

SWCAA 400

General Regulations for Air Pollution Sources

**Technical Support Document
2016 Rules Revision**

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State Filings

Final Rule Revisions:	CR-103 / WSR XX-XX-XXX (filed XXXX XX, 2016)
Proposed Rule Revision:	CR-102 / WSR 16-13-147 (filed June 22, 2016)
Proposed Rulemaking Action:	CR-101 / WSR 16-10-044 (filed April 28, 2016)
	CR-101 / WSR 11-12-047 (filed May 26, 2011)

Summary of Proposed Rulemaking Activity by Section:

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-020	Applicability <ul style="list-style-type: none"> Revise existing language to clarify implementation and enforcement of Department of Ecology rules in cases where SWCAA has no corresponding provisions. Decline adoption of WAC 173-400-930. 	Amendment
400-030	Definitions <ul style="list-style-type: none"> Revise existing definitions to improve consistency with state and federal regulations. Administrative editing. 	Amendment
400-036	Relocation of Portable Stationary Sources <ul style="list-style-type: none"> Add new rule section allowing operation of portable source with valid approvals from other jurisdictions without obtaining a SWCAA approval. 	New Section
400-040	General Standards for Maximum Emissions <ul style="list-style-type: none"> Add exemption to 400-040(1) for firefighter training. Revise section 400-040(4) <i>Odors</i> to incorporate numerical ranking system for evaluation of odors. Retitling and minor administrative editing. 	Amendment
400-045	Permit Application for Nonroad Engines <ul style="list-style-type: none"> Clarify effective date of requirements and applicability. Add exemptions. Clarify applicability of hourly application review fee. 	Amendment
400-046	Application Review Process for Nonroad Engines <ul style="list-style-type: none"> Remove reference table of ambient standards. Update incorporation by reference dates. Clarify permit expiration and remove reference to phased projects. 	Amendment
400-050	Emission Standards for Combustion and Incineration Units <ul style="list-style-type: none"> Establish fuel oil sulfur limitation. Clarify carbonyl standard for incinerators. Revise measurement correction requirements. Update incorporation by reference dates. Remove compliance schedule table for small municipal waste combustion units. 	Amendment
400-060	Emission Standards for General Process Units <ul style="list-style-type: none"> Update incorporation by reference dates. 	Amendment

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-070	General Requirements for Certain Source Categories <ul style="list-style-type: none"> • Remove introductory header. • Revise requirements for abrasive blasting. • Correct error in applicability threshold contained in 400-070(11)(a)(ii). • Revise used oil specifications in 400-070(11)(b). • Reformat 400-070(12) <i>Coffee roasters</i> to improve clarity. • Correct numerical error in 400-070(13)(b). • Update adoption by reference of federal regulations. • Administrative editing. 	Amendment
400-072	Emission Standards for Selected Small Source Categories <ul style="list-style-type: none"> • Retitle rule section. • Revise applicability language for clarity. • Revise list of information required in Agency notification. • Add language addressing effective date of approval to operate. • Expand applicability for coffee roasters. • Add initial notification requirement for affected emission units. • Remove vertical discharge requirement for small boilers/heaters. • Revise applicability and operational limitation for emergency engines. • Revise petroleum dry cleaner requirements. • Clarify applicability of provisions for rock crushers and aggregate screens. • Revise relocation notification requirements for rock crushers and aggregate screens. • Add citations for 40 CFR 60, Subpart OOO requirements. 	Amendment
400-075	Emission Standards for Stationary Sources Emitting Hazardous Air Pollutants <ul style="list-style-type: none"> • Update adoption by reference of 40 CFR 61 & 63 (NESHAP and MACT standards). • Revise list of exemptions to adoption of 40 CFR 63. 	Amendment
400-076	Emission Standards for Stationary Sources Emitting Toxic Air Pollutants <ul style="list-style-type: none"> • Specify implementation of August 21, 1998 version of WAC 173-460. • Remove redundant fee language in 400-076(3). • Add reference to 'air discharge permits' in 400-076(5). 	Amendment
400-081	Startup and Shutdown <ul style="list-style-type: none"> • Add language requiring emission offsets for major nonattainment permits. 	Amendment
400-091	Voluntary Limits on Emissions <ul style="list-style-type: none"> • Add the terms 'source' and 'air discharge permit' to selected subsections. 	Amendment
400-099	Per Capita Fees <ul style="list-style-type: none"> • Remove outdated assessment rates from fee table. 	Amendment

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-100	Registration Requirements <ul style="list-style-type: none"> • Clarify timing of registration requirement. • Add references to 'portable sources' and 'air discharge permit' in selected subsections. • Clarify applicability of registration fees to VOC emissions. • Add language regarding revocation of approval. 	Amendment
400-101	Emission Units Exempt from Registration Requirements <ul style="list-style-type: none"> • Revise exemption thresholds for emergency service internal combustion engines. • Add SWCAA 476 reference to fire fighting exemption. • Administrative editing. 	Amendment
400-103	Operating Permit Fees <ul style="list-style-type: none"> • Revise fee applicable pollutants to include fugitive emissions. • Add citation for RCW 70.94.431(7) to late payment provisions. 	Amendment
400-105	Records, Monitoring and Reporting <ul style="list-style-type: none"> • Add federal program citations. • Remove temporary exemption from monitoring/reporting requirements. • Remove subsection regarding change in raw materials or fuels. • Update adoption by reference of federal regulations. • Add general requirements for continuous emission monitoring systems. • Administrative editing. 	Amendment
400-106	Emission Testing and Monitoring at Air Contaminant Sources <ul style="list-style-type: none"> • Add language regarding rejection of test reports. • Revise language to require EPA approval of alternative methodologies. • Update adoption by reference of federal regulations. 	Amendment
400-107	Excess Emissions <ul style="list-style-type: none"> • Add excess emission reporting citation for WAC 173-401-615. • Revise required information in excess emission reports. • Revise applicability and criteria for unavoidable excess emissions. • Administrative editing. 	Amendment
400-109	Air Discharge Permit Applications <ul style="list-style-type: none"> • Add requirements to address major projects in nonattainment areas. • Add exemptions for approved portable sources and sources of greenhouse gas emissions. • Add exemption threshold for PM₁₀. • Clarify TAP exemption threshold. • Revise list of exempt equipment and activities. • Clarify applicability of hourly fee to application work. • Clarify requirements for final determinations. • Administrative editing. 	Amendment

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-110	<p>Application Review Process for Stationary Sources (New Source Review)</p> <ul style="list-style-type: none"> • Add reference to sources subject to SWCAA 400-036. • Revise WAC 173-460 reference to indicate version in use. • Move application completeness subsection from -110(3) to -110(2) • Remove reference table of ambient standards. • Add rule citations for major source NSR. • Add language regarding incorporation of SEPA mitigation measures into final determinations. • Revise notification requirements for portable sources. • Add reference to portable sources subject to 400-036 in compliance provisions. • Add language regarding determination of LAER for extended major source projects. • Add language allowing revocation of approval for delinquent registration fees. • Update adoption by reference of federal regulations. • Administrative editing. 	Amendment
400-111	<p>Requirements for New Sources in a Maintenance Plan Area</p> <ul style="list-style-type: none"> • Revise definition citation for major source NSR terms. • Simplify introductory language. • Revise reference to WAC 173-460 to identify version being implemented. • Administrative editing. 	Amendment
400-112	<p>Requirements for New Sources in Nonattainment Areas</p> <ul style="list-style-type: none"> • Revise definition citation for major source NSR terms. • Simplify introductory language. • Remove existing subsections regarding project benefits, emission offsets and statewide facility compliance. • Add reference to 400-800 through 400-860 for nonattainment major NSR. • Revise reference to WAC 173-460 to identify version being implemented. • Administrative editing. 	Amendment
400-113	<p>Requirements for New Sources in Attainment or Nonclassifiable Areas</p> <ul style="list-style-type: none"> • Revise definition citation for major source NSR terms. • Simplify introductory language. • Add allowable ambient impact levels for PM_{2.5}. • Change emission offset and growth allowance citation. • Revise reference to WAC 173-460 to identify version being implemented. • Administrative editing. 	Amendment

