TABLE 7 – ADDITIONAL REGULATIONS APPROVED FOR THE PUGET SOUND CLEAN AIR AGENCY (PSCAA) JURISDICTION

[Applicable in King, Kitsap, Pierce and Snohomish counties, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations (excluding non-trust land within the exterior boundaries of the Puyallup Indian Reservation), any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-400-700, 173-405-012, 173-410-012, and 173-415-012]

Puget Sound Clean Air Agency Regulations

REGULATION I - ARTICLE 1: POLICY, SHORT TITLE, AND DEFINITIONS

SECTION 1.01 POLICY Adopted 03/13/68 (12)
Revised 11/10/71 (135), 10/10/73 (214), 09/09/99 (895)

The Puget Sound Clean Air Agency, consisting of the counties of Pierce, King, Snohomish, and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency, to provide for the uniform administration and enforcement of this Regulation, and to carry out the requirements and purposes of the Washington Clean Air Act and the Federal Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area.

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.03 NAME OF AGENCY Adopted 03/13/68 (12)
Revised 10/08/98 (872), 09/09/99 (895)

The name of the multicounty air pollution control agency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County, and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Clean Air Agency" or "Agency".

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.05 SHORT TITLE Adopted 03/13/68 (12)
Revised 09/09/99 (895)

This Regulation may be known and cited as "Regulation I of the Puget Sound Clean Air Agency"

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.07 DEFINITION Adopted 03/13/68 (12)
Revised 07/08/70 (126), 11/10/71 (135), 04/12/72 (141), 05/10/72 (142), 06/13/73 (194), 03/18/76 (361), 03/13/80 (461), 10/13/83 (547), 05/10/84 (556), 02/13/86 (597), 11/12/87 (616), 06/09/88 (621), 11/10/88 (634), 12/08/88 (636), 01/12/89 (639), 08/10/89 (644), 06/13/91 (700), 01/09/92 (716), 11/19/92 (738), 04/14/94 (784)

When used herein:

(a) **ACCEPTABLE SOURCE IMPACT LEVEL (ASIL)** means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing and are listed in Appendix A of Regulation III.

(b) **ACTUAL EMISSIONS** means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.

(c) **ADEQUATE SOURCE OF HEAT** means the ability to maintain 70ºF at a point 3 feet above the floor in all normally inhabited areas of a dwelling.

(d) **AGENCY** means the Puget Sound Air Pollution Control Agency.

(e) **AIR CONTAMINANT** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(f) **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.

(g) **AIR POLLUTION EPISODE** means a period when a forecast, alert, warning, or emergency air pollution stage is declared by the Department of Ecology pursuant to RCW 70.94.715.

(h) **ALLOWABLE EMISSIONS** means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:

(1) Any applicable standard under 40 CFR Parts 60,61, and 63;

(2) Any applicable emission standard under Regulation I, II, or III;

(3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or

(4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.

(i) **AMBIENT AIR** means the portion of the atmosphere, external to buildings, to which the general public has access.

(j) **AMBIENT AIR QUALITY STANDARD** means an established concentration, exposure time, and frequency of occurrence of an air contaminant in the ambient air that shall not be exceeded.

(k) **BEST AVAILABLE CONTROL TECHNOLOGY** means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction 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 source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by an applicable standard under 40 CFR parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(l) **BOARD** means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(m) **COMMENCED CONSTRUCTION** means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.

(n) **COMBUSTIBLE REFUSE** means solid or liquid combustible waste material.

(o) **CONTROL EQUIPMENT** means any device which prevents or controls the emission of any air contaminant.

(p) **CONTROL OFFICER** means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(q) **EMISSION** means a direct or indirect release of any air contaminant into the ambient air.

(r) **EMISSION STANDARD** means a requirement that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard.

(s) **EQUIPMENT** means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere.

(t) **FACILITY** means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.

(u) **FIRST STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.

(v) **FUEL BURNING EQUIPMENT** means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(w) **FUGITIVE DUST** means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(x) **FUGITIVE EMISSION** means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.

(y) **GASOLINE** means a volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch at 68ºF, that is a liquid at standard conditions, and is used as a fuel for internal combustion engines.

(z) **GASOLINE STATION** means any site dispensing gasoline into fuel tanks of motor vehicles, marine vessels, or aircraft from stationary storage tanks.

(aa) **INCINERATOR** means a furnace for the destruction of waste.

(bb) **INSTALLATION** means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(cc) **LOWEST ACHIEVABLE EMISSION RATE** means that rate of emissions that reflects either the most stringent emission standard that is contained in the

implementation plan of any state for such lass or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

(dd) **MAJOR MODIFICATION** means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated non-attainment by more than the following:

AIR CONTAMINANT	TONS/YEAR
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM-10	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of non-attainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. *(Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone)*

(ee) **MAJOR SOURCE** means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

(ff) **MODIFICATION** means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.

(gg) **MOTOR VEHICLE** means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(hh) **MULTIPLE CHAMBER INCINERATOR** means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(ii) **NONATTAINMENT AREA** means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.

(jj) **OUTDOOR FIRE** means the combustion of material in the open or in a container with no provision for control of such combustion or the control of the emissions of the combustion products.

(kk) **OWNER OR OPERATOR** means the person who owns, leases, supervises, or operates the equipment or control equipment.

(ll) **PARTICULATE MATTER** means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at standard conditions.

(mm) **PERSON** means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

(nn) **PM-10** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on Appendix J of 40 CFR part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(oo) **POTENTIAL TO EMIT** means the maximum capacity of a facility to emit an air

contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the 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.

(pp) **REASONABLY AVAILABLE CONTROL TECHNOLOGY** means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Reasonably available control technology is determined on a case-by-case basis for an individual source or source category taking into account the impact of the 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.

(qq) **REFUSE BURNING EQUIPMENT** means equipment employed to burn any solid or liquid combustible refuse.

(rr) **SEASONED WOOD** means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.

(ss) **SECOND STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24-hour average.

(tt) **SOLID FUEL BURNING DEVICE** means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than 1 million Btu per hour.

(uu) **SOURCE** means a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.

(vv) **STANDARD CONDITIONS** means a temperature of 68ºF and a barometric pressure of 29.92 inches of mercury.

(ww) **TOTAL ALLOWABLE EMISSIONS** means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.

(xx) **TOXIC AIR CONTAMINANT** or **TAC** means an air contaminant listed in Appendix A of Registration III.

(yy) **TREATED WOOD** means wood of any species that has been chemically impregnated, painted, or similarly modified.

(zz) **TRUE VAPOR PRESSURE** means the equilibrium partial pressure of an organic liquid (determined by methods described in American Petroleum Institute Bulletin 2517, “Evaporation Loss from Floating Roof Tanks”, February 1989)

(aaa) URBANIZED AREA means those portions of King, Pierce, Kitsap, and Snohomish Countries designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

(bbb) VOLATILE ORGANIC COMPOUND or **VOC** means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have neglible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s)

State effective: 5/19/94; EPA effective: 6/29/95

REGULATION I - ARTICLE 3: GENERAL PROVISIONS

SECTION 3.04 REASONABLY AVAILABLE CONTROL TECHNOLOGY Adopted 09/11/97 (856) Revised 03/11/99 (882)

(a) Reasonably Available Control Technology (RACT) is required for all existing sources.

(b) RACT for each source category containing 3 or more sources shall be determined by rule, except as provided in Section 3.04(c) of this regulation.

(c) Source-specific RACT determinations may be performed under any of the following circumstances:

(1) For replacement of existing control equipment under Section 6.07(c)(4) of this regulation;

(2) When required by the federal Clean Air Act;

(3) For sources in source categories containing fewer than 3 sources;

(4) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or

(5) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.

(d) Under any of the circumstances listed in Section 3.04(c) of this regulation, the Control Officer or a duly authorized representative shall have the authority to perform a source-specific RACT analysis or to order the owner or operator to perform the analysis and submit the results to the Agency.

(e) ~~In the event that the Agency performs a source-specific RACT analysis of a source, the~~

~~Agency shall assess a fee against that source to cover the cost of performing the analysis. The fee for an analysis performed by the Agency shall be $5,000.00. (Replacement of control equipment under Section 3.04(c)(1) shall be subject to the notice of construction review fees under Section 6.04, in lieu of a RACT fee under this section.) This fee shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.~~

(f) Where current controls are determined to be less than RACT, the Agency shall define RACT for that source or source category and issue a rule or a regulatory order under Section 3.03 of this regulation requiring the installation of RACT.

(g) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

State effective: 4/17/99; EPA effective: 9/30/04

SECTION 3.06 CREDIBLE EVIDENCE Adopted 10/08/98 (872)

For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70.94 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

State effective: 11/14/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 5: REGISTRATION

SECTION 5.02 APPLICABILITY AND PURPOSE OF THE REGISTRATION PROGRAM *as adopted: 9/12/96*

(a) Program Authority and Applicability. As authorized by RCW 70.94.151, the Board, by this regulation, classifies air contaminant sources which, in its judgment, may cause or contribute to air pollution. This classification is made according to levels and types of emissions and other characteristics that cause or contribute to air pollution. The Board requires both registration and reporting for these classes of air contaminant sources. The classifications are made for the entire area of jurisdiction of the Agency and are made with special reference to effects on health, economic and social factors, and physical effects on property.

(b) **Program Purpose.** As defined in WAC 173-400-099(1), the registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

(c) **Registration and Reporting.** Any person operating or responsible for the operation of an air contaminant source for which registration and reporting are required, shall register the source with the Agency. The owner or operator shall make reports to the Agency containing information as may be required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(d) **Annual Registration Fees**. The Board requires that registration be accompanied by a fee and has determined the amount of this fee for each class of air contaminant source to be as shown in Section 5.07. The amount of fees collected shall not exceed the costs of administering this registration program, which shall be defined as:

(1) Initial registration and annual or other periodic reports from the source owner providing the information directly related to air pollution registration;

(2) On-site inspections necessary to verify compliance with registration requirements;

(3) Data storage and retrieval systems necessary for support of the registration program;

(4) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of the registration program;

(5) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to the requirements of the registration program;

(6) Clerical and other office support provided in direct furtherance of the registration program; and

(7) Administrative support provided in directly carrying out the registration program.

State effective: 11/01/96; EPA effective: 10/6/97

SECTION 5.03 REGISTRATION REQUIRED Adopted 03/13/68 (12)
Revised 11/10/71 (135), 10/10/73 (214), 03/13/80 (461), 12/09/82 (530), 12/13/84 (567), 02/13/86 (597), 08/09/90 (670), 08/12/93 (760), 02/10/94 (777), 09/12/96 (838), 2/12/96 (842), 09/10/98 (870), 07/08/99 (886)

(a) The registration requirements of this article do not apply to:

(1) motor vehicles;

(2) nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act;

(3) sources that require an operating permit under Article 7;

(4) spray-coating operations exempt under Section 9.16(b) of this regulation; or

~~(5) any source, including any listed in Section 5.03(b) below, that has been determined through review by the Control Officer not to warrant registration, due to the amount and nature of air contaminants produced or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.~~

(b) It shall be unlawful for any person to cause or allow the operation of any source required to register under Section 5.03, unless it conforms to all the requirements of Article 5. Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.

(1) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills), or AAA (New Residential Wood Heaters), applies;

(2) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;

(3) Any source that emits any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

carbon monoxide	25
nitrogen oxides	25
sulfur dioxide	25
particulate matter (PM10)	25
particulate matter (PM2.5)	25
volatile organic compounds (VOC)	25
facility-combined total of all toxic air contaminants (TAC)	6
any single toxic air contaminant (TAC)	2

(4) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I;

(5) Any source that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property;

(6) Any source that has elected to opt out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;

(7) Other sources, such as:

aerosol can-filling facilities;

agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;

agricultural drying and dehydrating operations;

alumina processing;

ammonium sulfate manufacturing plants;

asphalt and asphalt products production facilities;

automobile or light-duty truck surface coating operations;

baker's yeast manufacturing;

brick and clay manufacturing plants, including tiles and ceramics;

cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;

chemical manufacturing plants;

coal preparation plants;

coffee roasting facilities;

composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;

concrete product manufacturers and ready-mix and premix concrete plants;

crematoria or animal carcass incinerators;

dry cleaning plants;

ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;

explosives production;

flexible polyurethane foam production;

flexible vinyl and urethane coating and printing operations;

gasoline stations, bulk gasoline plants, and gasoline loading terminals;

gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;

glass manufacturing plants;

grain, seed, animal feed, legume, and flour processing operations and handling facilities;

hazardous waste treatment and disposal facilities;

ink manufacturers;

insulation fiber manufacturers;

landfills, active and inactive, including covers, gas collection systems, or flares;

lead-acid battery manufacturing plants;

lime manufacturing plants;

metal casting facilities and foundries, ferrous and nonferrous;

metal plating and anodizing operations;

metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;

metallurgical processing plants;

mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;

mineral wool production;

mineralogical processing plants;

municipal waste combustors;

nitric acid plants;

paper manufacturers, except Kraft and sulfite pulp mills;

petroleum refineries;

pharmaceuticals production;

plastics and fiberglass product fabrication facilities;

pneumatic materials conveying operations and industrial house-keeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;

portland cement plants;

primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;

rendering plants;

semiconductor manufacturing;

shipbuilding and ship repair (surface coating);

soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;

sulfuric acid plants;

surface-coating manufacturers;

surface spray-coating operations, including automotive, metal, cans, pressure-sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates;

synthetic fiber production facilities;

synthetic organic chemical manufacturing industries;

tire recapping facilities;

vegetable oil production;

wastewater treatment plants; or

wood treatment.

