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June 19, 2018

Northwest Clean Air Agency
Christos Christoforou
1600 South 2nd Street
Mount Vernon, WA 98273

September 2018 NWCAA Regulation Change SEPA Checklist Submittal

Dear Mr. Christoforou:

The Northwest Clean Air Agency (NWCAA) is in the process of adopting a regulation change to accomplish the following goals:

- Clarify gasoline station (referred to as gasoline dispensing facility (GDF)) requirements and include periodic testing to ensure gasoline tanks at GDFs are operated and maintained in a vapor-tight condition and in good working order (NWCAA Section 580.6)
- Create a regulatory program to reduce emissions from spray coating operations including work practices and controls (NWCAA Section 508)
- Clarify and update the public records program to reflect recent changes in chapter 42.56 RCW and chapter 44-14 WAC (NWCAA Section 106)
- Update general definition section to remove terms that are not used in the regulation, incorporate definitions from NWCAA Section 580, and add terms related to the GDF change (NWCAA Section 200)
- Update adoption by reference list to allow the NWCAA to implement the most recent version of the referenced state and federal rules and remove citations that do not need to be adopted by reference or have been deleted from the WAC (NWCAA Section 104).

As part of this regulation change, the State Environmental Policy Act (SEPA) requirements must be addressed.

Pursuant to WAC 197-11-310, all actions that are not exempted from SEPA require a SEPA threshold determination. An "action" under SEPA includes "new or revised agency rules, regulations, plans, policies" (WAC 197-11-704(1)(b)). A "project action" involves a decision on a specific project, such as a construction or management activity located in a defined geographic area (WAC 197-11-704(2)(a)). A "nonproject action" involves decisions on policies, plans, or programs, including "the adoption or amendment of legislation, ordinances, rules, or regulations that contain standards controlling use or modification of the environment". This regulation change qualifies as a non-exempt nonproject action. As such, a SEPA checklist is required with a SEPA threshold determination. The NWCAA is requesting a public comment period for this action including submittal to the SEPA Register and posting on the NWCAA website concurrent with the regulation change public notice. The regulation change public comment period ends on August 22, 2018.

As the lead agency, pursuant to WAC 197-11-926(1), please find enclosed a completed SEPA checklist with which to make a SEPA threshold determination. I have also attached a copy of the strikeout version of the proposed regulation change.

Sincerely,

A handwritten signature in black ink that reads "M. J. 'Lyn' Tober, P.E.".

M. J. "Lyn" Tober, PE
Chemical Engineer

Enclosure: Completed SEPA Checklist
NWCAA Proposed Regulation Change Strikeout Version

WAC 197-11-960 Environmental checklist.

ENVIRONMENTAL CHECKLIST

Purpose of checklist:

The State Environmental Policy Act (SEPA), chapter 43.21C RCW, requires all governmental agencies to consider the environmental impacts of a proposal before making decisions. An environmental impact statement (EIS) must be prepared for all proposals with probable significant adverse impacts on the quality of the environment. The purpose of this checklist is to provide information to help you and the agency identify impacts from your proposal (and to reduce or avoid impacts from the proposal, if it can be done) and to help the agency decide whether an EIS is required.

Instructions for applicants:

This environmental checklist asks you to describe some basic information about your proposal. Governmental agencies use this checklist to determine whether the environmental impacts of your proposal are significant, requiring preparation of an EIS. Answer the questions briefly, with the most precise information known, or give the best description you can.

You must answer each question accurately and carefully, to the best of your knowledge. In most cases, you should be able to answer the questions from your own observations or project plans without the need to hire experts. If you really do not know the answer, or if a question does not apply to your proposal, write "do not know" or "does not apply." Complete answers to the questions now may avoid unnecessary delays later.

Some questions ask about governmental regulations, such as zoning, shoreline, and landmark designations. Answer these questions if you can. If you have problems, the governmental agencies can assist you.

The checklist questions apply to all parts of your proposal, even if you plan to do them over a period of time or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects. The agency to which you submit this checklist may ask you to explain your answers or provide additional information reasonably related to determining if there may be significant adverse impact.

Use of checklist for nonproject proposals:

Complete this checklist for nonproject proposals, even though questions may be answered "does not apply." IN ADDITION, complete the SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS (part D).

For nonproject actions, the references in the checklist to the words "project," "applicant," and "property or site" should be read as "proposal," "proposer," and "affected geographic area," respectively.

A. BACKGROUND

1. Name of proposed project, if applicable:

Amendments to the Regulation of the Northwest Clean Air Agency

2. Name of applicant: Northwest Clean Air Agency

3. Address and phone number of applicant and contact person:

Northwest Clean Air Agency
1600 South 2nd Street
Mount Vernon, WA 98273
Contact: Lyn Tober, Phone: (360) 428-1617

4. Date checklist prepared: June 19, 2018

5. Agency requesting checklist: Northwest Clean Air Agency

6. Proposed timing or schedule (including phasing, if applicable):

- CR-102 filed with the Office of the Code Reviser: June 21, 2018 (proposed)
- Public comment period begin: August 1, 2018 (proposed)
- Public hearing and end of public comment period: August 22, 2018 at 10am (proposed)
- Proposed Board adoption date: September 13, 2018 (proposed)

- Proposed CR-103 filed with Office of the Code Reviser: September 13, 2018 (proposed)
- Proposed rule effectiveness date: October 12, 2018 (proposed)

7. Do you have any plans for future additions, expansion, or further activity related to or connected with this proposal? If yes, explain.

- Yes. After this rule is final, the NWCAA may submit a future request to EPA for inclusion of portions of this rulemaking in the Washington State Implementation Plan (SIP) for Air Quality, in compliance with requirements of the Federal Clean Air Act. The SIP comprises federally-approved control strategies to minimize emissions of criteria air pollutants and their precursors adopted by state and local air pollution control agencies as required by the Federal Clean Air Act.

8. List any environmental information you know about that has been prepared, or will be prepared, directly related to this proposal.

- None.

9. Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.

- Not applicable. This rule is not project specific; it is a regulation implemented by the NWCAA. Any site-specific application that is currently pending will be processed under the rules in effect at the time that the permit request was submitted.

10. List any government approvals or permits that will be needed for your proposal, if known.

- Not applicable.

11. Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page. (Lead agencies may modify this form to include additional specific information on project description.)

