

# **SWCAA 400**

## **General Regulations for Air Pollution Sources**

**EXISTING RULES AND PROPOSED RULE REVISIONS IN  
SUPPORT OF THE VANCOUVER PORTION OF THE  
PORTLAND-VANCOUVER OZONE MAINTENANCE PLAN –  
AUGUST 2006**



SWCAA 400 last updated - Effective: December 16, 2005

## **SWCAA 400 Rules in Support of the Vancouver Portion of the Portland-Vancouver Ozone Maintenance Plan**

### *Listing from Appendix 7*

- SWCAA 400 - General Regulations for Air Pollution Sources, last updated 12/16/05
  - 400-030 – Definitions – ~~strikeout~~ proposed version, (last adopted 11/9/03)
  - 400-101 – Sources Exempt from Registration Requirements – ~~strikeout~~ version (last adopted 11/9/03)
  - 400-109 – Air Discharge Permit Applications (Notice of Construction), as adopted 12/16/05
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  - 400-111 - Requirements for New Sources in a Maintenance Plan Area - ~~strikeout~~ proposed version, (last adopted 11/9/03)
  - 400-112 – Requirements for New Sources in Nonattainment Areas (as adopted 11/9/03)
  - 400-113 - Requirements for New Sources in an Attainment or Nonclassifiable Area – ~~strikeout~~ version with proposed changes (last adopted 11/9/03)
  - 400-114 - Requirements for Replacement of Substantial Alteration of Emission Control Technology at an Existing Stationary Source, (as adopted 11/9/03)
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AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

**SWCAA 400-030 Definitions**

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

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. This includes any substance regulated as an air pollutant under Chapter 173-460 WAC, Sections 111 and 112 of the Federal Clean Air Act, ozone depleting substances (Title VI of the Federal Clean Air Act), any substance for which a primary or secondary National Ambient Air Quality Standard has been established, and volatile organic compounds.
- (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, or 63;
  - (b) Any applicable State Implementation Plan (SIP) emission limitation including those with a future compliance date;
  - (c) The emission rate specified as a federally enforceable permit condition, including those with a future compliance date; or
  - (d) The emission rate specified by a federally enforceable regulatory order.
- (9) "**Alteration**" means the act of altering, which means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, or change in the design, operation, capacity, or arrangement of a process; any increase in the connected loading of process or control equipment; and any change in fuels, method of operation or hours of operation not previously approved by the Agency.
- (10) "**Ambient air**" means the surrounding outside air.
- (11) "**Ambient air quality standard**" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air that shall not be exceeded.
- (12) "**Attainment area**" means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.
- (13) "**Authority**" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.
- (14) "**Begin actual construction**" means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities that mark the initiation of the change.
- (15) "**Best available control technology**" (BACT) means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified "stationary source," which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such "stationary source" or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of "best available control technology" result in emissions of any air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 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 70.94.155 and SWCAA 400-120.
- (19) "**Capacity factor**" means the ratio of the average load on a machine or piece of equipment to the manufacturer's capacity rating of the machine or equipment for the period of time considered.
- (20) "**Class I area**" means any area designated pursuant to Sections 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas located within Washington state:
- (a) Alpine Lakes Wilderness;
  - (b) Glacier Peak Wilderness;
  - (c) Goat Rocks Wilderness;
  - (d) Mount Adams Wilderness;
  - (e) Mount Rainier National Park;
  - (f) North Cascades National Park;
  - (g) Olympic National Park;
  - (h) Pasayten Wilderness; and
  - (i) Spokane Indian Reservation.
- (21) "**Climate change**" means a reported meteorological phenomenon, according to which the average temperature on earth is gradually increasing over its level in recent history. This rise in temperature is attributed to the increased concentration in the atmosphere of gases such as carbon dioxide that trap heat radiating upward and reradiate it toward earth.
- (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) "**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.
- (28) "**Control Officer**" means the Executive Director of the Southwest Clean Air Agency.
- (29) "**Deviation from approval conditions**" means an instance when any approval condition 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.
- (30) "**Director**" means the director of the Washington State Department of Ecology or duly authorized representative.
- (31) "**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.
- (32) "**Distillate oil**" means fuel oil that complies with the specifications for fuel oil numbers 1 or 2, as defined by the American Society for Testing and Materials in ASTM D396-01 "Standard Specification for Fuel Oils."
- (33) "**Ecology**" means the Washington State Department of Ecology.
- (34) "**Emission**" means a release of air contaminants into the ambient air.
- (35) "**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<sub>x</sub> burner for a boiler or turbine.
- (36) "**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. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and establish a framework to promote a market based approach to air pollution control.
- (37) "**Emission standard**" and "**emission limitation**" mean a requirement established under the Federal Clean Air Act, Chapter 70.94 RCW or a local regulation that limits the quantity, rate, or concentration of air contaminant emissions on a continuous basis, including any requirement relating to the operation or maintenance of a "stationary source" to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the Federal Clean Air Act or Chapter 70.94 RCW.
- (38) "**Emission unit**" means any part of a "stationary source" that emits or would have the potential to emit any air pollutant subject to regulation under the Federal Clean Air Act, Chapter 70.94 RCW, or Chapter 70.98 RCW.
- (39) "**Excess emissions**" means emissions of an air pollutant in excess of any applicable emission standard or emission limit.
- (40) "**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(2).
- (41) "**Executive Director**" means the Control Officer of the Southwest Clean Air Agency.
- (42) "**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.
- (43) **"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.
- (44) **"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.
- (45) "**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.
- (46) "**Federally enforceable**" means all limitations and conditions which are enforceable by the EPA, including those requirements developed under 40 CFR Parts 60, 61 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.
- (47) "**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.
- (48) "**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.
- (49) "**Fugitive emissions**" means emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (50) "**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.
- (51) "**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.
- (52) "**Good engineering practice**" (GEP) refers to a calculated stack height based on the equation specified in SWCAA 400-200(2)(a)(ii).
- (53) "**Greenhouse gas**" means a gas that has the ability to contribute to a greenhouse effect in the ambient atmosphere. Greenhouse gases include carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons (HFCs), and perfluorocarbons (PFCs).
- (54) "**Incinerator**" means a furnace used primarily for the thermal destruction of waste.
- (55) "**In operation**" means engaged in activity related to the primary design function of a "stationary source."
- (56) "**Installation**" means the act of installing, which means 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.
- (57) "**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.

- (58) **"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 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.
- (59) **"Maintenance pollutant"** means a pollutant for which a maintenance plan area was formerly designated as a nonattainment area.
- (60) (a) **"Major modification,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.
- (i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.
- (ii) A physical change or change in the method of operation shall not include:
- (A) Routine maintenance, repair, and replacement;
- (B) Use of an alternative fuel or raw material by reason of an order under Section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;
- (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (E) Use of an alternative fuel or raw material by a "stationary source" which:
- (I) The "stationary source" was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or
- (II) The "stationary source" is approved to use under any permit or approval order issued under SWCAA 400-112 or WAC 173-400-112;
- (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;
- (G) Any change in ownership at a "stationary source;"
- (H) The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165 (a)(1)(xxv), in effect on July 1, 2002) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
- (I) When the permitting agency has reason to believe that the pollution control project would result in a significant net

- emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any; and
- (II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or
  - (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP; and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.
- (b) **"Major modification,"** as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means any physical change in, or change in the method of operation of, a "major stationary source" that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act.
- (i) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.
  - (ii) A physical change or change in the method of operation shall not include:
    - (A) Routine maintenance, repair and replacement;
    - (B) Use of an alternative fuel or raw material by reason of an order under Section 2 (a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
    - (C) Use of an alternative fuel by reason of an order or rule under Section 125 of the Federal Clean Air Act;
    - (D) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
    - (E) Use of an alternative fuel or raw material by a "stationary source" which:
      - (I) The "stationary source" was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or Order of Approval which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation, or
      - (II) The "stationary source" is approved to use under any PSD permit;
    - (F) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation;
    - (G) Any change in ownership at a "stationary source;"

