



RULE-MAKING ORDER PERMANENT RULE ONLY

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

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STATE OF WASHINGTON
FILED

DATE: August 10, 2021

TIME: 1:37 PM

WSR 21-17-054

Agency: Southwest Clean Air Agency

Effective date of rule:

Permanent Rules

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

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

- Yes No If Yes, explain:

Purpose:

SWCAA 400-025 – Adoption of Federal Rules

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

SWCAA 400-030 – Definitions

The proposed rule changes revise references to RCW 70.94, add a definition for diesel and revise definitions for distillate oil, new source, and volatile organic compound, and make administrative edits.

SWCAA 400-036 – Portable Sources From Other Washington Jurisdictions

The proposed rule changes revise requirements for relocation noticing and emission unit registration and make administrative edits.

SWCAA 400-040 – General Standards for Maximum Emissions

The proposed rule changes revise references to RCW 70.94, revise opacity standards to incorporate alternative standards for boiler startup/shutdown and kiln/boiler refractory curing and make administrative edits.

SWCAA 400-045 – Permit Application for Nonroad Engines

The proposed rule changes make administrative edits.

SWCAA 400-046 – Application Review Process for Nonroad Engines

The proposed rule changes add language for presumptive application withdrawal, revise registration fee citations and make administrative edits.

SWCAA 400-050 – Emission Standards for Combustion and Incineration Units

The proposed rule changes adopts the federal plan in 40 CFR 62 Subpart III and make administrative edits.

SWCAA 400-070 – General Requirements for Certain Source Categories

The proposed rule changes remove opacity exception for boiler soot blowing and grate cleaning, adopt the federal plan in 40 CFR 62 Subpart LLL, prohibit cyclonic burn barrels and make administrative edits.

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

The proposed rule changes remove EPA test method citation for small boilers/heaters, clarify exemption under SWCAA 400-109 and make administrative edits.

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

The proposed rule changes add exceptions to federal NESHAP adoption, update exceptions to federal MACT adoptions and make administrative edits.

SWCAA 400-081 – Startup and Shutdown

The proposed rule changes remove citation for technology-based emission standards and make administrative edits.

SWCAA 400-091 – Voluntary Limits on Emissions

The proposed rule changes revise references to RCW 70.94 and make administrative edits.

SWCAA 400-100 – Registration Requirements

The proposed rule changes revise references to RCW 70.94 and make administrative edits.

SWCAA 400-103 – Operating Permit Fees

The proposed rule changes revise references to RCW 70.94 and add a procedure for review of program fee determinations.

SWCAA 400-105 – Records, Monitoring and Reporting

The proposed rule changes revise references to RCW 70.94, add a separate emission inventory submittal deadline for gasoline stations and make administrative edits.

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

The proposed rule changes revise requirement to test to include periodic and ongoing testing and revise required items for monitoring reports.

SWCAA 400-107 – Excess Emissions

The proposed rule changes revise unavoidable excess emission criteria to be consistent with federal court rulings and EPA guidance.

SWCAA 400-109 – Air Discharge Permit Applications

The proposed rule changes add an application procedure for permit extensions and make administrative edits.

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

The proposed rule changes revise references to RCW 70.94, add language for presumptive application withdrawal, clarify supersession of previous permits in new permitting actions, add reference to SWCAA 400-036, add notification and public involvement requirements for reopening for cause actions and make administrative edits.

SWCAA 400-111 – Requirements for New Sources in a Maintenance Plan Area

The proposed rule changes revise reference to RCW 70.94 and make administrative edits.

SWCAA 400-112 – Requirements for New Sources in Nonattainment Areas

The proposed rule changes revise reference to RCW 70.94 and make administrative edits.

SWCAA 400-113 – Requirements for New Sources in Attainment or Nonclassifiable Areas

The proposed rule changes revise reference to RCW 70.94 and make administrative edits.

SWCAA 400-114 – Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

The proposed rule changes add a reference to T-RACT and an anti-backsliding requirement and make administrative edits.

SWCAA 400-115 – Standards of Performance for New Sources

The proposed rule changes update exceptions to NSPS adoption and make administrative edits.

SWCAA 400-136 – Maintenance of Emission Reduction Credits in Bank

The proposed rule changes revise reference to RCW 70.94.

SWCAA 400-151 – Retrofit Requirements for Visibility Protection

The proposed rule change makes administrative edits.

SWCAA 400-171 – Public Involvement

The proposed rule changes revise references to RCW 70.94 and make administrative edits.

SWCAA 400-180 – Variance

The proposed rule changes revise reference to RCW 70.94.

SWCAA 400-230 – Regulatory Actions and Civil Penalties

The proposed rule changes revise references to RCW 70.94.

SWCAA 400-235 – Credible Evidence

The proposed rule changes add a new rule section addressing the use of credible evidence in determining compliance.

SWCAA 400-240 – Criminal Penalties

The proposed rule changes revise reference to RCW 70.94.

SWCAA 400-260 – Conflict of Interest

The proposed rule changes revise federal regulation citations.

SWCAA 400-265 – Duty to Provide Information

The proposed rule changes add a new rule section regarding SWCAA's authority to request information relevant to air emissions.

SWCAA 400-270 – Confidentiality of Records and Information

The proposed rule changes revise references to RCW 70.94.

SWCAA 400-280 – Powers of Agency

The proposed rule changes revise references to RCW 70.94 and make administrative edits.

SWCAA 400-810 – Major Stationary Source and Major Modification Definitions

The proposed rule changes make administrative edits.

SWCAA 400 Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE

The proposed rule changes update lists of adopted federal regulations and make administrative edits.

Citation of rules affected by this order:

New: SWCAA 400-235, SWCAA 400-265

Repealed: None

Amended: SWCAA 400-025, SWCAA 400-030, SWCAA 400-036, SWCAA 400-040, SWCAA 400-045, SWCAA 400-046, SWCAA 400-050, SWCAA 400-070, SWCAA 400-072, SWCAA 400-075, SWCAA 400-081, SWCAA 400-091, SWCAA 400-100, SWCAA 400-103, SWCAA 400-105, SWCAA 400-106, SWCAA 400-107, SWCAA 400-109, SWCAA 400-110, SWCAA 400-111, SWCAA 400-112, SWCAA 400-113, SWCAA 400-114, SWCAA 400-115, SWCAA 400-136, SWCAA 400-151, SWCAA 400-171, SWCAA 400-180, SWCAA 400-230, SWCAA 400-240, SWCAA 400-260, SWCAA 400-270, SWCAA 400-280, SWCAA 400-810, SWCAA 400 Appendix C

Suspended: None

Statutory authority for adoption: RCW 70.94.141

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 21-09-012 on April 8, 2021 (date).

Describe any changes other than editing from proposed to adopted version: One change – An exemption clause for special circumstances was added to the new language prohibiting cyclonic burn barrels in SWCAA 400-070(16).

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

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other:

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

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

The number of sections adopted in order to comply with:

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

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

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

New	<u>2</u>	Amended	<u>35</u>	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>2</u>	Amended	<u>35</u>	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	<u>2</u>	Amended	<u>35</u>	Repealed	___

Date Adopted: August 5, 2021

Name: Uri Papish

Title: Executive Director

Signature:

