

**TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION**

[Applicable in Yakima County, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and 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]

**Yakima Regional Clean Air Agency Regulations**

**ARTICLE I - POLICY, SHORT TITLE AND DEFINITIONS**

**SECTION 1.01 - POLICY**

It is declared to be the public policy of the Yakima County Clean Air Authority to secure and maintain such levels of air quality as will protect human health and safety; and to the greatest degree practical, prevent injury to plant and animal life and property, foster the comfort and convenience of the inhabitants of Yakima County, promote the economic and social development of Yakima County and facilitate the enjoyment of the natural attractions therein, and further, to cooperate with the Yakima Indian Nation in achieving the policy objectives as set forth herein throughout the whole of Yakima County.

*State effective: 12/15/95; EPA effective: 3/4/98*

**SECTION 1.02 - SHORT TITLE**

These rules and Regulations shall be known and cited as the "Restated Regulation I of the Yakima County Clean Air Authority".

*State effective: 11/18/93; EPA effective: 3/4/98*

**SECTION 1.03 - DEFINITIONS**

Unless a different meaning is plainly required by the context, the following words and phrases as hereinafter used in these Regulations shall have the following meanings:

**1. "Actual Emissions":** - 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 units 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. “Adequate Source of Heat” - The ability to maintain 70 degrees Fahrenheit at a point three (3) feet above the floor in all normally inhabited areas of the dwelling.
  3. “Adverse Impact on Visibility” - 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.
  4. “Agricultural Operation” - The growing of crops, the raising of fowl, animals or bees as a gainful occupation.
  5. “Air Contaminant” - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.
  6. “Air Pollution” -The presence in the outdoor atmosphere of one or more 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 interfere with enjoyment of life and property. For the purpose of this Regulation, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW.
  7. “Air Pollution Episode” - A period of impaired air quality as determined by the Director of the Yakima County Clean Air Authority, or the Washington State Department of Ecology.
  8. “Allowable Emissions” - 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.
9. “Ambient Air” - The surrounding outside air.
10. “Ambient Air Quality Standard” - An established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.
11. “Authority” - The Yakima County Clean Air Authority.
12. “Best Available Control Technology” (BACT) - That term as defined in WAC 173-400.
13. “Board” - The Board of Directors of the Yakima County Clean Air Authority.
14. “Combustible Refuse” - Any burnable waste material containing carbon in a free or combined state other than liquid or gases.
15. “Combustion and Incineration Sources” - Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.
16. “Commenced Construction: - 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 canceled 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.
17. “Concealment” - 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.
18. “Control Apparatus” - Any device which prevents or controls the emission of any air contaminant.
19. “Control Officer” - The Air Pollution Control Officer of the Yakima County Clean Air Authority, or his duly authorized agents.

20. “Director” - Executive Director and Control Officer.
21. “Emission” - A release of air contaminants into the ambient air.
22. “Emission Reduction Credit (ERC)” - A credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.
23. “Emission Standards” - A limitation on the release of a contaminant or multiple contaminants into the ambient air.
24. “Emissions Unit” - 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.
25. “Equipment” - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.
26. “Excess Emissions” - Emissions of an air pollutant in excess of any applicable emissions standard.
27. “Federal Clean Air Act (FCAA)” - 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” - With respect to any lands in the United States, the Secretary of the department with authority over such lands.
29. “Fire Department” - Fire control agency such as city fire departments, local fire districts or the Washington State Department of Natural Resources.
30. “First Stage of Impaired Air Quality” - When particulate ten microns and smaller in aerodynamic diameter are at an ambient level of seventy-five micrograms per cubic meter of air measured on a twenty-four hour average, or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight-hour average.
31. “Fossil Fuel-fired Steam Generator” - A device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.
32. “Fugitive Dust” - A Particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples or areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.
33. “Fugitive Emissions” - Emissions which do not pass and which could not reasonable pass

through a stack, chimney, vent, or other functionally equivalent opening.

**34.** “Friable Asbestos” - Any material containing more than 1% asbestos and capable of being crushed by hand pressure.

**35.** “Garbage” - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

**36.** “General Process Unit” - 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.

**37.** “Good Engineering Practice (GEP)” - A calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

**38.** “Hearings Board” - Hearings Boards as established by RCW 43.21B.

**39.** “Incinerator” - A furnace for the destruction of waste, or oxidizing a waste to facilitate disposal.

**40.** “Land Clearing Burning” - Outdoor fires consisting of residue of a natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects and burned on the lands on which such materials originated.

**41.** “Lowest Achievable Emission Rate (LAER)” - That term as defined in WAC 173-400.

**42.** “Major Modification” - 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.

**43. "Major Stationary Source"**

- 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 of 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<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> 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 NO<sub>x</sub> 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, 1970, 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.

**44.** "Modification" - 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 emission of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United State Code and with rules implementing that section.

**45.** "Multiple Chamber Incinerator" - Any incinerator 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.



**46.** “National Emission Standards for Hazardous Air Pollutants (NESHAPS)” - The federal regulations set forth in 40 CFR Part 61.

**47.** “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.

**48.** “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.

**49.** “New Source Performance Standards (NSPS)” - The federal regulations set forth in 40 CFR Part 60.

**50.** “Nonattainment Area” - 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.

**51.** “Notice of Construction” - A written application to permit construction of a new source, modification of an existing source or replacement or substantial alteration of control technology at an existing stationary source. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or parts replacement.

**52.** “Opacity” - The degree to which an object seen through a plume is obscured, stated as a percentage.

**53.** “Open Fire” - A fire where any material is burned in the open or in a receptacle other than a furnace, incinerator, or other equipment connected to a stack or chimney.

**54.** “Order of Approval or Approval Order” - 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.** “Outdoor Burning” - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.
- 56.** “Owner” - Includes the person who leases, supervises or operates the equipment or control apparatus.
- 57.** “Particle” - A small discrete mass of solid or liquid matter. (General size range from submicron to 2000 micron).
- 58.** “Particulate Matter or Particulate” - any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.
- 59.** “Particulate Matter Emissions” - 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.
- 60.** “Parts Per Million (ppm)” - Parts of a contaminant per million parts of gas, by volume, exclusive of water or particulate.
- 61.** “Person” - Includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.
- 62.** “PM-10” - 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.
- 63.** “PM-10 Emissions” - Finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in appendix M of 40 CFR Part 51 or by a test method specified in the Washington state implementation plan.
- 64.** “Potential to Emit” - 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.

65. “Prevention of Significant Deterioration (PSD)” - The program set forth in WAC 173-400-141.

66. “Reasonably Available Control Technology (RACT)” - 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.

67. “Regulation” - Any regulation and subsequently adopted additions or amendments thereto of the Restated Regulation I of Yakima County Clean Air Authority.

68. “Residential Burning” - Burning consisting of leaves, clippings and prunings and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and turned on such lands by property owner or their designee.

69. “Salvage Operation” - An operation conducted in whole, or in part, for the salvaging or reclaiming of any product or material.

70. “Seasoned Wood” - Wood of any species that has been sufficiently dried so as to contain twenty percent (20%) moisture by weight.

71. “Second Stage of Impaired Air Quality” - When particulate ten microns and smaller in aerodynamic diameter are at an ambient level of one hundred and five micrograms per cubic meter of air measured on a twenty-four hour average.

72. “Significant” - 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:

| <u>Pollutant</u>                                  | <u>Tons/Year</u> |
|---|------------------|
| Carbon monoxide .....                             | 100              |
| Nitrogen oxides .....                             | 40               |
| Sulfur dioxide .....                              | 40               |
| Particulate matter(PM) .....                      | 25               |
| Fine particulate matter (PM <sub>10</sub> ) ..... | 15               |
| Volatile organic compounds (VOC) .....            | 40               |
| Lead .....  | 0.6              |
| Flourides .....                                   | 3                |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 12

|   |           |
|---|-----------|
| Sulfuric acid mist .....  | 7         |
| Hydrogen sulfide (H <sub>2</sub> S) .....   | 10        |
| Total reduced sulfur (including H <sub>2</sub> S) .....                                     | 10        |
| Municipal waste combustor organics .....  | 0.0000035 |
| (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)      |           |
| Municipal waste combustor metals (measured as PM) .....                                     | 15        |
| Municipal waste combustor acid gases (measured as SO <sub>2</sub> 40 and hydrogen chloride) |           |

**73. “Significant Visibility Impairment”** - 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.

**74. “Silvicultural Burning”** - Burning on any land the Department of Natural Resources protects per Chapter 70.94 RCW and pursuant to Chapter 76.04 RCW.

**75. “SIP”** - State Implementation Plan.

**76. “Small Business”** - Any business enterprise employing twenty (20) or less persons; the operation of which does not present any potential hazard to public health.

**77. “Solid Fuel Burning Device”** - A device that burns wood, coal, or other nongaseous or nonliquid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes devices used for aesthetic or space heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour.

**78. “Source”** - All of the emissions units, 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 group of products.

**79. “Stack”** - Any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

**80. “Stack Height”** - The height of an emission point measured from the ground-level elevation at the base of the stack.

**81. “Standard Conditions”** - A temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

**82. “Stationary Source”** - Any building, structure, facility or installation that emits or may emit

any air contaminant.