- (H) The addition, replacement, or use of a pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
    - (I) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2002) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that "stationary source" in the most recent air quality impact analysis in the area conducted for the purpose of Title I of the Federal Clean Air Act, if any, and
    - (II) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation; or
  - (I) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the Washington SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.
- (61) (a) **"Major stationary source,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:
- (i) Any "stationary source" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:
    - (A) 70 tons per year of PM<sub>10</sub> in any "serious" nonattainment area for PM<sub>10</sub>.
    - (B) 50 tons per year of carbon monoxide (CO) in any "serious" nonattainment area for CO where "stationary sources" contribute significantly to CO levels in the area.
  - (ii) Any physical change that would occur at a "stationary source" not qualifying under (a)(i) of this subsection as a "major stationary source," if the change would constitute a "major stationary source" by itself.
  - (iii) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.
  - (iv) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories of "stationary sources" or the "stationary source" is major due to (a)(i)(A) or (a)(i)(B) of this subsection:
    - (A) Coal cleaning plants (with thermal dryers);
    - (B) Kraft pulp mills;
    - (C) Portland cement plants;
    - (D) Primary zinc smelters;
    - (E) Iron and steel mills;
    - (F) Primary aluminum ore reduction plants;
    - (G) Primary copper smelters;

- (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - (I) Hydrofluoric, sulfuric, or nitric acid plants;
  - (J) Petroleum refineries;
  - (K) Lime plants;
  - (L) Phosphate rock processing plants;
  - (M) Coke oven batteries;
  - (N) Sulfur recovery plants;
  - (O) Carbon black plants (furnace process);
  - (P) Primary lead smelters;
  - (Q) Fuel conversion plants;
  - (R) Sintering plants;
  - (S) Secondary metal production plants;
  - (T) Chemical process plants;
  - (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
  - (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (W) Taconite ore processing plants;
  - (X) Glass fiber processing plants;
  - (Y) Charcoal production plants;
  - (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input; and
  - (AA) Any other "stationary source" category, which, as of August 7, 1980, is being regulated under Section 111 or 112 of the Federal Clean Air Act.
- (v) For purposes of determining whether a "stationary source" is a "major stationary source," 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 industrial grouping if they belong to the same major group (i.e., which have the same two-digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.
- (b) "**Major stationary source**," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:
- (i) Any of the following "stationary sources" of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:
    - (A) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
    - (B) Coal cleaning plants (with thermal dryers);
    - (C) Kraft pulp mills;
    - (D) Portland cement plants;
    - (E) Primary zinc smelters;
    - (F) Iron and steel mill plants;
    - (G) Primary aluminum ore reduction plants;

- (H) Primary copper smelters;
  - (I) Municipal incinerators capable of charging more than 50 tons of refuse per day;
  - (J) Hydrofluoric, sulfuric, and nitric acid plants;
  - (K) Petroleum refineries;
  - (L) Lime plants;
  - (M) Phosphate rock processing plants;
  - (N) Coke oven batteries;
  - (O) Sulfur recovery plants;
  - (P) Carbon black plants (furnace process);
  - (Q) Primary lead smelters;
  - (R) Fuel conversion plants;
  - (S) Sintering plants;
  - (T) Secondary metal production plants;
  - (U) Chemical process plants;
  - (V) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;
  - (W) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
  - (X) Taconite ore processing plants;
  - (Y) Glass fiber processing plants; and
  - (Z) Charcoal production plants.
- (ii) Regardless of the "stationary source" size specified in (b)(i) of this subsection, any "stationary source" which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or
  - (iii) Any physical change that would occur at a "stationary source" not otherwise qualifying under (b)(i) or (ii) of this subsection, as a "major stationary source" if the change would constitute a "major stationary source" by itself.
  - (iv) A "major stationary source" that is major for volatile organic compounds or NO<sub>x</sub> shall be considered major for ozone.
  - (v) The fugitive emissions of a "stationary source" shall not be included in determining whether it is a "major stationary source," unless the "stationary source" belongs to one of the following categories:
    - (A) Coal cleaning plants (with thermal dryers);
    - (B) Kraft pulp mills;
    - (C) Portland cement plants;
    - (D) Primary zinc smelters;
    - (E) Iron and steel mills;
    - (F) Primary aluminum ore reduction plants;
    - (G) Primary copper smelters;
    - (H) Municipal incinerators capable of charging more than 50 tons of refuse per day;
    - (I) Hydrofluoric, sulfuric, or nitric acid plants;
    - (J) Petroleum refineries;
    - (K) Lime plants;
    - (L) Phosphate rock processing plants;
    - (M) Coke oven batteries;
    - (N) Sulfur recovery plants;

- (O) Carbon black plants (furnace process);
- (P) Primary lead smelters;
- (Q) Fuel conversion plants;
- (R) Sintering plants;
- (S) Secondary metal production plants;
- (T) Chemical process plants;
- (U) Fossil-fuel boilers (or combination thereof) totaling more than 250 million British thermal units per hour heat input;
- (V) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (W) Taconite ore processing plants;
- (X) Glass fiber processing plants;
- (Y) Charcoal production plants;
- (Z) Fossil fuel-fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (AA) Any other "stationary source" category that is being regulated under Section 111 or 112 of the Federal Clean Air Act as of August 7, 1980.

(vi) For purposes of determining whether a "stationary source" is a "major stationary source," 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 industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual (1972)*, as amended by the 1977 supplement.

- (62) "**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.
- (63) "**Masking**" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.
- (64) "**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.
- (65) "**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.

- (66) **"Motor vehicle"** means any self propelled vehicle required to be licensed pursuant to Chapter 46.16 RCW.
- (67) **"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<sub>10</sub>, PM<sub>2.5</sub>), ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).
- (68) **"National Emission Standards for Hazardous Air Pollutants"** (NESHAPS) means the federal rules in 40 CFR Part 61.
- (69) **"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.
- (70) **"Natural conditions"** means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.
- (71) (a) **"Net emissions increase,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means:
  - (i) The amount by which the sum of the following exceeds zero:
    - (A) Any increase in actual emissions from a particular physical change or change in method of operation at a "stationary source"; and
    - (B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.
  - (ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.
  - (iii) An increase or decrease in actual emissions is creditable only if:
    - (A) It occurred no more than one year prior to the date of submittal of a complete air discharge permit application for the particular change, or it has been documented by an emission reduction credit (ERC). Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
    - (B) The permitting agency has not relied on it in issuing any permit or order of approval for the "stationary source" under this section or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.
  - (iv) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - (v) A decrease in actual emissions is creditable only to the extent that:
    - (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (B) It is federally enforceable at and after the time that actual construction on the particular change begins;
    - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

- (D) The permitting agency has not relied on it in issuing any permit or order of approval under this section or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.
- (vi) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.
- (b) **"Net emissions increase,"** as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:
  - (i) The amount by which the sum of the following exceeds zero:
    - (A) Any increase in actual emissions from a particular physical change or change in the method of operation at a "stationary source"; and
    - (B) Any other increases and decreases in actual emissions at the "stationary source" that are contemporaneous with the particular change and are otherwise creditable.
  - (ii) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs within five years before the date that the increase from the particular change occurs.
  - (iii) An increase or decrease in actual emissions is creditable only if the permitting agency or EPA has not relied on it in issuing a PSD permit for the "stationary source," which permit is in effect when the increase in actual emissions from the particular change occurs.
  - (iv) An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides, which occurs before the applicable minor source baseline date is creditable only if it is required to be considered in calculating the amount of maximum allowable increases remaining available. With respect to particulate matter, only PM<sub>10</sub> emissions can be used to evaluate the net emissions increase for PM<sub>10</sub>.
  - (v) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
  - (vi) A decrease in actual emissions is creditable only to the extent that:
    - (A) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
    - (B) It is federally enforceable at and after the time that actual construction on the particular change begins; and
    - (C) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
  - (vii) An increase that results from a physical change at a "stationary source" occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

- (72) **"New source"** means one or more of the following:
- (a) The construction or modification of a "stationary source" that increases the amount of any air contaminant emitted by such "stationary source" or that results in the emission of any air contaminant not previously emitted;
  - (b) Any other project that constitutes a "new source" under the Federal Clean Air Act;
  - (c) Restart of a "stationary source" after permanent shutdown;
  - (d) The installation or construction of a new "emission unit"; or
  - ~~((d))~~ (e) Relocation of a "stationary source" to a new location, except in the case of portable sources operating under a valid permit as provided in SWCAA 400-110(6).
- (73) **"New Source Performance Standards"** (NSPS) means the federal rules in 40 CFR Part 60.
- (74) **"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.
- (75) **"Nonroad engine"**
- (a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:
    - (i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or
    - (ii) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
    - (iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indications of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
  - (b) An internal combustion engine is not a nonroad engine if:
    - (i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Clean Air Act; or
    - (ii) The engine is regulated by a New Source Performance Standard promulgated under Section 111 of the Federal Clean Air Act; or
    - (iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine(s) that replace(s) an engine at a location and that is intended to perform the same or similar function as the engine(s) replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a "stationary source" that remains in a single location on a permanent basis (i.e., two seasons or more) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location. (ref. 40 CFR 89.2)
- (76) **"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.

