AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

SWCAA 400-025 Adoption of Federal Rules

Federal rules cited in this rule are adopted by reference as in effect on September 1, ((~~2022~~)) 2024.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23]

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 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 70A.15 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 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 70A.15.2240 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.

(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_2 concentrations), 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) "**Diesel**" means fuel oil that complies with the specifications for diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975.

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

(35) "**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.

(36) "**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, diesel fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D975, kerosene, as defined by the American Society of Testing and Materials in ASTM D3699, biodiesel as defined by the American Society of Testing and Materials in ASTM D6751, or biodiesel blends as defined by the American Society of Testing and Materials in ASTM D7467.

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

(38) "**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.

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

(40) "**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).

(41) "**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.

(42) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter 70A.15 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 70A.15 RCW.

(43) "**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 70A.15 RCW, or Chapter 70.98 RCW.

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

(45) "**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).

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

(47) "**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

(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.

(48) "**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.

(49) "**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.

(50) "**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.

(51) "**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.

(52) "**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.

(53) "**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.

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

(55) "**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.

(56) "**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.

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

(58) "**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).

(59) "**Hazardous air pollutant**" means any air pollutant listed in or pursuant to section 112(b) of the FCAA as modified by 40 CFR 63, Subpart C.

(((~~59~~)))(60) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.

(((~~60~~)))(61) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."

(((~~61~~)))(62) "**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.

(((~~62~~)))(63) "**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.

(((~~63~~)))(64) "**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.

(((~~64~~)))(65) "**Maintenance pollutant**" means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.

(((~~65~~)))(66) (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.

(((~~66~~)))(67) (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.

(((~~67~~)))(68) "**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.

((~~(68)~~))(69) "**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;
(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.

((~~(69)~~))(70) "**Masking**" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

((~~(70)~~))(71) "**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.

((~~(71)~~))(72) "**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.

((~~(72)~~))(73) "**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.

((~~(73)~~))(74) "**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).

((~~(74)~~))(75) "**National Emission Standards for Hazardous Air Pollutants**" (NESHAPS) means the federal rules in 40 CFR Part 61.

((~~(75)~~))(76) "**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.

((~~(76)~~))(77) "**Natural conditions**" means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

((~~(77)~~))(78) (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 requirements for "new sources" in maintenance plan, attainment or unclassified areas, means the same as the definition found in WAC 173-400-710.

((~~(78)~~))(79) "**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";

(e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid portable source permit as provided in SWCAA 400-036 and 400-110(6);

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

(g) Nonroutine replacement or modification of a boiler shell and/or tubes without replacement of the associated burner(s); or

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

((~~(79)~~))(80) "**New Source Performance Standards**" (NSPS) means the federal rules in 40 CFR Part 60.

((~~(80)~~))(81) "**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.

((~~(81)~~))(82) "**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, an aircraft, 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 under 40 CFR Part 60, (or otherwise regulated by a federal New Source Performance Standard promulgated under Section 111 of the Federal Clean Air Act). Note that this criterion does not apply for engines meeting any of the criteria of paragraph (1) of this definition that are voluntarily certified under 40 CFR part 60; 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.~~)) For any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced, include the time period of both engines 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~~)) at least two years) and that operates at that single location approximately three months (or more) each year. ((~~This paragraph does not apply to an engine after the engine is removed from the location.~~)) See 40 CFR 1068.31 for provisions that apply if the engine is removed from the location. (ref. 40 CFR ((~~89.2~~)) 1068.30)

((~~(82)~~))(83) "**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.

((~~(83)~~))(84) "**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.

((~~(84)~~))(85) "**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.)

((~~(85)~~))(86) "**Opacity**" means the degree to which an object seen through a plume is obscured, stated as a percentage.

((~~(86)~~))(87) "**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.

((~~(87)~~))(88) "**Operating permit**" means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.

((~~(88)~~))(89) "**Operating permit application**" means the same as "application" as described in WAC 173-401-500 and -510.

((~~(89)~~))(90) "**Order**" means any regulatory order issued by the Agency or Ecology pursuant to Chapter 70A.15 RCW, including, but not limited to RCW 70A.15.3010, 70A.15.2220, 70A.15.2210 and 70A.15.2040(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.

((~~(90)~~))(91) "**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.

((~~(91)~~))(92) "**Ozone depleting substance**" means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

((~~(92)~~))(93) "**Particulate matter**" (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

((~~(93)~~))(94) "**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.

((~~(94)~~))(95) "**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.

((~~(95)~~))(96) "**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.

((~~(96)~~))(97) "**Permitting agency**" means Ecology or the local air pollution control agency with jurisdiction over a "source."

((~~(97)~~))(98) "**Person**" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.

((~~(98)~~))(99) "**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.

((~~(99)~~))(100) "**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.