**83. “Volatile Organic Compound (VOC)” includes:**

(a) Any such organic compound other than the following, which have been determined to have negligible photochemical reactivity: methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methylchloroform); 1,1,1-trichloro 1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,-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); parpchlorobenzotrifjouride (PCBTF); cyclic, branched, or linear completely met; hylated siloxanes; acetone; and perfluorocarbon compounds which fall into these classes:

(i) Cyclic, branched, or linear completely flourinated alkanes;

(ii) Cyclic, branched, or linear completely flourinated 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 photo-chemical 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.

**84. “Woodsmoke Control Zone” - An area located in Yakima County, Washington, as shown in Attachment 1, which is legally described as follows:**

Beginning at a point on a line which is herein called the Western boundary, and which line is a straight line drawn through the following points:

**Point A** - Where the South right-of-way line of Highway 410 intersects with the North

right-of-way line of Highway 12.

**Point B** - Where the South right-of-way line of the North Fork of Ahtanum Road intersects with the North right-of-way line of the South Fork of Ahtanum Road.

Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 North, Range 16, E.W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 North, Range 18, E.W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 North, Range 18, E.W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 North, Range 20, E.W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 North, Range 20, E.W.M.: thence East to the Southeast corner of Section 34, Township 13 North, Range 20, E.W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Firing Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 North, Range 18, E.W.M.; thence North to the Northeast corner of Section 24, Township 15 North, Range 18, E.W.M.; thence West to the Southeast corner of Section 18, Township 15 North, Range 18, E.W.M. thence West to the intersection of the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.

**85.** “Yakima Urban Area” - An area located in Yakima County, Washington, as shown in Attachment 2, which is legally described (Yakima City Code-Title 15A, Ord.# 10-1985) as follows:

Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 North, Range 19 East W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7. Township 12 North, Range 19 East W.M., thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek, thence following Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the south-east quarter of Section 2, Township 12 North, Range 18 E.M.W; thence north along said west line to the northwest corner of the southwest quarter of the southeast quarter of said Section 2; thence west along the east-west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east-west centerline of the south half of Section 3, Township 12 North, Range 18 East W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road - thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3. Township 12 North, Range 18 East W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 North. Range 18 East W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 North, Range 18 East W.M.; thence continuing west along

the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east-west centerline of Sections 32 and 33, Township 13 North, Range 18 East W.M.; thence west along said east-west centerline to the north-south centerline of the west half of said Section 32; thence north along said north-south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north-south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to the east-west centerline of said Section 30; thence west along said east-west centerline to the north-south centerline of the west half of said Section 30; thence north along said north-south centerline to the Yakima Valley Canal; thence following the Yakima Valley Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 North, Range 18 East W.M.; thence north along the west section line of said Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north  $89^{\circ}33'$  East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north-south centerline of the east half of said Section 19; thence north along said north-south centerline to the north-south centerline of the east half of Section 18, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline of said Section 18 to the east-west centerline of the south half of said Section 18; thence east along said east-west centerline to the west line of Section 17, Township 13 North, Range 18 East W.M.; thence north along said west line to the east-west centerline of said Section 17; thence east along said east-west centerline to the east line of said Section 17; thence north along said east line to the south right-of-way line of the Burlington Northern Railroad, Cowiche Branch; thence following said south right-of-way line in a generally northeasterly direction to the north right-of-way line of State Route 12; thence following said north right-of-way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to Rest Haven Road; thence following Rest Haven Road in a generally southeasterly direction to the south line of Section 8, Township 13 North, Range 19 East W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence North  $0^{\circ}02'23.4''$  east 270.51 feet; thence north  $38^{\circ}30'50''$  east 146.66 feet; thence north  $47^{\circ}30'24''$  east 63.80 feet; thence north  $77^{\circ}58'20''$  east 1,026.46 feet; thence north  $71^{\circ}00'$  east 255.38 feet; thence north  $59^{\circ}00'$  east to the north line of the southwest quarter the southwest quarter of Section 10, Township 13 north, Range 19 E.W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the south-west quarter of the southwest quarter of said Section 10 to the south-east corner of said subdivision; thence westerly along the south line of said Section 10 to the northwest corner of Section 15, Township 13 North, Range 19 E.W.M., thence southerly along the west line of said Section 15 to the southwest corner of the northwest quarter of said Section 15; thence



easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 North, Range 19 E.W.M. to the northeast corner of the northwest quarter of the southwest quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 North, Range 19 E.W.M.; thence southerly along the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 North, Range 19 E.W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right-of-way line of Interstate Highway 82; thence westerly to the point where the west right-of-way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 North, Range 19 E.W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the south-west corner of said Government Lot 5 and the point of beginning.

*State effective: 12/15/95; EPA effective: 3/4/98*

## **ARTICLE II - GENERAL PROVISIONS**

### **SECTION 2.02. - CONTROL OFFICER - POWERS AND DUTIES**

- A.** The Control Officer shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Authority pertaining to control and prevention of air pollution.
- B.** The Control Officer or his duly authorized agent may make any reasonable investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment hereto or controlling or reducing the amount of or kind of air contaminant. The Control Officer shall be required to maintain appropriate records and prepare periodic reports to the Board.
- C.** For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer, or his duly authorized representative, shall have the power to enter at reasonable times upon any private or public property, excepting non multiple unit private dwellings housing two (2) families, or less. No person shall refuse entry or access to the Control Officer or his duly authorized representatives who request entry for the purpose of inspection, and who present appropriate credentials; nor shall any person obstruct, hamper or interfere with such inspection.
- D.** If an authorized employee of the Authority, during the course of an inspection, desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so the owner or lessee has the opportunity to take a similar sample at the same time and place and the authorized employee of the Authority shall give a receipt to the

owner or lessee for the sample obtained.

**E.** The Control Officer and assistants, in the performance of their duties, shall in all respects be subject to the direction of the Board, and shall take no action that has been prohibited by the Board.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 2.03 - MISCELLANEOUS PROVISIONS**

**A.** No person shall willfully make a false or misleading statement to the Board as to any matter within the jurisdiction of the Board.

**B.** No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Authority if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

**C.** Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

**D.** In the event that the Authority requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 2.04 - CONFIDENTIALITY**

Whenever any records or other information, other than ambient air quality data or emission data, are furnished to or obtained by the Yakima County Clean Air Authority under this regulation relates to processes or production unique to the owner or operator, or is likely to adversely affect the competitive position of such owner or operator of said processes or production, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Board. Nothing herein shall be construed to prevent the use of records or information by the Board in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere, provided, that such analyses or summaries do not reveal any information otherwise confidential under the provisions of this section and, provided further, that emission data furnished to or obtained by the Board shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Board.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 2.05 - ADVISORY COUNCIL**

The Board of the Authority may in its discretion appoint an Advisory Council to advise and consult with the Board and with the Control Officer in effectuating the purposes of the Regulation. The Board may submit to the Advisory Council recommendations for the adoption or modification or regulations or emission standards or other matters that it considers appropriate, but shall not be required to do so.

*State effective: 11/18/93; EPA effective: 3/4/98*

## **ARTICLE III - VIOLATIONS - ORDERS AND HEARINGS**

### **SECTION 3.01 - NOTICE OF VIOLATION - CORRECTIVE ACTION - HEARINGS**

Whenever the Board or the Control Officer has reason to believe that any provision of this Regulation has been violated, the Board or Control Officer may, at least thirty days prior to the commencement of any formal enforcement action under Sections 8.01 and 8.02 of this Regulation, cause written notice to be served upon alleged violator or violators. The notice shall specify the provision of this Regulation alleged to be violated, and facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Board for a Hearing.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 3.02 - FINALITY OR ORDER - APPEAL**

Any order issued by the Board or Control Officer shall become final, unless such order is appealed to the Pollution Control Hearings board, as provided in RCW 43.21B.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 3.03 - STAY OF ORDER PENDING APPEAL**

Any order of the Control Officer or Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and hearing, the Superior Court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 3.04 - VOLUNTARY COMPLIANCE**

Nothing in this article shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

*State effective: 11/18/93; EPA effective: 3/4/98*

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL  
CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 19

## **ARTICLE IV - REGISTRATION AND NOTICE OF CONSTRUCTION**

### **SECTION 4.01 - REGISTRATION**

**A.** The owner or operator of each source within the following source categories, that does not hold an operating permit, shall register the source with the Authority:

- 1.** Agricultural drying and dehydrating operations;
- 2.** Asphalt plants;
- 3.** Beverage can surface coating operations;
- 4.** Bulk gasoline terminals;
- 5.** Cattle feed lots; for the purposes of registration a cattle feed lot is a place with facilities for 1,000 or more head of cattle which are kept closely confined for commercial purposes and substantially all feed used is delivered to them;
- 6.** Chemical plants;
- 7.** Ferrous foundries;
- 8.** Fertilizer plants;
- 9.** Flexible vinyl and urethane coating and printing operations;
- 10.** Grain handling, seed processing, pea and lentil processing;
- 11.** Metallic mineral processing plants;
- 12.** Mineralogical processing plants;
- 13.** Nonferrous foundries;
- 14.** Other metallurgical processing plants;
- 15.** Petroleum refineries;
- 16.** Power boilers;
- 17.** Pressure sensitive tape and label surface coating operations;