- This rule revision has five primary objectives:
 - Clarify gasoline station (referred to as gasoline dispensing facility (GDF)) requirements and include periodic testing to ensure gasoline tanks at GDFs are operated and maintained in a vapor-tight condition and in good working order (NWCAA Section 580.6),
 - Create a regulatory program to reduce emissions from spray coating operations including work practices and controls (NWCAA Section 508),
 - Clarify and update the public records program to reflect recent changes in ch. 42.56 RCW and ch. 44-14 WAC (NWCAA Section 106),
 - Update general definition section to remove terms that are not used in the regulation, incorporate definitions from NWCAA Section 580, and add terms related to the GDF change (NWCAA Section 200), and
 - Update adoption by reference list to allow the NWCAA to implement the most recent version of the referenced state and federal rules and remove citations that do not need to be adopted by reference or have been deleted from the WAC (NWCAA Section 104).

12. Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.

- The result of this proposal is an update of Northwest Clean Air Agency regulations as enforced by the Northwest Clean Air Agency within Whatcom, Skagit, and Island Counties. It is not a site-specific proposal.

B. ENVIRONMENTAL ELEMENTS

1. Earth

- a. General description of the site (circle one): Flat, rolling, hilly, steep slopes, mountainous, other
- Not applicable.
- b. What is the steepest slope on the site (approximate percent slope)?
- Not applicable.
- c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any prime farmland.
- Not applicable.
- d. Are there surface indications or history of unstable soils in the immediate vicinity? If so, describe.
- Not applicable.
- e. Describe the purpose, type, and approximate quantities of any filling or grading proposed. Indicate source of fill.
- Not applicable.
- f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe.
- Not applicable.
- g. About what percent of the site will be covered with impervious surfaces after project construction (for example, asphalt or buildings)?
- Not applicable.
- h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any:
- Not applicable.

2. Air

- a. What types of emissions to the air would result from the proposal (i.e., dust, automobile, odors, industrial wood smoke, greenhouse gases) during construction and when the project is completed? If any, generally describe and give approximate quantities if known.
- There are no substantive emission increases expected as a result of these proposed regulation changes. Emissions to air from spray coating operations are expected to decrease through use of work practices and direct collection. Emissions to air from gas stations (GDF) are expected to decrease through monitoring of operating equipment and repair as necessary.
- b. Are there any off-site sources of emissions or odor that may affect your proposal? If so, generally describe.

- Not applicable.

c. Proposed measures to reduce or control emissions or other impacts to air, if any:

- There are no substantive emission increases expected as a result of these regulation changes.

3. Water

a. Surface:

1) Is there any surface water body on or in the immediate vicinity of the site (including year-round and seasonal streams, saltwater, lakes, ponds, wetlands)? If yes, describe type and provide names. If appropriate, state what stream or river it flows into.

- Not applicable.

2) Will the project require any work over, in, or adjacent to (within 200 feet) the described waters? If yes, please describe and attach available plans.

- Not applicable.

3) Estimate the amount of fill and dredge material that would be placed in or removed from surface water or wetlands and indicate the area of the site that would be affected. Indicate the source of fill material.

- Not applicable.

4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose, and approximate quantities if known.

- Not applicable.

5) Does the proposal lie within a 100-year floodplain? If so, note location on the site plan.

- Not applicable.

6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge.

- Not applicable.

b. Ground:

1) Will ground water be withdrawn, or will water be discharged to ground water? Give general description, purpose, and approximate quantities if known.

- Not applicable.

2) Describe waste material that will be discharged into the ground from septic tanks or other sources, if any (for example: Domestic sewage; industrial, containing the following chemicals. . . ; agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve.

- Not applicable.

c. Water runoff (including stormwater):

1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe.

- Not applicable.

2) Could waste materials enter ground or surface waters? If so, generally describe.

- Not applicable.

d. Proposed measures to reduce or control surface, ground, and runoff water impacts, if any:

- Not applicable.

4. **Plants**

a. Check or circle types of vegetation found on the site:

- _____ deciduous tree: alder, maple, aspen, other
- _____ evergreen tree: fir, cedar, pine, other
- _____ shrubs
- _____ grass
- _____ Pasture
- _____ crop or grain
- _____ wet soil plants: cattail, buttercup, bullrush, skunk cabbage, other
- _____ water plants: water lily, eelgrass, milfoil, other
- _____ other types of vegetation

b. What kind and amount of vegetation will be removed or altered?

- Not applicable.

c. List threatened or endangered species known to be on or near the site.

- Not applicable.

d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any:

- Not applicable.

5. **Animals**

a. Circle any birds and animals which have been observed on or near the site or are known to be on or near the site:

- birds: hawk, heron, eagle, songbirds, other:
- mammals: deer, bear, elk, beaver, other:
- fish: bass, salmon, trout, herring, shellfish, other:

- Not applicable.

- b. List any threatened or endangered species known to be on or near the site. c. Is the site part of a migration route? If so, explain.

- Not applicable.

- d. Proposed measures to preserve or enhance wildlife, if any:

- Not applicable.

6. Energy and natural resources

- a. What kinds of energy (electric, natural gas, oil, wood stove, solar) will be used to meet the completed project's energy needs? Describe whether it will be used for heating, manufacturing, etc.

- Not applicable.

- b. Would your project affect the potential use of solar energy by adjacent properties? If so, generally describe.

- Not applicable.

- c. What kinds of energy conservation features are included in the plans of this proposal? List other proposed measures to reduce or control energy impacts, if any:

- Not applicable

7. Environmental health

- a. Are there any environmental health hazards, including exposure to toxic chemicals, risk of fire and explosion, spill, or hazardous waste, that could occur as a result of this proposal? If so, describe.

- This rule change will decrease public air exposure to toxic chemicals from gasoline stations and spray coating operations by promoting better collection and control. There may be small increases in waste generated from the direct collection of air contaminants due to the increased use of filters. However, such filters are already in use and this rule will simply increase their prevalence. Overall, these regulations reduce environmental health hazards.

- 1) Describe special emergency services that might be required.

- Not applicable.

- 2) Proposed measures to reduce or control environmental health hazards, if any:

- The benefit to air quality outweighs the small potential increase in waste generated.

b. Noise

- 1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)?

- Not applicable.

- 2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site.

- Not applicable.

3) Proposed measures to reduce or control noise impacts, if any:

- Not applicable.

8. Land and shoreline use

a. What is the current use of the site and adjacent properties?

- Not applicable.

b. Has the site been used for agriculture? If so, describe.

- Not applicable.

c. Describe any structures on the site.

- Not applicable.

d. Will any structures be demolished? If so, what?

- Not applicable.

e. What is the current zoning classification of the site?

- Not applicable.

f. What is the current comprehensive plan designation of the site?

