen days after receiving a complete notice of intent to operate, the permitting authority must either issue the approval to operate or notify the applicant that operation must not start until the permitting authority has set specific operating conditions. The permitting authority must promptly provide copies of the final decision to the applicant.

(10) **Conditions to assure compliance with NAAQS**. Subject to the limitations of subsection (2) of this section, the permitting authority may set specific conditions for operation as necessary to ensure that the nonroad engines do not cause or contribute to a violation of National Ambient Air Quality Standards.

(11) **Appeals**. Final decisions and orders of ecology or a permitting authority may be appealed to the pollution control hearings board as provided in chapters 43.21B RCW and 371-08 WAC.

(12) **Change of conditions**. The owner or operator may request, at any time, a change in conditions of an approval to operate. The permitting authority may approve the request provided that the permitting authority finds that the operation will comply with WAC 173-400-113 (3) and (4).

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WAC 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.: The following are exceptions from this standard:

(a) 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.

(b) 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.

(c) When an alternate opacity limit has been established per:

(i) RCW 70.94.331(2)(c); or

(ii) WAC 173-400-082(3).

(d) When emissions occur due to start up of a hog fuel or wood fired boiler, visible emissions may exceed not exceed 40 percent opacity when the following

conditions are met:

(i) For purposes of this subsection:
(A) Start up begins when fuel is ignited in the boiler fire box.
(B) Start up ends at the earlier of the following;

(I) If applicable, the dry electrostatic precipitator or baghouse controlling emissions from the boiler has met its minimum operating temperature. The control must be operated at this time; or

(II) Four hours after the boiler is capable of supplying useful thermal energy.

(ii) Maintain records documenting that the boiler complied with the requirements in this subsection. Records mean properly signed contemporaneous operating logs or other relevant evidence.

(e) When the emissions occur due to soot blowing or grate cleaning of a hog fuel or wood fired boiler, visible emissions may not exceed 40 percent opacity for not more than 15 consecutive minutes in any 8 hour period. For this exemption to apply, the owner or operator must meet the following conditions:

(i) Schedule the soot blowing and/or grate cleaning for the same approximate time(s) each day; and

(ii) Notify the permitting authority in writing of the schedule in (i) of this subsection in advance of the occurrence of visible emission exceeding 20 percent opacity due to soot blowing and/or grate cleaning.

(iii) Maintain records documenting that the boiler complied with the requirements in this subsection. Records mean properly signed contemporaneous operating logs or other relevant evidence.

(f) When visible emissions that occur during curing of furnace refractory after maintenance, repair, or replacement in an existing lime kiln, industrial furnace or boiler may not exceed 40 percent opacity when the following requirements are met:

(i) The total duration of refractory curing does not exceed 36 hours, unless provided for in an ~~NOC approval~~ order issued in compliance with WAC 173-400-081(4) or WAC 173-400-082(4); and

(ii) The owner or operator provided a copy of the manufacturer's instructions on curing refractory to the permitting authority; and

(iii) The manufacturer's instructions on curing refractory are followed, including all instructions on temperature increase rates and holding temperatures and time; and

(iv) The emission controls are engaged as soon as possible during the curing process; and

(v) The owner or operator notifies the permitting authority at least one working day prior to the start of the refractory curing process.

(g) Visible emissions reader certification testing.
When testing and certifying visible emission readers, visible emissions from the "smoke generator" are exempt from the 20 percent opacity limit. Testing must follow testing and certification requirements in 40 C.F.R. Part 60, Appendix A, Reference Method 9 (in effect on the date in WAC 173-400-025) and ecology methods 9A and 9B (Ecology *Source Test Manual*).

(h) Military training exercises.
When holding military obscurant training exercises, visible emissions 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.
When training firefighters, visible emissions from fixed and mobile firefighting training facilities are exempt from the 20 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 their 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.**

(a) 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. Exceptions are listed in (b) and (c) of this subsection.

(b) Sulfur recovery unit alternate emission standard.

(i) During shutdown of a sulfur recovery unit regulated by 40 C.F.R. 63.1579 (in effect on the date in WAC 173-400-025), the owner or operator shall:

(A) Follow the facility's written startup or shutdown procedures;

(B) Limit emissions to less than 100 pounds per event ; and

(C) Maintain records documenting that the sulfur recovery unit complied with the requirements in this subsection. Records mean properly signed contemporaneous operating logs or other relevant evidence.

(c) Permit specific alternate emission standard. A permitting authority may approve an alternate emission standard to the limits in (a) and (b) of this subsection for a

specific emission unit(s) under WAC 173-400-082.

(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).

WAC 173-400-050 Emission standards for combustion and incineration units.

(a) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or allow emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting wood derived fuels for the production of steam.No person shall allow the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by test method 5 in Appendix A to 40 C.F.R. Part 60, (in effect on the date in WAC 173-400-025) or approved 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.

(7) **Sewage sludge incineration units** constructed on or before October 14, 2010. Sewage sludge incineration units constructed on or before October 14, 2010, must comply with 40 C.F.R. Part 62, Subpart LLL (in effect on the date in WAC 173-400-025).

WAC 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 and silo burners.** As of January 1, 2020, it is illegal to use a wigwam or silo burner in Washington. A wigwam or silo burner may operate until midnight December 31, 2019 provided it complies with the following:

(a) All wigwam and silo burners designed to dispose of wood waste must meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), (7), (8), and WAC 173-400-050(4) or) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025), as applicable.

(b) All wigwam and silo burners must 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 permitting 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) The permit authority may establish additional requirements for wigwam and silo burners. 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 and silo burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(2), visible emissions..

(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 fuelboilers.**

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1).

(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 as specified in WAC 173-400-040(2). .

(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) **Other wood waste burners.**

(a) Wood waste burners shall meet all applicable provisions of:

(i) WAC 173-400-040 and -050;

(ii) 40 C.F.R. Part 60, Subpart CCCC (in effect on the date in WAC 173-400-025); and

(iii) 40 C.F.R. Part 62, Subpart III (in effect on the date in WAC 173-400-025).

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(6) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991

WAC 173-400-081 Emission limits during startup and shutdown.

(1) In promulgating technology-based emission standards and establishing emission limitations when making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authority will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) When the permitting authority determines, as part of its control technology determination, 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 limitation or standard during startup or shutdown, the permitting authority must include in the standard or regulatory order 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 SIP shall not take effect until the requirements and procedures in WAC 173-400-082(4) are complied with..

(*NEW*) WAC 173-400-082 Establishing an emission limitation ~~for startup, shutdown, and other operating modes~~ that exceeds a standard in the SIP through a SIP revision.

(1) The owner or operator of a source or stationary source may request an alternative emission limitation that applies to a specific emission unit(s) during a clearly defined mode of operation. The alternative emission limitation established under this section becomes a sourcespecific SIP emission standard.

(2) An alternative emission limitation may be established under this section for any of the following SIP-approved emission standards:

(a) Opacity emission standard in:
- (i) WAC 173-400-040 (2);
- (ii) WAC 173-405-040(6);
- (iii) WAC 173-415-030(3) and(3)(a); and
- (iv) WAC 1730434-130(4).