18. Rendering plants;
19. Scrap metal operations;
20. Synthetic organic chemical manufacturing industries;
21. Sulfuric acid plants;
22. Synthetic fiber production facilities;
23. Veneer dryers;
24. Wood waste incinerators including wigwam burners;
25. Other incinerators designed for a capacity of 100 lbs per hour or more;
26. Stationary internal combustion engines rated at 500 h.p. or more;
27. Sawmills, including processing for lumber, plywood, shake, shingle, pulp wood, insulating board, or any combination thereof.
28. Any category of stationary sources to which a New Source Performance Standard (NSPS) applies. The categories as identified in the federal regulations 40 CFR Part 60 (January 1,1993) are as follows:

|                   |   |
|-------------------|---|
| <b>Subpart D</b>  | Fossil fuel fired steam generators for which construction commenced after August 17, 1971, and prior to September 19, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts          |
| <b>Subpart Da</b> | Electric utility steam generating units for which construction commenced after September 18, 1978, which have a heat input greater than 73 megawatts but not greater than 250 megawatts                                   |
| <b>Subpart Db</b> | Industrial-commercial-institutional steam generating units for which construction commenced after June 19, 1984, and prior to June 19, 1986, which have a heat input greater than 29 megawatts but less than 73 megawatts |
| <b>Subpart Dc</b> | Small industrial-commercial-institutional steam generating units  |
| <b>Subpart E</b>  | Incinerators  |

|                   |  |
|-------------------|--|
| <b>Subpart Ea</b> | Municipal waste combustors   |
| <b>Subpart F</b>  | Portland cement plants   |
| <b>Subpart G</b>  | Nitric acid plants   |
| <b>Subpart H</b>  | Sulfuric acid plants   |
| <b>Subpart I</b>  | Asphalt concrete plants  |
| <b>Subpart J</b>  | Petroleum refineries which produce less than 25,000 barrels per day of refined products  |
| <b>Subpart K</b>  | Storage vessels for petroleum liquid constructed after June 11, 1973, and prior to May 19, 1978, which have a capacity greater than 40,000 gallons |
| <b>Subpart Ka</b> | Storage vessels for petroleum liquids constructed after May 18, 1978, which have a capacity greater than 40,000 gallons                            |
| <b>Subpart Kb</b> | Volatile organic liquid storage vessels (including petroleum liquid storage vessels) constructed, reconstructed, or modified after July 23, 1984   |
| <b>Subpart L</b>  | Secondary lead smelters  |
| <b>Subpart M</b>  | Brass and bronze ingot production plants   |
| <b>Subpart N</b>  | Iron and steel plants  |
| <b>Subpart O</b>  | Sewage treatment plants  |
| <b>Subpart P</b>  | Primary copper smelters  |
| <b>Subpart Q</b>  | Primary zinc smelters  |
| <b>Subpart R</b>  | Primary lead smelters  |
| <b>Subpart S</b>  | Primary aluminum reduction plants  |
| <b>Subpart T</b>  | Phosphate fertilizer industry: Wet process phosphoric acid plants  |
| <b>Subpart U</b>  | Phosphate fertilizer industry: Superphosphoric acid plants   |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 22

|                    |  |
|--------------------|--|
| <b>Subpart V</b>   | Phosphate fertilizer industry: Diammonium phosphate plants                       |
| <b>Subpart W</b>   | Phosphate fertilizer industry: Triple superphosphate plants                      |
| <b>Subpart X</b>   | Phosphate fertilizer industry: Granular triple superphosphate storage facilities |
| <b>Subpart Y</b>   | Coal preparation plants  |
| <b>Subpart Z</b>   | Ferroalloy production facilities   |
| <b>Subpart AA</b>  | Steel plants: Electric arc furnaces  |
| <b>Subpart AAa</b> | Steel plants: Electric arc furnaces and argon-oxygen decarburization vessels     |
| <b>Subpart BB</b>  | Kraft pulp mills   |
| <b>Subpart CC</b>  | Glass manufacturing plants   |
| <b>Subpart DD</b>  | Grain elevators  |
| <b>Subpart EE</b>  | Industrial surface coating: Metal furniture                                      |
| <b>Subpart GG</b>  | Stationary gas turbines  |
| <b>Subpart HH</b>  | Lime manufacturing plants  |
| <b>Subpart KK</b>  | Lead-acid battery plants   |
| <b>Subpart LL</b>  | Metallic mineral processing plants   |
| <b>Subpart MM</b>  | Automobile and light duty truck surface coating operations                       |
| <b>Subpart NN</b>  | Phosphate rock plants  |
| <b>Subpart PP</b>  | Ammonium sulfate manufacture   |
| <b>Subpart QQ</b>  | Publication rotogravure printing   |
| <b>Subpart RR</b>  | Pressure sensitive tape and label surface coating operations                     |
| <b>Subpart SS</b>  | Industrial surface coating: Large appliances                                     |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 23

|                    |  |
|--------------------|--|
| <b>Subpart TT</b>  | Industrial surface coating: Metal coils  |
| <b>Subpart UU</b>  | Asphalt processing and asphalt roofing manufacture                                 |
| <b>Subpart VV</b>  | SOCMI equipment leaks (VOC)  |
| <b>Subpart WW</b>  | Beverage can surface coating operations  |
| <b>Subpart XX</b>  | Bulk gasoline terminals  |
| <b>Subpart BBB</b> | Rubber tire manufacturing industry   |
| <b>Subpart DDD</b> | VOC emissions from the polymer manufacturing industry                              |
| <b>Subpart FFF</b> | Flexible vinyl and urethane coating and printing                                   |
| <b>Subpart GGG</b> | Petroleum refineries - compressors and fugitive emission sources                   |
| <b>Subpart HHH</b> | Synthetic fiber production facilities  |
| <b>Subpart III</b> | VOC emissions from SOCMI air oxidation unit processes                              |
| <b>Subpart JJJ</b> | Petroleum dry cleaners   |
| <b>Subpart KKK</b> | Equipment leaks of VOC from onshore natural gas processing plants                  |
| <b>Subpart LLL</b> | Onshore natural gas processing; SO <sub>2</sub> emissions                          |
| <b>Subpart NNN</b> | VOC emissions from SOCMI distillation operations                                   |
| <b>Subpart PPP</b> | Wool fiberglass insulation manufacturing plants                                    |
| <b>Subpart QQQ</b> | VOC emissions from petroleum refinery wastewater emissions                         |
| <b>Subpart SSS</b> | Magnetic tape coating facilities   |
| <b>Subpart TTT</b> | Industrial surface coating: Surface coating of plastic parts for business machines |
| <b>Subpart VVV</b> | Polymeric coating of supporting substrates facilities:                             |

**Note:** For fossil fuel fired steam generators referenced by Subpart D and Da above, units greater than 250 megawatts are governed by the energy facility site.



**29.** Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);

**30.** Any major stationary source as defined below;

"Major source" means any stationary source (or any group of stationary sources) that are located on one or more contiguous or adjacent properties, and are under common control of the same person (or persons under common control) belonging to a single major industrial grouping and that are described in (a), (b), or (c) of this subsection. For the purposes of defining "major source," a stationary source or group of stationary sources shall be considered part of a single industrial grouping if all of the pollutant emitting activities at such source or group of sources on contiguous or adjacent properties belong to the same major group (i.e., all have the same two-digit code) as described in the *Standard Industrial Classification Manual*, 1987.

**(a)** A major source under section 112 of the FCAA, which is defined as any stationary source or group of stationary sources located within a contiguous area and under common control that emits or has the potential to emit, in the aggregate, ten tons per year (tpy) or more of any hazardous air pollutant which has been listed pursuant to section 112(b) of the FCAA, twenty-five tpy or more of any combination of such hazardous air pollutants, or such lesser quantity as the Administrator may establish by rule. Notwithstanding the preceding sentence, emissions from any oil or gas exploration or production well (with its associated equipment) and emissions from any pipeline compressor or pump station shall not be aggregated with emissions from other similar units, whether or not such units are in a contiguous area or under common control, to determine whether such units or stations are major sources; or

**(b)** A major stationary source of air pollutants, as defined in section 302 of the FCAA, that directly emits or has the potential to emit, one hundred tpy or more of any air pollutant (including any major source of fugitive emissions of any such pollutant, as determined by rule by the Administrator).

**(c)** A major stationary source as defined in part D of title I of the FCAA, including:

**(i)** For ozone nonattainment areas, sources with the potential to emit one hundred tpy or more of volatile organic compounds or oxides of nitrogen in areas classified as "marginal" or "moderate," fifty tpy or more in areas classified as "serious," twenty-five tpy or more in areas classified as "severe," and ten tpy or more in areas classified as "extreme"; except that the references in this paragraph to one hundred, fifty, twenty-five, and ten tpy of nitrogen oxides shall not apply with respect to any source for which the Administrator has made a finding, under section 182(f)(1) or (2) of the FCAA, that requirements under section 182(f) of the FCAA do not apply;

(ii) For ozone transport regions established pursuant to section 184 of the FCAA, sources with the potential to emit fifty tpy or more of volatile organic compounds;

(iii) For carbon monoxide nonattainment areas (A) that are classified as "serious," and (B) in which stationary sources contribute significantly to carbon monoxide levels, sources with the potential to emit fifty tpy or more of carbon monoxide; and

(iv) For particulate matter (PM-10) nonattainment areas classified as "serious," sources with the potential to emit seventy tpy or more of PM-10.

**31.** Any of the following categories of sources which are listed in WAC 173-460-030(1):

Standard industrial classifications:

Major group 10-Metal mining.

Major group 12-Bituminous coal and lignite mining.

Major group 13-Oil and gas extraction.

Manufacturing industries major groups 20-39.

Major group 49-Electric, gas, and sanitary services except 4971 irrigation systems.