((~~(100)~~))(101) "**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.

((~~(101)~~))(102) "**$PM_{2.5}$**" 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.

((~~(102)~~))(103) "**$PM_{2.5}$ 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.

((~~(103)~~))(104) "**Pollutant**" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))

((~~(104)~~))(105) "**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).

((~~(105)~~))(106) "**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 "stationary source."

((~~(106)~~))(107) "**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_2concentrations), and calculate and record the mass emissions rate (for example, lb/hr) on a continuous basis. (ref 40 CFR 51.166(b)(44))

((~~(107)~~))(108) "**Prevention of Significant Deterioration**" (PSD) means the program set forth in WAC 173-400-700 through WAC 173-400-750.

((~~(108)~~))(109) "**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.

((~~(109)~~))(110) "**Reasonably attributable**" means attributable by visual observation or any other technique the Agency deems appropriate.

((~~(110)~~))(111) "**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."

((~~(111)~~))(112) "**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 70A.15 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.

((~~(112)~~))(113) "**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.

((~~(113)~~))(114) "**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.

((~~(114)~~))(115) "**Shutdown**" means the cessation of operation of an affected source or portion of an affected source for any purpose.

((~~(115)~~))(116) (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 sources" in maintenance plan, attainment, or unclassified areas, means the same as the definition found in WAC 173-400-710.

((~~(116)~~))(117) "**SIP**" means the same as "State Implementation Plan".

((~~(117)~~))(118) "**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.

((~~(118)~~))(119) "**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.

((~~(119)~~))(120) "**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 70A.15 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.

((~~(120)~~))(121) "**Stack**" means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.

((~~(121)~~))(122) "**Stack height**" means the height of an emission point measured from the round-level elevation at the base of the stack.

((~~(122)~~))(123) "**Standard conditions**" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.

((~~(123)~~))(124) "**Startup**" means the setting in operation of an affected source or portion of an affected source for any purpose.

((~~(124)~~))(125) "**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.

((~~(125)~~))(126) "**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~~)) nonroad engine or ((~~non-road~~)) nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

((~~(126)~~))(127) "**Sulfuric acid plant**" means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

((~~(127)~~))(128) "**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.

((~~(128)~~))(129) "**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.

((~~(129)~~))(130) "**Total suspended particulate**" (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

((~~(130)~~))(131) "**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 toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

((~~(131)~~))(132) "**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.

((~~(132)~~))(133) "**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.

((~~(133)~~))(134) "**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.

((~~(134)~~))(135) "**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.

((~~(135)~~))(136) "**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.

((~~(136)~~))(137) "**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.

((~~(137)~~))(138) "**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; t-butyl 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-(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; 1,1,2,2-Tetrafluoro-1-(2,2,2-trifluoroethoxy) ethane (HFE-347pcf2); cis-1,1,1,4,4,4-hexafluorobut-2-ene (HFO-1336mzz-Z) 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.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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 those identified in section (3) below.

(3) Exemptions
  (a) Engines operating in SWCAA jurisdiction prior to November 9, 2003;
  (b) Nonroad engine installations with an aggregate power rating less than 500 horsepower not associated with stationary sources;
  (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; or
  (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.), not including engines that could functionally be replaced by a stationary engine (e.g., mobile crushers, screens, or grinders). ((~~; or~~
  (~~l) Engines integral to a stationary source (e.g., portable power units dedicated to supporting sources such as rock crushers, asphalt plants, rock screens, etc.). These engines are subject to permitting under SWCAA 400-109.~~))

(4) **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.

(5) **Fees.** Before the Agency may review a permit application or issue a permit, the applicant must submit all applicable fees as detailed in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(6) **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.

(7) **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.

AMENDATORY SECTION (Amending 21-17-054 filed 8/10/21, effective 9/10/21)

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.

(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 (as in effect on the date cited in SWCAA 400-025).~~)) 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 applicable Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on the date cited in SWCAA 400-025). 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(1). 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.

(d) If an applicant fails to respond to Agency information requests within 60 calendar days, the Agency may presume the nonroad engine permit application is being withdrawn. The Agency will issue written notice of application withdrawal. No fees will be refunded if an application is withdrawn.

(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 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 current Consolidated Fee Schedule established in accordance with SWCAA 400-098 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 as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098. 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 a second registration fee must be paid.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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 must meet all provisions of SWCAA 400-040 and SWCAA 400-050(1).
   (b) All hog fuel boilers must utilize RACT and be operated and maintained to minimize emissions.

(3) **Orchard heating.**
   (a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.
   (b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) **Catalytic cracking units.** All new catalytic cracking units must 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 must be expressed as one hundred percent H_2SO_4.