(b) Sulfur dioxide emission standard in:
- (i) WAC 173-400-040 (7);
- (ii) WAC 173-405-040 (11);
- (iii) WAC 173-410-040 (1);
- (iv) WAC 173-415-030(5); and
- (v) WAC 173-434-130(3).

(c) Particulate matter emission standards in:
- (i) WAC 173-400-050 (1) and -060;
- (ii) WAC 173-405-040 (1)(a), (2), (3)(a), and (5);
- (iii) WAC 173-410-040 (2);
- (iv) WAC 173-415-030(2); and
- (v) WAC 173-434-130(1).

(d) Emission standards contained in a local air pollution control authority regulation that has been approved into the SIP in 40 CFR 52.2470.

(3) Owner or operator requirements to request an alternative emission limitation.

(a) The owner or operator may request an alternative emission limitation applicable to a specific mode of operation that exceeds a standard in the SIP. A mode of operation for an emission unit may include periods of startup, shutdown, maintenance, or other transient (short-term) operation.

(b) A request for an alternative emission limitation must be submitted to the permitting authority in writing. The permitting authority shall determine the adequacy of the information.

(c) The request for an alternative emission limitation must include all of the following information:

(i) Specify which emission unit(s) and specific mode of operation the requested alternative emission limitation is to cover.

(ii) Describe the operating characteristics of the emission unit(s) for which the alternative emission standard is being requested that prevent meeting the ~~otherwise~~ applicable emission standard during the specific mode of operation. Operating characteristics include installed emission control equipment, work practices, or other means of emission control.

(iii) Describe why it is not technologically feasible to use the existing control system or any practicable operating scenario that would enable the emission unit or stationary source to comply with the SIP emission standard, and avoid the need for an alternative emission standard.

(iv) Demonstrate that the ambient air quality standards in chapter 173-476 WAC and when applicable, PSD increments will not be exceeded as a result of the proposed alternative limitation. When the permitting authority requires modeling:

(A) The demonstration must be based on the potential worst-case emissions that could occur based on application of the requested specific mode of operation.

(B) It must include the effects of background concentrations and emissions from adjacent facilities.

(v) The proposed alternative emission limitation must:

(A) Reflect best operational practices for the emission unit(s) involved;

(B) Minimize the frequency and duration of the specific mode of

operation to the shortest practicable amount of time;

(C) Minimize the quantity and impact of the emissions resulting from the specific operating scenario;

(D) Not exceed an emission standard applicable to the emission unit in 40 C.F.R. Parts 60, 61, 62, 63, or 72 (in effect on the date in WAC 173-400-025). For the purpose of this subsection, an automatic or discretionary exemption for the specific operating modes in the applicable regulation do not apply.

(4) Regulatory order.

(a) The permitting authority must notify the applicant that a request for an alternate emission limitation is complete or incomplete. The permitting authority must include the reasons they find the request incomplete.

(b) The permitting authority may deny a request for an alternative emission limitation. The denial must include the basis for the denial.

(c) The permitting authority shall include the alternative emission limitation in a regulatory order when it determines the request meets the requirements in (2)(a) and (c) of this section. The regulatory order must include:

(i) The name or other designation used by the source to identify the specific emission unit(s) at the source or stationary source subject to the alternative emission limitation;

(ii) The criteria defining the specific mode of operation, including the criteria for determining when it starts and when it stops, and when the alternative emission limitation is applicable;

(iii) The emission limitation for the specific mode of operation;

(iv) A requirement that the applicable emission unit(s) are operated in a manner consistent with good operating practices for minimizing emissions during the time the alternative emission limitation is in effect;

(v) A statement that the alternative emission limitation authorized by the regulatory order is not in effect until the effective date of EPA's incorporation of the alterantive emission limitation in the SIP; and

(vi) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established in the order related to the alternative mode of operation and alternative emission limitation.

(d) The permitting authority may assess and collect fees according to their fee schedule.

(e) An order issued under this subsection shall not take effect until all of the following have been successfully completed:

(i) Permitting authority requirements. The pemitting authority must:

(A) Hold a mandatory public comment period in compliance with WAC 173-400-171;

(B) Make available to the public and provide to Ecology at least 30 days in advance of the public hearing:

(I) The public notice;

(II) A copy of the proposed order;

(III) A technical support document or other documentation prepared by the permitting authority showing its analysis of the request; and

(IV) A demonstration that the proposed alternative emission limitation is consistent with the purposes of chapter 70.94 RCW as required by RCW 70.94.380(1).

(C) Send to Ecology:

(I) A request that Ecology submit the order to EPA to include in the SIP;

(II) The final order; and

(III) Information supporting the request in a format required by Ecology.

(ii) Ecology requirements.

(A) Ecology will inform the permitting authority and the owner or operator of the source or stationary source of its acceptance or denial of the request for an alternative emission limit within 60 days of receiving a request from the permitting authority;

(B) Ecology approves the request by holding a public hearing consistent with WAC 173-400-171(12) and submits the regulatory order to EPA as a SIP amendment.

(C) If Ecology denies the request, notify the permitting authority and the owner or operator of the source or stationary source of the reasons for the denial.

(iii) If EPA approves the order as a SIP amendment, the order is effective on the effective date of EPA's approval.

WAC 173-400-107 Excess emissions.

Possible sunset dates for this provision:
- Effective date of EPA's removal of the 9/20/93 version from the SIP (EPA option)
- May 22, 2018 (18 months after the EPA SIP call deadline) (Ecology option)
- WSPA option:

This section is in effect until the effective date of EPA's incorporation of the entirety of WAC 173-400-108 and 173-400-109 into the Washington state implementation plan as replacement for this section.

This section is in effect until the effective date of EPA's incorporation of the entirety of WAC 173-400-108 and 173-400-109 into the Washington state implementation plan as replacement for this section. This section is not effective starting on that date.

(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.

WAC 173-400-108 Excess emissions reporting. [State-only requirement not federally enforceable]

(1)

Notify the permitting authority.

(i) The owner or operator must notify its permitting authority when excess emissions represent a potential threat to human health or safety as soon as possible, but not later than **twelve hours** after the excess emissions were discovered.

(ii) For all other excess emissions, the owner or operator must notify its permitting authority within 30 days after the end of the month during which the excess emissions event occurred.

(2) Report. The owner or operator must report all excess emissions to the permitting authority:

(i) Chapter 173-401 WAC source:

(A) As provided in WAC 173-401-615(3).

(B) To claim emissions as unavoidable under WAC 173-400-109, the report must contain the information in (3)(f) and (4) of this section.

(ii) All other sources:

(A) Within thirty days after the end of the month during which the event occurred; or

(B) As part of the next routine emission monitoring report.

(3) The report must contain at least the following information:
- (a) Date, time, duration of the episode;
- (b) Known causes;
- (c) For exceedances of emission limitations other than opacity, an estimate of the quantity of excess emissions;
- (d) The corrective actions taken;
- (e) The preventive measures taken or planned to minimize the chance of recurrence; and
- (f) Information in (4) of this section to claim an excess emissions event is unavoidable.
- (g) Exemption. A chapter 147-401 source must report equivalent information under WAC 173-401-615 so it is exempt from (a) through (e) of this subsection. Subsection (f) continues to apply.

(4) For any excess emission event that the owner or operator claims to be unavoidable under WAC 173-400-109, the report must also include the following information:

(a) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(b) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage; and

(c) All additional information required under WAC 173-400-109 (2), (3), (4), (5) or (6) supporting the claim that the excess emissions were unavoidable.

WAC 173-400-109 Unavoidable excess emissions. [State-only requirement not federally enforceable]

.

(1) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

(a) The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source.

(b) Excess emissions determined by the permitting authority to be unavoidable are:

(i) A violation subject to WAC 173-400-230 (3), (4),and (6); and

(ii) Not subject to civil penalty under WAC 173-400-230(2).

Nothing in a state rule limits a federal court's jurisidiction or discretion to determine the appropriate remedy in an enforcement action.

(2) ~~(a)~~ The owner or operator of a source shall have the burden of proving to the permitting authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsection (4) of this section.

(3) ~~(c)~~ This section does not apply to exceedances of emission standards in 40 C.F.R. Parts 60, 61, 62, 63, and 72 (in effect on the date in WAC 173-400-025), or a permitting authority's adoption by reference of these federal standards.

(4) ~~(d)~~ This section does not apply to an exceedance of emission limits and standards in a PSD permit issued solely by EPA.

(5) ~~(f)~~ Excess emissions that occur due to upsets or malfunctions during startup or shutdown are treated as upsets or malfunctions under subsection (6) of this section.

(6) Excess emissions due to upsets or equipment malfunctions will be considered unavoidable provided the source reports as required by WAC 173-400-108 and demonstrates to the permitting authority 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;

(c) When the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit or source as necessary to minimize emissions;

(d) If the emitting equipment had to continue operation during the malfunction for safety reasons to prevent the loss of life, prevent personal injury, or to minimize overall emissions, repairs were made in an expeditious fashion;

(e) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(f) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(g) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.

Ecology proposes to amend this section to align with EPA's rule on electronic notice and access. See 81 FR 71613.

WAC 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 means 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.**

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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; or

(o) An order issued under WAC 173-400-082.

(4) **Advertising the mandatory public comment period.**

(a) Public notice of all applications, orders, or actions listed in subsection (3) of this section must posted on the permitting authority web site for the duration of the public comment period. Duration does not require uninterrupted web site access.

(i) The permitting authority may supplement this method of notification by advertising in a newspaper of general circulation in the area of the proposed action or by other methods appropriate to notify the local community. ..

(ii) Require notification in newspaper until July 1, 2018.

(b) This public notice can be posted 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.

(c) The notice must be posted or given before any of the applications or other actions listed in subsection (3) of this section are approved or denied.

(d) The applicant or other initiator of the action must pay the publishing cost of providing public notice in a newspaper if the permitting authority determines supplemental noticing is required.

(5) **Information available for public review.**

(a) Administrative record. 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. A permitting authority may comply with this requirement by making these materials available on their web site or in at least one physical location near the proposed project.

(b) The permitting authority must post the following information on their web site for the duration of the public comment period:

(A) Public notice complying with subsection (6) of this section;

(B) Draft permit; and

(C) Information on how to access the administrative record.

(D) Duration does not require uninterrupted web site access.

(c) 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.** Public notice must be posted at least by the start date of the public comment period.

(a) The notice must include:
- (i) The date the public notice is posted;
- (ii) The name and address of the owner or operator and the facility;
- (iii) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;
- (iv) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;
- (v) The location where those documents made available for public inspection may be reviewed;
- (vi) Start date and end date for a thirty-day public comment period. If a holiday falls within this period, that is not considered a day.;
- (vii) A statement that a public hearing will be held if the permitting authority determines that there is significant public interest;
- (viii) 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.

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(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 or electronic means. 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) Post the public hearing notice on the permitting authority web site as directed by (4) of this section;

(ii) The permitting authority may supplement the web posting by advertising in a newspaper of general circulation in the area of the proposed source or action, or by other methods appropriate to notify the local community. and

(iii) Distribute by electronic means or postal service 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 supplemental notice costs if the permitting authority determines a supplemental notice is appropriate. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed source.

(11) **Notifying the EPA.**

The permitting authority must distribute by electronic means or postal service 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.

Ecology proposes to amend this section to align with EPA's rule on electronic notice and access. See 81 FR 71613.

WAC 173-400-740 Permitting public involvement requirements.

(1) **Actions requiring notification of the public.** Ecology must provide public notice before approving or denying any of the following types of actions related to implementation of the PSD program contained in WAC 173-400-720:
(a) Any preliminary determination to approve or disapprove a PSD permit application; or
(b) An extension of the time to begin construction or suspend construction under a PSD permit; or
(c) A revision to a PSD permit, except an administrative amendment to an existing permit; or
(d) Use of a modified or substituted 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 of air quality impacts.

(2) **Notification of the public.** As expeditiously as possible after the receipt of a complete PSD application, and as expeditiously as possible after receipt of a request for extension of the construction time limit under WAC 173-400-730(6), or after receipt of a nonadministrative revision to a PSD permit under WAC 173-400-750, ecology shall:

(a) Administrative record. Make available for public inspection in at least one location in the vicinity where the proposed source would be constructed, or for revisions to a PSD permit where the permittee exists, a copy of the information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality and air quality related values, considered in making the preliminary determination. Ecology may comply with this requirement by making these materials available on ecology's web site or at a physical location.

(i) Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post online on a web site but may be made available as part of the permit record either as hardcopy or on a data storage device.

(ii) 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.

(b) Notify the public by:

(i) Posting the following information on ecology's web site for the duration of the public comment period:

(A) Public notice elements in (3) of this section;

(B) PSD draft permit;

(C) PSD technical support document; and

(D) Information on how to access the administrative record.

(E) Duration does not require uninterrupted web site access.

(ii) If ecology grants a request to extend the public comment period, ecology must:

(A) Post the extension notice on the same web site where the original notice was posted;

(B) Specify the closing date of the extended comment period in the extension notice; and

(C) Distribute a copy of the extension notice by electronic means or postal service to whomever requested the extension and the

organizations and individuals listed in (c) and (d) of this subsection.

(iii) If a hearing is held, the public comment period must extend through the hearing date.

(iv) If ecology determines a supplemental notice is appropriate, the applicant or other initiator of the action must pay the cost of providing this public notice. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(c) Distribute by electronic means or postal service a copy of the public notice to:
- (i) Any Indian governing body whose lands may be affected by emissions from the project;
- (ii) The chief executive of the city where the project is located;
- (iii) The chief executive of the county where the project is located;
- (iv) Individuals or organizations that requested notification of the specific project proposal;
- (v) Other individuals who requested notification of PSD permits;
- (vi) Any state within 100 km of the proposed project.