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-115	Standards of Performance for New Sources <ul style="list-style-type: none"> • Update adoption by reference of federal regulations. • Update exceptions to 40 CFR 60 adoption. 	Amendment
400-130	Use of Emission Reduction Credits <ul style="list-style-type: none"> • Remove ERC registration requirement. • Revise language regarding permissible use of ERCs. • Change expiration period from 5 to 10 years. • Administrative editing. 	Amendment
400-131	Deposit of Emission Reduction Credits Into Bank <ul style="list-style-type: none"> • Revise conditions for granting an ERC. • Revise contents of ERC regulatory order. • Administrative editing. 	Amendment
400-136	Maintenance of Emission Reduction Credits in Bank <ul style="list-style-type: none"> • Remove reference to ERC registration. • Remove reference to outdated public credit allocations. 	Amendment
400-140	Protection of Ambient Air Increments <ul style="list-style-type: none"> • Delete rule section. 	Amendment
400-141	Prevention of Significant Deterioration <ul style="list-style-type: none"> • Delete rule section. 	Amendment
400-171	Public Involvement <ul style="list-style-type: none"> • Update adoption by reference of federal regulations. • Expand list of actions requiring mandatory public comment period. • Revise language regarding method by which comment period notices are published to match recent EPA guidance. • Revise list of required information for comment period notices. • Add requirement for 30 days notice prior to a public hearing. • Clarify application of public involvement rule to PSD permit applications. • Administrative editing. 	Amendment
400-190	Requirements for Nonattainment Areas <ul style="list-style-type: none"> • Add reference to requirements of SWCAA 400-800 through -860. 	Amendment
400-200	Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques <ul style="list-style-type: none"> • Add allowance for alternative stack configurations. • Add exemption to the vertical dispersion requirement in 400-200(1). 	Amendment
400-230	Regulatory Actions and Civil Penalties <ul style="list-style-type: none"> • Add term 'air discharge permit' to order descriptions. • Remove citation of 70.120 RCW and FCAA Section 113(e)(2). 	Amendment
400-800	Major Stationary Source and Major Modification in a Nonattainment Area <ul style="list-style-type: none"> • Add new rule section regarding applicability of nonattainment area major new source review. 	New Section

<u>Rule Section</u>	<u>Section Title / Description of Revision</u>	<u>Rulemaking Activity</u>
400-810	Major Stationary Source and Major Modification Definitions <ul style="list-style-type: none"> Add new rule section containing definitions specific to nonattainment area major new source review. 	New Section
400-820	Determining If a New Stationary Source of Modification to a Stationary Source is Subject to These Requirements <ul style="list-style-type: none"> Add new rule section containing applicability determination procedure for nonattainment area major new source review. 	New Section
400-830	Permitting Requirements <ul style="list-style-type: none"> Add new rule section containing permit requirements for sources subject to nonattainment area major new source review. 	New Section
400-840	Emission Offset Requirements <ul style="list-style-type: none"> Add new rule section containing emission offset requirements for nonattainment area major new source review. 	New Section
400-850	Actual Emissions – Plantwide Applicability Limitation (PAL) <ul style="list-style-type: none"> Incorporate by reference federal provisions for issuing PAL permits. 	New Section
400-860	Public Involvement Procedures <ul style="list-style-type: none"> Add new rule section containing public involvement requirements for permits issued pursuant to SWCAA 400-830 or 400-850. 	New Section
Appendix A	SWCAA Method 9 <ul style="list-style-type: none"> Update incorporation by reference of federal regulations. 	Amendment
Appendix B	Description of Vancouver Ozone and Carbon Monoxide Maintenance Plan Boundary <ul style="list-style-type: none"> Update graphic map of maintenance plan area. 	Amendment
Appendix C	Federal Standards Adopted by Reference <ul style="list-style-type: none"> Update informational list of adopted NSPS, NESHAPS and MACT regulations. 	Amendment

SWCAA 400-020 Applicability

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.422 RCW
Corresponding WAC:	WAC 173-400-020
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section defines SWCAA's geographic jurisdiction and describes the applicability of state and local regulations.

Proposed Change: As a local authority, SWCAA has the option of enforcing rules adopted by Ecology or adopting its own local rules in lieu of Ecology's. SWCAA has historically maintained an extensive set of local rules. There has been some confusion regarding the applicability of WAC provisions for which SWCAA has not adopted corresponding rules. The proposed rule change clarifies that Ecology adopted provisions found in Title 173 WAC apply within SWCAA's jurisdiction unless SWCAA has adopted local corresponding provisions.

The proposed language also includes an affirmative statement that SWCAA has not adopted the provisions of WAC 173-400-930 as called for in WAC 173-400-930(1)(a).

Comparison with WAC: The current version of SWCAA 400-020 contains the same local authority source category exemptions as WAC 173-400-020. Identified jurisdiction differs as appropriate. The current version does not cite the applicability of Ecology adopted provisions found in Title 173 WAC in situations where SWCAA has not adopted corresponding provisions.

Section Notes: None.

SWCAA 400-030 Definitions

Statutory Authority:	Chapter 70.94.030 RCW, and 70.94.141 RCW
Corresponding WAC:	WAC 173-400-030
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	Yes. Defines terms that are relied upon by SIP/TIP rules. All subsections submitted to SIP except for (21) <i>climate change</i> and (129) <i>toxic air pollutant</i> .

Proposed Change: The proposed rule change makes the following changes to the definition section:

- 1) "air contaminant" / "air pollutant" – Revises definition to match revisions in the latest version of WAC 173-400-030. The change is intended to clarify the applicability of SIP provisions for NAAQS pollutants and contaminants regulated under Part C of Title I of the federal Clean Air Act.
- 2) "allowable emissions" – Adds citation of 40 CFR 62.
- 3) "best available control technology" – Adds citation of 40 CFR 62.
- 4) "continuous emission monitoring system" (CEMS) – Adds new definition consistent with 40 CFR 51.166(b)(43).
- 5) "continuous emission rate monitoring system" (CERMS) – Adds new definition consistent with 40 CFR 51.166(b)(46).
- 6) "continuous parameter monitoring system" (CPMS) – Adds new definition consistent with 40 CFR 51.166(b)(45).
- 7) "emission reduction credit" – Simplifies definition to be more consistent with Ecology definition.

- 8) "excess stack height" – Corrects SWCAA 400-200 reference from subsection (2) to (3).
- 9) "federally enforceable" – Adds citation of 40 CFR 62.
- 10) "fugitive emissions" – Removes secondary language regarding major source applicability.
- 11) "greenhouse gas" – Pursuant to EPA comments, revises definition to be more consistent with federal definition.
- 12) "major modification" – Removes detailed definition from 400-030. Revises to cite 400-810 for nonattainment areas and WAC 173-400-710 for maintenance plan, attainment or unclassified areas.
- 13) "major stationary source" – Removes detailed definition from 400-030. Revises to cite 400-810 for nonattainment areas and WAC 173-400-710 for maintenance plan, attainment or unclassified areas.
- 14) "motor vehicle" – Revises definition to be consistent with 40 CFR 85.1703.
- 15) "net emissions increase" – Removes detailed definition from 400-030. Revises to cite 400-810 for nonattainment areas and WAC 173-400-710 for maintenance plan, attainment or unclassified areas.
- 16) "new source" – Expands definition to proscriptively include burner replacement/modification and new fuels in combustion sources.
- 17) "parts per million by volume" – Revises definition to match the definition found in WAC 173-400-030(65).
- 18) "permanent shutdown" – Reduces qualifying shutdown period from five years to two years pursuant to EPA comments.
- 19) "PM_{2.5} emissions" – Revises definition to cite reference methods as specified in 40 CFR 51 rather than 40 CFR 50.
- 20) "portable equipment" – Changes term to be 'portable source'. Revises definition to be more consistent with Ecology's definition and the general use of the term in SWCAA's rules.
- 21) "predictive emissions monitoring system" – Adds new definition consistent with 40 CFR 51.166(b)(44).
- 22) "Prevention of Significant Deterioration" – Updates rule citation for Ecology's PSD program.
- 23) "regulatory order" – Revises definition to replace missing words and clarify meaning.
- 24) "secondary emissions" – Revises definition for clarity.
- 25) "significant" – Removes detailed definition from 400-030. Revises to cite 400-810 for nonattainment areas and WAC 173-400-710 for maintenance plan, attainment or unclassified areas.
- 26) "toxic air pollutant" – Revises definition to cite the August 21, 1998 version of WAC 173-460.
- 27) "volatile organic compound" – Revises definition to incorporate most recent federal definition of the same term.
- 28) Makes administrative edits to renumber rule subsections as appropriate.

Comparison with WAC: The current version of SWCAA 400-030 provides definitions for all of the general terms found in WAC 173-400-030, but also includes a number of terms that do not currently appear in WAC 173-400-030. Terms appearing in both regulations are defined in a manner consistent with WAC 173-400-030 and other sections of Chapter 173-400 WAC.

Section Notes: SWCAA's general regulations rely heavily on term specific definitions. The majority of those terms are defined in this section. SWCAA's intent is to maintain a single set of

definitions applicable to local regulations that is also consistent with associated sections of WAC 173-400 and 40 CFR.

SWCAA 400-036 Relocation of Portable Sources

Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW
 Corresponding WAC: WAC 173-400-036
 Submitted to SIP: *Pending*
 SIP applicable: Yes. This section is part of the NSR program.
 All subsections submitted to SIP.

Proposed Change: The proposed rule change adds a new rule section allowing portable stationary sources approved by other permitting authorities in the State of Washington to relocate and operate within SWCAA's jurisdiction without obtaining an air discharge permit from SWCAA. Affected sources must meet criteria listed in the section to qualify, and some sources are not eligible (nonattainment areas, major sources).

Comparison with WAC: The proposed rule section is patterned on WAC 173-400-036 and has substantially similar provisions. SWCAA's rule requires portable sources to use their SWCAA permit if the source currently has a valid permit.

Section Notes: This section is part of an effort by permitting authorities statewide to reduce the regulatory burden on portable sources that routinely work in multiple jurisdictions (e.g., rock crushers, concrete plants, asphalt plants, etc.). Other locals are adopting similar language or adopting WAC 173-400-036 by reference.

The provisions of 400-036 do not apply to nonroad engines of any type.

SWCAA 400-040 General Standards for Maximum Emissions

Statutory Authority: Chapter 70.94.040 RCW, 70.94.141 RCW, and 70.94.154 RCW
 Corresponding WAC: WAC 173-400-040
 Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: Yes. This section contains SIP prohibitory rules.
 All subsections submitted to SIP except subsections (1)(a,c,d), (2), and (4).

Proposed Change: The proposed rule change does the following:

- 1) Removes citation of 'emission unit' from language of 400-040(1).
- 2) Adds exemption to 400-040(1)(e) for firefighter training facilities when in use.
- 3) Expands applicability of 400-040(4) from 'any source' to 'any source or activity'.
- 4) Revises section 400-040(4) to incorporate numerical ranking system for evaluation of odors.
- 5) Removes odor exemption for manufacturing processes implementing recognized control technology.
- 6) Makes minor administrative edits.

Comparison with WAC: The current version of SWCAA 400-040 has the same general structure and content as WAC 173-400-040. Most corresponding sections have similar language and requirements. There are noticeable differences in the following subsections:

- As proposed, SWCAA 400-040(1)(a) includes a requirement to maintain a written soot blowing/grate cleaning schedule on file with the Agency, which is not present in WAC 173-400-040(1)(a). The remainder of SWCAA 400-040(1) is substantially similar to WAC 173-400-040(1).
- SWCAA 400-040(4)(a) contains language similar in format and requirements to WAC 400-040(4), but also incorporates a numerical ranking system for gauging the severity of observed odors. As proposed, SWCAA 400-040(4)(b) contains provisions regarding the implementation of "good agricultural practices" that are not found in WAC 173-400-040(4).
- SWCAA 400-040(6) "Sulfur dioxide" contains the same general standard as WAC 173-400-040(6) with two differences. SWCAA 400-040(6) allows sulfur dioxide emission concentrations to be corrected to 12% CO₂ in lieu of 7% O₂. SWCAA's rule does not contain the exception clause in the second paragraph of WAC 173-400-040(6) allowing emission concentrations greater than 1,000 ppm.

Section Notes: SWCAA considers this section to be functionally equivalent to WAC 173-400-040. The numerical odor ranking system was based on similar rules for Puget Sound Clean Air Agency (Reg I Article 9 Section 9.11).

SWCAA 400-045 Permit Application for Nonroad Engines

Statutory Authority: Chapter 70.94.141 RCW

Corresponding WAC: WAC 173-400-035

Submitted to SIP: No.

SIP applicable: Yes. This section is part of a program to protect NAAQS and PSD increments, but SWCAA has decided not to submit it to the SIP at this time. This is consistent with Ecology's treatment of WAC 173-400-035.

Withhold all subsections from SIP.

Proposed Change: The proposed rule change does the following:

- 1) Clarifies the effective date of the rule requirements.
- 2) Revises exemption list. Revisions include a universal exemption threshold for engines with a power rating <50 hp.
- 3) Clarifies that engines integral to a stationary source are subject to SWCAA 400-109.
- 4) Clarifies applicability of additional hourly fees if work on an application exceeds the presumptive number of work hours associated with the application fee.

Comparison with WAC: Ecology regulates nonroad engines under the provisions of WAC 173-400-035 *Nonroad Engines*. Ecology has the same applicability threshold as SWCAA (cumulative rating of >500 bhp). Ecology's notification/application process is not as formal as SWCAA's process, and does not require a permit application. Owners/operators are required to submit a notification of intent to operate to Ecology containing specified information. Ecology does not

charge any fee for reviewing notifications whereas SWCAA charges a fee for each nonroad engine application.

Section Notes: SWCAA 400-045 governs the submittal of permit applications for nonroad engines within SWCAA's jurisdiction, and is intended to support the review requirements of SWCAA 400-046. This section is completely independent from the application process found in SWCAA 400-109, and does not apply to stationary sources.

SWCAA 400-046 Application Review Process for Nonroad Engines

Statutory Authority: Chapter 70.94.141 RCW

Corresponding WAC: WAC 173-400-035

Submitted to SIP: No.

SIP applicable: Yes. This section is part of a program to protect NAAQS and PSD increments, but SWCAA has decided not to submit it to the SIP at this time. This is consistent with Ecology's treatment of WAC 173-400-035.

Withhold all subsections from SIP.

Proposed Change: The proposed rule change does the following:

- 1) Removes reference table of ambient air quality standards.
- 2) Updates adoption by reference of federal regulations.
- 3) Removes references to phased projects from permit expiration language.

Comparison with WAC: Ecology reviews and approves nonroad engines under the provisions of WAC 173-400-035 *Nonroad Engines*. Ecology does not require formal review/approval for projects with cumulative engine ratings of 2000 bhp or less. Written approval is required for cumulative engine ratings greater than 2000 bhp, but no permit is issued. The written approval requirement is intended to assure compliance with the NAAQS, and approval may impose conditions as necessary to maintain compliance. This is similar in purpose and intent to SWCAA's permits. WAC 173-400-035(3) contains a proscriptive fuel standard not found in SWCAA's rule language although SWCAA routinely imposes a similar fuel standard in its nonroad engine permits and a general fuel oil sulfur limitation for combustion units is established in SWCAA 400-050(2).

SWCAA 400-046 requires nonroad engines to be registered and pay an annual registration fee. Ecology does not require nonroad engine registration.

Section Notes: This section provides a review/approval mechanism for nonroad engine projects that may have a significant impact on ambient air quality. The primary purpose of the section is to maintain compliance with applicable NAAQS, and regulation of nonroad engines to achieve this purpose is consistent with current EPA policy pursuant to 40 CFR 89. This section is completely independent from the application process found in SWCAA 400-109, and does not apply to stationary sources.

SWCAA 400-050 Emission Standards for Combustion and Incineration Units

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-050
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. Contains general SIP prohibitory rules. Subsections (1), (2) and (4) submitted to the SIP. Subsection (3) to be withdrawn from the SIP. Subsections (5) and (6) will not be submitted.

Proposed Change: The proposed rule change does the following:

- 1) Adds a fuel oil sulfur content limit of 15 ppmw. The sulfur content limit is applicable to all combustion and/or incineration units, effective January 1, 2013. This provision is consistent with BACT limits that have routinely been incorporated into SWCAA air discharge permits for combustion sources in recent years.
- 2) Adds definition for total carbonyls in the incinerator standard in 400-050(3). As currently written, the emission standard limits emissions of total carbonyls to no more than 100 ppm as measured by an applicable sampling method, but does not cite a sampling method of definition for total carbonyl. The equivalent section of WAC 173-400-050 contains a definition for 'total carbonyls' based on Ecology Method 14.
- 3) Revises measurement correction requirements to be consistent with WAC 173-400-050 and satisfy comments from EPA.
- 4) Updates adoption by reference of federal regulations.
- 5) Removes the compliance schedule table from section 400-050(6)(h). All interim compliance dates have expired, and only the final compliance date is applicable at this time.
- 6) Makes administrative edits to renumber subsections as appropriate.

Comparison with WAC: SWCAA 400-050 is similar in format and content to WAC 173-400-050. The current version of SWCAA 400-050 incorporates all substantial requirements of WAC 173-400-050 with small changes in language and regulatory references as required to assure consistency with the remainder of SWCAA 400.

Section Notes: EPA has previously commented that category specific alternate oxygen correction values contained in older versions of both the WAC and SWCAA are too discretionary and/or may require relaxation analyses when changed. In response, SWCAA has revised the section to incorporate WAC language that does not contain specific alternate oxygen correction values.

Sections 400-050(5) & (6) are emission guidelines adopted by SWCAA in lieu of 40 CFR 60, Subparts BBBB and DDDD. WAC 173-400-050(4) & (5) are the corresponding rule sections for Ecology.

SWCAA 400-060 Emission Standards for General Process Units

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-060
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. Contains general SIP prohibitory rules. All subsections submitted to the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Updates adoption by reference of federal regulations.

Comparison with WAC: The current version of SWCAA 400-060 contains the same particulate matter standard as WAC 173-400-060, but differs slightly in methods use to determine compliance. WAC 173-400-060 cites test methods found in 40 CFR Parts 51, 60, 61 and 63 or contained in Ecology's "Source Test Manual – Procedures for Compliance Testing." SWCAA 400-060 cites test methods from 40 CFR Parts 51, 60, 61 and 63 and any other "appropriate test procedures" approved in advance by SWCAA and EPA.