- (77) **"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.
- (78) **"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.)
- (79) **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.
- (80) **"Open 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.
- (81) **"Operating permit"** means a permit issued pursuant to 40 CFR Part 70 or Chapter 173-401 WAC.
- (82) **"Operating permit application"** means the same as "application" as described in WAC 173-401-500 and -510.
- (83) **"Order"** means any regulatory order issued by Ecology or the Agency pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, air discharge permit, nonroad engine permit, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.
- (84) **"Order of Approval"** means a regulatory order issued by Ecology or the Agency 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.
- (85) **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.
- (86) **"Particulate matter"** (PM) means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- (87) **"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.
- (88) **"Parts per million by volume"** (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppmv of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.
- (89) **"Permanent Shutdown"** means permanently stopping or terminating all processes at 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. Failure to pay registration fees for greater than one year is presumed to constitute a permanent shutdown. A shutdown lasting

two or more years is presumed to be permanent, except that this presumption does not apply in the case of portable equipment operating under a valid permit pursuant to SWCAA 400-110(6).

- (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 years shall constitute a permanent shutdown.
  - (c) Any shutdown lasting five or more years is considered to be permanent.
- (90) "**Permitting agency**" means Ecology or the local air pollution control agency with jurisdiction over a "source."
  - (91) "**Person**" means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, association, partnership, political subdivision, municipality, or government agency.
  - (92) "**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.
  - (93) "**PM<sub>10</sub>**" 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.
  - (94) "**PM<sub>10</sub> 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.
  - (95) "**PM<sub>2.5</sub>**" 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.
  - (96) "**PM<sub>2.5</sub> 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 50 or by a test method specified in the Washington SIP.
  - (97) "**Pollutant**" means the same as air contaminant, air pollutant and air pollution. (Refer to definitions (4) and (7))
  - (98) "**Portable equipment**" 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 equipment is subject to the requirements of SWCAA 400-109 and 400-110. Portable equipment includes, but is not limited to, rock crushers, portable asphalt plants, and portable concrete mixing plants (Portland cement).
  - (99) "**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."

- (100) **"Prevention of Significant Deterioration"** (PSD) means the program set forth in WAC 173-400-141 and adopted by reference in SWCAA 400-141.
- (101) **"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.
- (102) **"Reasonably attributable"** means attributable by visual observation or any other technique the Agency deems appropriate.
- (103) **"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."
- (104) **"Regulatory order"** means an order issued by Ecology or the Agency to an air contaminant source, any applicable provision of Chapter 70.94 RCW, or the 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.
- (105) **"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.
- (106) **"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 may include, but are not limited to:
- (a) Emissions from ships or trains located at the new or modified "major stationary source"; and
  - (b) 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."
- (107) (a) **"Significant,"** as it applies to "stationary sources" subject to requirements for "new sources" in maintenance plan or nonattainment areas (SWCAA 400-111 and -112), means, in reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy

PM<sub>10</sub>: 15 tpy

(b) "**Significant**," as it applies to "stationary sources" subject to requirements for "new sources" in attainment or unclassified areas (SWCAA 400-113), means:

(i) In reference to a net emissions increase or the potential of a "stationary source" to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

<i>Pollutant</i>	<i>Emission Rate</i>
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Particulate matter:	25 tpy - PM 15 tpy - PM <sub>10</sub>
Volatile organic compounds:	40 tpy
Fluorides:	3 tpy
Lead:	0.6 tpy
Sulfuric acid mist:	7 tpy
Hydrogen sulfide (H <sub>2</sub> S):	10 tpy
Total reduced sulfur (including H <sub>2</sub> S):	10 tpy
Reduced sulfur compounds (including H <sub>2</sub> S):	10 tpy
Municipal waste combustor organics: (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals: (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases: (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions: (measured as nonmethane organic compounds)	45 mega grams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000):	100 tpy

(ii) In reference to a "net emissions increase" or the potential of a "stationary source" to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(i) of this subsection does not list, any emissions rate. However, for purposes of the applicability of this section, the hazardous air pollutants listed under Section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.

(iii) Regardless of the definition in (b)(i) of this subsection, significant means any emissions rate or any net emissions increase associated with a "major

stationary source" or "major modification" which would construct within 10 kilometers of a Class I area, and have an impact on such area equal to or greater than 1 microgram per cubic meter (twenty-four-hour average).

- (108) **"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.
- (109) **"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.
- (110) **"Southwest Clean Air Agency"** (SWCAA) means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act Chapter 70.94 RCW) in Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties of Washington State.
- (111) **"Stack"** means any emission point in a "stationary source" designed to emit solids, liquids, or gases into the air, including a pipe or duct.
- (112) **"Stack height"** means the height of an emission point measured from the ground-level elevation at the base of the stack.
- (113) **"Standard conditions"** means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury.
- (114) **"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.
- (115) **"Stationary source"** means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216(11) of the Federal Clean Air Act.
- (116) **"Sulfuric acid plant"** means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.
- (117) **"Synthetic minor"** means any "stationary source" whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule or permit condition.
- (118) **"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.
- (119) **"Total suspended particulate"** (TSP) means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.
- (120) **"Toxic air pollutant"** (TAP) means any Class A or B toxic air pollutant listed in WAC 173-460-150 or -160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 or -160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

- (121) **"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.
- (122) **"United States Environmental Protection Agency"** (USEPA) shall be referred to as EPA.
- (123) **"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 overflow protection that involves removal of ground or ground cover above a portion of the product piping.
- (124) **"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.
- (125) **"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.
- (126) **"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.
- (127) **"Volatile organic compound"** (VOC) means:
- (a) Any carbon compound that participates in atmospheric photochemical reactions. Exceptions: The following compounds are not a VOC: acetone; ammonium carbonate; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ethane; methane; methyl acetate; methylene chloride (dichloromethane); 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); perchlorobenzotrifluoride (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<sub>4</sub>F<sub>9</sub>OCH<sub>3</sub>); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C<sub>4</sub>F<sub>9</sub>OC<sub>2</sub>H<sub>5</sub>); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF<sub>3</sub>)<sub>2</sub>CF<sub>2</sub>OC<sub>2</sub>H<sub>5</sub>); 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 the amount of negligibly-reactive compounds in the "source's" emissions.

AMENDATORY SECTION (Amending WSR 03-21-045 filed 10/9/03, effective 11/9/03)

**SWCAA 400-101 Emission Units Exempt from Registration Requirements**

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.163 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 4.08); Amended by Board 10/29/69 (Regulation 2 Sec 3.03); Amended by Board 12/18/79 (400-100(3)); Amended by Board 12/18/79; Amended by Board 4/17/84; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, **effective 11/9/03**]

- (1) The emission units listed in subsection (4) of this section are exempt from the registration requirements of SWCAA 400-100. If an exempt emission unit is located at a "stationary source" that is otherwise required to be registered, the Agency may require that the exempt emission unit be included in the "stationary source" registration. If an exempt emission unit is located at a Title V facility, it must be included in the facility's Title V permit in accordance with Chapter 173-401 WAC.
  - (a) The owner or operator of any emission unit exempted from registration under this section shall maintain documentation sufficient to verify that the emission unit is entitled to exemption under this section.
  - (b) Any emission unit exempted from registration under this section shall also be considered exempt from the requirements of SWCAA 400-046, 400-110, 400-111, 400-112, 400-113 and 400-114, except as provided in SWCAA 400-110(2)(b).
- (2) Wherever a "stationary source" has multiple emission units, which are similar in function and purpose, exemption status shall be determined based on aggregate capacity (e.g., horsepower, Btu per hour, airflow, etc.) or the aggregate emissions of similar emission units.
- (3) An exemption for an entire "stationary source" shall be valid only if the emissions from all emission units at that site or facility are less than all of the applicable exemption thresholds listed below. Whenever a "stationary source" exemption is determined by the quantity of annual emissions (tons per year), an emission unit's uncontrolled potential to emit shall be used as the basis for exemption.