- Not applicable.

g. If applicable, what is the current shoreline master program designation of the site?

- Not applicable.

h. Has any part of the site been classified as an "environmentally sensitive" area? If so, specify.

- Not applicable.

i. Approximately how many people would reside or work in the completed project?

- Not applicable.

j. Approximately how many people would the completed project displace?

- Not applicable.

k. Proposed measures to avoid or reduce displacement impacts, if any:

- Not applicable.

l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any:

- Not applicable.

9. **Housing**

a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing.

- Not applicable.

b. Approximately how many units, if any, would be eliminated? Indicate whether high, middle, or low-income housing.

- Not applicable.

c. Proposed measures to reduce or control housing impacts, if any:

- Not applicable.

10. **Aesthetics**

a. What is the tallest height of any proposed structure(s), not including antennas; what is the principal exterior building material(s) proposed?

- Not applicable.

b. What views in the immediate vicinity would be altered or obstructed?

- Not applicable.

c. Proposed measures to reduce or control aesthetic impacts, if any:

- Not applicable.

11. **Light and glare**

a. What type of light or glare will the proposal produce? What time of day would it mainly occur?

- Not applicable.

b. Could light or glare from the finished project be a safety hazard or interfere with views?

- Not applicable.

c. What existing off-site sources of light or glare may affect your proposal?

- Not applicable.

d. Proposed measures to reduce or control light and glare impacts, if any:

- Not applicable.

12. **Recreation**

a. What designated and informal recreational opportunities are in the immediate vicinity?

- Not applicable.

b. Would the proposed project displace any existing recreational uses? If so, describe.

- This regulation change requires that spray coating operations at businesses implement various work practice standards and controls. Recreational (i.e., noncommercial) spray coating is excluded.

c. Proposed measures to reduce or control impacts on recreation, including recreation opportunities to be provided by the project or applicant, if any:

- Not applicable.

13. Historic and cultural preservation

a. Are there any places or objects listed on, or proposed for, national, state, or local preservation registers known to be on or next to the site? If so, generally describe.

- Not applicable.

b. Generally describe any landmarks or evidence of historic, archaeological, scientific, or cultural importance known to be on or next to the site.

- Not applicable.

c. Proposed measures to reduce or control impacts, if any:

- Not applicable.

14. Transportation

a. Identify public streets and highways serving the site, and describe proposed access to the existing street system. Show on site plans, if any.

- Not applicable.

b. Is site currently served by public transit? If not, what is the approximate distance to the nearest transit stop?

- Not applicable.

c. How many parking spaces would the completed project have? How many would the project eliminate?

- Not applicable.

d. Will the proposal require any new roads or streets, or improvements to existing roads or streets, not including driveways? If so, generally describe (indicate whether public or private).

- Not applicable.

e. Will the project use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe.

- Not applicable.

f. How many vehicular trips per day would be generated by the completed project? If known, indicate when peak volumes would occur.

- Not applicable.

g. Proposed measures to reduce or control transportation impacts, if any:

- Not applicable.

15. Public services

a. Would the project result in an increased need for public services (for example: fire protection, police protection, health care, schools, other)? If so, generally describe.

- Spray coating generally takes place in enclosed spray coating areas. Certain enclosed spray coating areas may require review under the fire code. There are no expected substantive increases in public services required for this change.

b. Proposed measures to reduce or control direct impacts on public services, if any.

- The benefit to air quality outweighs the any nominal increase in public services required.

16. Utilities

a. Circle utilities currently available at the site: electricity, natural gas, water, refuse service, telephone, sanitary sewer, septic system, other.

- Not applicable.

b. Describe the utilities that are proposed for the project, the utility providing the service, and the general construction activities on the site or in the immediate vicinity which might be needed.

- Not applicable.

C. SIGNATURE

The above answers are true and complete to the best of my knowledge. I understand that the lead agency is relying on them to make its decision.

Signature: Lyn Tober

Date Submitted: June 19, 2018.....

D. SUPPLEMENTAL SHEET FOR NONPROJECT ACTIONS

Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.

When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, would affect the item at a greater intensity or at a faster rate than if the proposal were not implemented. Respond briefly and in general terms.

1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

- There are no substantive emission increases expected as a result of these proposed regulation changes to water; air; production, storage, or release of toxic or hazardous substances; or production of noise. Emissions to air from spray coating operations are expected to decrease through use of work practices and direct collection. Emissions to air from gas stations (GDF) are expected to decrease through monitoring of operating equipment and repair as necessary. There may be small increases in waste generated from the direct collection of air contaminants due to increased use of filters. However, such filters are already in use and this rule will simply increase their prevalence.

Proposed measures to avoid or reduce such increases are:

- There are no substantive emission increases expected as a result of these regulation changes. The benefit to air quality outweighs the small potential increase in waste generated.

2. How would the proposal be likely to affect plants, animals, fish, or marine life?

- Plants, animals, fish and marine life may benefit from better air quality.

Proposed measures to protect or conserve plants, animals, fish, or marine life are:

- Air pollution control measures are intended to protect human health and the environment.

3. How would the proposal be likely to deplete energy or natural resources?

- This proposal will not deplete energy or natural resources.

Proposed measures to protect or conserve energy and natural resources are:

- This proposal will not impact energy and natural resources.

4. How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands?

- The NWCAA jurisdiction (i.e., Whatcom, Skagit, and Island Counties) includes a variety of land classifications including environmentally sensitive areas and areas designated for governmental protection (e.g., North Cascades National Park, Pasayten Wilderness, Glacier Peak Wilderness). This rule revision does not change how these areas are governed. However, this rule revision will

continue to implement air pollution control measures for sources within the NWCAA's jurisdiction to protect the environment and air quality.

Proposed measures to protect such resources or to avoid or reduce impacts are:

- The NWCAA will continue to enforce the promulgated rules throughout our jurisdiction that protect air quality and the environment.

5. How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

- Not applicable.

Proposed measures to avoid or reduce shoreline and land use impacts are:

- Not applicable.

6. How would the proposal be likely to increase demands on transportation or public services and utilities?

- Not applicable.

Proposed measures to reduce or respond to such demand(s) are:

- Not applicable.

7. Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

- These rules implement the Washington Clean Air Act. The changes are proposed to clarify and reconcile the NWCAA rule language to better match state regulations and laws. In addition, the NWCAA rule will not conflict with applicable federal programs.