SWCAA 400-070 Emission Standards for Certain Source Categories

Statutory Authority: Chapter 70.94.141 RCW and 70.94.610 RCW

Corresponding WAC: WAC 173-400-070

Submitted to SIP: Yes. (Effective 9/21/95, SIP Approval 4/28/97)
EPA did not approve subsection (5).

SIP applicable: Yes. Contains SIP prohibitory rules.
Submit all subsections except (2)(a), (3)(b), (5), (7), (8)(c), (9)-(12), (14) and (15)(c).
Withdraw subsection (6).

Proposed Change: The proposed rule change does the following:

- 1) Removes introductory paragraph to reduce confusion over the applicability of SWCAA 400-040, -050, and -060.
- 2) Clarifies requirements for abrasive blasting. Removes redundant language regarding enclosure.
- 3) Updates adoption by reference of federal regulations.
- 4) Corrects error in applicability threshold contained in 400-070(11)(a)(ii). The basis for the threshold is being changed from "maximum capacity" to "maximum heat output" to be consistent with the language of RCW 70.94.610.
- 5) Revises used oil specification in 400-070(11)(b) to be consistent with RCW 70.94.610.
- 6) Reformats 400-070(12) for greater clarity. No change in requirements.
- 7) Revises the water heater NOx emission limit contained in 400-070(13)(b)(ii) from 0.067 lb/MMBtu to 0.024 lb/MMBtu consistent with the technical information used in support of the 2009 rule action that originally established the emission limits. A typographical error in the final 2009 rule package resulted in the same numerical value being written into both tiers of the subsection when the intent was to reduce the emission limit subsequent to January 1, 2013.
- 8) Makes minor administrative edits.

Comparison with WAC: SWCAA 400-070 contains corresponding subsections for most of the source categories listed in WAC 173-400-070. It also contains a significant number of source categories not found in the WAC. Where there is overlap between the two rule sections, requirements are substantially similar with SWCAA's requirements generally being more stringent.

Category specific comparisons are given below.

WAC 173-400-070(1) – SWCAA 400-070(1) prohibits the use of wigwam burners and equivalent units effective January 1, 1994 whereas the WAC establishes operational requirements and emission standards. At the time of original adoption, there were no wigwam burners operating in SWCAA's jurisdiction.

WAC 173-400-070(2) – SWCAA 400-070(2) has substantially similar requirements as WAC 173-400-070(2).

WAC 173-400-070(3) – SWCAA 400-070(3) has the same requirements as WAC 173-400-070(3).

WAC 173-400-070(4) – SWCAA 400-070 has no equivalent language for grain elevators. Grain elevators are subject to all general standards and permitting.

WAC 173-400-070(5) – WAC 173-400-070(5) establishes standards for both new and existing units. There are no existing units within SWCAA's jurisdiction. SWCAA 400-070(4) requires NSR and BACT for new catalytic units similar to the requirement in WAC 173-400-070(5)(b).

WAC 173-400-070(6) – SWCAA 400-070 has no equivalent language. Wood waste burners are subject to all general standards and permitting.

WAC 173-400-070(7) – SWCAA 400-070(5) has the same requirements as WAC 173-400-070(7).

WAC 173-400-070(8) – SWCAA 400-070(10) has the same requirements as WAC 173-400-070(8).

WAC 173-400-070 does not contain corresponding language for SWCAA 400-070 subsections (6) *Gasoline Dispensing Facilities*, (7) *Perchloroethylene dry cleaners*, (8) *Abrasive blasting*, (9) *Sewage sludge incinerators*, (11) *Used oil burners*, (12) *Coffee roasters*, (13) *Natural gas fired water heaters*, (14) *Rendering plants*, or (15) *Outdoor wood-fired boilers*. Certain provisions of WAC 173-433 overlap with the requirements of SWCAA 400-070(15) *Outdoor wood fired boilers*.

Section Notes: SWCAA implements this section in lieu of WAC 173-400-070 in its entirety. Unlike WAC 173-400-070, SWCAA 400-070 does not provide exemptions from the requirements of 400-040, -050, and -060. All source categories (both cited and uncited) are subject to those general provisions.

SWCAA 400-072 Small Unit Notification for Selected Source Categories

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	<i>Pending</i>
SIP applicable:	Yes. Section compliments SWCAA's NSR program. Submit all subsections except for (5)(a)(ii)(B), (5)(d)(ii)(B), (5)(d)(iii)(A), (5)(d)(iii)(B) and all reporting requirements related to TAPs.

Proposed Change: The proposed rule change does the following:

- 1) Retitles section for clarity.
- 2) Revises language to clarify applicability of 400-109 for SUN sources. A SUN is intended to take the place of an air discharge permit. Affected units may be incorporated into permits developed in subsequent permitting actions for the same facility. Units that fail to maintain compliance with applicable requirements may be required to submit an permit application pursuant to SWCAA 400-109.
- 3) Adds language stating a SUN cannot be employed in conjunction with a major source.
- 4) Revises language to emphasize the applicability of registration to affected units.
- 5) Revises the list of information required for a complete notification.
- 6) Adds subsection addressing the effective date upon which SUN sources are authorized to operate. [400-072(4)]
- 7) Revises recordkeeping requirement for air quality related complaints to specify prompt recording of the each event pursuant to EPA comments. This change is made to all affected source categories.
- 8) Adds a requirement to report initial operation of affected units within 10 days of occurrence. This requirement is added to all affected source categories.
- 9) Removes lower size limit from applicability of the coffee roaster subsection. [400-072(5)(a)]
- 10) Removes vertical discharge requirement from the small boiler/heater subsection. [400-072(5)(b)].
- 11) Removes alternate monitoring schedule language from emission monitoring requirements in 400-072(5)(b)(v).
- 12) Adds lower horsepower threshold (50 hp) to applicability of the emergency service internal combustion engine subsection. The lower threshold is consistent with the new exemption threshold contained in 400-109(e). [400-072(5)(c)]
- 13) Revises the engine operation limit in 400-072(5)(c)(iii)(E) to be more consistent with 40 CFR 63, Subpart ZZZZ.
- 14) Simplifies approved fluid language in 400-072(5)(d)(iii)(B).
- 15) Revises applicability language of 400-072(5)(e) to highlight the prerequisite of an existing facility permit with a facilitywide emission limits.
- 16) Clarifies applicability of 400-072(5)(e) to associated internal combustion engines.
- 17) Revises equipment relocation notification requirements. The existing 10 business day advance notice is reduced to "in advance of relocating". Notification of adjacent property owners is removed.
- 18) Adds citations for 40 CFR 60, Subpart OOO requirements.

Comparison with WAC: There is no equivalent section in the WAC. Some of the affected emission units would be subject to general NSR requirements, but others would be exempt under Ecology's permitting thresholds. (e.g., small coffee roasters, nat gas boilers <4.0 MMBtu/hr) All equipment categories identified in this section would be subject to SWCAA's general NSR requirements if the rule section was not in place. Arguably, the section is more stringent than the WAC.

Section Notes: This section is intended to serve as a limited BACT by rule provision that can be used in lieu of formal new source review. Affected sources are not subject to 400-109.

Source categories were selected based homogeneous equipment configurations, low potential emissions, and uniformity of control technology determinations. Requirements for each category

have been developed based on an Agency review of potential emissions and available control measures (add-on equipment, work practices, etc.) for the affected equipment/activity. The emission controls and/or limitations in the rule section are intended to represent BACT.

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

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-075
 Submitted to SIP: No
 SIP applicable: No. This section adopts federal HAP regulations by reference.

Proposed Change: The proposed rule change does the following:

- 1) Updates federal incorporation by reference dates.
- 2) Adds citations to 40 CFR 51, 60 and 62.
- 3) Updates list of adoption exceptions.

Comparison with WAC: WAC 173-400-075 is similar in content to SWCAA 400-075. Both SWCAA and Ecology have adopted 40 CFR 61 in its entirety and 40 CFR 63 as it applies to major sources. There is a difference in approach in regards to 40 CFR 63 as it applies to area sources. SWCAA proscriptively adopts all of the regulation's subparts except for specifically listed sections whereas WAC 173-400-075(5) specifically adopts only a specific list of subparts. The end result is that SWCAA's adoption is similar to, but broader than, Ecology's adoption. Both Ecology and SWCAA have decided not to adopt area source applicability for a number of recently promulgated MACT standards due to the excessive scope of the affected source categories and minimal air quality improvement likely to be gained through local adoption/implementation.

WAC 173-400-075(8) contains emission standards for perchloroethylene dry cleaners. Corresponding requirements are found in SWCAA 400-070(7).

Section Notes: An informational list of adopted subparts is provided in SWCAA 400, Appendix C for ease of reference.

SWCAA 400-076 Emission Standards for Sources Emitting Toxic Air Pollutants

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-110(1)(c)
 Submitted to SIP: No
 SIP applicable: No. This section relates to toxic contaminants.