(d) Distribute by electronic means or postal service a copy of the public notice, PSD preliminary determination, and the technical support document to:
- (i) The applicant;
- (ii) The affected federal land manager;
- (iii) EPA Region 10;
- (iv) The permitting authority with authority over the source under chapter 173-401 WAC; and
- (v) Individuals or organizations who request a copy.

(3) **Public notice content.** The public notice shall contain at least the following information:
- (a) The date the public notice is posted;
- (b) The name and address of the applicant;
- (c) The location of the proposed project;
- (d) A brief description of the project proposal;
- (e) The preliminary determination to approve or disapprove the application;
- (f) How much increment is expected to be consumed by this project;
- (g) The name, address, and telephone number of the person to contact for further information;
- (h) A brief explanation of how to comment on the project;
- (i) An explanation on how to request a public hearing;
- (j) The location of the draft permit and information on how to access the administrative record;
- (k) The start date and end date for a thirty-day public comment period starting from the date of posting notice on the web site. If a holiday falls within this period, that is not considered a day ;

(l) A statement that a public hearing may be held if ecology determines within a thirty-day period that significant public interest exists;
(m) The length of the public comment period in the event of a public hearing; and
(n) For projects subject to special protection requirements for federal Class I areas, in WAC 173-400-117, and where ecology disagrees with the analysis done by the federal land manager, ecology shall explain its decision in the public notice or state that an explanation of the decision appears in the technical support document for the proposed approval or denial.

(4) **Public hearings.**
(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the thirty-day public comment period. A request must indicate the interest of the entity filing it and why a hearing is warranted. Whether a request for a hearing is filed or not, ecology may hold a public hearing if it determines significant public interest exists. Ecology will determine the location, date, and time of the public hearing.
(b) Notification of a public hearing will be accomplished per the requirements of WAC 173-400-740(2).
(c) The public must be notified at least thirty days prior to the date of the hearing (or first of a series of hearings).

(5) **Consideration of public comments.** Ecology shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered. Ecology shall make all public comments available for public inspection at the same website where the preconstruction information on the proposed major source or major modification was made available.

(6) **Issuance of a final determination.**
(a) The final approval or disapproval determination must be made within one year of receipt of a complete application and must include the following:
(i) A copy of the final PSD permit or the determination to deny the permit;
(ii) A summary of the comments received;
(iii) Ecology's response to those comments;
(iv) A description of what approval conditions changed from the preliminary determination; and
(v) A cover letter that includes an explanation of how the final determination may be appealed.

(b) Ecology shall post the final determination on the same website where the draft permit and public notice was posted according to (2)(b)(i) of this section.

(c) Ecology shall distribute by electronic means or postal service a copy of the cover letter that accompanies the final determination to:
(i) Individuals or organizations that requested notification of the specific project proposal; and

(ii) Other individuals who requested notification of PSD permits.

(d) Ecology shall distribute by electronic means or postal service a copy of the final determination shallto:
(i) The applicant;
(ii) U.S. Department of the Interior - National Park Service;
(iii) U.S. Department of Agriculture - Forest Service;
(iv) EPA Region 10;
(v) The permitting authority with authority over the source under chapter 173-401 WAC; and
(vi) Any person who commented on the preliminary determination.

Ecology proposes to delete this provision to mirror EPA's proposed action to remove 40 CFR 70.6(g). These enforcement provisions are inconsistent with enforcement structure of the federal Clean Air Act. See 81 FR 38645 on June 14, 2016.

WAC 173-401-645 Emergency provision.

Starting January 1, 2018 this section is no longer effective. A permitting authority must remove this provision from an individual operating permit during the first possible periodic permit renewal, permit modification, or permit reopening after this date.

(1) Definition. An "emergency" means any situation arising from sudden and reasonably unforeseeable events beyond the control of the source, including acts of God, which situation requires immediate corrective action to restore normal operation, and that causes the source to exceed a technology-based emission limitation under the permit, due to unavoidable increases in emissions attributable to the emergency. An emergency shall not include noncompliance to the extent caused by improperly designed equipment, lack of preventative maintenance, careless or improper operation, or operator error.

(2) Effect of an emergency. An emergency constitutes an affirmative defense to an action brought for noncompliance with such technology-based emission limitations if the conditions of subsection (3) of this section are met.

(3) Criteria. The affirmative defense of emergency shall be demonstrated through properly signed, contemporaneous operating logs, or other relevant evidence that:

(a) An emergency occurred and that the permittee can identify the cause(s) of the emergency;
(b) The permitted facility was at the time being properly operated;
(c) During the period of the emergency the permittee took all reasonable steps to minimize levels of emissions that exceeded the emission standards, or other requirements in the permit; and
(d) The permittee submitted notice of the emergency to the permitting authority

within two working days of the time when emission limitations were exceeded due to the emergency or shorter periods of time specified in an applicable requirement. This notice fulfills the requirement of WAC 173-401-615 (3)(b) unless the excess emissions represent a potential threat to human health or safety. This notice must contain a description of the emergency, any steps taken to mitigate emissions, and corrective actions taken.

(4) Burden of proof. In any enforcement proceeding, the permittee seeking to establish the occurrence of an emergency has the burden of proof.

(5) Relationship to other rules. This provision is in addition to any emergency or upset provision contained in any applicable requirement.

WAC 173-401-724 Off-permit changes.

(1) The source shall be allowed to make changes not specifically addressed or prohibited by the permit terms and conditions without requiring a permit revision, provided that the proposed changes do not weaken the enforceability of existing permit conditions. Any change that is a Title I modification of the FCAA or is a change subject to the acid rain requirements under Title IV of the FCAA must be submitted as a permit revision.

(2) Each such change shall meet all applicable requirements and shall not violate any existing permit term or condition.

(3) Sources must provide contemporaneous written notice to the permitting authority and EPA of each such change, except for changes that qualify as insignificant under WAC 173-401-530. Such written notice shall describe each such change, including the date, any change in emissions, pollutants emitted, and any applicable requirement that would apply as a result of the change.

(4) The change shall not qualify for the permit shield under WAC 173-401-640.

(5) The permittee shall keep a record describing changes made at the source that result in emissions of a regulated air pollutant subject to an applicable requirement, but not otherwise regulated under the permit, and the emissions resulting from those changes.

(6) A source making a change under this section shall comply with applicable preconstruction review requirements established pursuant to RCW 70.94.152.

Ecology proposes to amend this section to align with EPA's rule on electronic notice and access. See 81 FR 71613.

WAC 173-401-800 Public involvement.

(1) Purpose. It is ecology's and local air authorities' goal to ensure that accurate permitting

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information is made available to the public in a timely manner. The permitting authority is responsible for providing notice of permitting actions that allows sufficient time for comment and for providing enough information to inform the public of the extent of the actions proposed. These public involvement regulations establish a statewide process to be followed by all permitting authorities.

(2) Public notice.

(a) The permitting authority shall provide public notice for the following actions:

(i) Issuance of a draft permit or permit renewal;

(ii) Intended denial of a permit application;

(iii) Issuance of a draft permit modification;

(iv) Issuance of a draft general permit;

(v) Scheduling of a public hearing under subsection (4) of this section; and

(vi) Any other related activities that the permitting authority considers to involve substantial public interest.