State effective: 8/13/99; EPA effective: 9/30/04

SECTION 5.05 GENERAL REPORTING REQUIREMENTS FOR REGISTRATION

Adopted 03/13/68 (12)
Revised 11/10/71 (135), 12/09/82 (530), 06/09/88 (621), 10/12/89 (653), 08/09/90 (670), 09/12/96 (838), 09/11/97 (856), 09/10/98 (870)

(a) **General.** The owner or operator of an air contaminant source for which registration is required by Section 5.03, shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(b) **Registration Form.** Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

(c) **Reporting Responsibility.** The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source. The owner or operator of the source shall be responsible for notifying the Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(d) **Emission Reporting.** An emission report shall be required from the owner or operator of a source requiring registration, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility combined total of all toxic air contaminant(TAC) emissions	6
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM10) emissions	25
particulate matter (PM2.5) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(e) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Section 5.03 above shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

(1) Periodic inspection of all equipment and control equipment;

(2) Monitoring and recording of equipment and control equipment performance;

(3) Prompt repair of any defective equipment or control equipment;

(4) Procedures for start up, shut down, and normal operation;

(5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(f) **Report of Closure.** Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. A source shall only be removed from the registration program after a written request has been received from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from registration,

unless the owner or operator has submitted and received an approval for a "Notice of Construction and Application for Approval", in compliance with Article 6.

(g) **Report of Change of Ownership.** A new owner of a source shall report in writing any change of ownership to the Agency within 90 days of such a change.

State effective: 11/01/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 6: NEW SOURCE REVIEW

SECTION 6.03 NOTICE OF CONSTRUCTION Adopted 03/13/68 (12)

Revised 11/10/71 (135), 11/21/74 (285), 03/13/80 (461), 12/09/82 (531), 02/13/86 (597), 11/19/92 (738), 09/12/96 (838)

(a) It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source, except those sources that are excluded in Section 6.03(b), unless a "Notice of Construction and Application for Approval" has been filed with and approved by the Agency.

(b) Except when part of a new major source or major modification in a nonattainment area, the following air contaminant sources do not need a "Notice of Construction and Application for Approval" approved by the Agency prior to construction, installation, establishment, or modification:

(1) Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.

(2) Fuel burning equipment that has a maximum input rate of:

(A) less than 0.5 million Btu per hour (0.15 million joules per second) burning waste derived fuel; or

(B) less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or

(C) less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.

(3) Insecticide, pesticide, or fertilizer spray equipment.

(4) Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).

(5) Laboratory equipment used exclusively for chemical or physical analyses.

(6) Laundry dryers without control equipment.

(7) Dryers or ovens used solely to accelerate evaporation.

(8) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.

(9) Storage tanks:

(A) that do not store substances capable of emitting air contaminants; or

(B) with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or

(C) with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

(D) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

(10) Sanitary or storm drainage systems.

(11) Welding, brazing, or soldering equipment.

(12) Asphalt roofing and laying equipment (Not including manufacturing or storage)

(13) Restaurants and other retail food-preparing establishments.

(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.06 psia)

(15) Retail printing operations (not including web presses).

(16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings, or similar structures.

(17) Any source that has been determined through review by the Control Officer not to warrant a "Notice of Construction and Application for Approval", due to the minimal amount and nature of air contaminants produced and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a "Notice of Construction and Application for Approval" is required for the source.

(c) Each Notice of Construction and Application for Approval shall be submitted on forms provided by the Agency and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions or air contaminants, the appropriate fee as required by Section 6.04, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 6.07.

(d) Within 30 days of receipt of a Notice of Construction and Application for Approval, the Agency shall notify the applicant in writing if any additional information is necessary to complete the application.

State effective: 11/01/96 EPA effective: 10/6/97

SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES Adopted 10/10/73 (214)
Revised 12/12/73 (218), 11/21/74 (285), 03/13/80 (461), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 11/14/91 (710), 09/10/92 (734), 11/19/92 (738), 07/08/93 (756), 10/28/93 (765), 09/12/96 (839), 12/12/96 (842), 09/11/97 (856),

A Notice of Construction and Application for Approval is incomplete until the Agency has received a fee as shown below:

General (not classified below) for each Piece of Equipment
or Control Equipment $500
Minor NOC Change..... $500
NOC Applicability Determination..... $200
Relocation of Previously Permitted Portable Source to a New
Address, except soil thermal desorption units..... $500
Asphalt Concrete Plant..... $1,000
Coffee Roaster $1,000
Composting Facility $2,500
Dry Cleaner (per machine) $300
Gasoline Station $500
Landfill Gas System $2,500
Refuse Burning Equipment: (rated capacity)
12 tons per day or less..... $5,000
greater than 12 tons per day but less than 250 tons per day $20,000
250 tons per day or greater..... $50,000
Spray-Painting Operation (per booth) $500
Storage Tanks excluding those at gasoline stations: (gallons)
less than 20,000 ..... $300
20,000 or more $1,000
Soil Thermal Desorption Unit (initial) $3,000
Relocation of Approved Desorption Unit to New Address..... $1,000
Additional Charges:

SEPA Threshold Determination..... ..... $250

Air Toxics Review (under Regulation III, Section 2.07(c)(2)) $500

Air Toxics Review (under Regulation III, Section 2.07(c)(3)) $5,000

Major Source, Major Modification, or Emission Increases
greater than Prevention of Significant Deterioration
Thresholds (see Regulation I, Section 6.07(d))..... $5,000

Opacity/Grain Loading Correlation (see Regulation I, Section 9.09(c))…..…..... $5,000

Emissions Units Subject to an NSPS or NESHAP
(except residential wood heaters, asbestos renovation or
demolition, and perchloroethylene dry cleaning) $1,000

Public Notice (plus publication fees) $500

State effective: 11/01/97; EPA effective: 6/22/98

SECTION 6.06 PUBLIC NOTICE *as adopted: 4/14/94*

(a) The Agency shall provide public notice for any proposed Order of Approval if:

(1) The proposed installation or modification would increase the emissions of any air contaminant by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide	100.0
VOC	40.0
Nitrogen Oxides	40.0
PM10	15.0
Sulfur Dioxide	40.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid	7.0
Total Reduced Sulfur	10.0

(2) The applicant requests a limit on the potential to emit;

(3) The applicant requests to bank emission reduction credits;

(4) The applicant requests approval of a risk analysis;

(5) The proposed installation or modification involves refuse burning equipment; or

(6) The Control Officer determines that there may be substantial public interest in the proposal.

(b) Public notice shall be published in a newspaper of general circulation in the area of the proposed project and shall include the following:

(1) The name and address of the owner or operator and the facility;

(2) A brief description of the proposal;

(3) The locations at which copies of the preliminary determination and a summary of information considered in making such preliminary determination are available for public inspection;

(4) The deadline for submitting written comment; and

(5) That a public hearing may be held if the Agency determines within a 30-day period that significant public interest exists.

(c) Notice shall also be sent to the U.S. Environment Protection Agency Regional Administrator.

(d) The cost of providing public notice shall be borne by the applicant.

(e) The Agency shall not make a final decision on any application until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the 30-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date.

(f) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the 30-day period published as provided above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Agency deems reasonable. The Agency shall provide at least 30 days prior notice of any hearing.

State effective: 5/19/94; EPA effective: 6/29/95

SECTION 6.07 ORDER OF APPROVAL – ORDER TO PREVENT CONSTRUCTION
as adopted: 4/14/94

(a) Within 60 days of receipt of a complete Notice of Construction and Application for Approval, or as promptly as possible after the close of the public comment period if subject to the public notice requirements of Section 6.06 of this Regulation, the Board or Control Officer shall issue an Order of Approval or an Order to Prevent Construction. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required by Article 7 of this Regulation provided that any such application shall be processed in accordance with the operating permit program procedures and deadlines.

(b) An Order of Approval may provide such conditions of operation as are reasonably necessary to assure compliance with all applicable emission standards.

(c) No Order of Approval shall be issued unless the Notice of Construction and Application for approval demonstrates to the Board or Control Officer that:

(1) The operation of the source at the location proposed will not cause or contribute to a violation of an ambient air quality standard;

(2) The source will meet the requirements of all applicable emission standards;

(3) Best available control technology is employed for the installation of new sources and the modification of existing sources; and

(4) Reasonably available control technology is employed for the replacement of existing control equipment.

(d) No Order of Approval shall be issued for a new major source or major modification in a onattainment area unless the Notice of Construction and Application for Approval also demonstrates to the Board or Control Officer that:

(1) For those air contaminants for which the area is designated nonattainment, lowest achievable emission rate is employed for each new source at a new major source, and each new or modified source involved in a major modification;

(2) All existing major sources owned or operated by the applicant in the state of Washington are in compliance with all applicable emission standards under the federal Clean Air Act or are on an approved compliance schedule;

(3) Offsets in the form of emission reduction credits (banked pursuant to Section 6.08 of this Regulation) in an amount greater than or equal to 1.10 times the proposed total allowable emissions from the new major source, or the increase from current actual emissions to the proposed total allowable emissions for a major modification, have been obtained from sources in the same nonattainment area and occur by the time the new major source or major modification begins operation; and

(4) The benefits of the proposed new major source or major modification significantly outweigh the environmental and social costs imposed as a result of

its location, installation, or modification. (This demonstration, which shall include an analysis of alternative sites, sizes, production processes, and environmental control techniques, may be in the form of an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act.)

(e) No Order of Approval shall be issued for a new or modified source of toxic air contaminants, except for sources exempted by Section 2.01 of Regulation III, unless the Notice of Construction and Application for Approval demonstrates to the Board or Control Officer that:

(1) The toxic air contaminant emissions from the source will not result in the exceedance of any acceptable source impact level listed in Appendix A of Regulation III; or

(2) The emissions from the source will not cause air pollution. This demonstration shall be performed in accordance with the Agency "Guidelines for Evaluating Sources of Toxic Air Contaminants" and requires approval from the Department of Ecology.

(f) An Order of Approval shall expire unless the owner or operator has commenced construction of the source within 18 months of the date of its issuance or if construction is discontinued for a period of more than 18 months.

(g) An Order to Prevent Construction shall set forth the objections in detail with references to the provisions of this Regulation that would not be met. Such Order shall become final unless, no later than 15 days after the date the Order is served, the applicant petitions for a reconsideration of the Order, with reasons for the reconsideration. The Control Officer shall consider the petition, and shall within 30 days give written Order of Approval or final disapproval of the Notice of Construction setting forth the reasons for disapproval.

State effective: 5/19/94; EPA effective: 6/29/95

SECTION 6.08 EMISSION REDUCTION CREDIT BANKING *as adopted: 11/19/92*

(a) Banking of emission reductions in ton per year increments that result from improved process or control techniques, source shutdowns, or curtailments shall be allowed by written permission of the Board or Control Officer if formally requested within 180 days of the issuance of an Order of Approval or other action taken to effect an emission reduction. A fee of $50 per ton shall be paid upon the filing of a request to bank emission reduction credits.

(b) The baseline from which to calculate an emission reduction credit shall be the source's actual emissions, or allowable emissions, whichever is smaller.

(c) Permission to bank shall constitute receipt of legal title to an emission reduction credit within the provisions of this section. The sale or transfer of emission reduction credits is allowed provided prior approval is granted by the Board or Control Officer, based solely on a certification of valid title to the credits. A request to sell or transfer emission reduction credits must be notarized by the applicant and signed by all parties to the transaction.

(d) The Board or Control Officer shall establish conditions for each emission reduction credit as needed to ensure the permanence and federal enforceability of the reduction. The conditions shall be listed in a Certificate of Title issued by the Board or Control Officer. No credits shall be used if any of the conditions are being violated. Sale or transfer of the credits shall not relieve the owner of the source which created the credits from any of the conditions. If, after credits are sold, transferred, or used, the conditions are violated and this results in an emission increase, the Board or Control Officer may require the owner of the source which created the credits to replace that amount of credit through additional emission reductions or the purchase or use of emission reduction credits already banked.

(e) Emission reduction credits must be committed for use pursuant to Section 6.07(d) within a period of 5 years.

(f) If reductions in emissions beyond those already identified in the State Implementation Plan are required to attain a national ambient air quality standard, and the standard cannot be met through controls on operating sources, emission reduction credits for that pollutant may be discounted on a temporary or permanent basis by the Board after public hearing.

State effective: 1/1/93; EPA effective: 10/28/94

SECTION 6.09 NOTICE OF COMPLETION Adopted 03/13/68 (12)
Revised 02/13/86 (597), 11/19/92 (738), 04/14/94 (784)

Within 30 days of completion of the installation or modification of an air contaminant source subject to the provisions of Section 6.03 of this Regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the source has commenced or will commence.

State effective: 5/19/94; EPA effective: 6/29/95

SECTION 6.10 WORK DONE WITHOUT AN APPROVAL Adopted 11/12/87 (616)
Revised 07/08/93 (756), 09/11/97 (856)

Where work for which a Notice of Construction is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the fees of Section 6.04. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

State effective: 11/01/97; EPA effective: 6/22/98

REGULATION I - ARTICLE 7: OPERATING PERMITS

SECTION 7.09 GENERAL REPORTING REQUIREMENTS FOR OPERATING PERMITS Adopted 09/12/96 (839)

Revised 09/11/97 (856), 09/10/98 (870)

(a) **Emission Reporting.** An emission report shall be required from each owner or operator of an operating permit source, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility combined total of all toxic air contaminant (TAC) emissions	6
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM10) emissions	25
particulate matter (PM2.5) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above. The owner or operator of a source requiring a Title V operating permit under this Article shall maintain records of information necessary to document any reported emissions or to demonstrate that the emissions were less than the above amounts.

(b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Regulation I Article 7 shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

(1) Periodic inspection of all equipment and control equipment;

(2) Monitoring and recording of equipment and control equipment performance;

(3) Prompt repair of any defective equipment or control equipment;

(4) Procedures for start up, shut down, and normal operation;

(5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

State effective: 11/01/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 8: OUTDOOR BURNING

SECTION 8.04 GENERAL CONDITIONS FOR OUTDOOR BURNING

Adopted 03/18/76 (361)
Revised 01/12/89 (639), 04/09/92 (724), 04/14/94 (783), 10/08/98 (873), 03/11/99 (881), 11/09/00 (933)

(a) The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference. It shall be unlawful for any person to cause or allow any outdoor burning unless the burning is in compliance with Chapter 173-425 WAC.