Proposed Change: The proposed rule change does the following:

- 1) Specifies that all references to WAC 173-460 found within SWCAA 400 refer to the August 21, 1998 version of the rule. Ecology updated WAC 173-460 effective June 20, 2009. SWCAA has chosen not to implement the newer version of the rule.
- 2) Revises fee language in 400-076(3).
- 3) Adds reference to 'air discharge permit' in 400-076(5).

Comparison with WAC: SWCAA 400-076 governs the implementation of SWCAA's toxics program for new sources. WAC 173-400-110(1)(c) cites new or modified TAP sources as being subject to NSR and required to meet the requirements of WAC 173-460. This is similar to the provisions of SWCAA 400-076(2) although the version of WAC 173-460 cited by SWCAA is the 1998 version rather than the 2009 version.

Section Notes: The intent of this section is to provide clear authority for SWCAA to regulate sources of toxic air pollutants pursuant to the provisions of WAC 173-460. SWCAA has chosen to implement the 1998 version of WAC 173-460, rather than the most current version of the rule. SWCAA is considering development of its own toxics rule in the future.

SWCAA 400-081 Startup and Shutdown

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-081
 Submitted to SIP: Yes. (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: Yes. This section contains provisions affecting permitting and compliance with general standards.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Adds language requiring emission offsets for allowable emissions during startup and shutdown periods for major nonattainment permits. The added language is consistent with WAC 173-400-081(3).

Comparison with WAC: SWCAA 400-081 has a slightly different format, but is substantially similar to WAC 173-400-081.

Section Notes: None.

SWCAA 400-091 Voluntary Limits on Emissions

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-091
 Submitted to SIP: Yes. (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: Yes. This section contains provisions affecting permit program.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Adds the term "air discharge permit" wherever the term 'regulatory order' or 'order' is cited. SWCAA has transitioned to the use of the term 'air discharge permit' in lieu of 'order' in recent years. This change makes clear that an air discharge permit serves that same purpose as an order with regards to establishing voluntary emission limits pursuant to this section.
- 2) Adds the term "source" wherever the term "stationary source" is cited. This change is consistent with the language of WAC 173-400-091.

Comparison with WAC: As currently adopted, SWCAA 400-091 has the same format and requirements as WAC 173-400-091.

Section Notes: None.

SWCAA 400-099 Per Capita Fees

Statutory Authority: Chapter 70.94.093 RCW
 Corresponding WAC: None
 Submitted to SIP: No
 SIP applicable: No. This section applies to a general revenue fee that is not related to a specific SIP/TIP provision.

Proposed Change: The proposed rule change does the following:

- 1) Removes outdated assessment rates from the incorporated rate table.

Comparison with WAC: No equivalent section in WAC 173-400.

Section Notes: The last approved increase in per capita assessment fees was phased in over the course of three years (2006-2008). All of the effective dates have now passed so reference to transitory assessment rates has been removed.

SWCAA 400-100 Registration Requirements

Statutory Authority: Chapter 70.94.141 RCW, 70.94.151 RCW, 70.94.162 RCW, 70.94.200 RCW, and 70.94.395 RCW
 Corresponding WAC: WAC 173-400-099, -100, -101, -102, -104
 Submitted to SIP: Yes. (Effective 9/21/95, SIP Approval 4/28/97)
 EPA did not approve first sentence of subsection (3)(a)(iv) & subsection (4).
 SIP applicable: No. SWCAA has decided to withdraw its registration program from the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Clarifies the timing of registration applicability.
- 2) Replaces 'source' with 'emission unit' in subsections (2) and (5) for improved clarity.
- 3) Adds references to 'air discharge permit' and 'portable source' in selected subsections.
- 4) Clarifies applicability of registration fees to VOC emissions from registered sources.
- 5) Adds language to 400-100(4) regarding revocation of approval if registration fees are delinquent for two consecutive years or more.

Comparison with WAC: The registration requirements contained in the current/proposed versions of SWCAA 400-100 are similar in intent and form to the registration program described in WAC 173-400-099 through -104. There are two notable differences between the programs. First, the applicability thresholds for SWCAA's program are lower than the WAC (0.5-1.0 tpy combined criteria pollutants versus 0.5-5.0 tpy individual pollutant thresholds in WAC 173-400-102(5)). Second, SWCAA requires annual emission reporting for all registered sources whereas

the WAC has two reporting tiers (annual and every three years) depending on the type of source involved.

Section Notes: SWCAA unlinked the exemption thresholds for the registration and NSR programs in the 2009 rule revision. The registration program has higher thresholds than the registration program. This is intended to allow permitting resources to be focused on larger facilities and Title V activities rather than small stationary sources. The registration program includes a combination of permitted sources, unpermitted sources, and presumptively approved sources (SWCAA 400-072).

SWCAA 400-101 Emission Units Exempt from Registration Requirements

Statutory Authority:	Chapter 70.94.141 RCW, 70.94.163 RCW
Corresponding WAC:	WAC 173-400-100, -102, -110(4)&(5)
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	No. SWCAA has decided to withdraw its registration program from the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Revises exemption thresholds for emergency service internal combustion engines. All engines with an individual rating of less than 50 horsepower are exempted. Facilitywide aggregate applicability is reworded to exclude units with a rating of less than 50 horsepower.
- 2) Adds citation of SWCAA 476 in the fire fighting/safety equipment exemption.
- 3) Administrative editing to renumber subsections as appropriate.

Comparison with WAC: WAC 173-400-100 and -102 specify which stationary sources are required to register with Ecology and applicable exemption thresholds. The general structure of the program exemptions is similar to the provisions of SWCAA 400-101. In general, the exemption thresholds contained in SWCAA's program are lower than the equivalent levels in the WAC. Likewise, the SWCAA program generally identifies smaller equipment sizes or capacities in cases where exemption is based on emission unit size or capacity.

Section Notes: Exemption thresholds for SWCAA's registration and NSR programs were the same until the 2009 rule revision unlinked the two programs. The exemption thresholds cited in SWCAA 400-101 now only apply to the registration program.

SWCAA 400-103 Operating Permit Fees

Statutory Authority:	Chapter 70.94.162 RCW
Corresponding WAC:	WAC 173-401-900, -905
Submitted to SIP:	No
SIP applicable:	No. This section is part of the Part 70 permit program, which is not included in the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Administrative editing. Abbreviation added for NAAQS in 400-103(2).
- 2) Revises description of fee applicable pollutants to include fugitive emissions of regulated pollutants.
- 3) Adds citation of RCW 70.94.431(7) to late fee provisions in 400-103(9).

Comparison with WAC: Ecology's fees for Air Operating Permit sources are developed and assessed pursuant to WAC 173-401-900. Pursuant to WAC 173-401-905, SWCAA has established its own process for developing and assessing fees to operating permit program sources. The WAC does not provide proscriptive requirements for this process, but does require that the assessed fees be sufficient to cover program costs and that the fee process provide opportunity for public participation. The current language meets those requirements.

Section Notes: None.

SWCAA 400-105 Records, Monitoring and Reporting

Statutory Authority:	Chapters 70.94.141 RCW, 70.94.151 RCW
Corresponding WAC:	WAC 173-400-105
Submitted to SIP:	Yes. (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section is part of SWCAA's overall strategy to maintain the NAAQS and supports emission reporting/inventory functions. Submit all subsections to SIP except requirements related to TAPs.

Proposed Change: The proposed rule change does the following:

- 1) Updates adoption by reference of federal regulations.
- 2) Corrects federal citation in 400-105(1)(b) from 40 CFR 51, Subpart Q to Subpart A.
- 3) Revises 400-105(4)(g) to cite multiple federal programs (Parts 60, 61, 62, 63, 75) rather than just the NSPS.
- 4) Removes provisions for temporary exemption from monitoring and reporting requirements contained in 400-105(4)(h) pursuant to EPA comments that the section was overly broad and not SIP approvable.
- 5) Removes section regarding change in raw materials or fuels for sources not subject to the Operating Permit Program. Provisions of the section were determined to be inconsistent with current permitting policy and NSR requirements.
- 6) Establishes general requirements for continuous emission monitoring systems in 400-105(7).
- 7) Makes administrative edits to renumber sections as appropriate.

Comparison with WAC: SWCAA 400-105 is applicable to all registered and Title V sources as described in the first paragraph of the section. In practical terms, this is similar in scope to WAC 173-400-105, which is applicable to all sources receiving notification from the director of Ecology. Section by section comparisons are provided below.

WAC 173-400-105(1) – Emission inventory requirements in SWCAA 400-105(1) contain a more extensive list of reportable pollutants than the WAC and delineate between small and large sources. SWCAA's submittal deadline for emission inventory information is March 15th versus 105th day of the calendar year. SWCAA 400-105(1) allows for an extension of the submittal deadline of up to 60 days.

WAC 173-400-105(2) – SWCAA 400-105(2) has the same requirements as WAC 173-400-105(2).