(b) Notice shall be given by the following methods:

(i) Permitting authority web site. A permitting authoriy must post notice on their web site for the duration of the public comment period. Duration does not require uninterrupted web site access:

(ii) A permitting authority may supplement notice on an individual permit or action. Additional notice may include, but is not limited to, a newspaper of general circulation in the area of the permittee.

(iii) *Permit Register*.

(A) Ecology shall publish notice in the *Permit Register* according to WAC 173-401-805.

(B) The permitting authority shall send information on any action requiring publication in the *Permit Register* to ecology within three days of the action.

(c) Notice of the activities described in (a) of this subsection shall also be provided to persons requesting to receive this notice. The permitting authority shall maintain a mailing list of persons requesting notice, and may maintain more than one list, such as lists based on geographical location. The mailing list may be electronic or hardcopy, or both. No request shall require the extension of the comment period associated with the notice. The permitting authority may from time to time inform the public of the opportunity to be on the list and may also delete from the list persons who fail to respond to an inquiry of continued interest in receiving the notices.

(d) Public notice must include:

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(i) Name and address of the permitting authority;
(ii) Name and address of the permit applicant, and if different, the name and address of the facility or activity regulated by the permit, unless it is a general permit;
(iii) A brief description of the business conducted at the facility and activity involved in the permit action;
(iv) Name, address, and telephone number of a person (or an email or web site address) from whom interested persons may obtain further information such as copies of the draft permit, the application, and relevant supporting materials;
(v) A brief description of the comment procedures, including the procedures to request a hearing, and the time and place of any hearings scheduled for the permit; and
(vi) A description of the emission change involved in any permit modification.

(e) Availability for public inspection.

(i) The permitting authority must post the draft permit and technical support document on their web site. Access to some materials comprising the permit record (such as air quality modeling data) may be too large to post on a web site but may be made available as part of the administrative record either as hardcopy or on a data storage device.

(ii) Administrative record. The permitting authority must make the administrative record available for public inspection for the duration of the public comment period. The administrative record must:

(A) Be available in at least one location near the chapter 401 source. This may be at a physical location and/or posted on the permitting authority web site; and

(B) Include all nonproprietary information contained in the permit application and supporting materials.

(3) Public comment. Except as otherwise provided in WAC 173-401-725, the permitting authority shall provide a minimum of thirty days for public comment on actions described in subsection (2)(a) of this section.

(a) This comment period begins on the date of posting notice on their web site;

(b) No proposed permit shall be issued until the public comment period has ended and the permitting authority has prepared a response to the comments received.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the comment period required under

subsection (3) of this section. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The permitting authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held at a time(s) and place(s) as the permitting authority deems reasonable. The permitting authority shall provide at least thirty days prior notice of any hearing.

(5) The permitting authority shall keep a record of the commentors and issues raised during the public participation process. Such records shall be available to the public.

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To: Dererie, Debebe (ECY)[derd461@ECY.WA.GOV]; adrienne.n.rosecrans@exxonmobil.com[adrienne.n.rosecrans@exxonmobil.com]; alison.dean@westrock.com[alison.dean@westrock.com]; amcintyre@nwcleanair.orga[amcintyre@nwcleanair.orga]; awestby@spokanecleanair.org[awestby@spokanecleanair.org]; brandonh@awb.org[brandonh@awb.org]; carolec@pscleanair.org[carolec@pscleanair.org]; chris@nwpulpandpaper.org[chris@nwpulpandpaper.org]; davel@gravelpits.com[davel@gravelpits.com]; david.w.moore@boeing.com[david.w.moore@boeing.com]; doug@nwenvlaw.com[doug@nwenvlaw.com]; dougkrapas@iepco.com[dougkrapas@iepco.com]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; hasan@yrcaa.org[hasan@yrcaa.org]; Johnson, Jolaine (ECY)[JOLA461@ECY.WA.GOV]; jspiegel@wspa.org[jspiegel@wspa.org]; jvanderwood@agcwa.com[jvanderwood@agcwa.com]; kell.gustaf@bp.com[kell.gustaf@bp.com]; kevin.booth@avistacorp.com[kevin.booth@avistacorp.com]; khawar.khan@honeywell.com[khawar.khan@honeywell.com]; klowry@cob.org[klowry@cob.org]; Koster, Robert (ECY)[RKOS461@ECY.WA.GOV]; LaSpina, Jim (UTC)[jlaspina@utc.wa.gov]; ltober@nwcleanair.org[ltober@nwcleanair.org]; Haller, Lynnette A. (ECY)[LHUL461@ECY.WA.GOV]; lynt@nwcleanairwa.gov[lynt@nwcleanairwa.gov]; mark.goodin@orcaa.org[mark.goodin@orcaa.org]; mark@nwcleanair.org[mark@nwcleanair.org]; mcohen@stoel.com[mcohen@stoel.com]; Newman, Alan (ECY)[anew461@ECY.WA.GOV]; Gent, Philip (ECY)[pgen461@ECY.WA.GOV]; pwending@cob.org[pwending@cob.org]; robin.priddy@bentoncleanair.org[robin.priddy@bentoncleanair.org]; Schleif, Stephanie (ECY)[ssch461@ECY.WA.GOV]; Schmidt, John W (DOH)[John.Schmidt@DOH.WA.GOV]; Schwieters, Judith (ECY)[jsch461@ECY.WA.GOV]; stevev@pscleanair.org[stevev@pscleanair.org]; swati.shastri@honeywell.com[swati.shastri@honeywell.com]; tspeir@co.pierce.wa.us[tspeir@co.pierce.wa.us]; Vicente, Ryan (ECY)[rvic461@ECY.WA.GOV]; Wess@swcleanair.org[Wess@swcleanair.org]; gerryp@pscleanair.org[gerryp@pscleanair.org]; John St. Clair[John@swcleanair.org]; Spencer, Gail (ECY)[gspe461@ECY.WA.GOV]; Patty Martin[martin@nwi.net]; Danna Dal Porto[dkdp44@gmail.com]; Garber, Rich D[RichGarber@packagingcorp.com]; Margee Chambers[mchambers@spokanecleanair.org]; Ruddick, Randall[ruddick.randall@epa.gov]; Guilfoil, Elena (ECY)[egui461@ECY.WA.GOV]; Kathryn VanNatta[kathryn@nwpulpandpaper.org]
Cc: Patora, Kasia (ECY)[kpat461@ECY.WA.GOV]
From: Guilfoil, Elena (ECY)
Sent: Thur 2/9/2017 11:56:49 PM
Subject: SSM Rulemaking Stakeholder Meeting - Schedule Change

Greetings.

There have been meeting changes since we last met. WSPA requested that we delay our next meeting so Ecology would have time to consider their comments. We agreed to their request so we rescheduled our meetings for February 22 and March 20. We decided to take advance of the scheduled meeting on February 15 – relocated from February 13 because of Ecology conflicts – to have a short meeting to focus on two topics.