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of (~~(State Law)~~)the following state rules that are in effect as of June 21, 2018~~((8, 2016, which are pertinent to the operation of the NWCAA;))~~ are hereby adopted by reference and made part of the Regulation of the NWCAA(~~(- Specifically, there is adopted by reference the portions pertinent to the operation of the NWCAA of the Washington State Clean Air Act (chapter 70.94 RCW), the Administrative Procedure Act (chapter 34.05 RCW) and chapters 43.21A and 43.21B RCW and the following state rules))~~): chapter 173- 400 WAC, (except – -025, -030, -035, -036, -040(1)(-)) & (7), -045, -075, -099, -100, -101, -102, -103, -104, -105(7), -110, -114, -115, -116, -171, -930), chapter 173-401 WAC, chapter 173-407 WAC, chapter 173-420 WAC, chapter 173-425 WAC, chapter 173-430 WAC, chapter 173-433 WAC, chapter 173-434 WAC, chapter 173-435 WAC, chapter 173-441 WAC, chapter 173-442 WAC, chapter 173-450 WAC, chapter 173-460 WAC, chapter 173-476~~((470 WAC, chapter 173-474))~~ WAC, chapter 173-~~((475))~~480 WAC, chapter 173-481 WAC, chapter 173-~~485~~~~((490))~~ WAC, chapter 173-491 WAC~~((, chapter 173-492 WAC, and chapter 173-495 WAC))~~. The requirements of the NWCAA Regulation apply in addition to the state-wide regulations adopted and enforced under this paragraph.

104.2 All provisions of the following federal rules that are in effect as of June 21, 2018~~((8-2016))~~ are hereby adopted by reference and made part of the Regulation of the NWCAA: (~~((40 CFR Part 50 (National Primary and Secondary Ambient Air Quality Standards);-))~~)40 CFR Part 51 (Requirements for Preparation, Adoption, and Submittal of Implementation Plans) Appendix M; 40 CFR Part 60 (Standards of Performance For New Stationary Sources) subparts A, D, Da, Db, Dc, E, Ea, Eb, Ec, F, G, Ga, H, I, J, Ja, K, Ka, Kb, L, M, N, Na, O, P, Q, R, T, U, V, W, X, Y, Z, AA, AAa, CC, DD, EE, GG, HH, KK, LL, MM, NN, PP, QQ, RR, SS, TT, UU, VV, VVa, WW, XX, AAA, BBB, DDD, FFF, GGG, GGGa, HHH, III, JJJ, KKK, LLL, NNN, OOO, PPP, QQQ, RRR, SSS, TTT, UUU, VVV, WWW, XXX, AAAA, CCCC, EEEE, IIII, JJJJ, KKKK, LLLL, OOOO, QOOOa, QQQQ, and Appendix A - I; 40 CFR Part 61 (National Emission Standards For Hazardous Air Pollutants) Subparts A, C, D, E, F, J, L, M, N, O, P, V, Y, BB, FF; 40 CFR Part 62 (Approval and Promulgation of State Plans for Designated Facilities and Pollutants) Subpart LLL; 40 CFR Part 63 (National Emission Standards for Hazardous Air Pollutants for Source Categories) Subparts A, B, C, D, F, G, H, I, L, M, N, O, Q, R, T, U, W, X, Y, AA, BB, CC, DD, EE, GG, HH, II, JJ, KK, OO, PP, QQ, RR, SS, TT, UU, VV, WW, XX, YY, CCC, DDD, EEE, GGG, HHH, III, JJJ, LLL, MMM, NNN, OOO, PPP, QQQ, TTT, UUU, VVV, XXX, AAAA, CCCC, DDDD, EEEE, FFFF, GGGG, HHHH, IIII, JJJJ, KKKK, MMMM, NNNN, OOOO, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, XXXX, YYYY, ZZZZ, AAAAA, BBBB, CCCC, DDDD, EEEEE, FFFF, GGGG, HHHH, IIII, LLLL, MMMM, NNNN, PPPP, QQQQ, RRRR, SSSS, TTTT, UUUU, VVVV, WWWW, YYYY, ZZZZ, BBBB, CCCC, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, MMMMM, NNNNN, QQQQQ, SSSSS, TTTTT, VVVVV, WWWWW, XXXXX, ZZZZZ, AAAAAA, DDDDDD, EEEEEE, FFFFFF, HHHHHH; (~~((40 CFR Part 65 (Consolidated Federal Air Rule);-))~~)and 40 CFR Parts 72, 73, 74, 75, 76, 77 and 78 (Acid Rain Program).

PASSED: July 8, 1970 AMENDED: April 14, 1993, September 8, 1993, December 8, 1993, October 13, 1994, May 11, 1995, February 8, 1996, May 9, 1996, March 13, 1997, May 14, 1998, November 12, 1998, November 12, 1999, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, June 10, 2010, June 9, 2011, November 17, 2011, August 9, 2012, March 14, 2013, September 11, 2014, August 13, 2015, August 11, 2016, September 13, 2018

AMENDATORY SECTION

SECTION 106 – PUBLIC RECORDS

~~((106.1 The purpose of this section is to implement the requirements of RCW 42.56 Public Records.~~

~~106.2 Definitions~~

~~106.21 The terms "agency", "public record", and "writing" shall have the same meaning as stated in RCW 42.17.020.~~

~~106.3 Public records available~~

~~106.31 All public records of the NWCAA are available for public inspection and copying at its office located at 1600 South Second Street, Mount Vernon, Washington 98273-5202 pursuant to these rules subject to subsections 106.32, 106.33, and 106.34 of this section.~~

~~106.32 Availability of public records is subject to exemptions and requirements of RCW 42.56.070.~~

~~106.33 When a public record includes information, the disclosure of which would lead to an unreasonable invasion of personal privacy, and the NWCAA becomes aware of this fact, the NWCAA shall delete such information before making the record available.~~

~~106.34 Within 5 days of receiving a public records request the NWCAA will respond by either:~~

~~(a) Providing the records requested~~

~~(b) Acknowledging the request and providing a reasonable estimate of time the agency needs to respond to the request, or~~

~~(c) Denying the public request.~~

~~106.4 Records Index. The NWCAA does not maintain an index of just the public records listed in RCW 42.56.070. The NWCAA's Board of Directors are of the opinion that the establishment of such an index would be unduly burdensome and interfere with the NWCAA's operation because a significant and integral portion of the NWCAA's records are exempt from public inspection and copying pursuant to RCW 42.56.070. The release of such records would be an unreasonable invasion of personal privacy or the violation of the confidentiality of records and information provisions of the State Clean Air Act (RCW 70.94.205).~~