Dry cleaning plants, 7216.

General medical surgical hospitals, 8062.

Specialty hospitals, 8069.

National Security, 9711.

Any Source category listed in WAC 173-490-030(1) except WAC 173-490-030(1)(e) Gasoline dispensing facilities.

WAC 173-490-030(1) categories:

**a.** Petroleum refineries.

- b.** Petroleum liquid storage tanks.
- c.** Gasoline loading terminals.
- d.** Bulk gasoline plants.
- f.** Surface coaters.
- g.** Open top vapor degreasers.
- h.** Conveyerized degreasers.
- i.** Gasoline transport tanks.
- j.** Vapor collection systems.
- k.** Perchloroethylene dry cleaning systems.
- l.** Graphic arts systems.
- m.** Surface coaters of miscellaneous metal parts and products.
- n.** Synthesized pharmaceutical manufacturing facilities.
- o.** Flatwood panel manufacturers and surface finishing facilities.

Any of the following sources:

Landfills.

Sites subject to chapter 173-340 WAC Model Toxics Control Act--Cleanup regulation.

- B.** A special report of closure shall be filed with the Authority whenever operations producing emissions are permanently ceased for any source listed in Section 4.01(A) above.
- C.** It shall be the duty of all persons, firms or corporations engaged in the business of selling combustion type orchard heating devices to report to the Authority the sale of such devices to be installed or used anywhere within the jurisdiction of the Yakima County Clean Air Authority.  
The report herein provided for shall be in writing and shall be delivered to or mailed to the Authority within ten (10) days after such sale and shall contain the name and address of the purchaser and the location of the property at which such devices are to be installed or used.

- D. The owner or operator of any proposed new source shall register the source with the Authority.
- E. Initial registration and reporting shall be on forms supplied by the Authority within the time specified thereon. The forms will provide for the submission of information concerning locations, size and height of contaminant outlets, processes employed, nature of the contaminant emission and such other information relevant to air pollution as the Authority may require.

After initial registration and reporting, subsequent general reports shall be filed annually during January on forms supplied by the Authority in accordance with the terms of the Pollution Disclosure Act of 1971, Chapter 160, Laws of 1971, Extraordinary Session.

- F. A separate registration shall be required for each source of contaminant provided that an owner or lessee has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process and provided further than an owner need not make a separate registration for identical units or equipment or control apparatus installed, altered or operated in an identical manner on the same premises.
- G. Each registration shall be signed by the owner or lessee or agent for such owner or lessee. The owner or the lessee of the source shall be responsible for the registration and the correctness of the information submitted.
- H. All registrants shall pay a fee for registration in accordance with the registration fee schedule in Article XIII, Section 13.01 of this regulation.

*State effective: 12/15/95; EPA effective: 3/4/98*

## **SECTION 4.02 - NOTICE OF CONSTRUCTION**

### **A. General Requirement.**

No person shall construct, install, establish or modify a new air contaminant source, except those sources excluded in Section 4.03 of this Regulation, without first filing with the Authority a "Notice of Construction, Installation or Establishment of New Air Contaminant Source", on forms prepared and furnished by the Authority.

For the purpose of this section, addition to or enlargement or replacement of an air contaminant source, or any major alteration therein, shall be construed as construction, installation or establishment of a new air contaminant source.

### **B. Completeness Determination.**

Within thirty (30) days after the receipt of Notice of Construction application the Authority shall either notify the applicant in writing that the application is complete or that additional information is necessary. The Authority may require the submission of

plans, specifications and such other information as it deems necessary concerning the proposed construction, installation and establishment of such source.

**C. Final Approval.**

Within sixty (60) days of receipt by the Authority of a complete Notice of Construction application the Authority shall either:

1. Issue a final decision on the application, or
2. For those Notice of Construction application reviews subject to public notice initiate notice and comment on a proposed decision and issue thereafter, as promptly as possible, a final decision.

**D. Conditions.**

Every order of approval issued pursuant to this section shall:

1. Be reviewed prior to issuance by a professional engineer in the employ of the Authority or the Washington State Department of Ecology.
2. Include a determination of whether the operation of the new air contaminant source at the location proposed will cause any ambient air quality standard to be exceeded or cause a potential hazard to public health.
3. Include a determination that the proposed new source will comply with all applicable New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants.

Any Notice of Construction review of a modification shall be limited to the emission unit or units proposed to be modified and the air contaminants whose emissions would increase as the result of the modification.

Nothing in this Regulation shall be construed to authorize the Board to require the use of emission control equipment or other equipment, machinery or devices of any particular type from any particular supplier or produced by any particular manufacturer.

Any features, machines and devices constituting parts of or called for by plans, specifications or other information submitted pursuant to this section shall be maintained and operated in good working order.

The absence of any ordinance, resolution, rule or regulation or the failure to issue an order pursuant to this section shall not relieve a person from his or her obligation to comply with applicable emission control requirements or with any other provision of the law.

**E. Control Technology Requirements.**

For new sources in nonattainment areas, Best Available Control technology (BACT) will be employed, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve the Lowest Achievable Emission Rate (LAER) for the contaminants for which the area has been designated nonattainment.

For new sources in attainment or nonclassifiable areas, Best Available Control Technology (BACT) will be employed for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

For an existing stationary source for which the emission control technology is replaced or substantially altered, but does not constitute a major modification, Best Available Control Technology (BACT) and reasonable operation and maintenance conditions for the control equipment may be required by the Authority.

**F. Notice of Completion - Notice of Violation.**

The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officer may, within thirty (30) days of receipt of notice of completion, inspect the construction, installation, or establishment, and the Board or Control Officer may issue a Notice of Violation, if he finds that the construction, installation, or establishment is not in accord with the plans, specifications or other information submitted to the Authority.

**G. Temporary Sources.**

For sources such as asphalt batch plants with multiple locations which locate temporarily at particular sites, the owner or operator shall be permitted to operate at a temporary location without filing a notice of construction, providing that the owner or operator notifies the Authority of intent to operate at the new location at least thirty (30) days prior to starting the operation, and supplies sufficient information to enable the Authority to determine that the operation will comply with the emission standards for a new source and the applicable ambient air standards, and if in a non-attainment 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 the Authority may set specific conditions for operation during said period which shall include a requirement to comply with all applicable emission standards.

**H. Public Notice.**

1. Notice of Construction applications shall be subject to public notice under the following conditions:

- a. If otherwise required by state or federal laws or regulations; or

- b. If the proposed source would cause an annual increase of ten tons of any air contaminant for which the ambient air quality standards have been established; or
- c. If the Yakima County Clean Air Authority determines that such public comment would be appropriate.

2. Within fifteen days of receipt of a complete application for a Notice of Construction the Authority shall determine whether public notice is required, and if so it shall publish notice to the public of an opportunity to submit written comments during a thirty (30) day period. Such public notice shall contain the following information:

- a. The name and address of the owner;
- b. A brief description of the proposed construction;
- c. The location at which a copy of the preliminary determination and a summary of the information considered in making such preliminary determination are available to the public.

#### **I. Fee Assessment.**

Any person submitting a Notice of Construction pursuant to the terms of this Regulation shall be assessed a fee by the Authority in accordance with the fee schedule in Article XIII, Section 13.02 of this regulation.

*State effective: 12/15/95; EPA effective: 3/4/98*

#### **SECTION 4.03 - EXCEPTIONS TO ARTICLE IV**

Neither registration nor notice of construction shall be required for the following air contaminant sources:

- A. Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.
- B. Blast cleaning equipment which uses a suspension of abrasive in liquid water.
- C. Fuel burning equipment if used solely for a private dwelling serving three (3) families or less.
- D. Insecticide and herbicide spray equipment.
- E. Non-stationary internal combustion engines, including gas turbine and jet engines.

- F.** Laboratory equipment used exclusively for chemical or physical analysis.
- G.** Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.
- H.** Application of surface coatings by use of an aqueous solution or suspension if used on external or internal walls of residential, commercial or industrial facilities.
- I.** Steam cleaning equipment used exclusively for that purpose.
- J.** Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.
- K.** Vents used exclusively for:
  - 1.** Sanitary or storm drainage systems; or
  - 2.** Safety valves; or
  - 3.** Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- L.** Construction of single family or duplex dwellings.  
*State effective: 11/18/93; EPA effective: 3/4/98*

## **ARTICLE V - EMISSIONS STANDARDS AND PREVENTATIVE MEASURES**

### **SECTION 5.01 - OUTDOOR BURNING**

Outdoor burning in Yakima County shall, unless specifically exempted in Section 5.03(D), be conducted only by permit issued by the local responsible jurisdiction and shall be subject to the limitations set forth herein.

- A.** The issuance of outdoor burning permits for the following activities shall be governed by the Authority, local city, town or fire protection district in which such fire or fires are being conducted.
  - 1.** Residential Burning;
  - 2.** Outdoor burning of less than 500 tons of residue of natural character such as trees, stumps, shrubbery or other natural vegetation arising from land clearing projects.
  - 3.** Agricultural burning as defined in WAC 173-430-030.

- B.** The issuance of permits for the following outdoor burning shall be governed by the



Washington State Department of Natural Resources or by federal authorities for lands under federal control:

1. Abating of forest fire hazard;
2. Prevention of fire hazard;
3. Instruction of public officials in the method of forest fire fighting;
4. Any silviculture operation to improve the forest lands of the state;
5. All silvicultural burning used to promote regeneration of rare and endangered plants found within natural area preserves, as identified under Chapter 79.70 RCW or used to maintain fire dependent ecosystems for rare plants or animals within the state, federal and private natural park area preserves, natural resource conservation areas, parks and other wildlife areas.