- Opacity

  - 20 to 40 percent opacity for not more than three minutes in any one hour

  - Furnace refractory

- Section 082
  - Provisions reordered
    - List of emission standards in SIP
    - Operator requirements
    - Regulatory order requirements
  - Expanding section so it applies to "other operating modes"

Please register up for meeting at the stakeholder work group web site. You get an email after registering with the call-in phone number. You can either participate via your computer or call the number directly.

Next meetings (note date changes)

- February 22: draft rule will be posted late on **February 15**
- March 20: draft rule will be posted late on **March 13**

Please let me know if you have any questions.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

To: Ruddick, Randall[ruddick.randall@epa.gov]
From: Guilfoil, Elena (ECY)
Sent: Tue 1/24/2017 10:34:07 PM
Subject: RE: WA-ECY SSM 12-20-2016 Draft

Thanks Randall. This works although each comment only shows one line. Debebe said the version you sent him didn't include the drop down option so he couldn't view an entire comment.

Elena

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Ruddick, Randall [mailto:ruddick.randall@epa.gov]
Sent: Tuesday, January 24, 2017 12:14 PM
To: Guilfoil, Elena (ECY) <egui461@ECY.WA.GOV>
Subject: RE: WA-ECY SSM 12-20-2016 Draft

Hi Elena,

I've attached the word document you requested. I also sent it to Debebe on January 09, 2017, let me know if he had problems with his.

Sincerely,

Randall

From: Guilfoil, Elena (ECY) [mailto:egui461@ECY.WA.GOV]
Sent: Tuesday, January 24, 2017 10:06 AM
To: Ruddick, Randall <ruddick.randall@epa.gov>
Subject: RE: WA-ECY SSM 12-20-2016 Draft

Randall

Could you send this document to me in its original Word format because I can't expand comments to see their entirety. Turning a PDF doc into a Word doc loses the expanded comments.

Thanks.

Elena

Commented [A7]: The language here is best read as ending four hours after useful energy is actually supplied. To minimize the period of higher emissions, this should be revised to clarify that the higher opacity limit ends when four hours has elapsed since the boiler is capable of supplying useful thermal energy. In addition, ...

Commented [A8]: We assume this is a typo and was intended to read, "…no more than…"

Commented [A9]: If the 20% limit is a 3 minute exception and the 40% exception is a 6 minute average, referencing Method 9 here is confusing. It needs to make clear that Method 9 only applies to the 40% exception.

Commented [A10]: Without a requirement that this be provided in writing (rather than "advised of the schedule"), it would not appear to be enforceable. See 80 FR 33980 ("(7) The alterantive emission limit requires that that the owner's or operator's actions ...

Commented [A11]: Based on our understanding of the process, we do not understand why an exception to the 20% opacity limit is needed here. We understand that the main purpose of the thermal process related to refractory curing is to release unwanted *water* ...

Commented [A12]: We recommend a more complete citation to Appendix A-4 to 40 CFR Part 60

Commented [A13]: This language, alone, does not ensure the alterantive requirement does not become part of the SIP until approved by EPA as a SIP revision. To ensure it is not an impermissible Director's Discretion provision, language is neede ...

Elena Guilfoil / Air Quality Program / Department of Ecology / elena.guilfoil@ecy.wa.gov / (360)407-6855

From: Ruddick, Randall [mailto:ruddick.randall@epa.gov]
Sent: Friday, January 06, 2017 10:59 AM
To: Guilfoil, Elena (ECY) <egui461@ECY.WA.GOV>; Dererie, Debebe (ECY) <derd461@ECY.WA.GOV>
Cc: Suzuki, Debra <Suzuki.Debra@epa.gov>; Hunt, Jeff <Hunt.Jeff@epa.gov>
Subject: WA-ECY SSM 12-20-2016 Draft

Good morning,

Thanks for the chance to review Ecology's draft revisions to its SSM rules and certain other draft rule revisions. Region 10's comments on Ecology's 12-20-2016 draft SSM revisions are included in comment bubbles in the attached pdf.

Given the limited review time and its coincidence with the Holidays, we were unable to coordinate our review with EPA HQ. We also plan on reviewing the SSM draft that you put out for public comment and will coordinate our review with EPA Headquarters at that time. Of course, any final decision on whether these revisions are consistent with the SSM SIP Call will be based on our review of Ecology's complete submittal following your public notice/comment process and formal adoption of the plan and, after consideration of any comment we receive as part of the EPA public process.

Sincerely,

Randall Ruddick

Environmental Protection Specialist

Air Planning Unit

Office of Air and Waste

US EPA Region 10

1200 Sixth Ave, Suite 900, OAW-150

Seattle, WA 98101

206.553.1999

Contents

This draft dated December 20, 2016 contains the most recent version of Ecology's rule language to comply with the EPA SIP Call. Other rule changes Ecology is considering are found in the document "Rule changes not SSM-12_20_2016." Both documents are found on the rulemaking web page: http://www.ecy.wa.gov/programs/air/rules/wac173400/1507adv.htm.

Draft changes to Chapter 173-400 WAC

RCW 70.94.431(8) Civil penalties --- Excusable excess emissions....2

WAC 173-400-040 General standards for maximum emissions....2

WAC 173-400-070 Emission standards for certain source categories....8

WAC 173-400-081 Emission limits during startup and shutdown....11

WAC 173-400-082 Establishing emissions limitations for startup and shutdown for previously permitted sources or stationary sources....11

WAC 173-400-107 Unavoidable excess emissions....13

WAC 173-400-108 Excess emissions reporting....15

WAC 173-400-109 Unavoidable excess emissions....16

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RCW 70.94.431(8) Civil penalties --- Excusable excess emissions.

By January 1, 1992, the department shall develop rules for excusing excess emissions from enforcement action if such excess emissions are unavoidable. The rules shall specify the criteria and procedures for the department and local air authorities to determine whether a period of excess emissions is excusable in accordance with the state implementation plan.

WAC 173-400-030 Definitions.

Useful thermal energy means energy (steam or hot water) that meets the minimum operating temperature, flow, and/or pressure required by any energy use system that uses energy provided by the affected boiler.

Industrial furnace means enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy as defined in 40 CFR 260.10.

WAC 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 except:

(a) 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.

(b) 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.

(c) When an alternate opacity limit has been established per RCW 70.94.331(2)(c).

(d) When emissions occur due to start-up of a hog fuel or wood fired boiler, visible

emissions may exceed 20 percent opacity but not exceed 40 percent opacity for more than 3 minutes in a one hour period. Determine opacity using ecology method 9A (*Ecology Source Test Manual*). ~~Visible emissions may not exceed twenty percent for more than 3 minutes in an hour when the earlier of~~ For purposes of this subparagraph, "start-up" ends at the earlier of the following:

(i) The dry electrostatic precipitator or baghouse has met its minimum operating temperature, at which time the control is to be operated; or

(ii) Four hours has elapsed since the beginning of supplying useful thermal energy.

(e) When the emissions occur due to soot blowing or grate cleaning of a hog fuel or wood fired boiler, visible emissions may exceed 20 percent opacity but not exceed 40 percent opacity on a 6 minute average, for more than one fifteen minute period in any eight consecutive hours.