~~The NWCAA is in substantive compliance with RCW 42.56.070 by making available for public inspection and copying public records listed in RCW 42.56.070(7)(a)(b),(8) and (9). These include promulgated regulations of the NWCAA, final opinions made in adjudicated cases, minutes and resolutions of the Board of Directors, monthly activity reports, policy memorandums of the Control Officer, logs of Notice of Violations issued, upset, breakdown and startup reports, assessment of penalties, index of registered sources, annual emission inventory summaries and summaries of ambient air monitoring data, annual state and federal grant applications, including the annual program plan, certification to operate, inspection reports for air pollution sources, variance and notice of construction records with confidential records and information deleted in accordance with RCW 70.94.205.~~

~~The Control Officer or designee shall assist any person to obtain public records requested from the NWCAA's record files.~~

~~106.5 Request for public records.~~

~~106.51 All requests for inspection or copying of public records shall be made on a form as follows:~~

~~106.52 REQUEST FOR PUBLIC RECORDS~~

~~Date: _____ Time: _____~~

~~Name: _____~~

~~Address: _____~~

~~Telephone No.: _____~~

~~Description of Records: _____~~

~~I certify that lists of individuals obtained through this request for public records will not be used for commercial purposes.~~

Signature

~~**FOR NWCAA USE:**~~

~~Number of Copies: _____~~

~~Number of Pages: _____~~

~~Per Page Charge: _____\$~~

~~Total Charge: _____\$~~

~~All requests made in person may be made at the NWCAA office during regular business hours, Monday through Friday, excluding legal holidays.~~

~~A request for inspection or copying of public records may be made by mail, email or fax — containing the following information:~~

~~(a) The name and address of the person making the request and the organization the person represents.~~

~~(b) The time of day and calendar date on which the person wishes to inspect the public records.~~

~~(c) A description of the public records requested.~~

~~(d) A statement whether access to copying equipment is desired.~~

~~(e) A phone number where the person can be reached in case the Control Officer or designee needs to contact the person for further description of the material or any other reason.~~

~~(f) — A signed statement certifying that the person making the request will not use, for commercial purposes, any information which identifies an individual or individuals.~~

~~All requests must be received by the NWCAA at least three business days before the requested date of inspection to allow the Control Officer or designee to make certain the requested records are available and not exempt and, if necessary, to contact the person requesting inspection.~~

~~106.6 — Fees. No fee shall be charged for the inspection of public records. For printed, typed and written material a maximum size of 8 1/2" by 14", the NWCAA shall charge a reasonable fee, determined from time to time by the Control Officer, for providing copies of public records and for use of the NWCAA's copy equipment, payable at the time copies are furnished. This charge is the amount necessary to reimburse the NWCAA for its actual costs incident to such copying. Copies of maps, photos, reports, and other nonstandard items shall be furnished at the regular price established by the NWCAA. When other special copy work for nonstandard items is requested, the fee charged will reflect the total cost, including the time of NWCAA personnel.~~

~~106.7 — Statement of reason for denial of public records request. When the NWCAA refuses, in whole or part, a written request for inspection of any public record, it shall include a statement of the specific exemption authorizing the refusal and a brief explanation of how the exemption applies to the record withheld.~~

~~106.8 — Review of denials of public records request.~~

~~106.81 — Any person who objects to the refusal of a written request for a public record may petition for prompt review of such decision by tendering a written request for review. The written request shall specifically refer to the written statement by the Control Officer or designee which constituted or accompanied the refusal.~~

~~106.82 — Immediately after receiving a written request for review of a decision denying a public record, the Control Officer or designee denying the request shall refer it to the NWCAA Board of Directors. The Board shall promptly consider the matter and either affirm or reverse such refusal. The final decision shall be sent to the objecting persons.~~

~~106.83 — Whenever the agency concludes that a public record is exempt from disclosure and denies a person opportunity to inspect or copy a public record for that reason, the person may request judicial review of the agency decision.~~

~~106.9 — Protection of public records. In order to adequately protect the public records of the NWCAA, the following guidelines shall be adhered to by any person inspecting such public records:~~

~~106.91 — No public records shall be removed from the NWCAA premises.~~

~~106.92 — Inspection of any public record shall be conducted in the presence of a designated NWCAA employee.~~

~~106.93 — No public records may be marked or defaced in any manner during inspection.~~

~~106.94 — Public records, which are maintained in a file or jacket, or chronological order, may not be dismantled except for purposes of copying and then only by the Control Officer or designee.~~

~~106.95 Access to file cabinets, shelves, and other storage areas is restricted to NWCAA personnel, unless other arrangements are made with the Control Officer or designee.)~~

106.1 AUTHORITY AND PURPOSE.

(A) The Northwest Clean Air Agency (NWCAA) will make available for inspection and copying nonexempt public records in accordance with the Public Records Act, chapter 42.56 RCW. The Public Records Act defines public records to include any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by the agency.

(B) The purpose of this section is to establish the procedures the NWCAA will follow in order to provide full access to nonexempt public records. These sections provide information to persons wishing to request access to public records of the NWCAA and establish processes for both requesters and NWCAA staff that are designed to best assist members of the public in obtaining records.

106.2 AGENCY CONTACT INFORMATION

(A) Any person wishing to request access to public records of the NWCAA, or seeking assistance in making such a request should contact the Public Records Officer of the NWCAA:

Public Records Officer
Northwest Clean Air Agency
1600 S Second St
Mount Vernon, WA 98273-5202
Phone: 360-428-1617
Facsimile: 360-428-1620
Email: PublicInformationRequests@nwcleanairwa.gov

Requests may be submitted on the NWCAA website at www.nwcleanairwa.gov.

(B) Duties of Public Records Officer. The Public Records Officer will oversee compliance with this section but another NWCAA staff member may process the request. Therefore, any reference to the Public Records Officer in this section may refer to the Public Records Officer or designee.

106.3 AVAILABILITY OF PUBLIC RECORDS.

(A) Public records are available for inspection Monday through Friday during the hours of 8:30 a.m. to 4:00 p.m., excluding legal holidays. Records must be inspected at the NWCAA office. Arrangements to inspect records should be made in advance with the Public Records Officer.

(B) The NWCAA finds that maintaining an index is unduly burdensome and would interfere with agency operations due to the agency's small size and the high volume and types of public records generated and received by the agency.

(C) The NWCAA will maintain its records in a reasonably organized manner. The NWCAA will take reasonable actions to protect records from damage and disorganization.