<u>Pollutant</u>	<u>Exemption Threshold</u>
Criteria pollutants and VOC	1.0 tpy, combined
Lead	0.005 tpy
Ozone depleting substances	1.0 tpy, combined
Toxic air pollutants	<u>1.0 tpy (combined) or less than the applicable SQER as specified in Chapter 173-460 WAC, whichever is less.</u>

- (4) List of exempt equipment and activities:
  - (a) Asphalt roofing and application equipment (not manufacturing or storage equipment).
  - (b) Fuel burning equipment unless waste-derived fuel is burned, which is used solely for a private dwelling serving less than five families.
  - (c) Insecticide, pesticide or fertilizer spray equipment.
  - (d) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.
  - (e) Portable, manually operated welding, brazing or soldering equipment when used at locations other than the owner's principal place of business.
  - (f) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.
  - (g) Food preparation facilities, establishments or equipment (e.g., restaurants).

- (h) Retail paint sales establishments (not including manufacturing).
- (i) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
- (j) Sewing equipment.
- (k) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or other structures.
- (l) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWCAA 400-101(3). This exemption applies to incidental fume hoods or laboratory equipment used by a "stationary source" to perform in-house analyses that do not exceed the small quantity thresholds specified in SWCAA 400-101(3). This exemption does not apply to "stationary sources" whose primary activity is chemical or physical laboratory operations.
- (m) Residential wood heaters.
- (n) Office equipment, operations and supplies.
- (o) Internal combustion equipment including diesel engines used for standby emergency power generation with a maximum aggregate power rating less than 200 horsepower.
- (p) Steam cleaning equipment used exclusively for that purpose.
- (q) Refrigeration systems that are not in air pollution control service.
- (r) Housekeeping activities and equipment.
- (s) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.
- (t) Natural and forced air vents and stacks for bathroom/toilet facilities.
- (u) Personal care activities.
- (v) Lawn and landscaping activities.
- (w) Flares used to indicate danger to the public.
- (x) Fire fighting and similar safety equipment and equipment used to train fire fighters.
- (y) Materials and equipment used by, and activities related to, operation of an infirmary provided that operation of an infirmary is not the primary business activity at the "stationary source" in question.

## SWCAA 400-109 Air Discharge Permit Applications

[Statutory Authority: Chapter 70.94.141 RCW and 70.94.152 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-027 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03; 05-23-066 filed 11/15/05, effective 12/16/05]

- (1) **Purpose.** An air discharge permit application is the document used by the Agency to record and track requests from individual "stationary sources," registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a "stationary source." Confidential information shall be identified as set forth in SWCAA 400-270.
- (2) **Applicability.**
  - (a) An air discharge permit application shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of "new source." The application must be submitted and an air discharge permit must be issued or written confirmation of exempt status must be received before the proposed installations, modifications, changes, or alterations may begin actual construction. Activities that typically require the submission of a permit application include, but are not limited to, the following:
    - (i) New construction or installation;
    - (ii) Change of existing air discharge permit conditions or terms (including Title V opt-out requests - SWCAA 400-091);
    - (iii) Review of existing or installed equipment operating without prior approval;
    - (iv) Modification, alteration or replacement of existing process or control equipment;
    - (v) Relocation of existing equipment;
    - (vi) Review of existing equipment with an expired or lapsed approval or registration;
    - (vii) Review of case-by-case RACT, BACT, MACT or other similar determination.
  - (b) Submittal of an air discharge permit application shall not automatically impose review requirements pursuant to SWCAA 400-110.
  - (c) "Stationary sources" subject to the PSD program (WAC 173-400-141) shall submit a PSD application to Ecology for air pollutants subject to PSD permitting, and submit a permit application to SWCAA for air pollutants that are not subject to PSD permitting.
  - (d) The owner or operator of any "new source" that meets the exemption criteria specified in SWCAA 400-101 may provide written notification to SWCAA in lieu of a permit application. The Agency will review each notification, and provide written confirmation of exempt status to the owner or operator of the affected "new source" within 30 days of receiving a complete notification. To be considered complete, written notification shall, at a minimum, contain the following information:
    - (i) Name and location of "stationary source";
    - (ii) Description of primary processes at the "stationary source";
    - (iii) Description of emission units at the "stationary source"; and
    - (iv) Estimated air contaminant emissions from "stationary source" operations.Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time. No further action is required from "stationary sources" deemed to be exempt. However, if the Agency determines that the "new source" does not meet the exemption criteria specified in

SWCAA 400-101, an air discharge permit application shall be submitted pursuant to this section.

- (3) **Fees.** Before the Agency may review a permit application, the applicant shall submit all applicable fees as detailed in the following paragraphs. [Total Application Fee = Filing Fee + Legal Notice Fee (if applicable) + Permit Application Review Fee / Table A + Additional Review Fee / Table B (if applicable) + Major NSR Review Fee / Table C (if applicable)]

Filing Fee

A filing fee of \$500.00 shall be submitted for each application.

Legal Notice Fee

An applicant who submits an Air Discharge Permit application that requires a Legal Notice to the general public through publication in the newspaper has the option of either paying a flat fee of \$160.00 at the time of submittal or being invoiced later. If the applicant chooses to be invoiced later, the total fee will be the actual cost of publication plus a \$100.00 fee to compensate for the staff time required to prepare, mail and invoice for the public notice.

Permit Application Review Fee

A permit application review fee shall be paid for each permit application. The applicable permit application review fee for each permit application shall be determined from Table A based on the primary emission unit or activity of the proposed new, modified or altered “stationary source.” Permit application review fees based on emissions are to utilize actual or proposed allowable emissions, after controls, as supported by test data or emission factors, not potential to emit. Permit application review fees based on equipment capacity or size are to utilize the design capacities of affected equipment. If the staff time required to review a permit application exceeds the number of work hours associated with the applicable review fee specified in Table A, the applicant will be invoiced for each additional work hour at the rate of \$70.00 per hour.

Additional / Major NSR Review Fees

If additional types of review, as identified in Tables B and C, must be performed by the Agency as a result of the proposed installation, alteration or modification, the applicant shall pay the applicable review fee as specified in those Tables. The review fees identified in Tables B and C are cumulative.

**TABLE A**  
**Permit Application Review Fees**

<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
i. Fuel burning equipment (Million Btu/hr heat input @ design capacity):		
Less than 5	8	\$ 600.00
5 or more but less than 10	10	700.00
10 or more but less than 30	12	850.00
30 or more but less than 50	14	1,000.00
50 or more but less than 100	17	1,200.00
100 or more but less than 250	35	2,500.00
250 or more but less than 500	57	4,000.00
500 or more	85	6,000.00
Change in fuel type	One half of the applicable fee listed above	
ii. Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM):		
Less than 50	8	\$ 600.00
50 or more but less than 5,000	10	700.00
5,000 or more but less than 20,000	11	800.00
20,000 or more but less than 50,000	12	900.00
50,000 or more but less than 100,000	13	950.00
100,000 or more but less than 250,000	14	1,000.00
250,000 or more but less than 500,000	28	2,000.00
500,000 or more	57	4,000.00
iii. Refuse burning equipment (Incinerators) (Tons/day capacity):		
Less than 0.5	10	\$ 700.00
0.5 or more but less than 5	11	800.00
5 or more but less than 12	14	1,000.00
12 or more but less than 50	42	3,000.00
50 or more	85	6,000.00
iv. Storage tanks, reservoirs, or containers (Gallons-total capacity): (Other than gasoline or diesel fuel dispensing facilities):		
250 or more but less than 10,000	8	\$ 600.00
10,000 or more but less than 40,000	14	1,000.00
40,000 or more but less than 100,000	21	1,500.00
100,000 or more	28	2,000.00