(6) **Gasoline dispensing facilities.**
   (a) All gasoline dispensing facilities must 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 must have a maximum fuel flow rate not to exceed 10 gallons per minute. [40 CFR ((~~80.22(j)~~)) 1090.1550(b)]

(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

Dry cleaning facilities with:	Small area source purchases less than:	Large area source purchases between:	Major source purchases more than:
(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:

(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.

(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 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.

(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 must 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 must employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps. Blasting operations must comply with the general regulations found in SWCAA 400-040 at all times.

(b) Outdoor blasting must 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 must be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material must be handled and disposed of in accordance with applicable regulations.

(9) **Sewage sludge incinerators.**

(a) Standards for the incineration of sewage sludge found in 40 CFR 503, Subparts A (General Provisions) and E (Incineration) are adopted by reference (as in effect on the date cited in SWCAA 400-025).

(b) The federal plan found under 40 CFR 62 Subpart LLL is adopted by reference (as in effect on the date cited in SWCAA 400-025).

(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 references in this subsection to 40 CFR Part 60 rules mean those rules in effect on the date cited in SWCAA 400-025.

(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;
  (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 must 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 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 apply to all combustion sources except the following:

(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. Used oil burned as fuel must not exceed 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 ºF minimum; and

(ix) Total halogens – 1,000 ppm maximum.

(12) **Coffee roasters.** Batch coffee roasters with a capacity of 10 pounds or greater of green coffee beans per batch must install and operate an afterburner or equivalent control device that treats all roasting 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 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 (excluding pool heaters) 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 do 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 must 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 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 must 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 must 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 must follow manufacturer-recommended fuel loading times and amounts. An outdoor wood-fired boiler must not be fired on any prohibited fuel cited in WAC 173-433.

(16) **Cyclonic Burn Barrel Type Incinerators.** Use of cyclonic burn barrel type incinerators is prohibited effective January 1, 2022 except for special circumstances approved in advance by SWCAA.

(17) **Municipal Solid Waste Landfills.** The federal plan found under 40 CFR 62 Subpart OOO is adopted by reference (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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. No SUN is required if a source is exempt under SWCAA 400-109. "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 subject to major New Source Review.

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 must 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 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 must be accompanied by the payment of a processing fee as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098 for each piece of equipment subject to notification.

(4) **Effective date.** "Emission units" subject to the provisions of this section must 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 must 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 must 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 must 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 must have an operable temperature gauge capable of monitoring afterburner operating temperature on a continual basis.

(C) Each coffee roaster must be exhausted to the afterburner whenever smoke or odors are generated by roasting and cooling activities.

(D) Afterburners must be operated whenever the associated coffee roaster is in operation. The afterburner must be operated and maintained in accordance with the manufacturer's specifications. Furthermore, the afterburner must be operated in a manner that minimizes emissions.

(E) The exhaust point for each coffee roaster must be a minimum of 200 feet from the nearest residential structure.

(F) Each coffee roaster and afterburner must only be fired on natural gas or propane.

(G) Afterburner exhaust must 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) **Recordkeeping requirements.** The information listed below must 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 must include the date and the name of the person making the record entry.

(A) Afterburner operating temperature must be recorded weekly;

(B) Quantity of coffee roasted must be recorded weekly;

(C) Upset conditions that cause excess emissions must 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 must be recorded promptly after each occurrence.

(v) **Emission monitoring requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected "emission unit" must 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 must be reported to SWCAA within ((~~3 business~~)) three calendar days of receipt.

(C) The owner or operator of an affected coffee roaster must 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((~~/~~)) and heaters.**

(i) **Applicability.** The provisions of this section apply to gas fired (natural gas((~~/~~)), propane((~~/~~)), or 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. For the purposes of this subsection, the term "heater" means any combustion device used to heat a gas or liquid other than water.

(ii) **Emission limits and standards.**

(A) Visible emissions from the boiler((~~/~~)) or heater exhaust stack must 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((/)) or heater must 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, or equivalent, must be used to determine compliance.

(iii) **General requirements.**

(A) Each boiler((/)) or heater must only be fired on natural gas, propane, or LPG.

(iv) **Recordkeeping requirements.** The information listed below must 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 must include the date and the name of the person making the record entry.

(A) Quantity of fuel consumed by the boiler((/)) or heater must be recorded for each calendar month;

(B) Maintenance activities for the boiler((/)) or heater must be logged for each occurrence;

(C) Upset conditions that cause excess emissions must 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 must be recorded promptly after each occurrence.

(v) **Emission monitoring requirements.**

(A) Each boiler((/)) or heater must undergo emission monitoring no later than 60 calendar days after commencing initial operation. Subsequent monitoring must be conducted annually thereafter no later than the end of the month in which the original monitoring was conducted. All emission monitoring must be conducted in accordance with the requirements of SWCAA 400-106(2).