(b) The provisions of Sections 9.05 and 9.15 of Regulation I shall not apply to outdoor burning.

(c) Nothing contained in Article 8 shall be construed to allow outdoor burning in those areas in which outdoor burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(d) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with the Uniform Fire Code

State effective: 01/01/01; EPA effective: 9/30/04

SECTION 8.05 AGRICULTURAL BURNING Adopted 02/08/96 (825)
Revised 11/09/00 (933)

(a) **Applicability.** This section applies to burning related to agricultural operations. The definitions and requirements contained in Chapter 173-430 WAC also apply to this section.

(b) **General Requirements.** Agricultural burning will be permitted if the following requirements are met:

(1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and

(2) Burning is necessary for crop propagation or rotation, disease or pest control; and

(3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in RCW 70.94.650 as referenced in WAC 173-430-050); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards.

(c) **Permit Applications.** Agricultural burning permits shall be approved by the Agency prior to burning. The permit application shall be submitted on forms provided by the Agency and shall include:

(1) A copy of the applicant's most recent year's Schedule F (as filed with the Internal Revenue Service);

(2) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and

(3) A non-refundable permit fee:

(A) For burning up to 10 acres (or equivalent), the fee is $25.00 (base fee);

(B) For burning over 10 acres, the fee is $25.00 plus $2.50 for each additional acre.

(d) **Permit Action and Content.**

(1) The Agency will act on a complete application within 7 days of receipt.

(2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.

(3) All permits shall expire 12 months from date of issuance.

(e) **Permit Denial.** No permit shall be issued if the Agency determines that the proposed burning will cause a nuisance. All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

State effective: 01/01/01; EPA effective: 9/30/04

REGULATION I SECTION 8.06 OUTDOOR BURNING OZONE CONTINGENCY MEASURE Adopted 12/19/02 (976)

(a) Applicability. This section shall apply to open burning within King, Kitsap, Pierce, and Snohomish Counties if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on July 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow outdoor burning within King, Kitsap, Pierce, or Snohomish Counties during the months of July through August.

State effective: 01/23/03; EPA effective: 9/7/04

SECTION 8.09 DESCRIPTION OF THE KING COUNTY NO-BURN AREA Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of King County:

(a) The King County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

State effective: 01/01/01; EPA effective: 9/30/04

SECTION 8.10 DESCRIPTION OF THE PIERCE COUNTY NO-BURN AREA Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Pierce County:

(a) The Pierce County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

State effective: 01/01/01; EPA effective: 9/30/04

SECTION 8.11 DESCRIPTION OF THE SNOHOMISH COUNTY NO-BURN AREA

Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Snohomish County:

(a) The Snohomish County Urban Growth Area; and

(b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

State effective: 01/01/01; EPA effective: 9/30/04

SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA

Adopted 11/09/00 (933) Revised 10/24/02 (981)

(a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

(1) The Kingston Urban Growth Area as shown in Figure 8-1;

(2) The City of Bainbridge Island;

(3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in Figure 8-2:

- Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
- head directly west to Waaga Way;
- continue west on Waaga Way to Nels Nelson Road NW;
- head north following the Silverdale Urban Growth Area boundary to Island Lake;
- head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
- follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
- continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
- head directly west to NW Mountain View Road;
- follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;

- follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific railroad track leaves the Bangor Naval Reservation property at its southern boundary;
- head south along the Northern Pacific railroad track to NW Westgate Road;
- follow NW Westgate Road west to Olympic View Road NW;
- head south on Olympic View Road NW to Anderson Hill Road;
- head west on Anderson Hill Road to Willamette Meridian Road NW;
- head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;
- head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
- follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
- head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;
- head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
- head south to State Highway 3;
- head southwest on State Highway 3 to the Mason County line;
- head east to the line separating T23N, R1W, Sections 22 and 23;
- head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
- head east 1.33 miles;
- head north to State Highway 3;
- head west 0.42 mile;
- head north to the Bremerton city limits;
- head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
- head east another 0.33 mile;
- head south to the intersection of Feigley Road SW and SW Old Clifton Road;

- head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
- include the entire Urban Growth Area of McCormick Woods;
- at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
- start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
- head southeast along State Highway 16 to Bethel Road SE;
- head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
- start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
- continue east along SE Sedgwick Road to Longlake Road SE;
- head north along Longlake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive;
- head east along SE Mile Hill Drive to Bullman Road SE;
- head north 0.5 mile along and past Bullman Rd SE;
- head west to SE Horstman Road and continue to Baby Doll Road SE;
- head north along Baby Doll Road SE to E Collins Road;
- head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
- head directly north to the center line of Port Orchard Bay;
- follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and

(4) The Poulsbo area as follows and as shown in Figure 8-3:

(A) The Poulsbo Urban Growth Area (UGA);

(B) The following areas adjacent to the Poulsbo UGA:

(i) Southeast of Poulsbo UGA and east of State Highway 305:

- from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
- follow the UGA west, north, and west again until it intersects State Highway 305;
- head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.

(ii) Northeast of Poulsbo UGA:

That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.

(iii) North of Poulsbo UGA along State Highway 307:

- from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
- follow the UGA west and then north until it intersects State Highway 307;
- head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.

(iv) North of Poulsbo UGA and east of State Highway 3:

- from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
- head south 0.05 mile to the Poulsbo UGA;
- head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.

(v) West of Poulsbo UGA:

- from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;
- head east 0.25 mile on Rude Road;
- head south 0.25 mile;
- head east to the Poulsbo UGA;
- head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.

(vi) South of Poulsbo UGA and east of State Highway 3:

- from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
- head east to Liberty Bay;
- follow the shore of Liberty Bay north to the Poulsbo UGA;
- follow the Poulsbo UGA west to Viking Way NW.

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in Figure 8-2:

- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

Figure 8-1

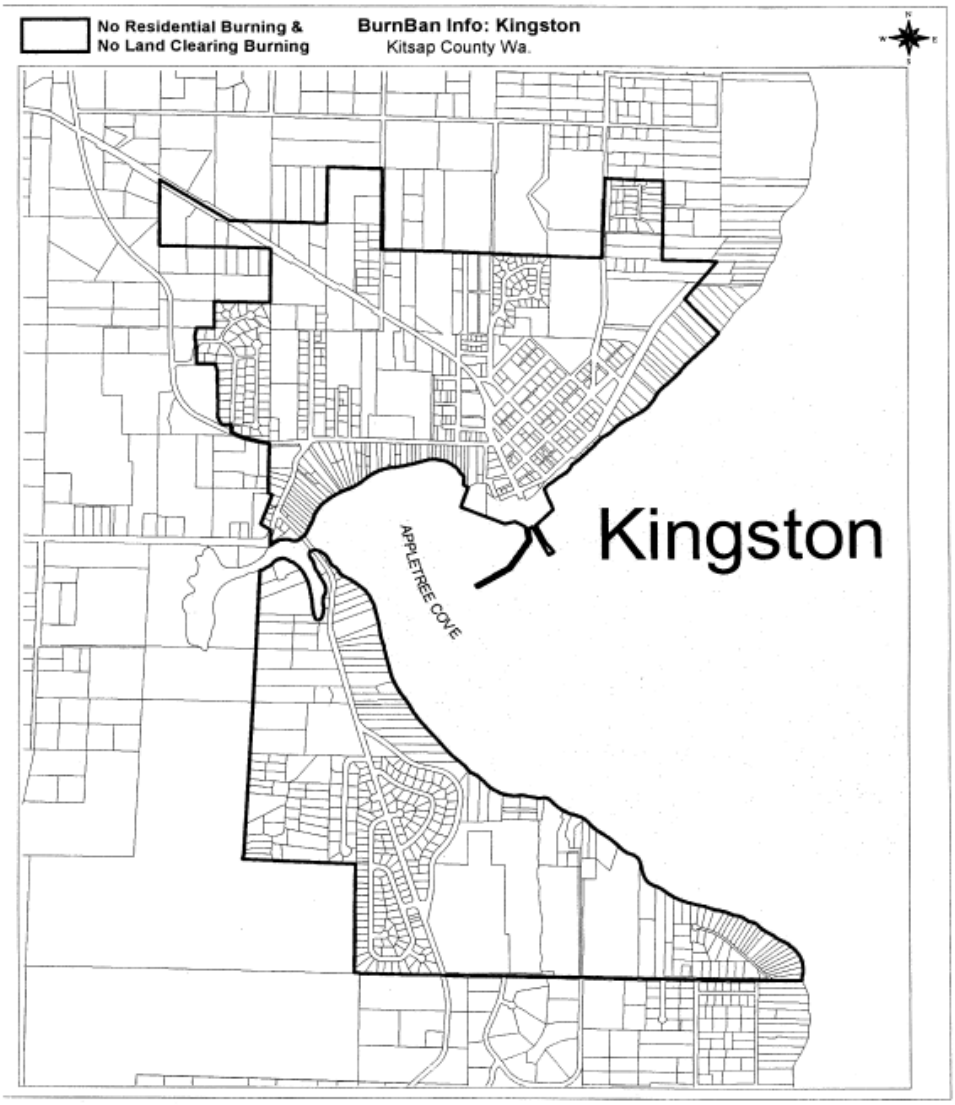

No Residential Burning &
No Land Clearing Burning
BurnBan Info: Kingston
Kitsap County Wa.
Kingston
APPLETREE COVE

Figure 8-2

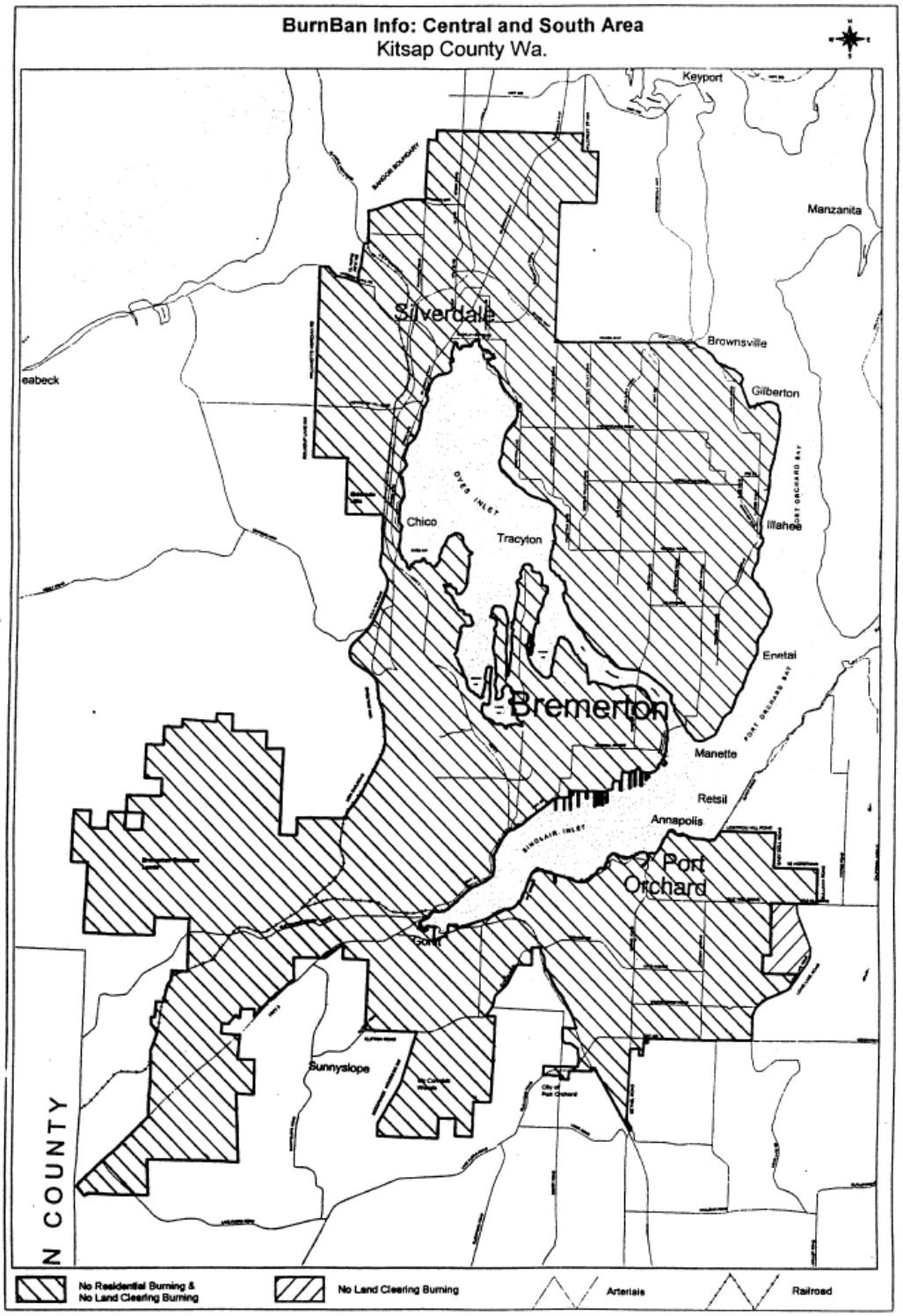
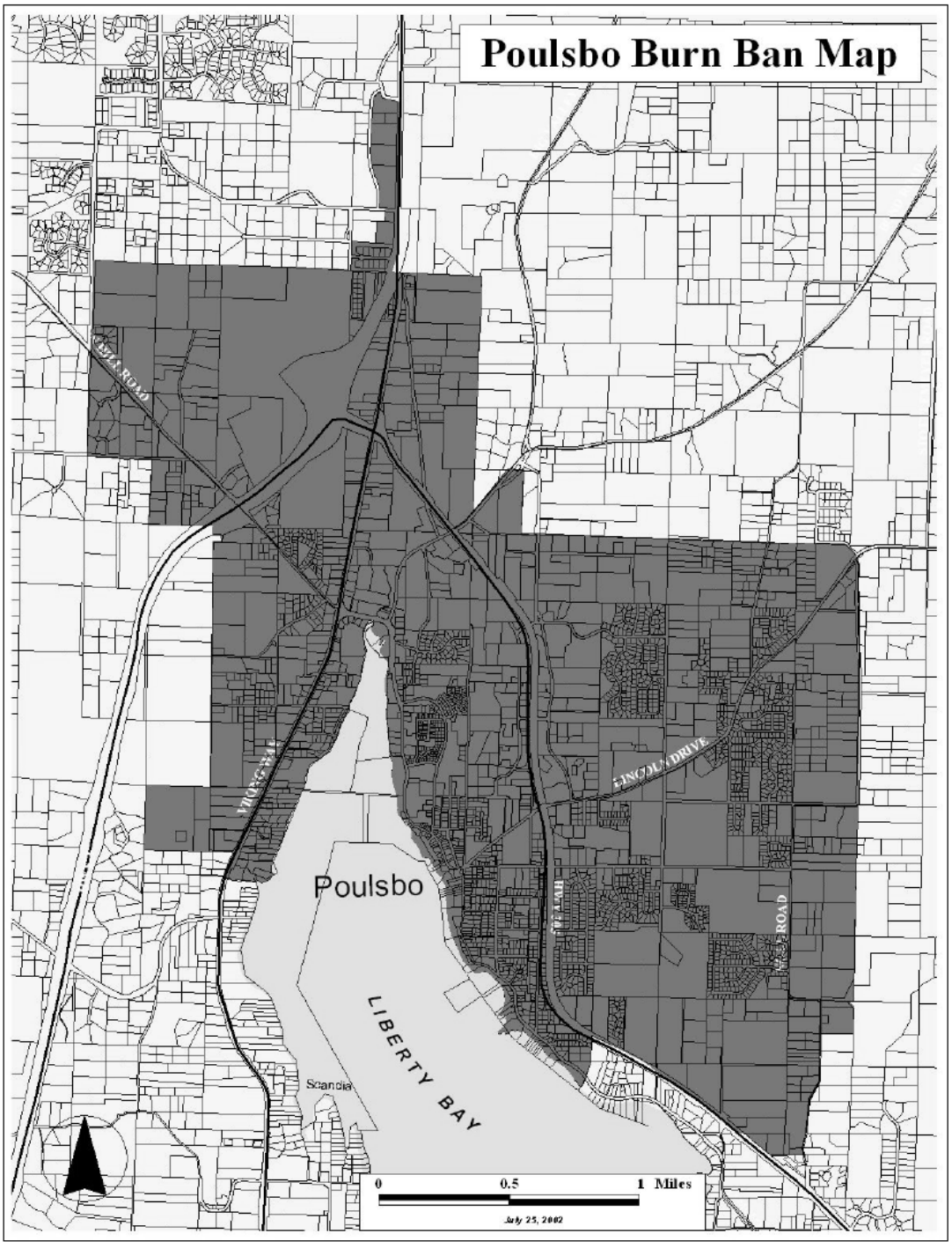