C. Except as set forth in subsection 5.03(D) hereof, all other outdoor burning will be governed by permits issued by the Yakima County Clean Air Authority.

D. Except as set forth in subsection 5.03(D) hereof, it is a violation of these Regulations for any person to conduct outdoor burning without obtaining a permit from the responsible jurisdiction as set forth above.

E. Any person requesting a permit from a local responsible jurisdiction, such as local city, town, fire protection district, conservation district or the Authority, for an outdoor burning permit shall pay a fee as governed by the fee schedule of that agency then in effect. The fee schedule in effect for the Yakima County Clean Air Authority is as shown in Article XIII, Section 13.03 of this regulation.

*State effective: 12/15/95; EPA effective: 3/4/98*

## **SECTION 5.02 -REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING**

A. The Regulations in this Section are applicable to all outdoor burning whether conducted under the jurisdiction of the Yakima County Clean Air Authority, local cities, towns, fire protection districts or conservation districts, or the Department of Natural Resources.

1. It shall be unlawful for any person to ignite, cause or permit to be ignited or to suffer, allow or maintain any outdoor burning within the jurisdiction of any of the above authorities as provided in Section 5.01 and in addition thereto, it shall be unlawful and not within any of the exemptions of subsection 5.03(D) and Section 5.04 for any person to ignite, cause or permit or suffer to be ignited or allow or maintaining any outdoor burning within any of the jurisdictions described above as follows:

- a. Containing garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, metal, or any substance other than natural vegetation that normally emits dense smoke or obnoxious odors.
- b. During any forecast, alert, warning or emergency condition as defined in RCW 70.94.715.
- c. During any impaired air quality condition as defined in RCW 70.94.473.

**B.** It shall be prima facie evidence that the person who owns or controls property on which outdoor burning occurs has allowed or caused such open fire.

*State effective: 12/15/95; EPA effective: 3/4/98*

**SECTION 5.03 - REGULATIONS APPLICABLE TO ALL OUTDOOR BURNING WITHIN THE JURISDICTION OF THE YAKIMA COUNTY CLEAN AIR AUTHORITY, LOCAL CITIES, TOWNS, FIRE PROTECTION DISTRICTS AND CONSERVATION DISTRICTS**

**A.** The Yakima County Clean Air Authority finds that it is consistent with its policy of reducing outdoor burning to the greatest extent possible to prohibit outdoor burning in certain areas subject to the exceptions as set forth in subsection 5.03(D) hereof.

**B.** Except as set forth in subsection 5.03(D) hereof, no outdoor burning shall be allowed in any area of Yakima County, Washington which exceeds federal or state ambient air quality standards for pollutants emitted by outdoor burning which includes the Yakima Urban Area and the city limits of the city of Selah, Washington.

**C.** Except as provided in subsection 5.03 (D) hereof, outdoor burning shall not be allowed in any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, or in any city in the Authority's jurisdiction having a population greater than 10,000 persons if:

- 1. Such areas threaten to exceed state or federal air quality standards, and;
- 2. Alternative disposal practices consisting of a good solid waste management plan are reasonably available or practices eliminating production of organic refuse are reasonably available.

**D.** Outdoor burning shall be allowed without permit for:

- 1. Small outdoor fires on an occasional basis for ceremonial, religious, or cooking purposes or like social purposes;
- 2. Fires from barbecues, flares, torches, gas burners, incense burners and insect pots.

**3.** Structure fires for instruction in methods of fire fighting, conducted by fire districts or city fire department or any government controlled fire fighting agency, and outside any urban growth area as defined in RCW 36.70(a).030 and RCW 36.70(a).110, if all of the following conditions are met:

- a.** The fire conforms with any other permits, licenses, or approvals that are required;
- b.** The fire is not located in an area that is declared to be in an air pollution episode or any state of an impaired air quality as defined in RCW 70.94.715 and 70.94.473;
- c.** Nuisance laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property;
- d.** Notice of the fire is provided to the owners of property adjoining the property where the fire will occur, to the persons who potentially will be impacted by the fire;
- e.** Each structure that is proposed to be set on fire must be identified specifically as a structure to be set on fire. Each other structure on the same parcel of property that is not proposed to be set on fire must be identified specifically as a structure that is not proposed to be set on fire; and
- f.** Before setting a structure on fire, a good faith inspection is conducted to determine if materials containing asbestos are present, the inspection is documented in writing and forwarded to the authority, and asbestos that is found is removed prior to the burning.

*State effective: 12/15/95; EPA effective: 3/4/98*

#### **SECTION 5.04 - REGULATIONS APPLICABLE TO PERMITS ISSUED BY THE YAKIMA COUNTY CLEAN AIR AUTHORITY FOR ALL OTHER OUTDOOR BURNING**

**A.** Outdoor burning permits will be issued by the Yakima County Clean Air Authority pursuant to restrictions and limitations on outdoor burning as set forth in these Regulations as follows:

**1.** Except as set forth in Section 5.03(D) hereof, agricultural burning to control diseases and insects or developments of physiological conditions conducive to increase crop yield.

- a.** All applications for permits to set fire for such agricultural burning shall be acted upon by the Authority within seven (7) days from the date such application

is filed.

**b.** When burning is necessary to control disease or insect infestation and alternative methods are not available and the Yakima County Agricultural Extension Agency so certifies.

**2.** Except as set forth in Section 5.03 (D) hereof, instruction in methods of firefighting conducted by fire districts or city fire departments or any government controlled fire fighting agency.

**B.** Permits issued for burning under this Section shall be drafted to minimize emissions, including denial of permission to burn during periods of adverse meteorological conditions.

**C.** All permits issued by the Authority will contain conditions to insure that public interest in air, water and land pollution and safety to life and property is fully considered and will be designed to minimize air pollution as practicable.

**D.** All applications for permits must demonstrate that the setting of fires as requested is the most reasonable procedure to follow in safeguarding life and property and no other reasonable alternative (as defined in the WAC 173-425) is available to successfully carry out the enterprise in which the applicant is engaged.

*State effective: 12/15/95; EPA effective: 3/4/98*

## **SECTION 5.05 - ADDITIONAL RESTRICTIONS ON OUTDOOR BURNING**

All outdoor burning conducted pursuant to this Regulation shall be conducted between the hours of sunrise and sunset, except that burning for pest or disease control or for land clearing purposes, and of which the combustible material consists primarily of wood more than twelve (12) inches in diameter, may be conducted after sunset, but such fires shall not be ignited or fed after 12:00 noon on any day they are ignited. For the purpose of this provision a fire shall be deemed to be out and extinguished when there is not a visible flame coming from the fire.

**A.** No open burning shall be conducted when the Control Officer, acting on guidelines for air quality control which are hereafter established by the Board, has prohibited such burning by a curtailment call or Ecology has declared an Air Pollution Episode.

**1.** Any person or entity responsible for an open fire shall immediately proceed to extinguish such fire to prevent visible smoke when notified of the existence of an air pollution episode by any of the means set forth hereafter. Notice will be deemed sufficient to the public for all purposes of these Regulations after three (3) hours have elapsed from the time such notice has been delivered to and published by a newspaper of general circulation in the area where such limitation applies, or has been delivered to and broadcasted by a radio or television station

serving the area, for a small fire and ten (10) hours for the remaining fires.

**B.** Any person responsible for fires set in accordance with this Section must abide by all rules and procedures set by other agencies having any jurisdiction over the practice of open burning.

*State effective: 12/15/95; EPA effective: 3/4/98*

## **SECTION 5.06 - GENERAL STANDARDS FOR MAXIMUM PERMISSIBLE 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, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or sources for installation of RACT.

### **A. Visible Emissions.**

No person shall cause or permit visible plume from any source that exceeds twenty percent (20%) opacity for three minutes in any one hour period except:

- 1.** When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent (20%) opacity for more than fifteen minutes (15) in any eight (8) 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 the Authority be advised of the schedule.
- 2.** When the owner or operator of the source supplies valid data to show that the opacity exceeds twenty percent (20%) as the result of the presence of condensed water droplets. The concentration of particulate matter as shown by a source test approved by the Authority must be less than one-tenth (0.1) grains per dry standard cubic foot. For combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen.
- 3.** As provided for in WAC 173-433-110 "Opacity Standards For Solid Fuel Burning Devices".

**B. Preventing particulate matter from becoming airborne.**

No person shall cause or permit the emission of particulate matter from any source which is transported or becomes deposited beyond the property under direct control of the owner or operator of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material was transported or deposited.

**C. Material handling.**

No person shall cause or permit material handling without taking reasonable precautions to prevent the release of contaminants to the ambient air.

**D. Odor.**

Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with an adjoining property owner's use and enjoyment of his property must use recognized good practice and procedure to reduce these odors to a reasonable minimum.

**E. Air contaminants or water vapor detrimental to persons or property.**

No person shall cause or permit the emission of any air contaminant or water vapor from any source, including any air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.

**F. Sulfur dioxide.**

1. No person shall cause or permit the emission of a gas containing sulfur dioxide in excess of 1,000 parts per million (ppm).

2. All concentrations of sulfur dioxide referred to above are by volume, dry standard conditions, and for combustion emissions the exhaust gas volume shall be corrected to seven percent (7%) oxygen and based on the average of any period of sixty consecutive minutes.