	<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
v.	Gasoline dispensing facilities:		
	Stage I	8	\$ 600.00
	Stage II	10	700.00
	Stages I & II, combined	11	800.00
	Toxics review for gasoline facility	21	1,500.00
	Stage II removal	8	600.00
vi.	Other: (Not classified in Subsection i., ii., iii., iv. or v. above)		\$200.00 per ton of emission
vii.	Toxic air contaminants		\$200.00 per ton of emission
viii.	Complex stationary source or modification:	85	\$ 6,000.00
ix.	Synthetic minor application: (Including, but not limited to: Title V, HAP)	35	\$ 2,500.00
x.	Particulate matter and fugitive emissions from rock crushing, material transfer and ship loading (Emissions - tons per year):		
	Less than or equal to 10	8	\$ 600.00
	More than 10 but less than or equal to 50	14	1,000.00
	More than 50 but less than or equal to 100	21	1,500.00
	More than 100 but less than 250	35	2,500.00
	250 or greater	85	6,000.00
xi.	Minor modifications to existing permit conditions:	8	\$ 600.00
xii.	Temporary, substitute, or emergency Sources		
	Small	11	\$ 800.00
	Large	21	1,500.00
xiii.	Dry cleaner:	8	\$ 600.00
xiv.	Diesel engine generators/pumps (Aggregate horsepower rating):		
	Less than 100	8	\$ 600.00
	100 or more but less than 500	10	700.00
	500 or more but less than 2,000	14	1,000.00
	2,000 or more but less than 5,000	21	1,500.00
	5,000 or more but less than 10,000	42	3,000.00
	10,000 or more	85	6,000.00

	<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
xv.	Crematory/small incinerators/small flares:	10	\$ 700.00
xvi.	Gluing/flow coating operations without active ventilation:	11	\$ 800.00
xvii.	Soil remediation:	11	\$ 800.00
xviii.	Composting Facilities (Average material throughput - tons per day):		
	Less than 50	8	\$ 600.00
	50 or more but less than 100	14	1,000.00
	100 or more but less than 200	21	1,500.00
	200 or more but less than 500	42	3,000.00
	500 or more	85	6,000.00
xix.	Coffee roasters:	10	\$ 700.00
xx.	Emergency Application:	Double normal application and review fee	

**TABLE B**  
**Additional Review Fees**

	<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
xxi.	Emission offset analysis or bubble:	10	\$ 700.00
xxii.	Emission reduction credit (ERC) application: (Deposit or withdrawal)	10	\$ 700.00
xxiii.	State environmental policy act (SEPA) - lead agency:		
	Minor	14	\$1,000.00
	Major	35	2,500.00
xxiv.	Environmental impact statement (EIS) review:		
	Minor	11	\$ 800.00
	Major	28	2,000.00
xxv.	RACT/BACT/MACT/BART/LAER determination:		\$ 70.00/hr
xxvi.	Variance request:	11	\$ 800.00
xxvii.	Review of ambient impact analysis:		\$ 70.00/hr
xxviii.	Review of projects under RCW 70.105D.090:		\$ 70.00/hr

	<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
xxix.	Review of Ecology agreed orders and consent orders pursuant to RCW 70.105D.090(1):		\$ 70.00/hr

**TABLE C  
Major NSR Review Fees**

	<u>Equipment/Activity</u>	<u>Associated Work Hours</u>	<u>Review Fee</u>
xxx.	Plantwide applicability limitations:	142	\$ 10,000.00
xxxi.	Clean unit/pollution control project designations:	71	\$ 5,000.00

(4) **Agency actions.** Each complete air discharge permit application shall result in the issuance of an air discharge permit or other applicable order or confirmation of exempt status by the Agency. The requirements of SEPA (State Environmental Policy Act) shall be complied with for each air discharge permit application. Demonstration of completion of an environmental checklist as provided in WAC 197-11 shall be submitted with each air discharge permit application. If a SEPA determination has been issued for the proposed activity by another permitting agency, the applicant need only submit a copy of that agency's SEPA determination. Issuance of regulatory orders for all air discharge permit applications shall be consistent with the requirements of SWCAA 400-110.

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

- (a) An air discharge permit application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and signed request to the Agency indicating their desire to withdraw the application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Agency. The Agency shall provide written response to acknowledge withdrawal of the application.
- (b) After review by the Agency, a permit application may be determined to be exempt from the requirements of SWCAA 400-100 and 400-110 if it meets the exemption criteria provided in SWCAA 400-101. The Agency shall provide written notification to the applicant for all applications that are determined to be exempt. Exempt status is not effective until confirmed by the Agency, and actual construction of the "new source" shall not begin prior to that time.
- (c) For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded upon request, provided that substantial time has not been expended by the Agency for review of the application.

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

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.152 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; 92-06-015 filed 2/25/92, effective 3/25/92; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-030 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

### **(1) Applicability.**

- (a) Air discharge permit applications submitted to the Agency pursuant to SWCAA 400-109 shall be reviewed and approved in accordance with the requirements of this section.
- (b) Review of a modification shall be limited to the emission unit(s) proposed to be added to an existing "stationary source" or modified and the air contaminants whose emissions would increase as a result of the modification except that review of a "major modification" shall comply with the requirements of SWCAA 400-111, 400-112, 400-113 and/or WAC 173-400-141.
- (c) The requirements of this section are not applicable to:
  - (i) "Stationary sources" that meet the exemption criteria specified in SWCAA 400-101. The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Agency to substantiate that the "stationary source" is entitled to exemption under this section; and
  - (ii) Nonroad engines subject to the requirements of SWCAA 400-045 and 400-046.
- (d) Review is not required for the following:
  - (i) A process change that does not result in the emission of a type of toxic air pollutant, as provided in Chapter 173-460 WAC, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in WAC 173-460-080; or
  - (ii) A raw material composition change that does not result in individual toxic air pollutant emissions that exceed the applicable Small Quantity Emission Rate specified in WAC 173-460-080.

### **(2) Requirements.**

- (a) All review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any "new source," new emission unit, or modification.
- (b) Regardless of any other provision of this section, 400-101 or 400-109, all review requirements shall be met, and an air discharge permit shall be issued by the Agency, prior to construction of any of the following:
  - (i) Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except Part AAA, Wood stoves (as in effect on July 1, 2002);
  - (ii) Any project that qualifies as a new or modified "stationary source" within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants as in effect on July 1, 2002), except for asbestos demolition and renovation projects subject to 40 CFR 61.145;
  - (iii) Any project that qualifies as a "new source" within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories as in effect on July 1, 2002);
  - (iv) Any project that qualifies as a new major stationary source, or a major modification; or

- (v) Any modification to a "stationary source" that requires an increase in an existing plantwide emissions cap or unit specific emission limit.
- (c) Air discharge permit applications must demonstrate that all applicable emission standards have been or will be met by the proposed modification or "new source." Examples of applicable emissions standards include, but are not limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, ambient air increments and ambient air quality standards (See Table A below). A completed environmental checklist or a completed determination, as provided in Chapter 197-11 WAC, shall be submitted with each application. Additional requirements for new and modified "stationary sources" and replacement or alteration of control equipment are addressed in SWCAA 400-111, 400-112, 400-113, 400-114, and 400-151. If the ambient impact of a proposed project (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) is predicted to be less than the applicable ambient air increments, the air quality analysis is complete at that point. If the ambient impact of a proposed project could potentially exceed the applicable ambient air increments, the applicant shall demonstrate compliance with available ambient air increments and Ambient Air Quality Standards (AAQS) using a modeling technique consistent with 40 CFR Part 51, Appendix W (as in effect on July 1, 2002). Monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

**TABLE A - Emission Concentration Regulatory Standards**

Pollutant	Averaging Period	Ambient Air Increment <i>40 CFR 51.166(c)</i>		National Ambient Air Quality Standards (NAAQS) <i>40 CFR 50</i>		State Ambient Air Quality Standards <i>173-470, 474, and 475 WAC</i>
		Class I $\mu\text{g}/\text{m}^3$	Class II $\mu\text{g}/\text{m}^3$	Primary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Secondary Standard $\mu\text{g}/\text{m}^3$ (ppm)	Ambient Standard $\mu\text{g}/\text{m}^3$ (ppm)
Carbon Monoxide (CO)	8-Hour	--	--	10,000 <sup>b</sup> (9.0)	--	10,000 <sup>b</sup> (9.0)
	1-Hour	--	--	40,000 <sup>b</sup> (35.0)	--	40,000 <sup>b</sup> (35.0)
Nitrogen Dioxide (NO <sub>2</sub> )	Annual <sup>a</sup> (arithmetic mean)	2.5	25	100 (0.05)	100 (0.05)	100 (0.05)
Ozone (O <sub>3</sub> )	1-Hour <sup>e</sup>	--	--	(0.12)	(0.12)	(0.12)
	8-Hour <sup>f</sup>	--	--	(0.08)	(0.08)	--
Sulfur Dioxide (SO <sub>2</sub> )	Annual <sup>a</sup>	2	20	80 (0.03)	--	53 (0.02)
	24-Hour	5	91	365 <sup>b</sup> (0.14)	--	260 <sup>b</sup> (0.10)
	3-Hour	25	512	--	1,300 <sup>b</sup> (0.50)	--
	1-Hour	--	--	--	--	1,065 <sup>b</sup> (0.40) <sup>d</sup>
Lead	Quarterly Average	--	--	1.5	1.5	1.5
Total Suspended Particulates (TSP)	Annual <sup>a</sup> (geometric mean)	--	--	--	--	60
	24-Hour	--	--	--	--	150 <sup>b</sup>