BurnBan Info: Central and South Area
Kitsap County Wa.
Keyport
Manzanita
Silverdale
Brownsville
Gilberton
eabeck
Chico
Tracyton
Illahee
Enetai
Bremerton
Manette
Retsil
Annapolis
Port Orchard
Gorst
Sunnyslope
N COUNTY
No Residential Burning & No Land Clearing Burning
No Land Clearing Burning
Arterials
Railroad

Figure 8-3


Poulsbo Burn Ban Map
Poulsbo
LIBERTY BAY
Scandia
0
0.5
1 Miles
July 25, 2002

State effective: 11/30/02; EPA effective: 9/30/04

REGULATION I - ARTICLE 9: EMISSION STANDARDS

SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

Adopted 03/13/68 (12)
Revised 07/08/70 (126), 04/11/73 (186), 06/09/88 (621) 05/11/89 (643), 09/08/94 (798), 04/09/98 (865), 03/11/99 (881)

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

(1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03(a)(1).

(b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.

(c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, permitted obscurant usage during military training operations, outdoor fires, motor vehicles when operated on public roads, aircraft, or equipment subject to Section 9.04.

~~(e) This section shall not apply to equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.~~

State effective: 4/17/99; EPA effective: 9/30/04

SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS Adopted 04/09/98 (865)

(a) Applicability. This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.

(b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:

(1) Cement kilns;

(2) Clinker coolers;

(3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;

(4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and

(5) Refuse burning equipment rated at greater than 12 tons per day.

(c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:

(1) Averages greater than 5% opacity; or

(2) Contains any consecutive 6-minute period averaging greater than 20% opacity.

(d) Section 9.04(c)(1) shall not apply to:

(1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09; or

~~(2) Equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.~~

(e) This section shall not apply to sources controlled by a venturi scrubber, provided that:

(1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09;

(2) The pressure drop across the scrubber is continuously monitored and recorded; and

(3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

~~(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Section 6.07.~~

State effective: 6/1/98; EPA effective: 9/30/04

SECTION 9.05 REFUSE BURNING *Adopted 03/13/68 (12)*
Revised 06/09/88 (621), 12/09/93 (769)

(a) It shall be unlawful for any person to cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment.

(b) It shall be unlawful for any person to cause or allow the operation of refuse burning equipment any time other than daylight hours.

State effective: 01/13/94; EPA effective: 6/29/95

SECTION 9.07 SULFUR DIOXIDE EMISSION STANDARD Adopted 03/13/68 (12)
Revised 07/08/70 (126), 02/21/74 (230), 02/13/86 (597), 06/09/88 (621), 04/14/94 (784)

It shall be unlawful for any person to cause or allow the emission of sulfur dioxide from any source in excess of 1,000 parts per million by volume on a dry basis, 1-hour average (corrected to 7% oxygen for fuel burning equipment and refuse burning equipment).

State effective: 5/19/94; EPA effective: 6/29/95

SECTION 9.08 FUEL OIL STANDARDS Adopted 06/13/85 (579)
Revised 02/13/86 (597), 04/14/94 (784)

(a) It shall be unlawful for any person to cause or allow the combustion of oil in fuel burning equipment or refuse burning equipment that exceeds any of the following limits unless that person has obtained an Order of Approval from the Agency in accordance with Section 6.07 of this Regulation:

Ash	0.1% (maximum)
Sulfur	1.0% (maximum for used oil)
Sulfur	2.00% (maximum for fuel oil)
Lead	100 ppm (maximum)
Arsenic	5 ppm (maximum)
Cadmium	2 ppm (maximum)
Chromium	10 ppm (maximum)
Total Halogens	1,000 ppm (maximum)
Polychlorinated Biphenyls (PCBs)	2 ppm (maximum)
Flash Point	100°F (minimum)

(b) It shall be unlawful for any person to sell or make available for sale any oil in excess of the limits of this section to any person who has not obtained an Order of Approval from the Agency in accordance with Section 6.07 of this Regulation. Any person who sells or makes available for sale such oil shall submit a report to the Agency within 15 days of the end of the month that includes the name and address of the recipient, the amount of oil delivered, and the concentration of contaminants therein.

(c) The provisions of this section shall not apply to:

(1) Ocean-going vessels;

(2) Used oil burned in space heaters that have a maximum heat output of not greater than 0.5 million Btu per hour; and

(3) Persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

State effective: 5/19/94; EPA effective: 6/29/95

SECTION 9.09 PARTICULATE MATTER EMISSION STANDARDS Adopted 03/13/68 (12)
Revised 07/08/70 (126), 11/10/71 (135), 10/10/73 (214), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 02/10/94 (777), 04/09/98 (865)

It shall be unlawful for any person to cause or allow the emission of particulate matter in excess of the following concentrations:

Refuse Burning Equipment:

1.	Rated at 12 tons per day or less without heat recovery and without hydrochloric acid control equipment	0.10 gr/dscf @ 7% O2
2.	Rated at 12 tons per day or less without heat recovery and with hydrochloric acid control equipment	0.05 gr/dscf @ 7% O2
3.	Rated at 12 tons per day or less with heat recovery	0.02 gr/dscf @ 7% O2
4.	Rated at greater than 12 tons per day	0.01 gr/dscf @ 7% O2

Fuel Burning Equipment:

1.	Burning wood	0.20 gr/dscf @ 7% O2
2.	Burning wood and installed after March 13, 1968 or located within the urbanized area	0.10 gr/dscf @ 7% O2
3.	Burning wood, rated at 100 million Btu per hour or greater, and located within the urbanized area	0.04 gr/dscf @ 7% O2
4.	Burning wood and installed after March 1, 1986	0.02 gr/dscf @ 7% O2

5.	Burning fuel other than wood	0.05 gr/dscf @ 7% O2
6.	Burning coal or other solid fossil fuel	
and installed after March 1, 1986		0.01 gr/dscf @ 7% O2
Equipment Used in a Manufacturing Process:		0.05 gr/dscf

State effective: 6/1/98; EPA effective: 9/30/04

SECTION 9.15 FUGITIVE DUST CONTROL MEASURES Adopted 03/13/68 (12)
Revised 06/09/83 (536), 06/09/88 (621), 08/10/89 (644), 03/11/99 (882)

(a) It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions include, but are not limited to, the following:

(1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;

(2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;

(3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or

(4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

(b) Compliance with the provisions of this section shall not relieve any person from the responsibility to comply with Section 9.11 of this regulation.

State effective: 4/17/99; EPA effective: 9/30/04

SECTION 9.16 SPRAY COATING OPERATIONS Adopted 06/13/91 (700)
Revised 07/08/99 (886), 07/12/01 (944)

(a) Applicability. This section applies to spray-coating operations at facilities subject to Article 5 (Registration) or Article 7 (Operating Permits) of this regulation, where a coating that protects or beautifies a surface is applied with spray-coating equipment.

(b) Exemptions. The following activities are exempt from the provisions of Sections 9.16(c) and (d) of this regulation. Persons claiming any of the following spray-coating exemptions shall have the burden of demonstrating compliance with the claimed exemption.

(1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);

(2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);

(3) Use of high-volume, low-pressure (HVLP) spray guns when:

(A) spray-coating operations do not involve motor vehicles or motor vehicle components;

(B) the gun cup capacity is 8 fluid ounces or less;

(C) the spray gun is used to spray-coat less than 9 square feet per day per facility;

(D) coatings are purchased in containers of 1 quart or less; and

(E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.

(4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces;

(5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or

(6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100_F.

(c) General Requirements for Indoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless the spray-coating is conducted inside an enclosed spray area. The enclosed spray area shall employ either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray. All emissions from the spray-coating operation shall be vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) General Requirements for Outdoor Spray-Coating Operations. It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless reasonable precautions are employed to minimize the overspray. Reasonable precautions include, but are not limited to the use of:

(1) Enclosures and curtailment during high winds; and

(2) High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) Compliance with Other Regulations. Compliance with this regulation does not exempt any person from compliance with Regulation I, Section 9.11 and all other applicable regulations including those of other agencies.

State effective: 9/01/01; EPA effective: 9/30/04

SECTION 9.20 MAINTENANCE OF EQUIPMENT Adopted 12/09/82 (531)
Revised 06/09/88 (621)

(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order.

(b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control equipment not subject to Section 9.20(a) unless the equipment or control equipment is maintained in good working order.

State effective: 6/9/88; EPA effective: 10/28/94

REGULATION I - ARTICLE 12: STANDARDS OF PERFORMANCE FOR CONTINUOUS EMISSION MONITORING SYSTEMS

SECTION 12.01 APPLICABILITY Adopted 11/10/71 (135)
Revised 06/09/88 (621), 08/10/89 (644), 04/09/98 (865)

This article shall apply to all continuous emission monitoring systems (CEMS) required under an order, operating permit, or regulation of the Agency. This article shall not be construed to relieve any person of the responsibility to comply with any requirement of 40 CFR Part 60, 61, or 63. Portions of these federal requirements that are less stringent than the provisions of Article 12 shall not supercede the requirements of Article 12.

State effective: 6/1/98; EPA effective: 9/30/04

SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS Adopted 06/09/88 (621)
Revised 08/10/89 (644), 04/09/98 (865), 03/25/04 (1024), 09/23/04 (1036)

(a) **Continuous Monitoring.** It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) **Data Recovery.** The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrates that the downtime was not a result of inadequate design,

operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner.

(c) **Quality Assurance**. The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) **Data Recording.** Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) **Data Retention.** The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) **Data Reporting.** The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

(1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;

(2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;

(3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;

(5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;

(6) The results of all cylinder gas audits conducted during the month; and

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

(g) **Relative Accuracy Tests.** All relative accuracy tests shall be subject to the provisions of Section 3.07 of this regulation.

(h) **Exemptions.** The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

State effective: 11/01/04; EPA effective: 10/17/13

REGULATION I - ARTICLE 13: SOLID FUEL BURNING DEVICE STANDARDS

SECTION 13.01 POLICY AND PURPOSE Adopted 11/10/88 (634)
Revised 09/26/91 (708), 09/09/99 (895), 10/25/12 (1258)

The Board of Directors of the Puget Sound Clean Air Agency (Board) declares it to be the public policy of the Agency to control and reduce air pollution caused by solid fuel burning devices such as wood stoves, pellet stoves, and fireplaces. It is the Agency's policy to educate the public about the health effects of wood stove emissions and cleaner heating alternatives. It is the intent of this regulation to secure and maintain levels of air quality that protect human health and to comply with the requirements of the state and federal Clean Air Acts.