(D) Making a Request for Public Records. Any person wishing to inspect or to have copies made of public records should make this request in writing by letter, email sent to PublicInformationRequests@nwcleanairwa.gov, or through the NWCAA website at www.nwcleanairwa.gov.

(1) The request should include the following information:

(a) Name of requester;

(b) Address of requester;

(c) Other contact information, including telephone number and email address;

(d) Identification of the information or records sought adequate to locate the records; and

(e) The date and time of day of the request.

(2) The Public Records Officer may accept requests for public records by telephone or in person. The Public Records Officer will confirm receipt of the request and summarize the request in writing.

(3) If requesters refuse to identify themselves or provide sufficient contact information, the NWCAA will respond to the extent feasible and consistent with the law.

106.4 PROCESSING OF PUBLIC RECORDS REQUESTS

(A) The Public Records Officer will provide the fullest assistance to requesters and prevent excessive interference with other essential functions of the NWCAA.

(B) Within 5 business days of receipt of a request, the Public Records Officer will do one or more of the following:

(1) Make the records available for inspection.

(2) Provide a copy of the record.

(a) If photocopies or scanned copies are requested, the Public Records Officer will notify the requester with an estimated cost of the copies and make arrangements for payment.

(b) If the records are available on the NWCAA website, the Public Records Officer will provide an internet address to the specific records requested.

(3) Provide a reasonable estimate of when records or an installment of records will be available.

(4) Ask the requester to provide clarification for a request that is unclear. If the requester fails to respond to a request for clarification and the entire request is unclear, the NWCAA need not respond to it. The NWCAA will respond to those portions of a request that are clear.

(5) Deny the request.

(C) If the NWCAA does not respond within 5 business days of receipt of the request, the requester should contact the Public Records Officer to determine the reason for the failure to respond.

- (D) The NWCAA will notify the requester when records are available for inspection and provide space to review documents. No member of the public may remove a document from the designated reviewing area or from the file. The requester shall indicate which documents he or she wishes the NWCAA to copy.
- (E) The Public Records Officer will evaluate the request according to the nature and volume of the request. The Public Records Officer will process requests in the order allowing the most requests to be processed in the most efficient manner.
- (F) When the request is for a large number of records, the Public Records Officer may provide access for inspection or send copies in installments.
- (G) If, after the NWCAA has informed the requester that it has provided all available records, the NWCAA becomes aware of additional responsive documents existing at the time of the request, the Public Records Officer will promptly inform the requester of the additional documents and provide them on an expedited basis.
- (H) When the requester either withdraws the request, fails to clarify an unclear request, fails to pay the deposit, fails to make final payment for the requested copies, or fails to inspect or claim the requested records within 30 days after notification, the Public Records Officer may close the request and refile the records.

106.5 COSTS OF PROVIDING COPIES OF PUBLIC RECORDS

- (A) There is no fee for inspecting public records or for the NWCAA's time spent locating public documents and making them available. There is no fee for providing electronic records if they already exist in an electronic format.
- (B) The NWCAA is not calculating actual costs for copying its records because to do so would be unduly burdensome for the following reasons: the NWCAA does not have the resources to conduct a study to determine actual copying costs for all its records and to conduct such a study would interfere with other essential agency functions. Therefore, in order to timely implement a fee schedule consistent with the public records act, it is more cost efficient, expeditious and in the public interest for the NWCAA to adopt the state legislature's approved fees and costs for most of the NWCAA records, as authorized in RCW 42.56.120 and as published in NWCAA 106.5(C).
- (C) The costs for copying and conveying records are as follows:

| Public Records Fee Schedule | |
|------------------------------------|--|
| <u>15 cents / standard page</u> | <u>Photocopies provided by NWCAA staff using agency equipment - no fee for first 100 pages per request</u> |
| <u>10 cents / standard page</u> | <u>Scanned documents provided by NWCAA staff using agency equipment (if the documents are not already in electronic format) – no fee for first 100 pages per request</u> |
| <u>Actual cost</u> | <u>Digital storage media or devices</u> |
| <u>Actual cost</u> | <u>Any container or envelope used to mail copies</u> |
| <u>Actual cost</u> | <u>Postage or delivery charges</u> |
| <u>Actual cost</u> | <u>Copying or scanning charged by an outside vendor</u> |
| <u>Actual cost</u> | <u>Expertise to prepare data compilations or provide customized electronic access services</u> |
| <u>Actual cost</u> | <u>Retrieving documents out of storage</u> |

| | |
|-------|--|
| Other | Other charges allowed in RCW 42.56.120 |
|-------|--|

(D) Payment may be made with a credit card on-line, cash, check, or money order made out to the Treasurer of the NWCAA.

106.6 EXEMPT RECORDS

(A) The Public Records Act provides that some records are exempt in whole or in part from public inspection and copying. In addition to the list of exemptions in RCW 42.56.050, RCW 42.56.210 through RCW 42.56.400, and WAC 44-14-060, common exemptions include:

- (1) Confidential business information. The owner or operator of a source may certify that a record or information provided to the agency is confidential because it relates to a process or production unique to the owner or operator or is likely to affect adversely the competitive position if released. Emission and ambient air quality data are excluded from any confidential claim. (RCW 70.94.205)
- (2) Attorney-client communications. Communication between an attorney, who is acting as counsel or advisor, and NWCAA staff is confidential unless a member of the public is copied on that communication (RCW 5.60.060(2)(a))
- (3) Preliminary drafts, notes, recommendations, and intra-agency memorandums (RCW 42.56.280)
- (4) List of individuals (private or natural persons) for commercial purpose. The NWCAA is prohibited by statute from disclosing lists of individuals for commercial purposes (RCW 42.56.070(8))
- (5) Investigative records and information pertaining to ongoing investigations where premature disclosure could jeopardize effective law enforcement or any person's right to privacy. (RCW 42.56.240(1))
- (6) Identity of persons who file a complaint with the NWCAA if disclosure would endanger any person's life, physical safety or property. If at the time a complaint is filed, the complainant indicates a desire for nondisclosure, such desire shall govern (RCW 42.56.240(2))

(B) For records or portions of records that are withheld, the Public Records Officer will document the applicable exemption and provide a brief written explanation as to why the record or portion of the record is being withheld.

(C) In the event that the requested public records contain information that may affect rights of others and may be exempt from disclosure, the Public Records Officer may, prior to providing the public records, give notice to such others whose rights may be affected by the disclosure.

106.7 REVIEW OF DENIALS OF PUBLIC RECORD

(A) Any person who objects to the initial denial or partial denial of a records request may petition in writing to the Control Officer of the NWCAA for a review of that decision. The petition shall include a copy of the written statement by the Public Records Officer denying the request.