Pollutant	Averaging Period	Ambient Air Increment 40 CFR 51.166(c)		National Ambient Air Quality Standards (NAAQS) 40 CFR 50		State Ambient Air Quality Standards 173-470, 474, and 475 WAC
		Class I µg/m <sup>3</sup>	Class II µg/m <sup>3</sup>	Primary Standard µg/m <sup>3</sup> (ppm)	Secondary Standard µg/m <sup>3</sup> (ppm)	Ambient Standard µg/m <sup>3</sup> (ppm)
Particulate Matter less than 10 µm (PM <sub>10</sub> )	Annual (arithmetic mean)	4	17	50	50	50
	24-Hour <sup>i</sup>	8	30	150 <sup>b</sup>	150 <sup>b</sup>	150 <sup>b</sup>
Particulate Matter less than 2.5 µm (PM <sub>2.5</sub> )	Annual <sup>g</sup> (arithmetic mean)	--	--	15	15	--
	24-Hour <sup>h</sup>	--	--	65	65	--

µg/m<sup>3</sup> = micrograms per cubic meter; ppm = parts per million

<sup>a</sup> Never to be exceeded.

<sup>b</sup> Not to be exceeded more than once per year.

<sup>c</sup> This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard.

<sup>d</sup> Also, 0.25 ppm not to be exceeded more than twice in seven days.

<sup>e</sup> Not to be exceeded on more than 1 day per calendar year as provided in ((WAC)) Chapter 173-475 WAC.

<sup>f</sup> Based on the three-year average of the annual fourth-highest daily maximum 8-hour average ozone concentration at each monitor.

<sup>g</sup> Based on the 3-year average of annual arithmetic mean PM<sub>2.5</sub> concentrations.

<sup>h</sup> Based on the 3-year average of the 98<sup>th</sup> percentile of 24-hour PM<sub>2.5</sub> concentrations at each monitor within an area.

<sup>i</sup> Based on the 99<sup>th</sup> percentile of 24-hour PM<sub>10</sub> concentrations at each monitor.

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted.  
Sources include the EPA New Source Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

- (d) PSD applicability. Air discharge permit applications for "major stationary sources" or "major modifications" shall demonstrate that all applicable requirements of SWCAA 400-141 and WAC 173-400-141 have been met.
- (e) An applicant filing an air discharge application for a project described in WAC 173-400-117(2), Special Protection Requirements for Federal Class I Areas, must send a copy of the application to the responsible federal land manager.
- (3) **Application completeness determination.** Within thirty (30) calendar days of receipt of an air discharge permit application, the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application as provided under RCW 70.94.152.
  - (a) For an application subject to PSD review under WAC 173-400-141, a completeness determination includes a determination that the application provides all information required to conduct PSD review.
  - (b) For an application subject to Special Protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).
- (4) **Final determination.**
  - (a) Within sixty (60) calendar days of receipt of a complete application, the Agency shall either issue a final decision on the application or initiate public notice on a proposed decision, followed as promptly as possible by a final decision. All actions taken under this subsection must meet the public involvement requirements of SWCAA 400-171. An owner or operator seeking to construct or modify a "stationary source" that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the application required by this section. An application designated for integrated

review shall be processed in accordance with Chapter 173-401 WAC procedures and deadlines. A PSD permit application under WAC 173-400-141 or an air discharge permit application for a "major modification" or a "major stationary source" in a nonattainment area must also comply with SWCAA 400-171 and WAC 173-400-171, as applicable.

- (b) Every final determination on an air discharge permit application that results in the issuance of an air discharge permit by the Agency shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Agency.
  - (c) If the "new source" is a "major stationary source" or the proposed modification is a "major modification," the Agency shall submit any control technology determination(s) included in a final air discharge permit to the RACT/BACT/LAER clearinghouse maintained by EPA and submit a copy of the final permit to EPA.
- (5) **Appeals.** An air discharge permit, any conditions contained in an air discharge permit, the denial of an air discharge permit application, or any other regulatory order issued by the Agency, may be appealed to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW and Chapter 371-08 WAC. The Agency shall promptly mail copies of each order approving or denying an air discharge permit application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.
- (6) **Portable equipment.** The owner(s) or operator(s) of "portable equipment," as defined in SWCAA 400-030, shall be allowed to operate at temporary locations without filing an air discharge permit application for each location provided that:
- (a) The affected emission units are registered with the Agency.
  - (b) The affected emission units have an air discharge permit as a portable "stationary source."
  - (c) The owner(s) or operator(s) notifies the Agency of intent to operate at the new location at least ten business days prior to starting the operation.
  - (d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Agency to determine that the operation will comply with applicable emission standards, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.
  - (e) Landowners and residents of immediately adjacent properties are notified by the owner(s) or operator(s) of the "portable equipment" in writing at least 10 business days prior to commencement of operations at the proposed location. Copies of the notification letters shall be mailed to the Agency. Written notification to the adjacent landowners and residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for SWCAA. Written notification shall indicate that all comments shall be directed to the Agency.

"Portable equipment" that does not operate within the jurisdiction of the Agency for a period of more than 5 years shall be considered to be permanently shutdown and will be removed from active registration. Any "portable equipment" removed from active registration shall be required to submit a new permit application and undergo review as a "new source" prior to operating again within the jurisdiction of the Agency.

- (7) **Compliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.
- (8) **Expiration.** Approval to construct or modify a "stationary source" shall become invalid if construction is not commenced within eighteen months after the date of issuance of an air discharge permit, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. An extension for a PSD permit must be approved by Ecology, and comply with the public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an air discharge permit.
- (9) **Change of conditions.**
- (a) The owner or operator may request, at any time, a change in existing approval conditions. The Agency may approve the request provided that:
    - (i) The change will not cause the an applicable emissions limit or standard to be exceeded;
    - (ii) No ambient air quality standard or ambient air increment will be exceeded as a result of the change;
    - (iii) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;
    - (iv) The revised approval conditions will continue to require BACT, as defined at the time of the original approval, for each approved "stationary source" except where the Federal Clean Air Act requires LAER (Any change that meets the definition of a "new source" must complete a new BACT determination); and
    - (v) The revised approval conditions meet the requirements of SWCAA 400-110, 400-111, 400-112 and 400-113, as applicable.
  - (b) Requests for a change in PSD permit conditions must be made directly to Ecology. The Agency does not have authority to issue or modify PSD permits.
  - (c) Actions taken under this subsection are subject to the public involvement provisions of SWCAA 400-171.
  - (d) A request to change approval conditions shall be filed as an air discharge permit application in accordance with SWCAA 400-109. The application shall meet the requirements of subsection (2) of this section, and be acted upon according to the timelines in subsections (3) and (4) of this section. The fee schedule found in SWCAA 400-109(3) shall apply to these requests.
- (10) **Reopening for cause.** The Agency may, on its own initiative, reopen any order issued pursuant to this section under the following circumstances:
- (a) The order contains a material mistake, or
  - (b) Inaccurate statements were made in establishing the emission standards and/or conditions of the order.

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

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (60)(a), (61)(a), (71)(a) and (107)(a) respectively.