The Board encourages cities, towns and counties within its jurisdiction to enhance public education and assist in the enforcement of this Regulation during declared air quality episodes and periods of impaired air quality.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.02 DEFINITIONS Adopted 09/23/04 (1036)
Revised 09/22/05 (1057), 10/25/12 (1258)

When used herein:

(a) Adequate Source of Heat means a heating system designed to maintain seventy degrees Fahrenheit at a point three feet above the floor in each normally inhabited room. If any part of the heating system has been disconnected, damaged, or is otherwise nonfunctional, the Agency shall base the assessment of the adequacy of the design on the system's capability prior to the disconnection, damage, improper maintenance, malfunction, or occurrence that rendered the system nonfunctional.

(b) AGENCY means the Puget Sound Clean Air Agency.

(c) Certified Wood Stove means a wood stove that:

(1) has been determined by Ecology to meet Washington emission performance standards, pursuant to RCW 70.94.457 and WAC 173-433-100; or

(2) has been certified and labeled in accordance with procedures and criteria specified in "40 C.F.R. 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or

(3) meets the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and is certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.

(d) Coal-only heater means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating, or indoor cooking and has all of the following characteristics:

(1) An opening for emptying ash which is located near the bottom or the side of the appliance;

(2) A system which admits air primarily up and through the fuel bed;

(3) A grate or other similar device for shaking or disturbing the fuel bed or power driven mechanical stoker; and

(4) The model is listed by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes.

(e) Ecology means the Washington State Department of Ecology.

(f) EPA means the United States Environmental Protection Agency.

(g) Fine particulate or PM2.5 means particles with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers.

(h) Fireplace means any permanently installed masonry fireplace or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

(i) Nonaffected pellet stove means a pellet stove that has an air-to-fuel ratio equal to or greater than 35.0 to 1.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in "40 CFR 60 Appendix A, Test Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-Fired Appliances" as amended through July 1, 1990.

(j) Nonattainment area means a geographical area designated by EPA at 40 C.F.R. Part 81 as exceeding a National Ambient Air Quality Standard for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

(k) PM10 means particles with an aerodynamic diameter less than or equal to a nominal 10 micrometers.

(l) PROPERLY SEASONED FUEL WOOD means untreated wood or untreated lumber with moisture content of 20% or less, wet basis, or 25% or less, dry basis.

(m) Solid Fuel Burning Device or solid fuel heating device means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel which has a heat input less than one million British thermal units per hour. This includes, but is not limited to, devices used for aesthetic or space-heating purposes in a private residence or commercial establishment.

(n) SUBSTANTIALLY REMODELED means any alteration or restoration of a building exceeding sixty percent of the appraised value of such building within a twelve-month period.

(o) TACOMA, WASHINGTON Fine Particulate Nonattainment Area means the area of Pierce County that is designated by EPA as not meeting the 2006 federal 24-hr fine particulate National Ambient Air Quality Standard and described in 40 CFR 81.348. This area is also known as the Tacoma, Pierce County Nonattainment Area.

(p) Treated wood means wood or lumber of any species that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.

(q) Wood stove or wood heater means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990:

(1) An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;

(2) A useable firebox volume of less than twenty cubic feet;

(3) A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28; and

(4) A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to: doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.03 OPACITY STANDARDS Adopted 12/08/94 (808)
Renumbered 09/23/04 (1036); Revised 10/25/12 (1258)

(a) A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

(b) Test method and procedures. Methods and procedures specified by the EPA in "40 CFR 60 Appendix A reference method 9 –Visual Determinations of the Opacity of Emissions from Stationary Sources" as amended through July 1, 1990, shall be used to determine compliance with subsection (a) of this section.

(c) Enforcement. Smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of a solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device. The provisions of this section shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.04 ALLOWED AND PROHIBITED FUEL TYPES Adopted 10/25/12 (1258)

(a) A person shall cause or allow only the following materials to be burned in a solid fuel burning device:

(1) Properly seasoned fuel wood; or

(2) An amount of paper necessary for starting a fire; or

(3) Wood pellets; or

(4) Biomass fire logs intended for burning in a wood stove or fireplace; or

(5) Coal with sulfur content less than 1.0% by weight burned in a coal-only heater.

(b) All other materials are prohibited from being burned in a solid fuel burning device, including, but not limited to: garbage; pallets; treated lumber; fencing; treated wood; plastic and plastic products; rubber products; animal carcasses; asphaltic products; waste petroleum products; paints and chemicals; paper (other than an amount necessary to start a fire); or any substance that emits dense smoke or obnoxious odors.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.05 RESTRICTIONS ON OPERATION OF SOLID FUEL BURNING DEVICES Adopted 10/25/12 (1258)

(a) No person in a residence or commercial establishment shall operate a solid fuel burning device under any of the following conditions:

(1) Whenever the Agency has declared the first stage of impaired air quality for a geographical area in accordance with RCW 70.94.473(1)(b)(i) or (ii), unless an exemption for the residence or commercial building has been obtained from the Agency pursuant to subsection (d) of this section or the solid fuel burning device is one of the following:

(A) A nonaffected pellet stove; or

(B) A wood stove certified and labeled by the EPA under "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; or

(C) A wood stove meeting the "Oregon Department of Environmental Quality Phase 2" emission standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 – Woodstove Certification" dated November 1984; or

(D) A solid fuel burning device approved by Ecology as meeting the standards in RCW 70.94.457(1)(a)-(b).

(2) Whenever the Agency has declared the second stage of impaired air quality for a geographical area in accordance with RCW 70.94.473(1)(c)(i), (ii), or (iii) unless an exemption for the residence or commercial building has been obtained from the Agency pursuant to subsection (d) of this section.

(b) Whenever a first stage of impaired air quality is declared under subsection (a)(1):

(1) New solid fuel shall be withheld from any solid fuel burning device already in operation for the duration of the first stage of impaired air quality if that device is restricted from operating under subsection (a)(1) of this section during the first stage of impaired air quality;

(2) Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of a first stage of impaired air quality shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating during a first stage of impaired air

quality. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

(c) Whenever a second stage of impaired air quality is declared under subsection (a)(2):

(1) New solid fuel shall be withheld from any solid fuel burning device already in operation for the duration of the second stage of impaired air quality if that device is restricted from operating under subsection (a)(2) of this section during the second stage of impaired air quality.

(2) Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of a second stage of impaired air quality shall constitute prima facie evidence of unlawful operation of a solid fuel burning device if that solid fuel burning device is restricted from operating during a second stage of impaired air quality. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.

(d) Any person desiring an exemption from the Agency for the purposes of subsections (a)(1) or (2) of this section shall apply to the Agency using procedures specified by the Agency.

(1) The following are eligible for exemption:

(A) A residence or commercial building that has no adequate source of heat other than a solid fuel burning device and the building was neither constructed nor substantially remodeled after July 1, 1992.

(B) A residence or commercial building that has no adequate source of heat other than a solid fuel heating device and the building:

i. was constructed or substantially remodeled after July 1, 1992; and

ii. is outside an urban growth area, as defined in RCW 36.70A; and

iii. is outside an area designated by EPA as a PM2.5 or PM10 particulate nonattainment area.

(2) Exemptions shall be valid for a period determined by the Agency. Exemptions may be renewed using procedures specified by the Agency, provided the applicant meets the applicable requirements at the time of exemption renewal. Exemptions may be revoked if the Agency determines the residence or commercial building for which the exemption was approved no longer qualifies for an exemption.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.06 EMISSION PERFORMANCE STANDARDS Adopted 10/25/12 (1258)

(a) Solid fuel burning devices. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install a solid fuel burning device unless it meets both subsections (1) and (2):

(1) It has been certified and labeled in accordance with procedures and criteria specified in "40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990; and

(2) It meets the following particulate air contaminant emission standards and the test methodology of EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by EPA subsequent to such date:

(A) Two and one-half grams per hour for catalytic woodstoves; and

(B) Four and one-half grams per hour for all other solid fuel burning devices.

(3) For purposes of subsection (a)(2) of this section, "equivalent" shall mean the emissions limits specified in subsection (a)(2) multiplied by a statistically reliable conversion factor determined by Ecology that relates the emission test results from the methodology established by the EPA prior to May 15, 1991, to the test results from the methodology subsequently adopted by EPA.

(b) Fireplaces. A person shall not advertise to sell, offer to sell, sell, bargain, exchange, give away, or install a factory-built fireplace unless it meets the 1990 EPA standards for wood stoves or an equivalent standard that may be established by the state building code council by rule.

(c) Subsection (a) of this section shall not apply to fireplaces, including factory- built fireplaces and masonry fireplaces.

State effective: 12/01/12; EPA effective: 6/28/13

SECTION 13.07 PROHIBITIONS ON WOOD STOVES THAT ARE NOT CERTIFIED WOOD STOVES Adopted 10/25/12 (1258)

(a) Subsections (a)(1) – (a)(4) of this section shall be effective January 1, 2015 and apply only to PM2.5 nonattainment areas or areas where required by EPA.

(1) Any person who owns or is responsible for a wood stove that is both (a) not a certified wood stove and (b) is located in the Tacoma, Washington fine particulate nonattainment area must remove and dispose of it or render it permanently inoperable by September 30, 2015.

(2) Any person who owns or is responsible for a coal-only heater located in the Tacoma, Washington fine particulate nonattainment area must remove and dispose of it or render it permanently inoperable by September 30, 2015.

(3) Subsection (a)(1) of section does not apply to:

(A) A person in a residence or commercial establishment that does not have an adequate source of heat without burning wood; or

(B) A person with a shop or garage that is detached from the main residence or commercial establishment that does not have an adequate source of heat in the detached shop or garage without burning wood.

(4) The owner or person responsible for removing or rendering permanently inoperable a wood stove under subsection (a)(1) of this section or a coal-only heater under subsection (a)(2) of this section must provide documentation of the removal and disposal or rendering permanently inoperable to the Agency using the Agency's procedures within 30 days of the removal or rendering permanently inoperable.

(b) PM10. Subsection (b) of this section is established for the sole purpose of a contingency measure for PM10 nonattainment and maintenance areas. If the EPA makes written findings that: (1) an area has failed to attain or maintain the National Ambient Air Quality Standard for PM10, and (2) in consultation with Ecology and the Agency, finds that the emissions from solid fuel burning devices are a contributing factor to such failure to attain or maintain the standard, the use of wood stoves not meeting the standards set forth in RCW 70.94.457 shall be prohibited within the area determined by the Agency to have contributed to the violation. This provision shall take effect one year after such a determination.

State effective: 12/01/12; EPA effective: 6/28/13

REGULATION II - ARTICLE 1: PURPOSE, POLICY, SHORT TITLE, AND DEFINITIONS

SECTION 1.01 PURPOSE Adopted 03/13/80 (462)
Revised 09/09/99 (895)

The Puget Sound Clean Air Agency, consisting of the counties of King, Kitsap, Pierce, and Snohomish, having been activated by the Washington Clean Air Act, RCW 70.94, adopted Regulation I on March 13, 1968 to control the emission of air contaminants from all sources, to provide for the uniform administration and enforcement of air pollution control in its jurisdiction and to carry out the requirements and purposes of the Washington Clean Air Act.

The Board of Directors of the Puget Sound Clean Air Agency has amended Regulation I from time to time as necessary and now recognizes the need for a special regulation to reduce ozone concentrations as required by the Federal Clean Air Act as amended. Accordingly, the Board has adopted Regulation II to provide for control of photochemically reactive volatile organic compounds (VOC), which are precursors to ozone, to meet the National Ambient Air Quality Standard for ozone.

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.02 POLICY Adopted 03/13/80 (462)
Revised 12/13/84 (568), 06/13/91 (700), 09/09/99 (895)

The Puget Sound Clean Air Agency hereby reaffirms its public policy as defined in Section 1.01 of Regulation I and further asserts its intent to secure and maintain control of emissions of volatile organic compounds to the extent needed to attain and maintain the National Ambient Air Quality Standard for ozone, and minimize the emission of stratospheric ozone depleting and toxic organic compounds, thus protecting the health and welfare of the people of the central Puget Sound region.

It is therefore the policy of the Board that water-based, high solids, or powder coatings and water-based cleaning materials are preferred to be used to comply with this regulation. The substitution of negligibly reactive VOCs for photochemically reactive VOCs shall not be an accepted method of compliance

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.03 SHORT TITLE Adopted 12/11/80 (482)

Revised 09/09/99 (895)

This regulation may be known and cited as "Regulation II of the Puget Sound Clean Air Agency".

State effective: 11/01/99; EPA effective: 9/30/04

SECTION 1.04 GENERAL DEFINITIONS Adopted 03/13/80 (462)
Revised/Renumbered 12/11/80 (482)

All definitions in Regulation I Section 1.07, Definitions, are fully applicable to Regulation II.

State effective: 12/11/80; EPA effective: 4/29/83

SECTION 1.05 SPECIAL DEFINITIONS Adopted 03/13/80 (462)
Revised/Renumbered 12/11/80 (482), Revised 02/11/82 (510), 06/13/91 (700), 02/10/94 (777), 07/08/99 (885), 09/09/99 (895), 07/24/03 (1002)

When used in Regulation II of the Puget Sound Clean Air Agency:

(a) **AEROSPACE COMPONENT** means the fabricated part, assembly of parts, or completed unit of any aircraft, helicopter, missile or space vehicle.

(b) **ANTIGLARE/SAFETY COATING** means a coating that does not reflect light.

(c) **COMMERCIAL AEROSPACE PRIMER** means BMS 10-11, Type I.

(d) **COMMERCIAL AEROSPACE TOPCOAT** means BMS 10-11, Type II.

(e) **CUTBACK ASPHALT** means an asphalt that has been blended with more than 7% petroleum distillates by weight.

(f) **FLEXOGRAPHIC PRINTING** means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.

(g) **GELCOAT** means a polyester resin surface coating that provides a cosmetic enhancement and improves resistance to degradation from exposure to the environment.