(i) Determine opacity using EPA Method 9 – Visual determination of the opacity of emissions from stationary sources in Appendix A to Part 60.

(ii) To use this alternate standard, the soot blowing and/or grate cleaning must be scheduled for the same approximate time(s) each day and the permitting authority must be advised of the schedule.

(iii) Determine data reduction method based on the *Ecology Source Test Manual* (updated 7/1/2016).

(f) Visible emissions that occur during curing of furnace refractory after maintenance repair or replacement in an existing industrial furnace or boiler may exceed 20 percent opacity, on a 6 minute average, but not exceed 40 percent opacity, on a 6 minute average, provided the following requirements are met:

(i) Determine opacity using EPA Method 9 – Visual determination of the opacity of emissions from stationary sources – in Appendix A to Part 60; and

(ii) The total duration of refractory curing does not exceed 36 hours, unless provided for in a NOC approval or regulatory order issued under WAC 173-400-082; and

(iii) The owner/operator has supplied the permitting authority a copy of the manufacturer's instructions on curing refractory in the furnace, boiler, or lime kiln; and

(iv) The manufacturer's instructions on curing refractory are followed, including all instructions on temperature increase rates and holding temperatures and time; and

(v) The emission controls are engaged as soon as possible during the curing process; and

(vi) The owner/operator notifies the permitting authority at least one working day prior to the start of the refractory curing process.

(g) Exemptions from twenty percent opacity standard.

(i) Visible emissions reader certification testing. Visible emissions from the "smoke generator" used for testing and certification of visible emissions readers per the requirements of 40 C.F.R. Part 60, Appendix A, Reference Method 9 and ecology methods 9A and 9B shall be exempt from compliance with the twenty percent opacity limitation while being used for certifying visible emission readers.

(ii) Military training exercises. Visible emissions resulting from military obscurant training exercises are exempt from compliance with the twenty percent opacity limitation provided the following criteria are met:

(A) No visible emissions shall cross the boundary of the military training site/reservation.

(B) 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.

(iii) Firefighter training. Visible emissions from fixed and mobile firefighter training facilities while being used to train firefighters and while complying with the requirements of chapter 173-425 WAC.

(iv) Established as an alternate emission limit under WAC 173-400-082.

(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 their 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. Alternate unit specific emission standards are:

(a) Sulfur recovery unit alternate emission standard. During startup or shutdown of a sulfur recovery unit described in 40 CFR 63.1579, the owner or operator shall:

(i) Follow the facility's written startup, shutdown, or maintenance procedures; and

(ii) Limit emissions to less than 100 pounds/hour from the event instead of the numeric limit prescribed by this subsection.

(b) Sulfur dioxide alternate emission standard. The permitting authority may, by regulatory order, approve for a specific emission unit(s) an alternative to the sulfur dioxide emission limit imposed by this subsection (WAC 173-400-040(7)).

(i) An order issued under this subsection which approves an alternative limit instead of the sulfur dioxide standard, shall not take effect until EPA approves the alternative sulfur dioxide limit as an amendment to the SIP.

(ii) The owner or operator of a source requesting approval of an alternative sulfur dioxide limitation applicable to specific operating scenario(s) must demonstrate all of the following to the satisfaction of the permitting authority:

(A) The NAAQS and Washington ambient air quality standards for oxides of sulfur in chapter 173-476 WAC will not be exceeded as a result of the proposed alternative limitation, based on worst-case emission rates. The ambient air quality standards analysis must include the effects of background sulfur dioxide concentrations and sulfur dioxide emissions from adjacent facilities.

(B) Demonstrate that all practicable steps will be made to minimize the quantity and impact of emissions during the alternative operating scenario.

(C) The alternative limitation would not exceed the levels allowed by an applicable sulfur dioxide emission standard in 40 CFR Parts 60, 61, 62, 63, or 72.

(D) It is not technologically feasible to use the existing control system or an operating scenario that would avoid the need for an alternative emission standard.

(E) The operating characteristics of the emission unit(s) for which an alternative emission standard is being requested that prevent meeting the sulfur dioxide standard in this subsection during the specific operating scenario(s).

(iii) The permitting authority must follow the mandatory public comment period requirements specified in WAC 173-400-171.

(iv) An order issued under this subsection shall include:

(A) The name or other designations used by the source to identify the specific the emission unit(s) at the source subject to the alternative emission limitation

(B) The criteria defining when the alternative emission limitation is applicable.

(C) The alternative sulfur dioxide limit. The alternative sulfur dioxide limitation approved under this subsection may be a numerical limitation, technology requirement or a work practice standard.

(D) Requirements to minimize the frequency and duration of the approved alternative operating scenario;

(E) A requirement that the emission unit(s) involved are operated in a manner consistent with good operating practices for minimizing emissions;

(F) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established in the order.

(v) The permitting authority may assess and collect fees at the rate prescribed by the permitting authority's fee schedule.

(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).

(10) **Requirement to minimize emissions**. At all times, including periods of startup, shutdown, and malfunction, owners and operators shall, to the extent practicable, maintain and operate any affected facility including associated air

pollution control equipment in a manner consistent with good air pollution control practice for minimizing emissions. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to the permitting authority which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(11) **Operation of installed air pollution control equipment**. When an emission unit or source is in operation, air pollution control equipment installed on an emission unit or source must be operated at all times, including startup, shutdown, and periods of malfunction, recognizing limitations imposed by the need to protect of personnel and equipment from fire and to meet personnel and fire safety requirements.

WAC 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 and silo burners.** As of January 1, 2020, it is illegal to use a wigwam or silo burner in Washington. A wigwam or silo burner may operate until midnight December 31, 2019 provided it complies with the following:

(a) All wigwam and silo burners designed to dispose of wood waste must meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), (7), (8), and WAC 173-400-050(4) or) 40 C.F.R. Part 62, Subpart III as applicable.

(b) All wigwam and silo burners must 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 permitting 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) The permit authority may establish additional requirements for wigwam and silo burners. 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 and silo burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(2), visible emissions..

(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.

(iv)

(2) 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 for more than 3 minutes in a one hour period determined using ecology method 9A.

(3) **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).

(4) **Other wood waste burners.**

(a) Wood waste burners shall meet all applicable provisions of WAC 173-400-040 and 050. In addition, wood waste burners subject to WAC 173-400-050(4) or 40 CFR Part 62, Subpart III must meet all applicable provisions of those sections.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

(5) Municipal solid waste landfills constructed, reconstructed, or modified before May 30, 1991

WAC 173-400-081 Emission limits during startup and shutdown.

(1) In promulgating technology-based emission standards and establishing emission limits when making control technology determinations (e.g., BACT, RACT, LAER, BART) the permitting authority will consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown.

(2) When the permitting authority determines, as part of its control technology determination, 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 limitation or standard during startup or shutdown, the permitting authority must include in the standard or regulatory order 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.

(*NEW*) WAC 173-400-082 Establishing an emissions limitation for startup and shutdown when exceeding a standard in the SIP.