WAC 173-400-105(3) – SWCAA 400-105(3) has the same requirements as WAC 173-400-105(3).

WAC 173-400-105(4) – The current version of SWCAA 400-105 does not contain language corresponding to WAC 173-400-105(4). Corresponding language is found in SWCAA 400-106(1).

WAC 173-400-105(5) – The current/proposed version of SWCAA 400-105(4) is functionally equivalent to WAC 13-400-105(5) except for the differences listed below.

- WAC 173-400-105(5)(e) requires installed monitoring equipment to meet the specifications and reporting requirements of 40 CFR 51, Appendix P, Sections 3-5. SWCAA 400-105(4)(e) has the same requirement, but also requires compliance with the specifications and reporting requirements of 40 CFR 60, Appendices B and F.
- SWCAA 400-105(4)(f) cites continuous process parameter monitoring as a possible surrogate to continuous emission monitoring in addition to frequent stack testing.

WAC 173-400-105(6) – SWCAA 400-105(5) has the same requirements as WAC 173-400-105(6).

WAC 173-400-105(7) – SWCAA 400-105(7) has the same requirements as WAC 173-400-105(7).

WAC 173-400-105(8) – SWCAA 400-105(6) has the same requirements as WAC 173-400-105(8).

Section Notes: Small sources exempt from registration are not subject to inventory requirements, but must maintain records and other information necessary to substantiate their exempt status.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-105(4)
Submitted to SIP:	No
SIP applicable:	Yes. Portions of this section proscribe emission testing and monitoring requirements relied on by other rules. Submit subsections (1)(a,b,c) to the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Updates adoption by reference of federal regulations.
- 2) Adds language to 106(1)(g) allowing Agency rejection of test reports that do not contain required information.
- 3) Revises language of 106(2)(b) to require approval of alternative methodologies from both SWCAA and EPA.
- 4) Adds the term ‘air discharge permit’ to the lead paragraph of 106(2)(f).

Comparison with WAC:

The current version of subsections SWCAA 400-106(a)-(c) contain all of the emission testing requirements listed in WAC 173-400-105(4). Additional requirements are included in subsequent subsections. SWCAA allows the use of selected Oregon DEQ test methods based on historic practice, whereas the WAC does not. The emission monitoring requirements contained in SWCAA 400-106(2) do not have an equivalent section in WAC 173-400-105(4).

Section Notes: None.

SWCAA 400-107 Excess Emissions

Statutory Authority:	Chapters 70.94.141 RCW, 70.94.431 RCW
Corresponding WAC:	WAC 173-400-108 and -109 (previously WAC 173-400-107)
Submitted to SIP:	Yes (Effective 9/21/95, SIP Approval 4/28/97)
SIP applicable:	Yes. This section contains provisions that affect compliance with permitted emission limits and general standards.

This section will not be submitted to the SIP until such time as EPA resolves issues with Washington's excess emission rules.

Proposed Change: The proposed rule change does the following:

- 1) Revises excess emission reporting requirements to incorporate provisions of WAC 173-401-615, which provides different reporting timelines for Air Operating Permit sources.
- 2) Revises list of required information for excess emission reports.
- 3) Clarifies that unavoidable excess emission events are not subject to penalty, but are still considered to be violations of the applicable standard. [400-107(2)]
- 4) Specifies circumstances where provisions are not applicable. [400-107(2)(b)]
- 5) Revises the criteria for determining if an excess emission event qualifies as unavoidable. [400-107(2)(c) & (e)]
- 6) Makes administrative edits to renumber as appropriate.

Comparison with WAC: SWCAA 400-107 has been updated to be consistent with the requirements of WAC 173-400-108 and -109. Section specific comparisons are provided below.

WAC 173-400-108 – SWCAA 400-107(1) has the same requirements as WAC 173-400-108.

WAC 173-400-109 – SWCAA 400-107(2) has substantively similar requirements as WAC 173-400-109.

Section Notes: The 2012 revision of 400-107 significantly expanded the level of information and detail required to claim an excess emission event as 'unavoidable'. Most of the changes were the result of EPA's review and approval of revised language in WAC 173-400-108 and -109. SWCAA 400-107 was revised to be consistent.

SWCAA 400-109 Air Discharge Permit Applications

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-110
Submitted to SIP:	Yes. (Effective 11/21/96, SIP Approval 6/18/97) EPA did not approve subsections (3)(b), (3)(c), (3)(g), (3)(h) and (3)(i) of the 1996 rule.
SIP applicable:	Yes. This section is a minor source preconstruction permitting rule. Submit all subsections to SIP except TAP thresholds in (3)(d), TAP provisions in (3)(e)(ii), and (4).

Proposed Change: The proposed rule change does the following:

- 1) Adds reference to nonattainment major source permitting program found in SWCAA 400-800-860.
- 2) Clarifies exemption for SWCAA 400-072 sources.
- 3) Adds exemptions for sources subject to SWCAA 400-036 and sources of greenhouse gas emissions.
- 4) Adds exemption threshold for PM₁₀.
- 5) Clarifies TAP exemption threshold. The exemption threshold cites combined emissions of 1.0 tpy or the individual pollutant SQER per WAC 173-460. New rule language specifies that the lesser of the two thresholds applies. The 1998 version of WAC 173-460 is cited as applicable for making the determination.
- 6) Revises the list of category exemptions found in 400-109(3)(e). Water heater exemption is expanded to include propane fired units. Threshold for emergency IC engines is reduced from an aggregate power rating of 500 hp to 200 hp, consistent with the registration threshold. Adds a general exemption for emergency IC engines with individual power ratings less than 50 hp.
- 7) Clarifies applicability of additional work hours fee to work on actions identified in Tables B and C.
- 8) Removes fee categories for SEPA and EIS review.
- 9) Clarifies agency actions in response to permit applications with regards to final determinations and SEPA.
- 10) Makes administrative edits to table and section headers.

Comparison with WAC: SWCAA 400-109 contains requirements to file an air discharge permit application that are similar to corresponding sections of WAC 173-400-110. Section specific comparisons are provided below.

WAC 173-400-110(1)-(3) – SWCAA 400-109(2) uses different language and does not contain integral definitions, but has the same functional requirements as sections WAC 173-400-110(1)-(3).

WAC 173-400-110(4)-(6) – SWCAA 400-109(3) uses a format similar to the WAC. Separate exemptions are provided based on source category and pollutant specific potential to emit. SWCAA 400-109(3) exemptions for approved portable sources and greenhouse emission sources are similar to those contained in WAC 173-400-110(5) and (6).

Section Notes: SWCAA's NSR exemption thresholds are as stringent, and generally more stringent, than corresponding thresholds for Ecology and surrounding local authorities.

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

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-110(1) and -111
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (1)(d).

Proposed Change: The proposed rule change does the following:

- 1) Adds references in applicability section to major source NSR and portable sources subject to 400-036. [400-110(1)]
- 2) Revises WAC 173-460 citation to cite 1998 version of the rule. [400-110(1)(d)]
- 3) Moves completeness determination subsection forward in the rule. Sections renumbered as necessary.
- 4) Updates adoption by reference of federal regulations.
- 5) Expands completeness criteria to include SEPA, nonattainment major NSR, and minimum information elements pursuant to 40 CFR 51.160(c).
- 6) Removes reference table of ambient air quality standards.
- 7) Adds citation for nonattainment major NSR to SWCAA 400-110(3).
- 8) Adds language to 400-110(4) regarding distribution of final determinations and notification of rights of appeal to applicant and interested parties. Language was previously contained in 400-110(5).
- 9) Clarifies public involvement requirements for integrated review of AOP/PSD permit applications.
- 10) Adds provision to incorporate mitigation measures into final determinations when SWCAA is the lead SEPA agency to SWCAA 400-110(4).
- 11) Replaces term 'portable equipment' with term 'portable source' for purposes of consistency.
- 12) Removes adjacent landowner and resident notification requirement from SWCAA 400-110(6). These measures have proven to be of limited use and determining compliance is difficult for field staff so SWCAA has chosen to remove the requirement.
- 13) Modifies presumptive shutdown provisions of SWCAA 400-110(6) to allow an owner or operator to maintain source registration beyond a 5 year period of out-of-district operation based on a demonstrated need.
- 14) Modifies SWCAA 400-110(7) to include noncompliance with 400-036 as a violation of 400-110.
- 15) Clarifies the need to reassess LAER as part of a permit extension for major sources or modifications in nonattainment areas.
- 16) Adds language allowing SWCAA to revoke a source's permit if registration fees are delinquent.
- 17) Adds citation of SWCAA 400-830(3) and 40 CFR 52.21(r)(4) to SWCAA 400-110(9).

Comparison with WAC: SWCAA 400-110 contains equivalent measures for most of the provisions of WAC 173-400-110. An effort has been made to maintain consistency with WAC 173-400-110 wherever practical. Specific sections are discussed below.