(h) **METALLIC/IRIDESCENT TOPCOAT** means any coating that contains more than 5 grams per liter (0.042 lb/gal) of metal or iridescent particles, as applied, where such

particles are visible in the dried film.

(i) **MILITARY AEROSPACE PRIMER** means the current version of MIL-P-85582.

(j) **MILITARY AEROSPACE TOPCOAT** means the current version of MILC-85285.

(k) **PACKAGING ROTOGRAVURE PRINTING** means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, that are, in subsequent operations, formed into packaging products and labels for articles to be sold.

(l) **POLYESTER RESIN** means a group of synthetic resins containing ethylenic unsaturation and capable of undergoing free radical polymerization with styrene monomer.

(m) **PRECOAT** means any coating that is applied to bare metal primarily to deactivate the metal surface for corrosion resistance to a subsequent waterbased primer.

(n) **PRETREATMENT WASH PRIMER** means any coating that contains a minimum of 0.5% acid by weight, is necessary to provide surface etching and is applied directly to bare metal surfaces to provide corrosion resistance and adhesion.

(o) **PRIMER** means a coating applied directly to a component for purposes of corrosion protection, protection from the environment, functional fluid resistance and adhesion of subsequent coatings.

(p) **PRIMER SEALER** means any coating applied prior to the application of a topcoat for the purpose of corrosion resistance, adhesion of the topcoat, color uniformity, and to promote the ability of an undercoat to resist penetration by the topcoat.

(q) **PRIMER SURFACER** means any coating applied prior to the application of topcoat for the purpose of corrosion resistance, adhesion of the topcoat, and that promotes a uniform surface by filling in surface imperfections.

(r) **PUBLICATION ROTOGRAVURE PRINTING** means rotogravure printing upon paper that is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements and other types of printed materials.

(s) **ROTOGRAVURE PRINTING** means the application of ink to a substrate by means of a roll printing technique that involves an intaglio or recessed image areas in the form of cells.

(t) **TEMPORARY PROTECTIVE COATING** means a coating applied to an aerospace component to protect it from mechanical and environmental damage during manufacturing.

(u) **TOPCOAT** means a coating applied over a primer or directly to a component primarily for purposes of appearance or identification.

State effective: 09/01/03; EPA effective: 10/17/13

REGULATION II - ARTICLE 2: GASOLINE MARKETING EMISSION STANDARDS

SECTION 2.01 DEFINITIONS Adopted 07/08/99 (885)

When used in this Article:

(a) **GASOLINE** means any petroleum distillate or petroleum distillate/alcohol blend with a Reid vapor pressure of 4 pounds per square inch (27.6 kPa) or greater, which is used as a fuel for motor vehicles, marine vessels, or aircraft.

(b) **GASOLINE STATION** means any site that dispenses gasoline from stationary storage tanks into fuel tanks of motor vehicles, marine vessels, or aircraft.

(c) **PETROLEUM REFINERY** means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting, or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.

(d) **SUBMERGED FILL LINE** means any discharge pipe or nozzle that meets either of the following conditions:

(1) Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is 6 inches (15 cm) from the bottom of the tank; or

(2) Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is 18 inches (46 cm) from the bottom of the tank.

(e) **TRANSPORT TANK** means a container with a capacity greater than 264 gallons (1000 liters) used for shipping gasoline over roadways.

(f) **VAPOR RECOVERY SYSTEM** means a process that prevents the emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

State effective: 8/13/99; EPA effective: 9/30/04

SECTION 2.03 PETROLEUM REFINERIES Adopted 03/13/80 (462)
Revised 06/13/91 (700)

(a) Section 2.03 shall apply to all petroleum refineries.

(b) It shall be unlawful for any person to cause or allow the operation of any vacuum-producing system unless all noncondensable VOC is piped to an appropriate firebox, flare, or incinerator for combustion or collected, compressed and added to the fuel gas system or contained and treated so as to prevent their emission to the atmosphere.

(c) It shall be unlawful for any person to cause or allow the operation of a wastewater separator unless such separator meets the following requirements:

(1) Wastewater separator forebays shall incorporate a fixed solid cover with all openings sealed, totally enclosing the compartmented liquid contents.

(2) All other compartments of the separator shall be equipped with a floating pontoon or fixed solid cover equipped with closure seals that have no tears or leaks, installed and maintained so that gaps between the compartment wall and the seal shall not exceed 0.32 centimeters (_ inch) for an accumulative length of 97% of the perimeter of the compartment. No gap between the compartment wall and the seal shall exceed 1.3 centimeters (½ inch).

(3) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use. There shall be no visible gaps between the forebay cover and the compartment when the cover is closed.

(d) It shall be unlawful for any person to cause or allow a process unit turnaround unless:

(1) The VOC contained in a process unit to be depressurized for turnaround is combusted by a flare or vented to an equally effective disposal system; and

(2) The pressure in a process unit following depressurization for turnaround is less than 5 pounds per square inch gauge (psig) before venting to the ambient air; and

(3) The owner or operator keeps a record of each process unit turnaround listing the date the unit was shut down and the pressure in the vessel when it was vented to the ambient air.

(e) It shall be unlawful for any person to cause or allow the operation of a component handling volatile organic compounds with a true vapor pressure greater than 10.5 kPa (1.5 psia) at 20°C unless such person:

(1) Develops and conducts a monitoring program as follows:

(A) Monitor all pump seals, pipeline valves in liquid service and process drains yearly;

(B) Monitor all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service quarterly;

(C) Visually monitor all pump seals weekly;

(D) Monitor any dripping pump seal immediately;

(E) Monitor any relief valve within 24 hours after it has vented to the atmosphere; and

(F) Monitor immediately after repair any component that was found leaking.

(2) Maintains a leaking component monitoring log that shall contain, at a minimum,

the following:

(A) The name of the process unit where the component is located;

(B) The type of component;

(C) The tag number of the component;

(D) The date on which a leaking component is discovered;

(E) The date on which a leaking component is repaired;

(F) The date and instrument reading of the recheck procedure after a leaking component is repaired;

(G) A record of the calibration of the monitoring instrument;

(H) A record of those leaks that cannot be repaired until turnaround;

(I) The total number of components checked and the total number of components found leaking.

Copies of the monitoring log shall be retained for a minimum of 2 years after the date on which the record was made or the report prepared.

(3) Records all leaking components that have a VOC concentration greater than 10,000 ppm and places a weatherproof tag bearing an identification number and the date the leak was located on each leaking component.

(4) Corrects and retests the leaking component, as soon as practicable, but not later than 15 days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(5) Identifies all leaking components that cannot be corrected until the refinery unit is shut down for turnaround.

(f) It shall be unlawful to install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device shall be removed only when a sample is being taken or during maintenance operations.

(g) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves and valves that are not externally regulated are exempt from the monitoring requirements of Section 2.03.

State effective: 7/15/91; EPA effective: 10/28/94

SECTION 2.05 GASOLINE LOADING TERMINALS Adopted 03/13/80 (462)

(a) Section 2.05 shall apply to all gasoline loading terminals with an annual gasoline throughput greater than 7,200,000 gallons.

(b) It shall be unlawful for any person to cause or allow the loading of gasoline into any transport tank unless all the following conditions are met:

(1) The loading terminal shall employ bottom loading and be equipped with a vapor recovery system;

(2) All loading lines and vapor lines shall be equipped with vapor-tight fittings that close automatically upon disconnect;

(3) All vapor return lines shall be connected between the transport tank and the vapor recovery system such that all displaced volatile organic compounds are vented to the vapor recovery system; and

(4) The back-pressure in the vapor lines shall not exceed 4.5 kPa (18 inches) of water pressure.

(c) The vapor recovery system required by this section shall prevent the emission of at least 90% by weight of the volatile organic compounds and shall limit the emission of volatile organic compounds to no more than 35 milligrams per liter (mg/l) of gasoline transferred.

(d) The vapor recovery system required by Section 2.05(b) shall be equipped with a continuous emission monitoring system meeting the requirements of Article 12 of Regulation I.

State effective: 01/13/94; EPA effective: 6/29/95

SECTION 2.06 BULK GASOLINE PLANTS Adopted 03/13/80 (462)
Revised 12/11/80 (482), 06/13/91 (700),

(a) Section 2.06 shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than 15,140 liters (4,000 gallons).

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank with a capacity greater than 3,785 liters (1,000 gallons) unless the following conditions are met:

(1) Such stationary storage tank is equipped with a permanent submerged fill pipe and "CARB-certified" vapor recovery system; and

(2) Such transport tank is equipped to balance vapors and is maintained in a leak-tight condition in accordance with Section 2.08 of Regulation II; and

(3) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

(c) It shall be unlawful for any person to cause or allow transfer of gasoline between a stationary storage tank and a transport tank except under the following conditions:

(1) All transport tanks shall be bottom loaded;

(2) The loading of all transport tanks, shall be performed such that 90% by volume of the gasoline vapors displaced during filling are prevented from being released into the ambient air;

(3) Such transport tanks shall be equipped to balance vapors; and

(4) All vapor return lines are connected between the transport tank and the stationary storage tank, and the vapor recovery system is operating.

State effective: 7/15/91; EPA effective: 10/28/94

SECTION 2.07 GASOLINE STATIONS Adopted 03/13/80 (462)Revised 02/11/82 (510), 06/13/91 (700), 01/09/92 (717), 10/14/93 (764), 02/10/94 (777), 07/08/99 (885), 12/09/99 (905)

(a) **Applicability**. This section shall apply to all facilities that load gasoline into the fuel tanks of motor vehicles, marine vessels, or aircraft directly from stationary storage tanks.

(1) Stage 1 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons:

(A) Installed after January 1, 1979; or

(B) Located at facilities with a gasoline throughput greater than 200,000 gallons per calendar year.

(2) Stage 2 vapor recovery system requirements shall apply to all gasoline storage tanks with a capacity of greater than 1,000 gallons (except those used exclusively for aviation or marine gasoline):

(A) Installed after August 2, 1991;

(B) Located at facilities in King, Pierce, and Snohomish Counties with a gasoline throughput greater than 600,000 gallons per calendar year; or

(C) Located at facilities in Kitsap County with a gasoline throughput greater than 840,000 gallons per calendar year.

(b) **Stage 1 Requirements**. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless:

(1) The stationary storage tank is equipped with a submerged fill line and a Stage 1 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements; and

(2) The system is visually inspected after each product delivery and any equipment found to be defective (e.g., loose caps or adaptors, stuck poppet valves, damaged

gaskets) is repaired or replaced as soon as possible but no later than 7 days after the inspection.

(c) **Stage 2 Requirements**. It shall be unlawful for an owner or operator of the facility to cause or allow the transfer of gasoline from the stationary storage tank into a motor vehicle fuel tank (except motorcycles) unless:

(1) The stationary storage tank and dispenser are equipped with a Stage 2 vapor recovery system certified by the California Air Resources Board and installed in accordance with the system's certification requirements;

(2) Operating instructions are conspicuously posted and include a warning against topping off and the Department of Ecology's toll-free telephone number for complaints about the system;

(3) The system is inspected on a weekly basis and any equipment found to be defective (e.g., torn bellows, mini-boots or hoses, leaking spouts, swivels or hoses, missing latch coils, stiff swivels) is taken out of service until repaired or replaced; and

(4) The system is tested for compliance with its certification requirements (e.g., pressure decay, back-pressure, air/liquid ratio) and any equipment found to be defective is repaired/replaced and retested for compliance within 30 days. In the event that repair and retesting of defective equipment cannot be accomplished within 30 days, a 30-day extension may be granted in writing, provided that the owner or operator demonstrates in advance to the Control Officer that the equipment is being repaired and retested as soon as possible.

(d) **Compliance Tests**. Compliance with the requirements in Section 2.07(c)(4) of this regulation shall be achieved no later than July 1, 2000. Tests shall be performed in accordance with the test methods and Executive Orders of the California Air Resources Board in effect July 1, 1998. (Testing frequencies are specified in the Executive Orders.) These tests shall be exempt from the requirements of Section 3.07 of Regulation I. However, notification of the test date shall be submitted to the Agency at least 5 days in advance of the test and copies of all test results shall be kept on site for at least 2 years from the date of the test.

State effective: 01/10/00; EPA effective: 9/30/04

SECTION 2.08 GASOLINE TRANSPORT TANKS Adopted 12/11/80 (482)
Revised 02/11/82 (510), Revised/Renumbered 06/13/91 (700), Revised 07/08/99 (885)

(a) This section shall apply to all transport tanks that deliver gasoline to gasoline stations or bulk gasoline distribution facilities equipped with a vapor recovery system.

(b) It shall be unlawful for the owner or operator of a transport tank to cause or allow the transfer of gasoline at a facility equipped with a vapor recovery system unless:

(1) The transport tank is also equipped with a vapor recovery system;

(2) The transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by pressurizing the tank to gauge pressures of

18 and –6 inches of water and waiting for a time period of 5 minutes during which the pressure change is no more than:

tank capacity(gallons)	pressure change (inches of water)
2,500 or more	1.0
1,500-2,499	1.5
1,000-1,499	2.0
999 or less	2.5

(3) The internal vapor valve of the transport tank is tested annually in accordance with the procedures in Method 27 of 40 CFR Part 60, Appendix A by repressurizing the tank to 18 inches of water, closing the vapor valve, relieving all the pressure in the vapor return line, resealing the vapor return line, and waiting for a time period of 5 minutes during which the pressure change in the vapor return line and manifold is no more than 5 inches of water;

(4) The transport tank carries a certificate that includes the following information:

(A) Testing company name, date, and test location;

(B) Tester's name, title, and signature;

(C) Transport tank owner's name and address;

(D) Transport tank identification number;

(E) Type of test: pressure decay, vacuum decay, or internal vapor valve;

(F) Vapor tightness repair (if any): nature of repair work and when performed in relation to the test; and

(G) Test results: pressure or vacuum change, time period of test.