(B) The Control Officer or designee will either affirm or reverse the denial within 10 business days following the NWCAA's receipt of the petition.

(C) Any person may petition the Skagit County Superior Court for a review of denials of public records requests pursuant to RCW 42.56.550 at the conclusion of 10 business days after the initial denial regardless of any internal appeal process.

PASSED: August 9, 1978 AMENDED: November 8, 2007, September 13, 2018

AMENDATORY SECTION

SECTION 200 – DEFINITIONS

The terms used in the Regulation of the NWCAA are defined in this section as follows:

ACTUAL EMISSIONS - The actual rate of emissions of a pollutant from an emission unit, as determined in accordance with ~~((a))~~(A) through ~~((e))~~(C) of this definition.

~~((a))~~(A) In general, the 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 stationary source operation. The NWCAA shall allow the use of a different time period upon a determination by the NWCAA that it is more representative of normal stationary 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))~~(B) The NWCAA may presume that stationary source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

~~((e))~~(C) For any emissions unit ~~that~~(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.

~~((ADVERSE IMPACT ON VISIBILITY – Adverse impact on visibility is defined in WAC 173-400-117.))~~

AIR CONTAMINANT or AIR POLLUTANT - Dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. ~~((“Air pollutant” means the same as “air contaminant.”))~~

AIR POLLUTION - 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 interfere with enjoyment of life and property. For the purposes of ~~((this +))~~the NWCAA Regulation, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

AIR QUALITY OBJECTIVE - The concentration and exposure time of one or more air contaminants in the ambient air below which, according to available knowledge, undesirable effects will not occur.

~~((AIR QUALITY STANDARD – An established concentration, exposure time and frequency of occurrence of one or more air contaminants in the ambient air which shall not be exceeded.))~~

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))~~(A) The applicable standards as in 40 CFR Part 60, 61 or 63;

~~((b))~~(B) Any applicable SIP emissions limitation including those with a future compliance date; or

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

AMBIENT AIR - The surrounding outside air.

AMBIENT AIR QUALITY STANDARD or AIR QUALITY STANDARD - An established concentration, exposure time, and frequency of occurrence of one or more air contaminants ~~((s))~~ in the ambient air which shall not be exceeded.

AMBIENT AIR MONITORING STATION - A station so designated by the Control Officer for the purpose of measuring air contaminant concentrations in the ambient air. ~~((The station location and sampling probe locations shall be designated by the Control Officer utilizing as a guide 40 CFR Part 58, Appendix "D" Network Design and Appendix "E" Probe Siting Criteria.))~~

ATTAINMENT AREA - A geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant.

BEGIN ACTUAL CONSTRUCTION - In general, initiation of physical on-site construction activities on an emissions unit which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work, and construction of permanent storage structures. With respect to a change in method of operation, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

BEST AVAILABLE CONTROL TECHNOLOGY (BACT) - 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 NWCAA, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, 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 Parts 60, 61, and 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

BOARD - Board of Directors of the NWCAA.

BOTTOM LOADING - The filling of a tank through a line entering the bottom of the tank.

BUBBLE - A set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and WAC 173-400-120.

BULK GASOLINE PLANT - A gasoline storage and transfer facility that receives more than 90 percent of its annual gasoline throughput by transport tank and reloads gasoline into transport tanks.

BUSINESS ESTABLISHMENT - A facility and/or place where commercial and/or professional dealings are conducted.

CATALYTIC CRACKING UNIT - A petroleum refinery cracking unit of the fluid or compact moving bed type consisting of a reactor, regenerator, and fractionating tower and, where employed, a carbon monoxide boiler.

~~((CLASS I AREA -- Any area designated under section 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:~~

- ~~a) Alpine Lakes Wilderness;~~
- ~~b) Glacier Peak Wilderness;~~
- ~~c) Goat Rocks Wilderness;~~
- ~~d) Mount Adams Wilderness;~~
- ~~e) Mount Rainier National Park;~~
- ~~f) North Cascades National Park;~~
- ~~g) Olympic National Park;~~
- ~~h) Pasayten Wilderness; and~~
- ~~i) Spokane Indian Reservation))~~

~~((COMBUSTION and INCINERATION UNITS -- Units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.~~

~~COMMENCE -- As applied to construction, the owner or operator has either:~~

- ~~(1) Begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or~~
- ~~(2) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.)~~

CLOSED REFINERY SYSTEM - A disposal system that will process or dispose of those VOC collected from another system.

COMMERCIAL COMPOSTING FACILITY - A facility that is operated for the purpose of selling or off-site distribution of compost produced via the controlled biological degradation of organic material.

~~((COMPLAINANT -- Any person who files a complaint.))~~

COMPLIANCE ORDER -- An order issued by the NWCAA pursuant to the authority of RCW 70.94.332 and 70.94.141(3) that addresses or resolves a compliance issue regarding any requirement of chapter 70.94 RCW or the rules adopted thereunder. Compliance orders may include, but are not limited to, time schedules and/or necessary actions for preventing, abating, or controlling emissions.

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.

CONTROL FACILITY - Includes any treatment works, control devices and disposal systems, machinery equipment, structures, property or any part of accessories thereof, installed or acquired for the primary purpose of reducing, controlling, or disposing of industrial waste which, if released to the outdoor atmosphere, could cause air pollution.

CONTROL OFFICER - Air Pollution Control Officer of the NWCAA, also known as Director.

CRITERIA POLLUTANT - A pollutant for which there is established a National Ambient Air Quality Standard at 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

CUTBACK ASPHALT - An asphalt that has been blended with more than 7 percent petroleum distillates by weight.

DAYLIGHT HOURS - The hours between official sunrise and official sunset.

DISPOSAL SYSTEM - A process or device that reduces the mass quantity of the uncontrolled VOC emissions by at least 90 percent.

ECOLOGY - Washington State Department of Ecology (WDOE).

EMISSION - A release of air contaminants into the ambient air.

EMISSION REDUCTION CREDIT (ERC) - A credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

EMISSION POINT - The location (place in horizontal plane and vertical elevation) from which an emission enters the atmosphere.

EMISSION STANDARD, ~~(and)~~ EMISSION LIMITATION, or EMISSION LIMIT – A requirement established under the Federal Clean Air Act 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 stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act or chapter 70.94 RCW.

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 Federal Clean Air Act, ~~(chapter 70.94 RCW, (chapter 70.98 RCW,~~ or the Regulation of the NWCAA.