(B) If emission monitoring results for a boiler((/)) or heater indicate that emission concentrations may exceed 30 ppmvd NO_X or 50 ppmvd CO, corrected to 3% O_2, the owner or operator must either perform 60 minutes of additional monitoring to more accurately quantify CO and NO_X emissions, or initiate corrective action. Corrective action must 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 must 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" must 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 must be reported to the Agency within ((~~3 business~~)) three calendar days of receipt.

(C) Emission monitoring results for each boiler((/)) or heater must be reported to the Agency within 15 calendar days of completion on

forms provided by the Agency unless otherwise approved by the Agency.

(D) The owner or operator of an affected boiler((/)) or heater must 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 individual 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.). The combined power rating of all emergency service internal combustion engines installed as part of a single project must not exceed 2,000 horsepower.

(ii) **Emission limits and standards.**

(A) Visible emissions from diesel fired engine exhaust stacks must 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 does not apply during periods of cold startup.

(iii) **General requirements.**

(A) Liquid fueled engines must only be fired on gasoline, #2 diesel, or biodiesel. Fuel sulfur content of liquid fuels must 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 must only be fired on natural gas or propane.

(C) Each compression ignition engine must be EPA Tier certified and manufactured no earlier than January 1, 2008.

(D) Each spark ignition engine must ((~~be~~)) comply with the provisions of 40 CFR 60 Subpart JJJJ (as in effect on the date cited in SWCAA 400-025).

(E) Engine operation must be limited to maintenance checks, readiness testing, and actual emergency use.

(F) Engine operation for maintenance checks and readiness testing must not exceed 100 hours per year. Actual emergency use is unrestricted.

(G) Each engine must be equipped with a nonresettable hourmeter for the purpose of documenting hours of operation.

(H) Engine exhaust must be discharged vertically. Any device that obstructs or prevents vertical discharge is prohibited.

(iv) **Recordkeeping requirements.** The information listed below must 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 must include the date and the name of the person making the record entry.

(A) Total hours of operation for each engine must be recorded annually;

(B) Hours of emergency use for each engine must be recorded annually for any year in which total operation exceeds 100 hours;

(C) Fuel sulfur certifications must be recorded for each shipment of liquid fuel;

(D) Maintenance activities must be recorded for each occurrence consistent with the provisions of 40 CFR 60.4214;

(E) Upset conditions that cause excess emissions must 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 must be recorded promptly after each occurrence.

(v) **Emission monitoring requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected "emission unit" must 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 must be reported to SWCAA within three calendar days of receipt.

(C) The owner or operator of an affected emergency engine must 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) **Non-perchloroethylene dry cleaners.**

(i) **Applicability.** The provisions of this section apply to dry cleaning facilities that use a solvent other than perchloroethylene 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 must not exceed 1.0 ton per year. Emissions must 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 amount of cleaning fluid purchased to calculate actual emissions.

(B) Operations which cause or contribute to odors that 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, consistent with the requirements of SWCAA 400-040(4).

(iii) **General requirements.**

(A) Each dry cleaning facility must 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 must use DF-2000 cleaning fluid or an equivalent solvent.

(C) Solvent or waste containing solvent must be stored in closed solvent tanks or containers with no perceptible leaks.

(D) All cartridge filters must be drained in their sealed housing or other enclosed container for 24 hours prior to disposal.

(E) Perceptible leaks must be repaired within twenty-four hours unless

repair parts must be ordered. If parts must be ordered to repair a leak, the parts must be ordered within 2 business days of detecting the leak and repair parts must be installed within 5 business days after receipt.

(F) Pollution control devices associated with each piece of dry cleaning equipment must be operated whenever the equipment served by that control device is in operation. Control devices must be operated and maintained in accordance with the manufacturer's specifications.

(iv) **Recordkeeping requirements.** The information listed below must be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record must include the date and the name of the person making the record entry.

(A) Each dry cleaning machine must be visually inspected at least once per week for perceptible leaks. The results of each inspection must be recorded in an inspection log and maintained on-site. The inspection must 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 must be recorded monthly.

(C) Upset conditions that cause excess emissions must 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 must be recorded promptly after each occurrence.

(v) **Emission monitoring requirements.** None.

(vi) **Reporting requirements.**

(A) The owner or operator of an affected "emission unit" must 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 must be reported to SWCAA within ((~~3~~)) three calendar days of receipt.

(C) The owner or operator of an affected petroleum dry cleaner must 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 Crushing Operations.**

(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 facility-wide 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.

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 must 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 must be equipped with a high pressure water spray system for the control of fugitive PM emissions. Operating pressure in each spray system must be maintained at 80 psig or greater. A functional pressure gauge must 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 must be visually inspected a minimum of once per week when in operation to ensure proper function. Clogged or defective nozzles must 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 must be watered at reasonable intervals as necessary to control fugitive dust emissions.