**G. Concealment and masking.**

No person shall cause or permit the installation or use of any device, or the use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of an air contaminant which would otherwise violate any provisions of this chapter.

**H. Fugitive dust sources.**

1. 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.

2. The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a Category I PM-10 area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the definition found in 40 CFR Part 51, Appendix S, as amended July 1, 1990.

I. No person shall hereafter sell or install within the jurisdiction of the Yakima County Clean Air Authority any continuous, stationary air contaminant source in which the air contaminant emitted therefrom cannot be restricted to the standards as set forth in Sections 5.06(A) and 5.08.

J. 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 on a plume nearest the point of emission.

*State effective: 12/15/95; EPA effective: 3/4/98*

#### **SECTION 5.07 - MINIMUM EMISSION STANDARDS FOR COMBUSTION AND INCINERATION SOURCES**

A. No person shall cause or permit visible plume from any combustion or incineration source that exceeds twenty percent (20%) opacity for three (3) minutes in any one (1) hour period or cause or permit an emission of particulate matter in excess of the standard set forth in Section 5.08.

B. For all incinerator sources, no person shall cause or permit emissions in excess of 100 ppm of total unburned hydrocarbons as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual Procedure for Compliance Testing", State of Washington, Department of Ecology on file with the Authority or Ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from the Authority.

C. Stated concentrations for combustion and incineration sources will be determined after the volumes are corrected to seven percent (7%) oxygen.

D. All incinerators designed to burn twelve tons per day of materials shall be subject to the standards set forth in WAC 173-434.

E. No person shall cause or permit emissions in excess of Section 5.08.

*State effective: 12/15/95; EPA effective: 3/4/98*

#### **SECTION 5.08 - MINIMUM EMISSION STANDARDS FOR GENERAL PROCESS SOURCES**

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 39

General Process Units are required to meet all applicable provisions of Section 5.06. No person shall cause or permit the emission of particulate matter from any general process operation in excess of one tenth (0.10) grains per standard cubic foot of dry exhaust gas as tested in accordance with 40 CFR Part 60 Appendix A, Method 5, "Determination of Particulate Emissions from Stationary Sources".

*State effective: 12/15/95; EPA effective: 3/4/98*

## **SECTION 5.10 - SENSITIVE AREA DESIGNATION**

In order to control the emission of air contaminants in a manner which takes into account the severity of the air pollution problem in the different areas in which the sources are, or may be located, the Authority, after public hearing upon due notices to all interested parties, may designate sensitive areas. Designation of such areas shall be based on a consideration of present and predicted ambient air quality; population density and trends; distance of sources from public roads; recreational areas and areas of human habitation; topographic and meteorological conditions and other pertinent variables. Sources within a designated sensitive area shall be subject to more stringent standards or compliance schedule than sources located outside such areas. This section applies only to those geographical areas and source categories under the direct jurisdiction of the Authority.

*State effective: 6/20/94; EPA effective: 3/4/98*

## **SECTION 5.11 - MONITORING AND SPECIAL REPORTING**

### **A. Monitoring.**

The Authority shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations of air contaminants as approved by the Board.

As part of this program, the Authority or its authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring, and to report the results to the Authority.

### **B. Investigation of conditions.**

The Control Officer or an authorized representative shall have authority to investigate conditions as set forth in Section 2.02(C). Investigation shall be for the purpose of determining the control, recovery or release of air contaminants into the atmosphere.

### **C. Source testing.**

In order to demonstrate compliance with this Regulation, the Authority or its authorized representative may require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A on file at the Authority or Ecology. The operator of a source may be required to provide the necessary platform and sampling ports to perform a test of the



source. The Authority shall be allowed to obtain a sample from any source. The operator of the source shall be given an opportunity to observe the sampling and to obtain a sample at any time.

**D. Report of breakdown or upset condition.**

If an equipment breakdown or upset condition occurs resulting in emissions in excess of applicable limits set by this Regulation or resulting in emissions which violate an applicable compliance schedule, the owner or operator of the affected source shall take immediate corrective action and shall report such breakdown to the Authority by the next working day after the breakdown occurs.

An initial breakdown or upset condition shall not be subject to penalties for emissions in excess of the limits set by this chapter, providing the owner or operator complies with the provisions of this subsection and providing the breakdown or upset was not the result of gross negligence. If an extended time period is required to complete the corrective action, the Authority or its authorized representative may require that the operation be curtailed or shutdown. Repeated breakdowns may be subject to all penalties authorized by law. The Authority or its authorized representative may issue regulatory orders specifying maintenance and operating procedures.

**E. Continuous Monitoring and Recording.**

Owners and operators of the following categories of stationary sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified. The exceptions listed for the following categories do not apply if the continuous emission monitoring is required by the SIP.

**1. Fossil fuel-fired steam generators.**

**a. Opacity, except where:**

- 1.** Steam generator capacity is less than 250 million BTU per hour heat input, or
- 2.** Only gaseous fuel is burned.

**b. Sulfur dioxide, except where:**

- 1.** Steam generator capacity is less than 250 million BTU per hour heat input, or
- 2.** Sulfur dioxide control equipment is not required.

**c. Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.**

**d. 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 (30%), as reported to the Federal Power Commission for the calendar year 1974, or as otherwise demonstrated to the Authority by the owner or operator.

**2. Sulfuric acid plants.**

Sulfur dioxide where production capacity is more than three hundred (300) tons per day, expressed as one hundred percent (100%) 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.

**3. Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.**

**a. Opacity where fresh feed capacity is more than 20,000 barrels per day.**

**4. Wood residue fuel-fired steam generators.**

**a. Opacity, except where:**

**1. Steam generator capacity is less than 100 million BTU per hour heat input.**

**b. Continuous monitoring equipment.**

The requirements of Section 5.11(E)(5) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment shall be subject to approval by the Authority.

**5. Owners and operators of those sources required to install continuous monitoring equipment under this Regulation or the SIP shall demonstrate to the Authority compliance with the equipment and performance specifications, and observe the reporting requirements, contained in Title 40, Code of Federal Regulations, Part 51, Appendix P, Section 3, 4, and 5, promulgated on October 6, 1975, which is by this reference adopted and incorporated herein.**

**F. All sources subject to this Regulation shall procure and install equipment and commence monitoring and recording activities no later than eighteen (18) months after adoption of this Regulation by the Authority. Any extension to this time requirement shall be negotiated through the variance procedure of WAC 173-400-150.**

**G. Special considerations.**

If or reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring

and reporting procedures will be established on an individual basis. These will generally be of the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

**H. Exemptions.**

Subsection 5.11(E) does not apply to any source which is:

1. Subject to a New Source Performance Standard.
2. Not subject to an applicable Emission Standard.

**I. Monitoring system malfunctions.**

A source may be temporarily exempted from the monitoring and reporting requirements of this Regulation during periods of monitoring system malfunctions provided that the source owner or operator shows to the satisfaction of the Authority that the real malfunction was unavoidable and is being repaired as expeditiously as practicable.

**J. 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), flourides, lead, VOCs, and other contaminants, and shall be submitted (when required) no later than one hundred five (105) 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.

**K. Change in raw materials or fuels.**

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 (40) tons per year or more over that stated in the initial inventory required by WAC 173-400-105(1) 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: 12/15/95; EPA effective: 3/4/98*

**SECTION 5.12 - PREVENTIVE MEASURES**

**A.** No person shall cause, let, allow, permit or suffer particulate matter to be stored, handled, or transported without taking reasonable precautions to prevent air pollution.

**B.** No person shall cause, let, allow, permit, or suffer a building or its appurtenances or road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent

air pollution.

**C.** Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefore of any person, or the public, or the injury or damage arising from the emission from any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

**D.** Any person engaged in the construction, repair, remodeling or demolishing of any building, or engaging in any road construction or repair within any incorporated town or city in Yakima County, Washington, or within an area of one (1) mile of the city limits of the city of Yakima, Washington, or within one-quarter (1/4) of a mile of the city limits of any other town or city in Yakima County, Washington, shall take such measures as are reasonably necessary to reduce air pollution, including the use of water and the sprinkling of water to control dust so that the same is not emitted and deposited upon the property of others in quantities which unreasonably interfere with the enjoyment of their property. No work as above defined shall be commenced without having water available at the job site in sufficient quantities to control air pollution at the time of commencement of such work.

*State effective: 11/18/93; EPA effective: 3/4/98*

## **ARTICLE VIII - PENALTY AND SEVERABILITY**

### **SECTION 8.01 - PENALTY FOR VIOLATION**

**A.** Any person who knowingly violates any of the provisions of these Regulations or any ordinance, resolution, statute or regulation in force pursuant thereto shall be guilty of a crime and upon conviction thereof shall be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment in the county jail for not more than one (1) year, or both.

**B.** Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant other than in compliance with the terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000) or by imprisonment for not more than one (1) year, or both.

**C.** Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that he or she thereby places another person in imminent danger of death or substantial bodily harm shall be guilty of a crime and shall, upon conviction, be punished by a fine of not more than Fifty Thousand Dollars (\$50,000) or by imprisonment for not more than five (5) years, or both.

**D.** Any person who knowingly fails to disclose a potential conflict of interest under RCW 70.94.100 shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished

by a fine of not more than Five Thousand Dollars (\$5,000).