An air discharge permit application to establish a "new source", install or replace an "emission unit" or make a modification to a "stationary source" in an area that is covered by a maintenance plan, shall result in the issuance of an air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section. "New sources", new "emission units" or modifications within a designated maintenance plan area, including "stationary sources" that emit VOC or NO<sub>x</sub> in a designated ozone maintenance plan area, shall meet the following requirements:

- (1) **Emission standards.** The proposed "new source" or modification shall:
  - (a) Comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for Source Categories, emission standards adopted under Chapter 70.94 RCW, and the applicable emission standards of the Agency; and
  - (b) Not cause any ambient air quality standard as provided in SWCAA 400-113(3) to be violated; and
  - (c) Not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and
  - (d) Minimize emissions to the extent that the "new source" or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.
- (2) **Control Technology Requirements – BACT / LAER.** Except as provided (~~in subsection (7) of this section~~) below, the owner or operator of the proposed "new source", "emission unit" or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase. If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may require the application of LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.
- (3) **Source compliance.** The owner or operator of the proposed "new source", "emission unit" or modification shall certify that all "stationary sources" owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act Chapter 70.94 RCW).

**(4) Alternative analysis.**

- (a) Except as provided in subsection (c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis;**
- (b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;**
- (c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.**

~~((4) **Offsets or growth allowance.** The owner or operator of a proposed new "major stationary source" or "major modification" shall provide offsets as specified in subsection (8) of this section. Except as provided in subsection (7) of this section, the requirements of this section may be met in whole or in part in an ozone maintenance plan area with an allocation by SWCAA from a growth allowance, if available, in accordance with subsection (8) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.~~

~~(5) **Net air quality benefit.** For cases in which emission reduction or offsets are required in accordance with subsection (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area. If the proposed "new source" or modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed "new source" or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the requirements of subsection (8).~~

~~(6) **Alternative analysis.**~~

- ~~(a) Except as provided in subsection (6)(c) of this section, the owner or operator of a proposed "major stationary source" or "major modification" shall conduct an alternatives analysis;~~
- ~~(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed "stationary source" or modification that demonstrates that benefits of the proposed "stationary source" or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;~~
- ~~(c) This analysis shall not be required for a "major stationary source" or "major modification" that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.~~

~~(7) **Contingency plan requirements.** If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.~~

- ~~(a) A proposed "major stationary source" or "major modification," must achieve LAER for the maintenance pollutant(s) and any pollutant for which the proposed "new source" or modification is major.~~
- ~~(b) An allocation from a growth allowance shall not be used to meet the requirement for offsets in subsection (4) of this section. The growth allowance emissions shall be unavailable until a sufficient demonstration is made to reinstate the growth~~

~~allowance emissions, the Board adopts a revised maintenance plan, and EPA approves it as a SIP revision.)~~

~~((8))~~ (5) Emission offsets and industrial growth allowances ~~((and offset allocation))~~. The owner or operator of a proposed new "major stationary source" or "major modification" shall provide emission offsets that satisfy the requirements of this section. Except as provided in subsection (a) of this section, the offset requirements of this section may be met in whole, or in part, by an allocation from an industrial growth allowance, if available.

~~((a))~~ Industrial growth allowances for "stationary sources" in a maintenance plan area are identified in and governed by the Washington SIP and the maintenance plan for the applicable maintenance plan area. All growth allowance allocations for the maintenance plan areas within the Agency's jurisdiction shall be made in accordance with this section.

~~((b))~~ (a) ~~((The))~~ Available growth allowances ~~((emissions))~~ may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. ~~((In the event of a confirmed ozone violation, the growth allowance for VOC and NO<sub>x</sub> emissions shall be eliminated and "new sources" shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.))~~ If a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard has occurred, the Agency may suspend the use of growth allowances, and require the proposed new "major stationary source" or "major modification" to provide offsets as described in subsection (c) below.

~~((c))~~ (b) The owner or operator of a proposed new "major stationary source" or "major modification" emitting VOCs, ~~((or))~~ NO<sub>x</sub>, or CO may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete application and allowance allocation request;

(ii) Growth allowances shall be used to satisfy offset requirements at a ratio of 1 to 1 for new VOC and/or NO<sub>x</sub> emissions.

(iii) No single "stationary source" may receive an emissions allocation of more than 50 percent of ~~((any remaining))~~ the available growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWCAA Board of Directors may approve an emissions allocation of greater than 50 percent upon consideration of the following:

(A) Information submitted by the "stationary source" to SWCAA justifying its request for exceeding the 50 percent emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new "major stationary source" or "major modification";

(B) Information provided by SWCAA on other known new "major stationary sources" or "major modifications" seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the "stationary source" or SWCAA.

~~((iii))~~ (iv) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWCAA ~~((shall allocate only a portion of))~~ may limit the quantity of VOC and NO<sub>x</sub> growth allowances made available each year. SWCAA will track use of VOC and NO<sub>x</sub> allocations from the growth allowances. ~~((The amount of the growth~~

~~allowance that can be allocated each year is identified in the applicable ozone maintenance plan.)~~

- ~~((iv))~~ (v) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.
- ~~((d))~~ (c) If no emissions remain in the respective growth allowance, or the ~~(contingency plan has been triggered which effectively zeros the)~~ Agency has suspended the use of growth allowances, the owner or operator of the proposed "major stationary source" or "major modification" shall provide offsets.
- (i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the "new source" or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).
- (ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed "stationary source." Offsets for particulate matter, PM<sub>10</sub>, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants may be from inside or outside of the same maintenance plan area.
- (iii) "New sources" or modifications shall meet the following offset requirements:
- (A) Within a designated maintenance plan area, the offsets shall provide reductions that are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;
- (B) Outside a designated maintenance plan area, owners or operators of "new sources" or modifications which have a significant air quality impact on the maintenance plan area as provided in SWCAA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level within the maintenance plan area; and
- (C) The emission reductions must provide for a net air quality benefit.
- (I) New "major stationary sources" within an ozone maintenance plan area shall:
- (a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
- (b) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
- (II) "Stationary sources" within an ozone maintenance plan area undergoing "major modifications" shall:
- (a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
- (b) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
- (III) New "major stationary sources" within a carbon monoxide maintenance plan area shall:

- (a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
- (IV) "Stationary sources" within a carbon monoxide maintenance plan area undergoing "major modifications" shall:
  - (a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
- ~~((D) New "major stationary sources" or "major modifications" with CO emissions greater than 250 tons per year are required to obtain offsets.))~~
- (iv) Emission reductions shall be of the same type of pollutant as the emissions from the "new source" or modification. Sources of PM<sub>10</sub> shall be offset with particulate in the same size range.
- (v) Emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete application for the "new source" or modification. This time limitation may be extended through banking, as provided in SWCAA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.
- (vi) Offsets for new "major stationary sources" or "major modifications" in a maintenance plan area shall meet the following requirements:
  - (A) The proposed new level of allowable emissions of the "stationary source" or emission unit providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit. No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the "stationary source" or emission unit providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.
  - (B) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the new or modified "stationary source" commences operation. The "new source" may not commence operation before the date such reductions are actually achieved. SWCAA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facilitywide emissions do not exceed the new emission limit.
- (9) **PSD applicability.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program as described in WAC 173-400-~~(44)~~ 700 through 173-400-750, the "new source" or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the "new source" shall meet all PSD requirements in addition to the requirements of this section.
- (10) **Toxics.** If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC, the "new source" shall meet all applicable requirements of that regulation.

- (11) **Visibility.** If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the "new source" shall meet all the visibility protection requirements of WAC 173-400-117.
- (12) **Noncompliance.** Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

## **SWCAA 400-112 Requirements for New Sources in Nonattainment Areas**

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, **effective 11/9/03**]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (60)(a), (61)(a), (71)(a) and (107)(a) respectively.