(D) Additional wet suppression measures must 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" must comply with the applicable requirements of that regulation (as in effect on the date cited in SWCAA 400-025).

(F) For portable rock crushing operations, the owner or operator must notify the Agency in advance of relocating approved equipment and 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) **Recordkeeping requirements.** The information listed below must be recorded at the specified intervals and maintained in a readily accessible form for a minimum of 3 years. Each required record must include the date and the name of the person making the record entry.

(A) Visual inspection of spray/fog nozzles must be recorded weekly;
(B) Maintenance, repair, or replacement of affected equipment must be recorded for each occurrence;
(C) Quantity and size of crushed/screened material must be recorded monthly;
(D) Relocation of rock crushing equipment must be recorded for each occurrence.
(E) Upset conditions that cause excess emissions must 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 must be recorded promptly after each occurrence.

(v) **Emission monitoring requirements.** An initial emissions test must 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 must be conducted within 90 calendar days of commencing operation. All emission testing must be conducted in accordance with the requirements of that regulation (as in effect on the date cited in SWCAA 400-025).

(vi) **Reporting requirements.**
(A) The owner or operator of an affected "emission unit" must 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 must be reported to SWCAA within ((~~3 business~~)) three calendar days of receipt.
(C) The owner or operator of an affected rock crusher or aggregate screen must 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 must be reported to the Agency within 45 calendar days of test completion.

AMENDATORY SECTION (Amending 21-17-054 filed 8/10/21, effective 9/10/21)

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

(1) National emission standards for hazardous air pollutants have been promulgated by EPA.
(a) 40 CFR Part 61 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). A list of adopted standards is provided in SWCAA 400, Appendix C for informational purposes.
(b) Exceptions to 40 CFR Part 61 adoption by reference.
(i) The term "Administrator" in 40 CFR Part 61 shall mean the Administrator of EPA and the Executive Director of the Agency.
(ii) The following subparts of 40 CFR Part 61 are not adopted by reference:
(A) Subpart B, Radon Emissions from Underground Uranium Mines;

(B) Subpart H, Radionuclides other than Radon from Department of Energy Facilities;
(C) Subpart I, Radionuclide Emissions from Federal Facilities other than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H;
(D) Subpart K, Radionuclide Emissions from Elemental Phosphorus Plants;
(E) Subpart Q, Radon Emissions from Department of Energy Facilities;
(F) Subpart R, Radon Emissions from Phosphogypsum Stacks;
(G) Subpart T, Radon Emissions from the Disposal of Uranium Mill Tailings; and
(H) Subpart W, Radon Emissions from Operating Mill Tailings.

(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 the date cited in SWCAA 400-025).

(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) 40 CFR Part 63 and appendices are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). 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~~)) shall mean the Administrator of EPA and the Executive Director of the Agency.

(ii) The following subparts of 40 CFR Part 63 are not adopted by reference:

(A) Subpart B, Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j);
(B) Subpart C, List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List;
(C) Subpart D, Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants;
(D) Subpart E, Approval of State Programs and Delegation of Federal Authorities;
(E) Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;
(F) Subpart LL, Primary Aluminum Reduction Plants NESHAP;
(G) Subpart ZZZZ, Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;
(H) Subpart HHHHHH, Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources;

(I) Subpart JJJJJJ, Industrial, Commercial, and Institutional Boilers Area Sources – as it applies to non-Title V sources; and

(J) 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 is hereby adopted by reference (as in effect on the date cited in SWCAA 400-025).

AMENDATORY SECTION (Amending 17-11-078 filed 5/18/17, effective 6/18/17)

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~~)) 70A.15.1600. 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 is established in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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" must be registered with the Agency in accordance with this section as set forth in RCW 70A.15.2200. When an Air Discharge Permit is required, 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. When an Air Discharge Permit is not required, a "source" or "emission unit" is subject to registration from the time it is installed 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.

(a) Registration requirements are not applicable to the following:

(i) "Emission units" or activities exempted under SWCAA 400-101; and

(ii) "Stationary sources" required to apply for, or to maintain, an operating permit under Chapter 173-401 WAC.

(b) Regardless of the exemptions provided above, the following "sources" must be registered with the Agency:

(i) Gasoline stations in Clark County with an annual throughput ((~~of~~)) greater

than 200,000 gallons ((~~or more~~)) (highest annual throughput in last ((~~3~~)) three calendar years);

(ii) Gasoline stations in Cowlitz, Lewis, Skamania, and Wahkiakum Counties with an annual throughput greater than 360,000 gallons (highest annual throughput in last three calendar years);

(iii) Gasoline loading terminals, bulk gasoline plants, and gasoline dispensing facilities for which registration is required by SWCAA 491-030; and

(((~~ii~~))) (iv) Percholorethylene dry cleaners ((~~with VOC or TAP emissions~~)).