(1) The owner or operator of a source or stationary source may request an alternative emission limitation applicable to specific operating scenario(s). The owner or operator must demonstrate to the satisfaction of the permitting authority. The demonstration must show:

(a) The NAAQS and Washington ambient air quality standards in chapter 173-476 WAC will not be exceeded as a result of the proposed alternative limitation, based on worst-case emission rates. The ambient air quality standards analysis must include the effects of background concentrations and emissions from adjacent facilities.

(b) Demonstrate that all practicable steps will be made to minimize the quantity and impact of emissions during the alternative operating scenario.

(c) The alternative limitation would not exceed the levels allowed by an applicable emission standard in 40 CFR Parts 60, 61, 62, 63, or 72.

(d) It is not technologically feasible to use the existing control system or any practicable operating scenario that would enable the emission unit, source, or stationary source to comply with the emission standard and avoid the need for an alternative emission standard.

(e) The alternative emission limitation will be in place for the shortest practicable amount of time.

(f) The alternative emission limitation proposed must:

(i) Reflect best operational practices for the emission unit(s) involved; and

(ii) Minimize the extent, duration, and emissions resulting from the alternative operating scenario.

(g) The operating characteristics of the emission unit(s) for which an alternative emission standard is being requested that prevent meeting the emission standard during the specific operating scenario(s).

(2) The permitting authority may approve an alternative emission limit applicable to an emission unit(s) during startup or shutdown, or both, that will apply instead of one or more of the emission standards listed below. The applicable emission standards may include but are not limited to:

(a) Opacity standard in WAC 173-400-040 (2);

(b) Sulfur dioxide emission standard in WAC 173-400-040 (7) and WAC 173-405-040 (11);

(c) Particulate matter standards in WAC 173-400-050 and 060;

(d) Chapter 173-405 WAC: particulate matter [Total Suspended Particulate], opacity standards, sulfur dioxide emission standard;

(e) Chapter 173-410 WAC: particulate matter [Total Suspended Particulate], and sulfur dioxide emission standard; and

(f) WAC 173-415-040 (6).

(3) The permitting authority may approve a numerical limitation, technology requirement, or a work practice standard as an alternative emission limitation under this provision.

(4) Regulatory order.

(a) The permitting authority must include the alternative emission limitation in a regulatory order.

(b) The regulatory order must specify the emission unit(s) at the source or stationary source subject to the alternative emission limitation and the criteria defining when the alternative emission limitation is applicable.

(c) The permitting authority must follow the mandatory public comment period requirements specified in WAC 173-400-171.

(d) An order issued under this subsection must include:

(i) The name or other designations used by the source to identify the specific the emission unit(s) at the source subject to the alternative emission limitation

(ii) The criteria defining when the alternative emission limitation is applicable.

(iii) The alternative sulfur dioxide limit. The alternative sulfur dioxide limitation approved under this subsection may be a numerical limitation, technology requirement or a work practice standard.

(iv) Requirements to minimize the frequency and duration of the approved alternative operating scenario;

(v) A requirement that the emission unit(s) involved are operated in a manner consistent with good operating practices for minimizing emissions; and

(vi) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established in the order.

(e) The permitting authority may assess and collect fees at the rate prescribed by the permitting authority's fee schedule.

(5) An order issued under this provision that increases permitted emissions over levels authorized in the SIP must not take effect until EPA approves the order as a SIP amendment.
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.

WAC 173-400-107 Unavoidable excess emissions.

This section is in effect until December 31, 2017.

WAC 173-400-108 Excess emissions reporting. [State-only requirement not federally enforceable]

(1) Excess emissions must be reported to the permitting authority.

(a) Notification requirements: When the owner or operator becomes aware that a source's emissions exceeded permitted levels, the owner or operator must notify the permitting authority as soon as possible, but no later than:

(i) Emissions represent potential threat to human health or safety: twelve hours after the owner or operator becomes aware of the excess emissions; or .

(ii) Upsets or malfunctions thought to be unavoidable: twenty four hours after the owner or operator becomes aware of the excess emissions.
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(b) Reporting schedule. The owner or operator must report excess emissions to the permitting authority:

(i) Within thirty days after the end of the month during which the event occurred; or

(ii) As part of the routine emission monitoring reports; or

(iii) As provided in WAC 173-401-615 for chapter 173-401 WAC sources.

(2) The report must contain at least the following information:

(a) Date, time, duration of the episode;

(b) Known causes;

(c) For exceedances of emission limitations other than opacity, an estimate of the quantity of excess emissions;

(d) The corrective actions taken; and

(e) The preventive measures taken or planned to minimize the chance of recurrence.

(f) Exemption. This subsection does not apply to sources required to report under WAC 173-401-615.

(3) For any excess emission event that the owner or operator claims to be unavoidable under WAC 173-400-109, the report must include the following information in addition to that required in subsection (2) of this section:

(a) Properly signed, contemporaneous records documenting the owner or operator's actions in response to the excess emissions event;

(b) Information on whether installed emission monitoring and pollution control systems were operating at the time of the exceedance. If either or both systems were not operating, information on the cause and duration of the outage;

(c) All additional information required under WAC 173-400-109 (3), (4) or (5) supporting the claim that the excess emissions were unavoidable.

WAC 173-400-109 Unavoidable excess emissions. [State-only requirement not federally enforceable]

(1) Excess emissions determined to be unavoidable under the procedures and criteria in this section are violations of the applicable statute, rule, permit, or regulatory order.

(a) The permitting authority determines whether excess emissions are unavoidable based on the information supplied by the source.

(b) Excess emissions determined by the permitting authority to be unavoidable are:

(i) A violation subject to WAC 173-400-230 (3), (4),and (6); and

(ii) Not subject to civil penalty under WAC 173-400-230(2).

Note: Nothing in state rule affects the statutory authority of the courts to determine liability and impose remedies from provisions of the federal CAA.

(2)

(a) The owner or operator of a source shall have the burden of proving to the permitting authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsection (4) of this section.

(b) This section does not apply to exceedances of emission standards in 40 C.F.R. Parts 60, 61, 62, 63, and 72, or a permitting authority's adoption by reference of these federal standards.

(3) Excess emissions that occur due to upsets or malfunctions during startup or shutdown are treated as upsets or malfunctions under subsection (4) of this section.

(4) Excess emissions due to upsets or equipment malfunctions will be considered unavoidable provided the source reports as required by WAC 173-400-108 and adequately demonstrates to the permitting authority 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;

(c) When the operator knew or should have known that an emission standard or permit condition was being exceeded, the operator took immediate and appropriate corrective action in a manner consistent with safety and good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action. Actions taken could include slowing or shutting down the emission unit or source as necessary to minimize emissions;

(d) If the emitting equipment had to continue operation during the malfunction for safety reasons to prevent the loss of life, prevent personal injury, or to minimize overall emissions, repairs were made in an expeditious fashion;

(e) All emission monitoring systems and pollution control systems were kept operating to the extent possible unless their shutdown was necessary to prevent loss of life, personal injury, or severe property damage;

(f) The amount and duration of the excess emissions (including any bypass) were minimized to the maximum extent possible; and

(g) All practicable steps were taken to minimize the impact of the excess emissions on ambient air quality.