WAC 173-400-110(1). The applicability provisions of SWCAA 400-110(1) overlap with those of SWCAA 400-109(2), and are functionally equivalent to the provisions of WAC 173-400-110(1).

WAC 173-400-111(1). SWCAA 400-110(2) contains provisions for application completeness determination similar to those found in WAC 173-400-111(1). The determination timeline is the same (30 days). SWCAA 400-110(2)(d) has a requirement to demonstrate SEPA compliance, which is not cited in WAC 173-400-111.

WAC 173-400-111(2). SWCAA 400-110(4)(a) contains similar provisions to WAC 173-400-111(2) for integrated review of WAC 173-401 operating permit applications.

WAC 173-400-111(3). SWCAA 400-110(3) contains similar requirements to WAC 173-400-111(3) with two exceptions.

- WAC 173-400-111(3)(e) cites compliance with WAC 173-400-200 and -205. SWCAA 400 has equivalent rule sections (SWCAA 400-200 and -205), but they are applied as general rules, and are not directly cited in SWCAA 400-110(3).
- WAC 173-400-111(3) does not contain any reference to requirements for maintenance plan areas, whereas SWCAA 400-110(3) does (SWCAA 400-111).

WAC 173-400-111(4) and (5). SWCAA 400-110(4) contains requirements equivalent to those in WAC 173-400-111(4) and (5). SWCAA 400-110(4)(f) addresses incorporation of SEPA mitigation measures whereas the WAC does not mention SEPA.

WAC 173-400-111(6). SWCAA 400-110(5) contains the same provisions as WAC 173-400-111(6).

WAC 173-400-111(7). SWCAA 400-110(8) contains the same 18 month permit expiration period and exception for phased construction as WAC 173-400-111(7). SWCAA 400-110(8) allows the agency to specify an earlier date for commencement of construction in the applicable permit.

WAC 173-400-111(8). SWCAA 400-110(9) contains the same requirements as WAC 173-400-111(8).

WAC 173-400-111(9). Permit application fees and other costs related to new source review are found in SWCAA 400-109(4).

WAC 173-400-111(10). SWCAA 400-110(7) contains provisions specifying that noncompliance with any term of an approval order or permit issued pursuant to the section is a violation of the section. This is equivalent to the terms of WAC 173-400-111(10).

Section Notes: WAC 173-400-111 does not have language equivalent to SWCAA 400-110(6). Ecology uses WAC 173-400-036 to address relocation of portable stationary equipment without a site-specific or authority specific notice of construction. SWCAA 400-110(6) predates the creation of WAC 173-400-036, and has a narrower scope. SWCAA 400-110(6) applies to the relocation of Agency permitted sources without a site specific application whereas SWCAA 400-036 applies to relocation of portable sources permitted by other jurisdictions.

WAC 173-400-111 does not address reopening of approval orders for cause so there is no corresponding section for SWCAA 400-110(10) *Reopening for cause*.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (7).

Proposed Change: The proposed rule change does the following:

- 1) Replaces SWCAA 400-030 citation for major NSR definitions with citation of WAC 173-400-710.
- 2) Simplifies introductory language.
- 3) Updates WAC 173-460 reference to cite the 1998 version of the rule.
- 4) Makes administrative edits to correct subsection numbering.

Comparison with WAC:

WAC 173-400 does not contain a section equivalent to SWCAA 400-111.

Section Notes: None.

SWCAA 400-112 Requirements for New Sources in Nonattainment Areas

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-112
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (6).

Proposed Change: The proposed rule change does the following:

- 1) Deletes citation for major NSR definitions from introductory header and existing subsection (10). Adds citation of SWCAA 400-810 to subsection (5).
- 2) Simplifies introductory language.
- 3) Clarifies applicability of BACT for new sources and modifications.
- 4) Removes existing rule sections (4), (5) and (7). The requirements found in these rule sections have been moved to SWCAA 400-830 and 400-840.
- 5) Major NSR applicability language updated to reference nonattainment review requirements of SWCAA 400-800 through 400-860.
- 5) Updates WAC 173-460 reference to cite the 1998 version of the rule.
- 6) Makes administrative edits to create subsection headers and renumber as appropriate.

Comparison with WAC: SWCAA 400-112 contains equivalent measures for all of the provisions of WAC 173-400-112. Additional sections are included that reference toxics and visibility. Specific sections are discussed below.

WAC 173-400-112(1). SWCAA 400-112(1) contains the same requirements as WAC 173-400-112(1) except that the language references emission standards of the Agency.

WAC 173-400-112(2) and (3). SWCAA 400-112(2) contains the same requirements are WAC 173-400-112(2) and (3).

WAC 173-400-112(4). SWCAA 400-112(3) contains the same requirements are WAC 173-400-112(4).

WAC 173-400-112(5). SWCAA 400-112(5) contains the same requirements as WAC 173-400-112(5).

Section Notes: WAC 173-400-112 does not have sections that correspond to SWCAA 400-112(4) *Noncompliance*, (6) *Toxics* or (7) *Visibility*.

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

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-113
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicability:	Yes. This section is a preconstruction permitting rule. Submit all subsections to SIP except (5).

Proposed Change: The proposed rule change does the following:

- 1) Deletes citation for major NSR definitions from introductory header. Adds citation of WAC 173-400-710 to subsection (4).
- 2) Adds entry for PM_{2.5} to table of allowable impact levels.
- 3) Revises emission offset and growth allowance reference from SWCAA 400-111(5) to SWCAA 400-840.
- 4) Updates WAC 173-460 references to cite the 1998 version of the rule.
- 5) Makes administrative edits to create subsection headers.

Comparison with WAC: SWCAA 400-113 contains equivalent measures for all of the provisions of WAC 173-400-113. Additional sections are included that reference toxics and visibility. Specific sections are discussed below.

WAC 173-400-113(1). SWCAA 400-113(1) contains the same requirements as WAC 173-400-113(1) except that the language references emission standards of the Agency.

WAC 173-400-113(2). SWCAA 400-113(2) contains the same requirements are WAC 173-400-113(2).

WAC 173-400-113(3) and (4). SWCAA 400-113(3) contains the same requirements are WAC 173-400-113(3) and (4).

WAC 173-400-113(5). SWCAA 400-113(4) contains the same requirements as WAC 173-400-113(5).

Section Notes: WAC 173-400-113 does not have sections that correspond to SWCAA 400-113(5) *Toxics*, (6) *Visibility* or (7) *Noncompliance*.

SWCAA 400-115 Standards of Performance for New Sources

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-115
Submitted to SIP:	No
SIP applicable:	No. This section adopts by reference regulations that are already federally enforceable.

Proposed Change: The proposed rule change does the following:

- 1) Updates adoption by reference of federal regulations.
- 2) Updates list of adoption exemptions.

Comparison with WAC: SWCAA 400-115 is similar in format and content to WAC 173-400-115. The specific list of adopted NSPS standards varies slightly.

Section Notes: An informational list of adopted NSPS regulations is found in SWCAA 400, Appendix C.

SWCAA 400-130 Use of Emission Reduction Credits

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-136
Submitted to SIP:	No. Previously been submitted to the SIP, but not approved.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Proposed Change: The proposed rule change does the following:

- 1) Removes registration requirement for ERCs.
- 2) Revises language regarding use of ERCs to maintain consistency with the provisions of WAC 173-400-136(1).
- 3) Changes expiration date of approved ERCs from five to ten years, consistent with WAC 173-400-136(5).
- 4) Makes administrative edits to renumber subsections as appropriate.

Comparison with WAC: The proposed version of SWCAA 400-130 contains all of the functional requirements of WAC 173-400-136 except that SWCAA 400-130 does not contain provisions for discounting issued ERCs as provided in WAC 173-400-136(6). The expiration period is the same (10 years) in both regulations.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

SWCAA 400-131 Deposit of Emission Reduction Credits Into Bank

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-131
Submitted to SIP:	No. Previously been submitted to the SIP, but not approved.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Proposed Change: The proposed rule change does the following:

- 1) Revises the list of conditions for granting an ERC to maintain consistency with WAC 173-400-131.
- 2) Adds expiration date to the required contents of an ERC regulatory order.
- 3) Makes administrative edit in section (5) to include citation of new subsection (3)(h).

Comparison with WAC: SWCAA 400-131 uses slightly different language, but contains all of the effective provisions of WAC 173-400-131.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

SWCAA 400-136 Maintenance of Emission Reduction Credits in Bank

Statutory Authority:	Chapter 70.94.141 RCW and 70.94.152 RCW
Corresponding WAC:	WAC 173-400-136(6)
Submitted to SIP:	No. This section has been previously submitted for SIP inclusion, but EPA has not approved the section.
SIP applicable:	Yes. This section contains provisions affecting NSR rules and supports maintenance plan requirements. Submit all subsections to SIP.

Proposed Change: The proposed rule change does the following:

- 1) Removes reference to ERC registration.
- 2) Removes reference to obsolete/expired public credits.