(2) **General requirements**.

(a) The owner or operator of a "source" for which registration is required must initially register affected "emission units" with the Agency. A unique identification number will be assigned to each "source" and a separate registration fee will 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 will not be collected for exempt "emission units" identified in SWCAA 400-101.

(b) The owner or operator of a registered "source" must submit annual reports to the Agency. Each report must 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 70A.15 RCW. The owner, operator, or their designated representative must 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 must be paid before the Agency may register any "emission unit". Annual registration fees are typically based on the number of registered "emission units" and the quantity of "source" emissions during the previous calendar year, but may vary based on source category. 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 are not 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 will be considered a violation of this section. Annual registration fees must be paid according to the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

Exceptions:

(a) An annual registration fee will be charged to each gasoline transport tank as provided in the current Consolidated Fee Schedule established in accordance with SWCAA 400-098.

(b) The registration fee for a source 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 70A.15.1030(17), are not subject to Registration and must 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 will be considered delinquent. Pursuant to RCW 70A.15.3160(7), "sources" 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 must 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 must 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" must file a written report with the Agency within 90 calendar days of completing transfer of ownership and/or assuming operational control. The report must 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 must 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" must 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 70A.15.2500.

(b) Agency personnel or representatives 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 may refuse entry or access to Agency personnel who present appropriate credentials and request entry for the purpose of inspection.

(d) No person may obstruct, hamper or interfere with any such inspection.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

SWCAA 400-105 Records, Monitoring and Reporting

The owner or operator of each registered or Title V "stationary source" shall maintain records of the type and quantity of emissions from the "stationary source" and other information deemed necessary to determine whether the "stationary source" is in compliance with applicable emission limitations, operating limitations, and control measures. "Stationary 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 "stationary sources" shall submit an inventory of emissions from the "stationary 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, hazardous air pollutants, 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) Gasoline Stations. Emission reports shall be submitted to the Agency no later than January 31 of each year for the previous calendar year. Upon written request, the Executive Director may allow an extension of the January 31 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) Small "stationary 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.

(c) Large "stationary sources." At a minimum, "stationary 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. Emission reports shall be submitted to the Agency no later than March 15 of each year for the previous calendar year. Upon request, the "stationary 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 "stationary source" makes a written request. Extension of the emission submittal deadline shall 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."

(d) Greenhouse gases. The Agency may require that "stationary sources" submit an inventory of greenhouse gas emissions. Affected "stationary 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 "stationary 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 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 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 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 "stationary 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 the date cited in SWCAA 400-025), 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 70A.15 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 70A.15 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 (as in effect on the date cited in SWCAA 400-025), and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring 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 (CGA) and relative accuracy test audits (RATA) conducted during the month; and

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

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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 are hereby adopted by reference (as in effect on the date cited in SWCAA 400-025). The term "Administrator" in 40 CFR Part 60 means 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 Ba	Adoption and Submittal of State Plans for Designated Facilities (ref. 40 CFR 60.20a et seq.)
(e)	Subpart C	Emission guidelines and compliance times (ref. 40 CFR 60.30 et seq.)

(f)	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.)
(g)	Subpart Cc	Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30c et seq.)
(h)	Subpart Cd	Emissions guidelines and compliance times for sulfuric acid production units (ref. 40 CFR 60.30d et seq.)
(i)	Subpart Ce	Emission guidelines and compliance times for hospital/medical/infectious waste incinerators (ref. 40 CFR 60.30e et seq.)
(j)	Subpart Cf	Emission guidelines and compliance times for municipal solid waste landfills (ref. 40 CFR 60.30f et seq.)
(k)	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)
(l)	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)
(m)	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.)
(n)	Subpart MMMM	Emission guidelines and compliance times for existing sewage sludge incineration units (ref. 40 CFR 60.5000 et seq.)
(o)	Subpart OOOOc	Emission Guidelines for Greenhouse Gas Emissions from Existing Crude Oil and Natural Gas Facilities (ref. 40 CFR 60.5360c et seq.)
(((~~(o)~~)))(p)	Subpart TTTT	Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.) – as it applies to non-Title V sources
(q)	Subpart TTTTa	Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units (ref. 40 CFR 60.5508a et seq.) – as it applies to non-Title V sources
~~(((p~~	~~Subpart UUUUa~~	~~Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units (ref. 40 CFR 60.5700a et seq.) as it applies to non-Title V sources~~)))
(r)	Subpart UUUUb	Emission Guidelines for Greenhouse Gas Emissions for Electric Utility Generating Units (ref. 40 CFR 60.5700b et seq.)