*State effective: 11/18/93; EPA effective: 3/4/98*

## **SECTION 8.02 - ADDITIONAL OR ALTERNATIVE PENALTIES**

**A.** In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of Chapter 70.94 RCW, Chapter 70.120 RCW, or any of the rules and regulations the Yakima County Clean Air Authority may enforce under such Chapters of the Revised Code of Washington may incur a civil penalty in an amount not to exceed Ten Thousand Dollars (\$10,000) per day for each violation. Each such violation shall be a separate and distinct event, and, in the case of a continuing violation, each days continuance shall be a separate and distinct violation.

Any person who fails to take action as specified by an order issued pursuant to this Chapter shall be liable for a civil penalty of not more than Ten Thousand Dollars (\$10,000) per day for each day of continued noncompliance.

**B.** Penalties incurred but not paid shall accrue interest beginning on the ninety-first (91st) day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the thirty-first (31st) day following the final resolution of the appeal.

**C.** Each act of commission or omission which procures, aids or abets the violation described herein shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(B).300.

**D.** In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than ninety (90) days late with such payments may be subject to a penalty equal to three (3) times the amount of the original fee owed.

**E.** All penalties recovered under this section by the Authority shall be paid into the treasury of the Authority and rendered into its funds.

**F.** In addition to the other provisions of this Section, a specific Civil Penalty may be imposed in violation of other Sections of this Regulation in accordance to the following schedule: (see page 8-3)

**G.** Public or private entities that are recipients or potential recipients of department grants, whether for air quality related activities or not, may have such grants rescinded or withheld by the department for failure to comply with provisions of this chapter.

| Section Violated   | Civil Penalty per Written Notices Issued |                               |                                |                |
|--|--|-------------------------------|--------------------------------|----------------|
|  | First                                    | Second *                      | Third *                        | Subsequent     |
| SECTION 2.03 - Miscellaneous Provisions  | \$100 to \$1,000                         | \$2,000 to \$3,000            | go to Subsequent               | Up to \$10,000 |
| SECTION 4.01 - Registration  | \$50 to \$500                            | \$1,000 to \$3,000            | go to Subsequent               | Up to \$10,000 |
| SECTION 4.02 - Notice of Construction  | \$50 to \$500                            | \$1,000 to \$3,000            | go to Subsequent               | Up to \$10,000 |
| SECTION 5.01 - Outdoor Burning   | Warning to \$25                          | \$25 to \$50                  | \$50 to \$100                  | Up to \$10,000 |
| SECTION 5.02 - Regulations Applicable to All Outdoor Burning   | \$25 to \$500                            | Up to \$1,000                 | Up to \$2,000                  | Up to \$10,000 |
| SECTION 5.03 - Regulations Applicable to All Outdoor Burning within the Jurisdiction of the YCCAA, Local Cities, Towns, Fire Protection Districts and Conservation Districts | Warning to \$25                          | \$25 to \$50                  | \$50 to \$100                  | Up to \$10,000 |
| SECTION 5.04 - Regulations Applicable to Permits Issued by YCCAA for All Other Outdoor Burning   | \$25 to \$500                            | Up to \$1,000                 | Up to \$2,000                  | Up to \$10,000 |
| SECTION 5.05 - Additional Restrictions on Outdoor Burning  | \$25 to \$500                            | Up to \$1,000                 | Up to \$2,000                  | Up to \$10,000 |
| SECTION 5.06 - General Standards for Maximum Permissible Emissions   | \$50 to \$500 or Warning to \$25         | Up to \$1,000 or \$25 to \$50 | Up to \$2,000 or \$50 to \$100 | Up to \$10,000 |
| SECTION 5.07 - Minimum   | \$50 to \$500                            | Up to \$1,000                 | Up to                          | Up to          |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 46

|  |                                  |                               |                                |                |
|--|----------------------------------|-------------------------------|--------------------------------|----------------|
| Emission Standards for Combustion and Incineration Sources                   |                                  |                               | \$2,000                        | \$10,000       |
| SECTION 5.09 - Minimum Standards or Procedures for Certain Source Categories | \$50 to \$500 or Warning to \$25 | Up to \$1,000 or \$25 to \$50 | Up to \$2,000 or \$50 to \$100 | Up to \$10,000 |
| SECTION 5.12 - Preventive Measures   | \$50 to \$500                    | Up to \$1,000                 | Up to \$2,000                  | Up to \$10,000 |
| ARTICLE IX - Woodstoves and Fireplaces                                       | \$50 to \$500 or Warning to \$25 | Up to \$1,000 or \$25 to \$50 | Up to \$2,000 or \$50 to \$100 | Up to \$10,000 |

\* Civil Penalty suspended from the previous Written Notice may be added.

*State effective: 12/15/95; EPA effective: 3/4/98*

### **SECTION 8.03 - ASSURANCE OF DISCONTINUANCE**

As an additional means of enforcing these Regulations, the Board may accept an assurance of discontinuance of any act or practice deemed in violation of this Regulation, from any person engaging in, or who has engaged in, such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of these Regulations, or order issued pursuant hereto, which make the alleged act or practice unlawful for the purpose of securing any injunction or other relief from the Superior Court as provided in RCW 70.94.425.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 8.04 - RESTRAINING ORDER - INJUNCTIONS**

Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of these Regulations or order issued thereunder, the Board, after providing notice to such person and an opportunity to comply, may petition the Superior Court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or other appropriate order.

*State adoptive: 11/18/93; EPA effective: 3/4/98*

### **SECTION 8.05 - SEVERABILITY**

If any phrase, clause, subsection, or section of this Regulation shall be declared

unconstitutional or invalid by any court of competent jurisdiction to any person shall be conclusively presumed that the Board of Directors would have enacted this Regulation without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of the Regulation shall not be affected as a result of said part being held unconstitutional or invalid, nor shall that provision be affected by other persons or circumstances.

*State adoptive: 12/15/95; EPA effective: 3/4/98*

## **ARTICLE IX - WOODSTOVES AND FIREPLACES**

### **SECTION 9.01 - POLICY**

Without limiting the power of the Yakima County Clean Air Authority or its Director or Agents, the Authority states that it shall be its policy, to the extent that it is compatible with the enforcement of the regulations, to instruct and educate the public and violators of the hazards to health caused by wood smoke, and to authorize educational materials concerning those dangers.

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 9.02 - OPACITY**

No person owning, operating or in control of a residential solid fuel burning device shall cause, allow or discharge to the ambient air any emissions from such device which are of an opacity greater than twenty percent (20%) except for the purposes of public education, then the opacity level shall not be greater than ten percent (10%).

*State effective: 11/18/93; EPA effective: 3/4/98*

### **SECTION 9.03 - PROHIBITIVE FUEL TYPES**

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A. Garbage;
- B. Treated Wood;
- C. Plastic Products;
- D. Rubber Products;
- E. Animals;
- F. Asphaltic Products;



**G.** Waste Petroleum Products;

**H.** Paints, or;

**I.** Any substance other than Seasoned Wood Fuel which normally emits dense smoke or obnoxious odors.

*State effective: 11/18/93; EPA effective: 3/4/98*

## **SECTION 9.04 - LIMITATIONS OF SALES OF SOLID FUEL BURNING DEVICES**

**A.** After January 1, 1992, no used solid fuel burning devices shall be installed in new or existing buildings unless such device is either Oregon Department of Environment Quality Phase II or EPA certified, or a pellet stove either certified or exempt from certification by the EPA or a fireplace furnace with a letter of exemption from the Washington State Department of Ecology and the United States Environmental Protection Agency.

**B.** Solid Fuel Burning Devices.

After January 1, 1995, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a solid fuel burning device unless 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 meets the following particulate air contaminant emission standards and the test methodology of the EPA in effect on January 1, 1991, or an equivalent standard under any test methodology adopted by the EPA subsequent to such date:

- 1.** Two and one-half (2 1/2) grams per hour for catalytic wood stoves; and
- 2.** Four and one-half (4 1/2) grams per hour for all other solid fuel burning devices.
- 3.** For purposes of this subsection, "equivalent" shall mean the emissions limits specified in this subsection 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 tests results from the methodology subsequently adopted by that agency.

**C.** Fireplaces.

After January 1, 1997, a person shall not advertise to sell, offer to sell, sell, bargain, exchange, or give away a factory built fireplace unless it meets the 1990 EPA standards for wood stoves or equivalent standard that may be established by the state building code council by rule. Subsection 9.04(A) shall not apply to fireplaces, including factory built fireplaces, and masonry fireplaces.

**D.** Persons selling new solid fuel heating devices shall distribute and verbally explain educational materials to customers purchasing new wood stoves describing when a stove can and

cannot be legally used.

**E. Exemptions**

The following solid fuel devices shall be exempt from the requirements of Section 9.04(B):

- Boilers;
- Furnaces;
- Cookstoves.

*State effective: 12/15/95; EPA effective: 3/4/98*

**SECTION 9.05 - PROHIBITION OF VISIBLE EMISSIONS DURING AIR POLLUTION EPISODES**

**A.** Any person in a residence or commercial establishment which has an adequate source of heat other than a solid fuel burning device shall:

- 1.** Not use any solid fuel burning device whenever the Department of Ecology or the Authority has determined under RCW 70.94.715 that any Air Pollution Episode exists in that area.
  
- 2.** Not use any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457 (1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations in the geographic area and for the period of time that a first stage of impaired air quality has been determined by the Department of Ecology or by the Yakima County Clean Air Authority. The geographic area affected by a first stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03 (84). A first stage of impaired air quality is reached when particulates ten microns and greater in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.
  