(5) The transport tank displays a sticker near the Department of Transportation certification plate, which shows the identification number of the transport tank and the date the transport tank last passed the tests specified in this section; and

(6) The vapor recovery system is employed and the concentration of gasoline vapors is below the lower explosive limit (measured as propane) at all points a distance of 1 inch or greater from any potential leak source on the transport tank. (Any transport tank that fails to meet this requirement shall be repaired and retested for compliance with Sections 2.08(b)(2) and (b)(3) of this regulation within 10 days,

and a copy of the revised compliance certificate shall be sent to the Agency within 5 days after completing the required leak test.)

(c) Transport tanks tested prior to August 1, 1999 shall be subject to the requirements in Sections 2.08(b)(2) and (b)(3) of this regulation at the time of their next annual test.

State effective: 8/13/99; EPA effective: 9/30/04

SECTION 2.09 OXYGENATED GASOLINE CARBON MONOXIDE CONTINGENCY MEASURE AND FEE SCHEDULE Adopted 10/14/93 (764)
Revised 05/12/94 (787), 07/11/96 (834), 12/19/02 (976)

(a) Applicability. This section shall apply to gasoline intended as a final product for fueling of motor vehicles within King, Pierce, and Snohomish Counties during the months of November, December, January, and February if, in consultation with the Washington Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) Quality-assured violations of the national ambient air quality standard for carbon monoxide have occurred at multiple monitoring sites within the jurisdiction of the Agency,

(2) Local mitigation measures have not improved traffic conditions sufficiently to help prevent future violations, and

(3) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than May 1 to all registered gasoline stations and blenders. This section shall take effect on November 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to sell, make available for sale, or dispense gasoline with an oxygen content less than 2.7% by weight.

(c) It shall be unlawful for any gasoline station to dispense oxygenated gasoline unless the fuel dispensing system is conspicuously labeled as follows: The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.

(d) Blenders of oxygenated gasoline shall register with the Agency on an annual basis. Each request for registration shall be on forms supplied by the Agency and shall be accompanied by a fee to compensate for the cost of administering the program. The following fee table, based upon the average monthly sales of gasoline sold during the previous November, December, January, and February, shall apply:

Volume (gallons)	
less than 100,000	$ 500.00
100,000 or more, but less than 1,000,000	$1,000.00

1,000,000 or more, but less than 15,000,000	$10,000.00
15,000,000 or more	$25,000.00

(e) Upon assessment by the Agency, this registration fee is due and payable within 30 days. It shall be deemed delinquent if not fully paid within 90 days.

(f) Blenders of oxygenated gasoline shall, upon request by the Agency, submit periodic reports summarizing how the requirements of this section were met. Each report shall be submitted on forms supplied by the Agency within 30 days of receipt of forms.

State effective: 01/23/03; EPA effective: 9/7/04

SECTION 2.10 GASOLINE STATION OZONE CONTINGENCY MEASURE Adopted 12/19/02 (976)

(a) Applicability. This section shall apply to gasoline stations that use coaxial Stage 1 vapor recovery systems and dispense 600,000 gallons or more of gasoline per year if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:

(1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and

(2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on May 1 following the public notice of such a written finding.

(b) It shall be unlawful for any person to cause or allow the transfer of gasoline from a transport tank into a stationary storage tank unless a California Air Resources Board (CARB) Stage I system, approved after July 1, 2002, is installed and operated in accordance with CARB system certification requirements.

(c) The systems required in Section 2.10(b) of this regulation shall be installed within 1 year of the May 1 effective date listed in Section 2.10(a) of this regulation.

State adopted: 01/23/03; EPA effective: 9/7/04

REGULATION II - ARTICLE 3: MISCELLANEOUS VOLATILE ORGANIC COMPOUND EMISSION STANDARDS

SECTION 3.01 CUTBACK ASPHALT PAVING Adopted 03/13/80 (462) Revised/Renumbered 06/13/91 (700)

(a) It shall be unlawful for any person to cause or allow the use of cutback asphalt in paving

during the months of June, July, August, and September, except as provided for in Section 3.01(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year:

(1) As a penetrating prime coat on aggregate bases prior to paving.

(2) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(3) All paving uses when the temperature during application is below 10°C (50°F).

State effective: 7/15/91; EPA effective: 10/28/94

SECTION 3.02 VOLATILE ORGANIC COMPOUND STORAGE TANKS Adopted 03/13/80 (462) Revised 12/11/80 (482), 06/13/91 (700), Revised/Renumbered 07/08/99 (885)

(a) This section shall apply to all stationary storage tanks with a capacity of 40,000 gallons (151,400 liters) or greater storing volatile organic compounds with a true vapor pressure of 1.5 pounds per square inch (10.5 kPa) or greater at actual monthly average storage temperatures.

(b) It shall be unlawful for any person to cause or allow such storage unless the storage tank is a pressure tank maintaining working pressures sufficient at all times to prevent organic vapor loss to the atmosphere, or is designed and equipped with one of the following vapor loss control devices:

(1) An external floating roof, consisting of a pontoon-type or double deck-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device between the tank shell and the roof edge. The closure device shall consist of two seals, a primary seal and a rim mounted secondary seal above the primary; or

(2) A fixed roof with an internal floating-type cover that rests on the surface of the liquid contents at all times and is equipped with a closure device. The closure device shall prevent the emission of organic vapors such that the concentration of such vapors in the vapor space above the internal floating roof does not exceed 50% of the lower explosive limit (LEL) measured as propane; or

(3) A fixed roof tank with control equipment that reduces emissions by 95% or greater.

(c) All primary seals or closure devices shall meet the following requirements:

(1) The primary seal shall contain no visible holes, tears, or other openings.

(2) No gap between the tank shell and the primary seal shall exceed 1½ inches (3.8 cm). No continuous gap greater than 1/8 inch (0.32 cm) shall exceed

(d) All secondary seals or closure devices shall meet the following requirements:

(1) There shall be no visible holes, tears, or other openings in the secondary seal or seal fabric;

(2) The secondary seal shall be intact and uniformly in place around the circumference of the floating roof between the roof and the tank wall; and

(3) No gap between the tank shell and the secondary seal shall exceed ½ inch (1.3 cm). The cumulative length of all gaps exceeding ⅛ inch (0.32 cm) in width between the secondary seal and the tank wall shall not exceed 5% of the circumference of the tank.

(e) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves shall be:

(1) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(2) Equipped with projections into the tank that remain below the liquid surface at all times.

(f) Automatic bleeder vents shall be closed at all times except when the roof is floated off or landed on the roof leg supports.

(g) Rim vents shall be set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting.

(h) Emergency roof drains shall be provided with slotted membrane fabric covers or equivalent that cover at least 90% of the area of the opening.

(i) Routine inspections shall be performed by the owner or operator as follows:

(1) For external floating roof tanks, conduct a semiannual visual inspection of all seals and closure devices and measure the primary and secondary seal gap annually;

(2) For internal floating roof tanks, visually inspect all seals and measure the concentration of VOC in the vapor space above the internal floating roof semiannually; and

(3) Maintain records of the results of any inspections performed for a period of 2 years after the date on which the record was made.

State effective: 08/13/99; EPA effective: 9/30/04

SECTION 3.03 CAN AND PAPER COATING OPERATIONS Adopted 03/13/80 (462) Revised 12/11/80 (482), Revised/Renumbered 06/13/91 (700), Revised 02/10/94 (777)

It shall be unlawful for any person to cause or allow the application of any coating from the following processes that has a VOC content in excess of the following limits:

	VOC Content (excluding water)	
Process	Grams/Liter	(Lbs/Gal)
Can Coating		
Basecoat (exterior and interior) and		

overvarnish	340	(2.8)
Interior body spray, exterior end, spray or roll coat	510	(4.2)
End sealing compound	440	(3.7)
Paper Coating	350	(2.9)

State effective: 3/17/94; EPA effective: 6/29/95

SECTION 3.04 MOTOR VEHICLE AND MOBILE EQUIPMENT COATING OPERATIONS Adopted 06/13/91 (700)
Revised 12/09/93 (769), 07/24/03 (1002)

(a) It shall be unlawful for original equipment manufacturers (OEMs) to apply any coating with a VOC content in excess of the following limits to motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles:

Type of Coating	VOC Content (excluding water) Grams/Liter	(Lbs/Gal)
Pretreatment Wash Primer	780	(6.5)
Precoat	780	(6.5)
Primer/Primer Surfacer	720	(6.0)
Primer Sealer	720	(6.0)
Topcoat	720	(6.0)
Metallic/Iridescent Topcoat	720	(6.0)

(b) It shall be unlawful for any person to apply any specialty coating with a VOC content in excess of 840 grams/liter (7.0 lbs/gal), excluding water. Use of all specialty coatings except antiglare/safety coatings shall not exceed 5.0% of all coatings applied on a monthly basis. Specialty coatings are coatings that are necessary due to unusual job performance requirements and whose VOC content exceeds 630 grams/liter.

(c) The VOC content of each coating regulated by this section shall be available to Agency personnel upon request. Monthly records shall be maintained to demonstrate compliance with the standards specified in Section 3.04(a) and 3.04(b) of this regulation. The records shall include type of paint, quantity applied, and how the coating qualifies as specialty. The records shall be made available to Agency personnel upon request.

(d) It shall be unlawful for any person to apply any VOC-containing material to any motorized vehicles, their parts and components, or equipment designed to be pulled by motorized vehicles unless the coating is applied by the use of one of the following methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Flow coat,

(4) Dip coat,

(5) Brush coat,

(6) Hand-held aerosol cans,

(7) Roll coat, or

(8) Air brush.

(e) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(f) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

State effective: 9/01/03; EPA effective: 10/17/13

SECTION 3.05 GRAPHIC ARTS SYSTEMS Adopted 12/11/80 (482) Revised 12/09/93 (769)

(a) This section shall apply to all rotogravure and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of volatile organic compounds.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs and pictures) shall be included under this section rather than Section 3.03 of this regulation.

(c) It shall be unlawful for any person to operate a facility subject to this regulation unless:

(1) The volatile fraction of ink, as it is applied to the substrate, contains 25% by volume or less of volatile organic compounds;

(2) The ink, as it is applied to the substrate, less water, contains 60% by volume or more nonvolatile material; or,

(3) The owner or operator installs and operates:

(A) A capture system that shall collect at least:

(i) 75% of the emissions from a publication rotogravure process; or

(ii) 65% of the emissions from a packaging rotogravure process; or

(iii) 60% of the emissions from a flexographic process; and

(B) Control equipment that reduces the volatile organic compound emissions from the capture system by at least 90% by weight.

State effective: 01/13/94; EPA effective: 6/29/95

SECTION 3.08 POLYESTER, VINYLESTER, GELCOAT, AND RESIN OPERATIONS Adopted 06/13/91 (700)
Revised 12/09/93 (769)

(a) This section shall apply to manufacturing operations involving the use of polyester, vinylester, gelcoat, or resin in which the styrene monomer is a reactive monomer for the resin.

(b) It shall be unlawful for any person to cause or allow the application of polyester resin, vinylester resin, gelcoat, or any other resin unless the operation is conducted inside an enclosed area that is registered with the Agency. The exhaust from the operation shall be vented to the atmosphere through a vertical stack. For spray-coating applications of polyester resin, vinylester resin, gelcoat, or any other resin, the enclosed area shall incorporate a dry filter to control the overspray.

(c) It shall be unlawful for any person to use a chopper gun or spray gun to apply polyester resin, vinylester resin, gelcoat, or any other resin, unless the coating is applied by the use of one of the following methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Airless spray equipment, or

(4) Air-assisted airless spray equipment.

(d) The provisions of Section 3.08(c) shall not apply to touchup and repair using a hand-held, air atomized spray gun that has a container for resin as part of the gun.

(e) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including resin lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(f) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers and tanks shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

State effective: 01/13/94; EPA effective: 6/29/95

SECTION 3.09 AEROSPACE COMPONENT COATING OPERATIONS Adopted 12/11/80 (482)
Revised 02/11/82 (510), 06/13/91 (700), 12/09/93 (769)

(a) This section shall apply to any operation in which coatings are applied to aerospace components.

(b) It shall be unlawful for any person to cause or allow the application of any coating specified below that contains in excess of the following limits:

Type of Coating	VOC Content (excluding water) Grams/Liter	(Lbs/Gal)
Military Aerospace Topcoat	420	(3.5)
Commercial Aerospace Topcoat	420	(3.5)
Military Aerospace Primer	350	(2.9)
Commercial Aerospace Primer	350	(2.9)
Temporary Protective Coating	250	(2.1)

(c) It shall be unlawful for any person to cause or allow the application of any coating listed in Section 3.09(b) unless the coating is applied by the use of one of the following methods:

(1) High volume, low pressure (0.1 to 10 psig air pressure for atomization) spray equipment,

(2) Electrostatic spray equipment,

(3) Flow coat,

(4) Dip coat,

(5) Brush coat,

(6) Trowel coat,

(7) Hand-held aerosol cans,

(8) Roll coat,

(9) Electrodeposition,

(10) Curtain coat, or

(11) Air brush.

(d) It shall be unlawful for any person to use any VOC-containing material for the cleanup of spray equipment, including paint lines, unless equipment for collecting the VOC-containing material and minimizing the evaporation to the atmosphere is employed. All VOC-containing materials that are flushed through the spray equipment or lines during cleanup shall be collected in a closed container.

(e) It shall be unlawful for any person to use open containers for the storage or disposal of VOC-containing materials. Such containers shall be kept closed except when being cleaned or when materials are being added, mixed, or removed. Closed containers for solvent rag or paper disposal are required. Empty containers as defined in WAC 173-303-160 are exempt.

(f) The VOC limit for commercial aerospace topcoat in Section 3.09(b) shall become effective January 1, 1994, except for those topcoat tints that have not been qualified as of that date. All commercial aerospace topcoats must meet the VOC limit no later than January 1, 1995.