AMENDATORY SECTION (Amending 21-17-054 filed 8/10/21, effective 9/10/21)

SWCAA 400-171 Public Involvement

(1) **Public notice/application 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 (e.g., open for cause, permit extension, etc.). 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 the date cited in SWCAA 400-025) 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 or modify a ((")) synthetic minor((" ~~or modification thereof~~)) emission limit;
(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

- 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 70A.15.2510 and SWCAA 400-270.

(b) Publication of comment period notice. Notice shall be given by prominent advertisement in the area of the proposed project. Publication of notice on the SWCAA website is presumed to satisfy this requirement. 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 70A.15.2510 and SWCAA 400-270. Such information includes copies of Notice of Construction applications, orders of approval, regulatory orders, and modifications thereof.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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

(1) **Vertical Dispersion Requirement.** Effective December 14, 2006, all new exhaust stacks must be configured to discharge vertically upward to the ambient atmosphere. Stack devices, such as rain caps, that obstruct or prevent vertical discharge are prohibited. Where possible, exhaust stacks must 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 or domestic hot water, 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.

(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. Dispersion techniques include 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 applies 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 must 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 must 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 must 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.

AMENDATORY SECTION (Amending 23-03-057 filed 1/11/23, effective 2/11/23)

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 (ref. 40 CFR 60.40 et seq.)
Subpart Da	Electric Utility Steam Generating Units (ref. 40 CFR 60.40a et seq.)
Subpart Db	Industrial-Commercial-Institutional Steam Generating Units (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 (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.)
Subpart Ga	Nitric Acid Plants for Which Construction, Reconstruction, or Modification Commenced After October 14, 2011 (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 (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 for Which Construction, Reconstruction, or Modification Commenced After June 11, 1973, and Prior to May 19, 1978, (ref. 40 CFR 60.110 et seq.)
Subpart Ka	Storage Vessels for Petroleum Liquids for Which Construction, Reconstruction or 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) for Which Construction, Reconstruction, or Modification Commenced 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	Secondary Brass and Bronze Production Plants (ref. 40 CFR 60.130 et seq.)
Subpart N	Primary Emissions From Basic Oxygen Process Furnaces for Which Construction is Commenced After June 11, 1973 (ref. 40 CFR 60.140 et seq.)
Subpart Na	Secondary Emissions From Basic Oxygen Process Steelmaking Facilities for Which Construction is Commenced After January 20, 1983 (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 and Processing 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 Constructed After October 21, 1974, and on or Before August 17, 1983 (ref. 40 CFR 60.270 et seq.)
Subpart AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After August 17, 1983, and on or Before May 16, 2022 (ref. 40 CFR 60.270a et seq.)
Subpart AAb	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed After May 16, 2022 (ref. 40 CFR 60.270b et seq.)
Subpart BB	Kraft Pulp Mills (ref. 40 CFR 60.280 et seq.)
Subpart BBa	Kraft Pulp Mill Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013

	(ref. 40 CFR 60.280a 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	Surface Coating of 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 Manufacturing Plants for Which Construction, Reconstruction, or Modification Commenced After January 14, 1980, and On or Before February 23, 2022 (ref. 40 CFR 60.370 et seq.)
Subpart KKa	Lead Acid Battery Manufacturing Plants for Which Construction, Modification or Reconstruction Commenced After February 23, 2022 (ref. 40 CFR 60.370a 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 for which Construction, Modification or Reconstruction Commenced After October 5, 1979, and On or Before May 18, 2022 (ref. 40 CFR 60.390 et seq.)
Subpart MMa	Automobile and Light Duty Truck Surface Coating Operations for which Construction, Modification or Reconstruction Commenced After May 18, 2022 (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	Graphic Arts Industry: 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	Metal Coil Surface Coating (ref. 40 CFR 60.460 et seq.)
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, and on or Before April 25, 2023 (ref. 40 CFR 60.480a et seq.)
Subpart VVb	Equipment Leaks of VOC in the Synthetic Organic Chemicals Manufacturing Industry for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023 (ref. 40 CFR 60.480b et seq.)
Subpart WW	Beverage Can Surface Coating Industry (ref. 40 CFR 60.490 et seq.)
Subpart XX	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After December 17, 1980, and On or Before June 10, 2022 (ref. 40 CFR 60.500 et seq.)
Subpart XXa	Bulk Gasoline Terminals That Commenced Construction, Modification, or Reconstruction After June 10, 2022 (ref. 40 CFR 60.500a 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 the Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes After October 21, 1983, and on or Before April 25, 2023 (ref. 40 CFR 60.610 et seq.)
Subpart IIIa	VOC Emissions From the Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023 (ref. 40 CFR 60.610a 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 for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 (ref. 40 CFR 60.630 et seq.)
Subpart LLL	SO_2 Emissions From Onshore Natural Gas Processing for Which Construction, Reconstruction, or Modification Commenced After January 20, 1984, and on or Before August 23, 2011 (ref. 40 CFR 60.640 et seq.)
Subpart NNN	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Distillation Operations After December 30, 1983, and on or Before April 25, 2023 (ref. 40 CFR 60.660 et seq.)
Subpart NNNa	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Distillation Operations for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023 (ref. 40 CFR 60.660a 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 Wastewater ((~~Emissions~~)) Systems (ref. 40 CFR 60.690 et seq.)
Subpart RRR	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Reactor Processes After June 29, 1990, and on or Before April 25, 2023 (ref. 40 CFR 60.700 et seq.)
Subpart RRRa	VOC Emissions From Synthetic Organic Chemical Manufacturing Industry Reactor Processes for Which Construction, Reconstruction, or Modification Commenced After April 25, 2023 (ref. 40 CFR 60.700a 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 TTTa	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines for Which Construction, Reconstruction, or Modification Commenced After June 21, 2022 (ref. 40 CFR 60.720a et seq.)