Comparison with WAC: The current version of SWCAA 400-136 contains provisions for the establishment and maintenance of an ERC "bank" to document and track outstanding ERCs. The WAC program for ERCs does not provide for any type of official ERC bank.

Section Notes: Prior to the 2009 rule revision, SWCAA consulted with US EPA Region X regarding the approvability of the ERC system outlined in SWCAA 400-130, 400-131, and 400-136. Based on the discussions with EPA, SWCAA believes its ERC system meets applicable guidance regarding credit use in NSR offsetting and netting determinations.

SWCAA 400-140 Protection of Ambient Air Increments

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-116
 Submitted to SIP: No
 SIP applicable: Yes. Section to be deleted.
 SWCAA will implement WAC 173-400-116.

Proposed Change: The proposed rule change does the following:

- 1) Deletes the rule section. The provisions of this section overlap with those of WAC 173-400-116. This may lead to potential future conflict. SWCAA has decided remove the section.

Comparison with WAC: N/A.

Section Notes: This section was originally meant to work in conjunction with Ecology's efforts under WAC 173-400-116. SWCAA has decided to delete the section and rely upon the WAC.

SWCAA 400-141 Prevention of Significant Deterioration

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-700 through -750
 Submitted to SIP: No
 SIP applicable: Yes. Section to be deleted.
 SWCAA will implement WAC 173-400-700 through -750.

Proposed Change: The proposed rule change does the following:

- 1) Deletes the rule section. SWCAA does not have, and is not seeking, PSD delegation from EPA. Maintenance of a local only PSD rule is potentially confusing and/or problematic. Therefore, SWCAA has chosen to remove the section and rely directly upon WAC 173-400-700 through -750.

Comparison with WAC: Ecology's PSD program is contained in WAC 173-400-710 through -750.

Section Notes: None.

SWCAA 400-171 Public Involvement

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-171
 Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: Yes. Public involvement provisions required by FCAA in support of new source review and other program actions.
 Submit all subsections to the SIP except (2)(a)(xii).

Proposed Change: The proposed rule change does the following:

- 1) Updates IBR dates of cited federal regulations.
- 2) Expands list of projects with a mandatory comment period to include new or modified sources with a TAP emission increase greater than the applicable ASIL. The 1998 version of WAC 173-400-460 is cited.
- 3) Removes nonattainment major source references from subsection (2)(b).
- 4) Revises language regarding the method of publication for comment period notices. Existing rule requires newspaper publication. Revised language specifies "...given by prominent advertisement..." which is consistent with the provisions of 40 CFR 51.161. EPA guidance (*memo – 4/17/12*) indicates that comment period notices may be published in a variety of ways other than newspapers. The new language provides SWCAA will flexibility in deciding the best way to publish comment period notices.
- 5) Revises the list of required information for comment period notices in SWCAA 400-171(b) to be consistent with similar requirements in WAC 173-400-171(6).
- 6) Adds requirement for 30 days notice prior to holding a public hearing.
- 7) Clarifies major source citation in subsection (5). SWCAA 400-171 does not apply to PSD permits issued by Ecology. It does however apply to nonattainment major source permits issued by SWCAA.
- 8) Makes administrative edits to renumber subsections as appropriate.

Comparison with WAC: SWCAA 400-171 is similar to WAC 173-400-171 in both format and requirements.

Section Notes: None.

SWCAA 400-190 Requirements for Nonattainment Areas

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	WAC 173-400-190
Submitted to SIP:	Yes (Effective 11/21/96, SIP Approval 6/18/97)
SIP applicable:	Yes. This section contains provisions for developing requirements for nonattainment areas. Submit all subsections to the SIP.

Proposed Change: The proposed rule change does the following:

- 1) Adds citation for SWCAA 400-800 through -860.
- 2) Administrative edit.

Comparison with WAC: SWCAA 400-190 contains all of the provisions found in WAC 173-400-190. The WAC does not cite any specific rule sections in regards to new sources or modifications.

SWCAA 400-200 Creditable Stack Height and Dispersion Techniques

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-200
 Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: Yes. This section supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP except (1).

Proposed Change: The proposed rule change does the following:

- 1) Adds option to subsection (1) for sources to install alternate stack configurations if a NAAQS demonstration is made by the owner/operator.
- 2) Adds categorical exemption to vertical dispersion requirement in subsection (1).

Comparison with WAC: SWCAA 400-200(2) through (4) contains all of the provisions of WAC 173-400-200. WAC 173-400-200 does not any language regarding vertical dispersion or rain cap installation.

Section Notes: None.

SWCAA 400-230 Regulatory Actions and Civil Penalties

Statutory Authority: Chapter 70.94.141 RCW, 70.94.211 RCW, 70.94.332 RCW, 70.94.425 RCW, 70.94.431 RCW, and 70.94.435 RCW
 Corresponding WAC: WAC 173-400-230
 Submitted to SIP: Yes (Effective 9/21/95, SIP Approval 4/28/97)
 SIP applicable: No. Section submitted informally as proof of program authority.

Proposed Change: The proposed rule change does the following:

- 1) Adds 'air discharge permit' as an equivalent term to 'order of approval'.
- 2) Removes citation of 70.120 RCW from subsection (2)(b)(i).
- 3) Removes FCAA Section 113(e)(2) reference from subsection (2)(b)(iii).

Comparison with WAC: The current version of SWCAA 400-230 has two parts. The first part contains a nonexclusive list of the regulatory actions that may be taken by SWCAA. There is no equivalent descriptive section in the WAC. The second part of SWCAA 400-230 contains all of the provisions contained in WAC 173-400-230, with the exception of WAC 173-400-230(2)(f). SWCAA has not previously made grants to public or private entities, so the requirements of WAC 173-400-230(2)(f) have not been necessary.

SWCAA 400-800 Major Stationary Source and Major Modification in a Nonattainment Area

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-800
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-800.

Comparison with WAC: SWCAA 400-800 is nearly identical to WAC 173-400-800.

Section Notes: None.

SWCAA 400-810 Major Stationary Source and Major Modification Definitions

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-810
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-810.

Comparison with WAC: SWCAA 400-810 is nearly identical to WAC 173-400-810.

Section Notes: None.

SWCAA 400-820 Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-820
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-820.

Comparison with WAC: SWCAA 400-820 is nearly identical to WAC 173-400-820.

Section Notes: None.

SWCAA 400-830 Permitting Requirements

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-830
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-830.

Comparison with WAC: SWCAA 400-830 is nearly identical to WAC 173-400-830.

Section Notes: None.

SWCAA 400-840 Emission Offset Requirements

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-840
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-840.

Comparison with WAC: SWCAA 400-840 is nearly identical to WAC 173-400-840.

Section Notes: None.

SWCAA 400-850 Actual Emissions – Plantwide Applicability Limitation (PAL)

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-850
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-850.

Comparison with WAC: SWCAA 400-850 is nearly identical to WAC 173-400-850.

Section Notes: None.

SWCAA 400-860 Public Involvement Procedures

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: WAC 173-400-860
 Submitted to SIP: No.
 SIP applicable: Yes. This section directly supports permitting rules and NAAQS compliance demonstrations.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change adopts a new rule section intended to duplicate the requirements of WAC 173-400-860.

Comparison with WAC: SWCAA 400-860 is nearly identical to WAC 173-400-860.

Section Notes: None.

SWCAA 400, Appendix A SWCAA Method 9 / Visual Opacity Determination Method

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: None
 Submitted to SIP: No
 SIP applicable: Yes. This section establishes an official test method for opacity similar to EPA Method 9 and Ecology Methods 9A and 9B.
 Submit all subsections to the SIP.

Proposed Change: The proposed rule change updates the IBR date for federal regulations.

Comparison with WAC: Ecology's version of Method 9 is contained in the Ecology testing manual.

Section Notes: Appendix A contains the protocol for SWCAA's own version of Method 9.

SWCAA 400, Appendix B

Statutory Authority: Chapter 70.94.141 RCW
 Corresponding WAC: None
 Submitted to SIP: Yes
 SIP applicable: Yes. This section identifies the legal boundaries of the Vancouver Ozone and Carbon Monoxide Maintenance Plan Boundary
 No action required, already in SIP.

Proposed Change: The proposed rule change revises the existing graphic map of the Maintenance Plan Area to improve clarity.

Comparison with WAC: N/A

Section Notes: None.

SWCAA 400, Appendix C Federal Standards Adopted by Reference

Statutory Authority:	Chapter 70.94.141 RCW
Corresponding WAC:	None
Submitted to SIP:	No
SIP applicable:	No

Proposed Change: The proposed rule change updates the informational reference list of adopted NSPS and MACT regulations.

Comparison with WAC: No similar section in WAC 173-400.

Section Notes: Prior to creation of Appendix C, the Agency provided a reference list of adopted NSPS and MACT regulations in 400-115 and 400-075. The reference lists were moved to a separate appendix in the 2008 rule revision. Appendix C also includes a reference list of adopted NESHAP regulations which were previously unlisted in 400-075.