State effective: 01/13/94; EPA effective: 6/29/95

Washington Department of Ecology Regulations

WAC 173-400 -- GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

173-400-010 Policy and Purpose.

(1) It is the policy of the Department of Ecology (Ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and for the proper development of the state's natural resources.

(2) It is the purpose of this chapter to establish technically feasible and reasonably attainable standards and to establish rules generally applicable to the control and/or prevention of the emission of air contaminants.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-020 Applicability.

(1) The provisions of this chapter shall apply state-wide.

(2) An authority may enforce this chapter and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by ecology, authorities do not have jurisdiction over the following sources:

(a) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.

(b) Automobiles, trucks, aircraft.

(c) Those sources under the jurisdiction of the energy facility site evaluation council.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-030 Definitions.

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

(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 emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual

emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

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

(2) "Adverse impact on visibility" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the 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. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) "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 chapter, 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 the use of various pesticides.

(5) "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 as set forth in 40 CFR Part 60 or 61;

(b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or

(c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

(8) "Authority" means any air pollution control agency whose jurisdictional boundaries are

coextensive with the boundaries of one or more counties.

(9) "Best available control technology (BACT)" means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60 and Part 61, as they exist on May 7, 1993, or their later enactments as adopted by reference by the director by rule. Emissions from any 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.

(10) "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 which 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 nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.

(11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

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

(13) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness;
Spokane Indian Reservation.

(14) "Combustion and incineration sources" means units using combustion for waste disposal,

steam production, chemical recovery or other process requirements; but excludes open burning.

(15) "Commenced construction" means that the 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 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 source to be completed within a reasonable time.

(16) "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.

(17) "Director" means director of the Washington state department of ecology or duly authorized representative.

(18) "Dispersion technique" means a method which 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.

(19) "Ecology" means the Washington state department of ecology.

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

(21) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

(22) "Emission standard" and "emission limitation" means a requirement established under the FCAA or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment work practice, or operational standard promulgated under the FCAA or chapter 70.94 RCW.

(23) "Emissions unit" means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, chapter 70.94 or 70.98 RCW.

(24) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.

(25) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

(26) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. 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.

(27) "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.

(28) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(29) "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.

(30) "Fugitive dust" means a particulate emission made airborne by forces of wind, man's 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.

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

(32) "General process unit" means an emissions 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.

(33) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

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

(35) "In operation" means engaged in activity related to the primary design function of the source.

(36) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

(37) "Lowest achievable emission rate (LAER)" means for any 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 source, unless the owner or operator of the proposed new or modified 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 source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(38) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness;

(39) "Major modification" 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 FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. 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 Sections 2(a) and (b) of the Energy Supply and Environmental Supply 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 FCAA, 42 U.S.C. 7425;

(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 condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or

(ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental

protection agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(40) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM_{10}) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM_{10} emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NOx shall be considered major for ozone;

(e) 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 source is a major stationary source due to (b) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

(xvii) Fuel conversion plants;

(xviii) Sintering plants;

(xix) Secondary metal production plants;

(xx) Chemical process plants;

(xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;

(xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

(xxiii) Taconite ore processing plants;

(xxiv) Glass fiber processing plants;

(xxv) Charcoal production plants;

(xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and

(xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all 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.

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

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

(43) "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 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.

(44) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

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

(46) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been

documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the 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.

(ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and

(iv) Ecology or the authority has not relied on it in issuing any permit or order of approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a 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.

(47) "New source" means:

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

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

(48) “New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(49) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or

standards for one or more of the criteria pollutants.

(50) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

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

(52) "Open 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. Wood waste disposal in wigwam burners is not considered open burning.

(53) "Order" means any order issued by ecology or a local air authority 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, and regulatory order.

(54) "Order of approval" or "approval order" means a regulatory order issued by ecology or the authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

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

(56) "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 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(57) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(58) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(59) "PM-10" means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(60) "PM-10 emissions" means finely divided solid or liquid material, including condensible 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 state implementation plan.

(61) "Potential to emit" means the maximum 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 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.

(62) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(63) "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.

(64) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

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

(66) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

(67) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

Pollutant	Tons/Year
Carbon monoxide	100
Nitrogen oxides	40
Sulfur dioxide	40
Particulate matter (PM)	25
Fine particulate matter (PM_{10})	15
Volatile organic compounds (VOC)	40
Lead	0.6
Fluorides	3
Sulfuric acid mist	7
Hydrogen sulfide (H_2S)	10
Total reduced sulfur (including H_2S)	10

Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	0.0000035
Municipal waste combustor metals (measured as PM)	15
Municipal waste combustor acid gases (measured as SO_2 and hydrogen chloride)	40

(68) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(69) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or 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.

(70) "Source category" means all sources of the same type or classification.

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

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

(73) "Standard conditions" means a temperature of 20° (68° F) and a pressure of 760 mm (29.92 inches) of mercury.

(74) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216 of the FCAA.

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

(76) "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 or an approved equivalent method and expressed as hydrogen sulfide.

(77) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(78) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(79) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

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

(81) "Volatile organic compound (VOC)" means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 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); and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations; and

(iii) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

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

State effective: 9/20/93; EPA effective: 6/2/95

173-400-040 General Standards for Maximum Emissions.

All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific emissions unit, such standard will take precedent over a general emission standard listed in this chapter. When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units. Further, all emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, ecology or the authority shall, as provided in section 8, chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) Visible emissions. No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity except:

(a) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology or the authority be advised of the schedule.

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

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

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

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

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the contaminants for which nonattainment has been designated.

~~(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.~~

(5) Emissions detrimental to persons or property. No person shall cause or permit the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(6) Sulfur dioxide.
No person shall cause or permit the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes, except:

~~When the owner or operator of an emissions unit supplies emission data and can demonstrate to ecology or the authority that there is no feasible method of reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, ecology or the authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to ecology or the authority.~~

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

(8) Fugitive dust sources.

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

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM-10 nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(3).

State effective: 9/20/93; EPA effective: 6/2/95

173-400-050 Emission Standards for Combustion and Incineration Units.

(1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or permit emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA method 5 or approved procedures contained in *"Source Test Manual - Procedures For Compliance Testing,"* state of Washington, department of ecology, as of July 12, 1990, on file at ecology.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from ecology or the authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, ~~except when ecology or the authority determines that an alternate oxygen correction factor is more representative of normal operations~~.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-060 Emission Standards for General Process Units.

General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or permit the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other approved test procedures which are contained in ecology's *"Source Test Manual - Procedures For Compliance Testing"* as of July 12, 1990, will be used to determine compliance.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-070 Emission Standards for Certain Source Categories.

Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050. Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

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

(3) Orchard heating.

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

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all

the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

~~(7) Sulfuric acid plants.~~
~~No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H_2SO_4, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H_2SO_4.~~

State effective: 3/22/91; EPA effective: 6/2/95

173-400-081 Startup and Shutdown.

In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) ecology and the authorities shall consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where ecology or the authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, ecology or the authority shall include in the standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions. In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, ecology and the authorities shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule. Any emission limitation or other parameter adopted under this rule which

increases allowable emissions during startup or shutdown conditions over levels authorized in an approved state implementation plan shall not take effect until approved by EPA as a SIP amendment.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-091 Voluntary Limits on Emissions.

(1) Upon request by the owner or operator of a source, ecology or the authority with jurisdiction over the source shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and ecology or the authority with jurisdiction over the source.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(4) Any order issued under this section shall be subject to the notice and comment procedures under WAC 173-400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington state implementation plan. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-100 Registration.

(1) Except as provided in subsection (4) of this section, the owner or operator of each source within the following source categories shall register the source with ecology or the authority.

(a) Agricultural drying and dehydrating operations;

(b) Asphalt plants;

(c) Beverage can surface coating operations;

(d) Bulk gasoline terminals;

(e) Cattle feedlots with facilities for one thousand or more cattle;

(f) Chemical plants;

(g) Ferrous foundries;

(h) Fertilizer plants

(i) Flexible vinyl and urethane coating and printing operations;

(j) Grain handling, seed processing, pea and lentil processing facilities;

(k) Metallic mineral processing plants;

(l) Mineralogical processing plants

(m) Nonferrous foundries;

(n) Other metallurgical processing plants;

(o) Petroleum refineries;

(p) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;

(q) Pressure sensitive tape and label surface coating operations;

(r) Rendering plants;

(s) Scrap metal operations;

(t) Synthetic organic chemical manufacturing industries;

(u) Sulfuric acid plants;

(v) Synthetic fiber production facilities;

(w) Veneer dryers;

(x) Wood waste incinerators including wigwam burners;

(y) Other incinerators designed for a capacity of one hundred pounds per hour or more;

(z) Stationary internal combustion engines rated at five hundred horse power or more;

(aa) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;

(bb) Any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for

New Residential Wood Heaters);

(cc) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

(dd) Any major stationary source.

(2) Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.

(3) A report of closure shall be filed with ecology or the authority within ninety days after operations producing emissions permanently cease at any source within the above categories.

(4) Permit program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of this section after the Environmental Protection Agency grants interim or final approval for the state operating permit program.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-105 Records, Monitoring and Reporting.

The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) Emission inventory. The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM_{10}, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants.

As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) Investigation of conditions. Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or

require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in *"Source Test Manual - Procedures for Compliance Testing,"* state of Washington, department of ecology, as of July 12, 1990, on file at ecology. The operator of a source may be required to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. Ecology shall be allowed to obtain a sample from any emissions unit. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at the same time.

(5) Continuous monitoring and recording. Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) Sulfuric acid plants.
Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is utilized primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.

Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures will be established on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-107 Excess Emissions.

(1) The owner or operator of a source shall have the burden of proving to ecology or the authority or the decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4),

(5) and (6) of this section.

(2) Excess emissions determined to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to ecology or the authority as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-110 New Source Review (NSR).

(1) Applicability:

(a) A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification which is listed in WAC 173-400-100 or required to obtain a permit under RCW 70.94.161.

(b) Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(c) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(2) Completeness Determination: Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project 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.

(3) Final Determination:

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision. A person seeking approval to construct or modify a 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 notice of construction application required by this section. A notice of construction designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

(b) Every final determination on a notice of construction application 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 ecology or the authority.

(c) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) Appeals: An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) Portable Sources: For portable sources which located temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not a cause a violation of applicable ambient air quality standards and , if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(6) Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing 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.

State effective: 9/20/93; EPA effective: 6/2/95

WAC 173-400-112 Requirements for New Sources in Nonattainment Areas.

Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies each of 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, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source 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 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 will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the state implementation plan and will comply with WAC 173-400-113(3) for all 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, ecology or the authority has determined, based on review of an analysis performed by the 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 contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that contaminant are offset by reductions in actual emissions from existing 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 (prior to submittal of the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emission unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in an EPA-approved state implementation plan.

(7) 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 meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

~~(8) If the proposed new source or modification will emit any toxic air pollutants regulated under~~

~~chapter 173-460 WAC, the source meets all applicable requirements of that chapter.~~

(9) If the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (e) except for (c)(4)(i), (g), and (h), as in effect on March 3, 1993, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection, definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in WAC 173-400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-113 Requirements for New Sources in Attainment or Unclassifiable Areas.

Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment or unclassifiable for any air contaminant the new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_X, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies all of 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, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source or modification will 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 or modification will 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 considered to 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 area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

Pollutant	Annual Average	24-Hour Average	8-Hour Average	3-Hour Average	1-Hour Average
CO-	-	0.5 mg/m^3		2 mg/m^3	
SO_2	1.0 ug/m^3	5 ug/m^3	-	25 ug/m^3	30 ug/m^3
PM_{10}	1.0 ug/m^3	5 ug/m^3	-	-	-
NO_2	1.0 ug/m^3	-	-	-	-

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in WAC 173-400-141, it meets all applicable requirements of that chapter.

~~(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.~~

(6) If, within the meaning of the PSD program described in WAC 173-400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.27(d) through (f), as in effect on March 3, 1993, and has determined that the source would not cause an adverse impact upon visibility. References in 40 CFR 52.27 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-151 Retrofit Requirements for Visibility Protection.

(1) Determination of best available retrofit technology (BART). Ecology shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) Initially defined BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) Future definitions of BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

(a) The source emits more than 250 tons per year of the contaminant; and,

(b) The controls representing BART have not previously been required in this section.

(4) Appeal. Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA administrator for an exception from that requirement pursuant to 40 CFR 51.303.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-161 Compliance Schedules.

(1) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this chapter, ecology or the authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (WAC 173-400-171) must be met.

(2) Federal action. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-171 Public Involvement.

(1) Applicability.

Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:

(a) Notice of construction application for any new or modified source or emissions unit, if a significant net increase in emissions of any pollutant regulated by state or federal law would result; or

(b) Any application or other proposed action for which a public hearing is required by PSD rules; or

(c) Any order to determine RACT; or

(d) An order to establish a compliance schedule or a variance; or

(e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or

(f) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation; or

(g) An order to authorize a bubble; or

(h) Notice of construction application or regulatory order used to establish a creditable emission reduction;

(i) An order issued under WAC 173-400-090 which establishes limitations on a source's potential to emit; or

(j) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any

person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology or the authority deems reasonable.

(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-190 Requirements for Nonattainment Areas.

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per WAC 173-400-171.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-200 Creditable Stack Height & Dispersion Techniques.

(1) Applicability. These provisions shall apply to all sources except:

(a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open burning for agricultural or silvicultural purposes as covered under the smoke management plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) Prohibitions. No source may use dispersion techniques or excess stack height to meet

ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$

where: H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the proviso below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) Exception. EPA, ecology, or an authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the state implementation plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-205 Adjustment for Atmospheric Conditions.

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-210 Emission Requirements of Prior Jurisdictions.

Any emissions unit that was under the jurisdiction of an authority and now is under the

jurisdiction of ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this chapter or the specific chapter relating to that source.

State effective: 3/22/91; EPA effective: 6/2/95