Subpart UUU	Calciners and Dryers in Mineral Industries (ref. 40 CFR 60.730 et seq.)
Subpart VVV	Polymeric Coating of Supporting Substrates Facilities (ref. 40 CFR 60.740 et seq.)
Subpart WWW	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction or Modification on or After May 30, 1991, but Before July 18, 2014 (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 XXX	Municipal Solid Waste Landfills that Commenced Construction, Reconstruction, or Modification After July 17, 2014 (ref. 40 CFR 60.760 et seq.)
Subpart AAAA	Small Municipal Waste Combustion Units for Which Construction is Commenced After August 30, 1999, or for Which Modification or Reconstruction is Commenced 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 Incineration Units (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 Units 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 JJJJ	Stationary Spark Ignition Internal Combustion Engines (ref. 40 CFR 60.4230 et seq.) ((~~*Title V Sources Only*~~))
Subpart KKKK	Stationary Combustion Turbines (ref. 40 CFR 60.4300 et seq.)
Subpart LLLL	New Sewage Sludge Incineration Units (ref. 40 CFR 60.4760 et seq.)
Subpart OOOO	Crude Oil and Natural Gas Production, Transmission and Distribution for Which Construction, Modification or Reconstruction Commenced After August 23, 2011, and on or Before September 18, 2015 (ref. 40 CFR 60.5360 et seq.)
Subpart OOOOa	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After September 18, 2015, and On or Before December 6, 2022 (ref. 40 CFR 60.5360a et seq.)
Subpart OOOOb	Crude Oil and Natural Gas Facilities for Which Construction, Modification or Reconstruction Commenced After December 6, 2022 (ref. 40 CFR 60.5360b et seq.)
Subpart QQQQ	New Residential Hydronic Heaters and Forced-air Furnaces (ref. 40 CFR 60.5472 et seq.)
Subpart TTTT	Greenhouse Gas Emissions for Electric Generating Units (ref. 40 CFR 60.5508 et seq.) *Title V Sources Only*
Subpart TTTTa	Greenhouse Gas Emissions for Modified Coal-Fired Steam Electric Generating Units and New Construction and Reconstruction Stationary Combustion Turbine Electric Generating Units (ref. 40 CFR 60.5508a et seq.) *Title V Sources Only*
((~~Subpart UUUUa~~	~~Greenhouse Gas Emissions From Existing Electric Utility Generating Units (ref. 40 CFR 60.5700a et seq.) *Title V Sources Only*~~))

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 EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) 40 CFR 61

Subpart A	General Provisions (ref. 40 CFR 61.01 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.)
Subpart J	Equipment Leaks (Fugitive Emission Sources) of Benzene (ref. 40 CFR 61.110 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 V	Equipment Leaks (Fugitive Emission Sources) (ref. 40 CFR 61.240 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.)
Appendix A	Compliance Status Information (ref. 40 CFR 61, Appendix A)
Appendix B	Test Methods (ref. 40 CFR 61, Appendix B)
Appendix C	Quality Assurance Procedures (ref. 40 CFR 61, Appendix C)
Appendix D	Methods for Estimating Radionuclide Emissions (ref. 40 CFR 61, Appendix D)
Appendix E	Compliance Procedures Methods for Determining Compliance With Subpart I (ref. 40 CFR 61, Appendix E)

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 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, 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 Dry Cleaning Facilities (ref. 40 CFR 63.320 et seq.) *Title V Sources Only*
Subpart N	Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks (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 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.)
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 Standards (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.)
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 Emissions from 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 (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 (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 Non-thoroughly Mixed Open Biological Treatment Systems at Kraft Pulp Mills Under Unsafe Sampling Conditions (ref. 40 CFR 63, Appendix E)