- 3.** Not use any solid fuel burning device, including those that meet the standards set forth in RCW 70.94.457, in any geographic area for the period of time that a second stage of impaired air quality has been determined by the Department of Ecology or the Yakima County Clean Air Authority. The geographic area affected by a second stage of impaired air quality is the Woodsmoke Control Zone as defined in Section 1.03 (84). A second stage of impaired air quality is reached when particulates ten microns and smaller in diameter are at an ambient level of 90 micrograms per cubic meter measured on a 24 hour average or when CO is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8 hour average.

## **ARTICLE XII - ADOPTION OF STATE AND FEDERAL REGULATIONS**

### **SECTION 12.01 - STATE REGULATIONS**

The Yakima County Clean Air Authority hereby adopts by reference and incorporates herein, as if specifically set forth herein, all of the terms and provisions of the Washington State Administrative Code as identified below, except as the same may be less stringent than the provisions of this Regulation of the Yakima County Clean Air Authority:

|                     |  |
|---------------------|--|
| Chapter 173-400 WAC | General Regulations for Air Pollution Sources:   |
| Chapter 173-401 WAC | Operating Permit Regulation;   |
| Chapter 173-425 WAC | Open Burning;  |
| Chapter 173-430 WAC | Agricultural Burning:  |
| Chapter 173-433 WAC | Solid Fuel Burning Device Standards;   |
| Chapter 173-434 WAC | Solid Waste Incineration Facilities;   |
| Chapter 173-435 WAC | Emergency Episode Plans;   |
| Chapter 173-470 WAC | Ambient Air Quality Standards For Particulate Matter;                                  |
| Chapter 173-474 WAC | Sulphur Oxide Standards;   |
| Chapter 173-475 WAC | Photochemical Oxidant, Hydrocarbons, Nitrogen Dioxide (Ambient Standards);             |
| Chapter 173-460 WAC | Controls for New Sources of Toxic Air Pollutants;                                      |
| Chapter 173-490 WAC | Emission Standards and Controls for Sources Emitting Volatile Organic Compounds (VOC); |
| Chapter 173-491 WAC | Emission Standards and Controls for Sources Emitting Gasoline Vapors.                  |

## **ARTICLE XIII - FEE SCHEDULES AND OTHER CHARGES**

**SECTION 13.01 - REGISTRATION FEE SCHEDULE**

Sources required to register according to the requirements of Article IV of this regulation shall pay annual registration fees according to the following schedule:

| Criteria  | Class     | Fee   |
|---|-----------|-------|
| Potential Controlled Emissions > 100 tons per year            | A-1       | \$550 |
| Potential Uncontrolled Emissions > 100 tons per year          | A-2       | \$550 |
| Potential Uncontrolled Emissions < 100 tons per year          | B         | \$75  |
| Potential Controlled Toxic Emissions > 10/25* tons per year   | A-1 toxic | \$550 |
| Potential Uncontrolled Toxic Emissions > 10/25* tons per year | A-2 toxic | \$550 |
| Potential Uncontrolled Toxic Emissions < 10/25* tons per year | B toxic   | \$75  |

\*10 tons of a single toxic pollutant or a combined total of 25 tons of two or more toxic pollutants.  
*State effective: 1/13/94; EPA effective: 3/4/98*

**SECTION 13.02 - NOTICE OF CONSTRUCTION FEE SCHEDULE**

Sources required to file a "Notice of Construction, Installation or Establishment of New Air Contaminant Source" shall pay a fee according to the following schedule:

|  |       |
|--|-------|
| Filing Fee (for all sources):                          | \$50  |
| Air Handling or Air Pollution Control Equipment (ACFM) |       |
| 0 < 200  | \$25  |
| 200 < 5,000  | \$100 |
| 5,000 < 20,000   | \$200 |
| 20,000 < 50,000  | \$300 |
| 50,000 < 100,000                                       | \$400 |
| 100,000 < 250,000                                      | \$500 |
| 250,000 < 500,000                                      | \$650 |
| > 500,000  | \$800 |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 52

| Fuel Burning Equipment Installation (MMBTU/H):          |         |
|---|---------|
| < 5   | \$25    |
| 5 < 10  | \$100   |
| 10 < 20   | \$150   |
| 20 < 50   | \$250   |
| 50 < 100  | \$350   |
| 100 < 250   | \$500   |
| 250 < 500   | \$1,000 |
| > 500   | \$1,500 |
| Fuel Burning Equipment Fuel Change (MMBTU/H):           |         |
| < 5   | \$15    |
| 5 < 10  | \$40    |
| 10 < 20   | \$60    |
| 20 < 50   | \$80    |
| 50 < 100  | \$100   |
| 100 < 250   | \$150   |
| 250 < 500   | \$200   |
| > 500   | \$250   |
| Refuse Burning Equipment (tons per day Rated Capacity): |         |
| < 5 (w/o HCl controls)                                  | \$100   |
| 5 < 12 (w/o HCl controls)                               | \$200   |
| < 12 (w/ HCl controls)                                  | \$500   |
| 12 < 250 (w/ HCl controls)                              | \$2,000 |
| > 250 (w/ HCl controls)                                 | \$4,000 |

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 53

|   |         |
|---|---------|
| Other Incinerators (pounds/hour):       |         |
| < 100                                   | \$0     |
| 100 < 200                               | \$300   |
| 200 < 500                               | \$500   |
| 500 < 1,000                             | \$750   |
| > 1,000                                 | \$1,500 |
| Volatile Material Storage Tanks (gals): |         |
| < 4,000                                 | \$0     |
| 4,000 < 20,000                          | \$0     |
| 20,000 < 40,000                         | \$65    |
| 40,000 < 100,000                        | \$200   |
| 100,000 < 500,000                       | \$750   |
| 500,000 < 1,000,000                     | \$1,200 |
| > 1,000,000                             | \$1,200 |
| Significant Emissions Surcharge:        | \$250   |
| Gasoline Stations:                      |         |
| Stage I                                 | \$50    |
| Stage II                                | \$50    |
| Temporary Source:                       | \$75    |
| Odor Source:                            | \$200   |
| SEPA:                                   | \$50    |

State effective: 6/20/94; EPA effective: 3/4/98

### SECTION 13.03 - OUTDOOR BURNING PERMIT FEES

The Authority shall assess fees for each outdoor burning permit it issues under the requirements of Article V of this regulation in accordance with the following fee schedule:

TABLE 10 – ADDITIONAL REGULATIONS APPROVED FOR THE YAKIMA REGIONAL CLEAN AIR AGENCY (YRCAA) JURISDICTION -- page -- 54

| PERMIT TYPE OR ACTIVITY    | QUANTITY OF MATERIAL     | FEE                   | EXPIRATION DATE        |
|----------------------------|--------------------------|-----------------------|------------------------|
| Residential                | Any Amount               | \$5                   | 31 Dec of Current Year |
| Agricultural               | Per WAC 173-430          |                       |                        |
| Fire Dept. Training        | Any Amount               | \$100                 | 30 Days After Issuance |
| All Others <sup>1</sup>    | 10 Acres Or Less         | \$25                  | 30 Days After Issuance |
|                            | More Than 10 Acres       | \$2.50 Per Acre       | 30 Days After Issuance |
|                            | 10 Cubic Yards Or Less   | \$50                  | 30 Days After Issuance |
|                            | More Than 10 Cubic Yards | \$8.50 Per Cubic Yard | 30 Days After Issuance |
| Re-inspection <sup>2</sup> | -                        | \$25                  | -                      |
| Application <sup>3</sup>   | -                        | \$25                  | -                      |

1. Fees will be assessed on a volume basis when the material to be burned is consolidated into piles. Fees will be assessed on an acreage basis when the material is to be burned in place (e.g. weeds burned along ditch banks or fence lines).
2. If required.
3. Required for all non-residential outdoor burning permits.

*State effective: 6/20/94; EPA effective: 3/4/98*

## 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<sub>10</sub>) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM<sub>10</sub> 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 NO<sub>x</sub> 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 condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the Washington 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 <sub>10</sub> )   | 15        |
| Volatile organic compounds (VOC)  | 40        |
| Lead  | 0.6       |
| Fluorides   | 3         |
| Sulfuric acid mist  | 7         |
| Hydrogen sulfide (H <sub>2</sub> S)   | 10        |
| Total reduced sulfur (including H <sub>2</sub> S )  | 10        |
| Municipal waste combustor organics<br>(measured as total tetra-through octa-chlorinated<br>dibenzo-p-dioxins and dibenzofurans) | 0.0000035 |
| Municipal waste combustor metals<br>(measured as PM)  | 15        |
| Municipal waste combustor acid gases<br>(measured as SO <sub>2</sub> 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<sub>2</sub>SO<sub>4</sub>, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H<sub>2</sub>SO<sub>4</sub>.~~

*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<sub>10</sub>, 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 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<sub>x</sub>, 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 <sup>3</sup> |                | 2 mg/m <sup>3</sup>  |                      |
| SO <sub>2</sub>  | 1.0 ug/m <sup>3</sup> | 5 ug/m <sup>3</sup>   | -              | 25 ug/m <sup>3</sup> | 30 ug/m <sup>3</sup> |
| PM <sub>10</sub> | 1.0 ug/m <sup>3</sup> | 5 ug/m <sup>3</sup>   | -              | -                    | -                    |
| NO <sub>2</sub>  | 1.0 ug/m <sup>3</sup> | -                     | -              | -                    | -                    |

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*