An air discharge permit application to establish a "new source" or make a modification to a "stationary source" in a nonattainment area, shall result in the issuance of an air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section. "New sources" or modifications within a designated nonattainment area shall meet the following requirements:

- (1) The proposed "new source" or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Agency.
- (2) The proposed "new source" or modification will employ BACT for all air contaminants, except that if the "new source" is a "major stationary source" or the proposed modification is a "major modification" it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed "new source" or modification is major.
- (3) The proposed "new source" or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington SIP and will comply with SWCAA 400-113(3) for all air contaminants for which the area has not been designated nonattainment.
- (4) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the Agency has determined, based on review of an analysis performed by the "stationary source" of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- (5) If the proposed "new source" or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions of the air contaminant for which the area has been designated nonattainment from the proposed "new source" or modification shall be offset by reductions in actual emissions of the air contaminant for which the area has been designated nonattainment from existing "stationary sources" in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of Section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:
  - (a) The proposed new level of allowable emissions of the "stationary source" or emission unit(s) providing the reduction must be less than the current level of actual emissions of that "stationary source" or emission unit(s). No emission reduction can be credited for actual emissions that exceed the current allowable emissions of the

- "stationary source" or emission unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits required by the Federal Clean Air Act, including the Washington SIP, cannot be credited.
- (b) The emission reductions must provide for a net air quality benefit.
    - (i) New "major stationary sources" within a marginal ozone nonattainment area shall:
      - (A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.
      - (B) Offset the new NO<sub>x</sub> emissions at a ratio of 1.1 to 1, if the NO<sub>x</sub> emissions exceed either 100 tons per year or 700 pounds per day.
    - (ii) "Stationary sources" within a marginal ozone nonattainment area undergoing "major modifications" shall:
      - (A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
      - (B) Offset the entire NO<sub>x</sub> emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.
    - (iii) New "major stationary sources" within a moderate carbon monoxide nonattainment area shall offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.
    - (iv) "Stationary sources" within a moderate carbon monoxide nonattainment area undergoing "major modifications" shall offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.
    - (v) For any other nonattainment area, determinations on whether emission offsets provide a positive net air quality benefit shall be made in accordance with the guidelines contained in 40 CFR Part 51, Appendix S (as in effect on July 1, 2002).
  - (c) If the offsets are provided by another "stationary source," the reductions in emissions from that "stationary source" must be federally enforceable by the time the air discharge permit for the new or modified "stationary source" becomes effective. An emission reduction credit issued under SWCAA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.
  - (7) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification," the owner or operator shall demonstrate that all "major stationary sources" owned or operated by such person (or by any entity controlling, controlled by, or under common control of such person) in Washington are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the Washington SIP.
  - (8) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification" for the purposes of the PSD program described in WAC 173-400-141, it shall meet the requirements of that program for all air contaminants for which the area has not been designated nonattainment.
  - (9) If the proposed "new source" or modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC, it shall meet all applicable requirements of that chapter.
  - (10) If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," as those terms are defined in SWCAA 400-030(59)(b) and (60)(b),

it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.

AMENDATORY SECTION (Amending WSR 03-21045 filed 10/9/03, effective 11/9/03)

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

[Statutory Authority: Chapter 70.94.141 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84; Renumbered from 400-110 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 99-07-028 filed 3/10/99, effective 4/11/99; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

For the purposes of this section, "major modification," "major stationary source," "net emissions increase," and "significant," shall have the same meaning as the definitions found in SWCAA 400-030, subsections (60)(b), (61)(b), (71)(b) and (107)(b) respectively.

An air discharge permit application to establish a "new source", install or replace an "emission unit" or make a modification to a "stationary source" in an area that is in attainment or unclassifiable for any air contaminant the proposed "new source" would emit, and that is in attainment or unclassifiable for ozone if the proposed new or modified "stationary source" would emit VOC or NO<sub>x</sub>, shall result in the issuance of an air discharge permit or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section. The air discharge permit or other regulatory order shall not be issued until the "new source", "emission unit" or modification meets the following requirements:

- (1) The proposed "new source", "emission unit" or modification shall comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, National Emission Standards for Hazardous Air Pollutants for source categories, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Agency.
- (2) The proposed "new source" or modification shall employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the "new source" or modification.
- (3) Allowable emissions from the proposed "new source", "emission unit" or modification shall not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be met if the projected impact of the allowable emissions from the proposed "new source" or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment or maintenance plan area does not exceed the following impact levels for the pollutant(s) for which the area has been designated nonattainment or maintenance:

Pollutant	Annual <u>Average</u>	24-Hour <u>Average</u>	8-Hour <u>Average</u>	3-Hour <u>Average</u>	1-Hour <u>Average</u>
CO	-	-	0.5 mg/m <sup>3</sup>	-	2 mg/m <sup>3</sup>
SO <sub>2</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	25 µg/m <sup>3</sup>	30 µg/m <sup>3</sup>
PM <sub>10</sub>	1.0 µg/m <sup>3</sup>	5 µg/m <sup>3</sup>	-	-	-
NO <sub>2</sub>	1.0 µg/m <sup>3</sup>	-	-	-	-

If the projected impact of the proposed "new source" or modification exceeds an applicable value from the table above, the owner or operator shall provide ((An)) offsetting emission reductions ((may be used to satisfy some or all of the requirements of this subsection.)) sufficient to reduce the projected impact to below the allowable impact level. For a proposed "new source" or modification with a projected impact within a maintenance area, this offset requirement may be met in whole, or in part, by an allocation from an industrial growth allowance. Emission offsets and growth allowance allocations used to satisfy the requirements of this section shall comply with the provisions of SWCAA 400-111(5).

- (4) If the proposed "new source" is a "major stationary source" or the proposed modification is a "major modification", it shall meet all applicable requirements of WAC 173-400-~~(141)~~ 700 through 173-400-750.
- (5) If the proposed "new source" or the proposed modification will emit any toxic air pollutants regulated under Chapter 173-460 WAC, it shall meet all applicable requirements of that chapter.
- (6) If the proposed "new source" is a "major stationary source," or the proposed modification is a "major modification," it shall meet the special protection requirements for federal Class I areas found in WAC 173-400-117.
- (7) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

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

[Statutory Authority: Chapter 70.94.141 RCW, and 70.94.153 RCW. Original Board adoption 12/17/68 (Regulation 1 Sec 3); Amended by Board 12/18/79; Amended by Board 8/18/81; Amended by Board 3/20/84, Renumbered from 400-110; 93-21-004 filed 10/7/93, effective 11/8/93; 95-17-084 filed 8/21/95, effective 9/21/95; 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-056 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

- (1) Any person proposing to replace or substantially alter the emission control technology installed on an existing "stationary source" or emission unit shall file an air discharge permit application with the Agency and shall be subject to the review process of SWCAA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the "new source" emissions standards of SWCAA 400-111, 400-112 or 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or modification then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.
- (2) For projects not otherwise reviewable under SWCAA 400-110, the Agency may:
  - (a) Require that the owner or operator employ RACT for the affected emission unit;
  - (b) Prescribe reasonable operation and maintenance conditions for the control equipment; and
  - (c) Prescribe other requirements authorized by Chapter 70.94 RCW.
- (3) Within thirty calendar days of receipt of an air discharge permit application under this section the Agency shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete application under this section, the Agency shall either issue an air discharge permit or a proposed RACT determination for the proposed project.
- (4) Construction shall not commence on a project subject to review under this section until the Agency issues a final air discharge permit or other regulatory order. However, any air discharge permit application filed under this section shall be deemed to be approved without conditions if the Agency takes no action within thirty days of receipt of a complete application. The Agency may request clarification of information submitted in support of the application after the application has been determined to be complete.
- (5) An air discharge permit to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Agency may specify an earlier date for commencement of construction in an air discharge permit.
- (6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

## SWCAA 400-116 Maintenance of Equipment

[Statutory Authority: Chapter 70.94.152(7) RCW, and 70.94.155 RCW. Original Board adoption 96-21-099 filed 10/21/96, effective 11/21/96; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

- (1) **Process equipment.** Any process equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.
- (2) **Pollution control equipment.** Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with Agency approval conditions. The Agency reserves the right to take any and all appropriate action to maintain compliance with approval conditions, including directing the facility to cease operations of defective or malfunctioning equipment until corrective action can be completed.
- (3) **Operation and Maintenance plans.** The Agency may require that an Operations and Maintenance (O&M) plan be developed and implemented for each emission unit or piece of control or capture equipment in order to assure continuous compliance with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shutdown and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the "source" at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in the applicable air discharge permit.
- (4) Noncompliance with any emission limit, test requirement, reporting or recordkeeping requirement or other requirement identified in applicable regulatory orders shall be considered a violation of this section.

## SWCAA 400-190 Requirements for Nonattainment Areas

[Statutory Authority: Chapter 70.94.141 RCW. Original Board Adoption 93-21-005 filed 10/7/93, effective 11/8/93; 01-05-057 filed 2/15/01, effective 3/18/01; 03-21-045 filed 10/9/03, effective 11/9/03]

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWCAA 400-171. Requirements for new or modified "stationary sources" in nonattainment areas are found in SWCAA 400-110 and SWCAA 400-112.