EQUIPMENT - Any stationary or portable device or any part thereof capable of causing the emission of any contaminant into the atmosphere or ambient air.

EXCESS EMISSIONS - Emissions of an air pollutant in excess of any applicable emission standard.

~~((EXISTING STATIONARY FACILITY - Is defined in WAC 173-400-151.))~~

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.

~~((FEDERAL CLASS I AREA - Any federal land that is classified or reclassified Class I area. The following areas are the Class I areas in Washington state:~~

- ~~a) Alpine Lakes Wilderness;~~
- ~~b) Glacier Peak Wilderness;~~
- ~~c) Goat Rocks Wilderness;~~
- ~~d) Mount Adams Wilderness;~~
- ~~e) Mount Rainier National Park;~~
- ~~f) North Cascades National Park;~~
- ~~g) Olympic National Park; and~~
- ~~h) Pasayten Wilderness~~

~~FEDERAL LAND MANAGER - The secretary of the department with authority over federal lands in the United States. This includes, but is not limited to, the U.S. Department of the Interior - National Park Service, the U.S. Department of Agriculture - Forest Service, and/or the U.S. Department of the Interior - Bureau of Land Management.)~~

FEDERALLY ENFORCEABLE - All limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61 and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP-approved new source review regulation, or any voluntary limits on emissions pursuant to WAC 173-400-091.

~~((FIRE CHIEF - A state, county, or city fire marshal, city fire chief, chief of each County Fire Protection District or authorized forestry officials from the Washington State Department of Natural Resources.))~~

FUEL BURNING EQUIPMENT - ~~((Equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.))~~ Any device used for the external combustion of fuel for the primary purpose of producing useful heat or power.

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 of areas that generate~~((originate))~~ fugitive dust. Fugitive dust is a type of fugitive emission.

FUGITIVE EMISSIONS - Emissions which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

GASOLINE - A petroleum distillate that is liquid at standard conditions, has a true vapor pressure greater than 4 psia at 20 degrees C, and is used as a fuel for internal combustion engines.

GASOLINE DISPENSING FACILITY (GDF) - Any stationary facility that dispenses gasoline into the fuel tank of a motor vehicle, motor vehicle engine, nonroad vehicle, or nonroad engine, including a nonroad vehicle or nonroad engine used solely for competition. These facilities include, but are not limited to, facilities that dispense gasoline into on- and off-road, street, or highway motor vehicles, lawn equipment, boats, test engines, landscaping equipment, generators, pumps, and other gasoline-fueled engines and equipment.

GASOLINE LOADING TERMINAL - A gasoline transfer facility that receives more than 10 percent of its annual gasoline throughput solely or in combination by pipeline, ship, or barge, and loads gasoline into transport tanks.

GREENHOUSE GASES (GHGs) – Includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

HAZARDOUS AIR POLLUTANT (HAP) - Any air pollutant listed in or pursuant to Section 112(b) of the Federal Clean Air Act, 42 U.S.C. §7412.

~~((HEARINGS BOARD – The state Pollution Control Hearings Board or equivalent local hearings board as set forth in RCW 43.21B.))~~

HEAT INPUT CAPACITY - ~~((is the))~~The maximum actual or design heat capacity, whichever is greater, stated in British thermal units per hour (BTU/hr), generated by the stationary source and ~~((shall be))~~expressed using the higher heating value of the fuel unless otherwise specified.

~~((HOG FUEL BOILER – A boiler that utilizes wood, commonly called "hog fuel", as one source of fuel.))~~

INCINERATOR - A furnace used primarily for the thermal destruction of waste.

INSTALLATION - The placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

~~((LOWEST ACHIEVABLE EMISSION RATE (LAER) – For any stationary source that rate of emissions which reflects the more stringent of:~~

- ~~a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or~~
- ~~b) The most stringent emission limitation which is achieved in practice by such class or category of source.~~

~~In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards.))~~

MAJOR MODIFICATION – ~~((a))~~(A) ~~((#))~~Major modification~~((#))~~ as it applies to stationary sources subject to requirements for new stationary sources in nonattainment areas, is defined in WAC 173-400-112. ~~((b))~~(B) ~~((#))~~Major modification~~((#))~~ as it applies to stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

MAJOR STATIONARY SOURCE - ~~((a))~~(A) ~~((#))~~Major stationary source~~((#))~~ as it applies to stationary sources subject to requirements for new stationary sources in nonattainment areas is defined in WAC 173-400-112. ~~((B))~~(B) ~~((#))~~Major stationary source~~((#))~~ as it applies to stationary sources subject to requirements for new stationary sources in attainment or unclassified areas is defined in WAC 173-400-113.

~~((MANDATORY CLASS I FEDERAL AREA—any area defined in Section 162(a) of the Federal Clean Air Act. The following areas are the mandatory Class I federal areas in Washington state:~~

- ~~a) Alpine Lakes Wilderness;~~
- ~~b) Glacier Peak Wilderness;~~
- ~~c) Goat Rocks Wilderness;~~
- ~~d) Mount Adams Wilderness;~~
- ~~e) Mount Rainier National Park;~~
- ~~f) North Cascades National Park;~~
- ~~g) Olympic National Park; and~~
- ~~h) Pasayten Wilderness))~~

MASKING - The mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

MATERIAL((S)) HANDLING - The handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

~~((MERCURY—The element mercury, excluding any associated elements and includes mercury in particulates, vapors, aerosols, and compounds.~~

~~MERCURY ORE—A mineral mined specifically for its mercury content.))~~

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 stationary source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

MULTIPLE CHAMBER INCINERATOR - Any incinerator consisting of two or more combustion chambers in series, employing adequate design parameters necessary for maximum combustion of the material to be burned.

NATIONAL AMBIENT AIR QUALITY STANDARDS (NAAQS) – An ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP((S))) - The federal rules in 40 CFR Part 61.

NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES – The federal rules in 40 CFR Part 63.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) - ~~((Shall be referred to as NPDES.))~~The permit program that addresses water pollution by regulating facilities that discharge to waters of the United States.

~~((NATURAL CONDITIONS—Naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.~~

~~NET EMISSIONS INCREASE - a) Net emissions increase as it applies to stationary sources subject to requirements for new sources in nonattainment areas, is defined in WAC 173-400-112. b) Net emissions increase as it applies to stationary sources subject to requirements for new sources in attainment or unclassified areas, is defined in WAC 173-400-113.)~~

NEW SOURCE - means one or more of the following:

~~((a))~~(A) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted~~((:))~~

~~((b))~~(B) The restart of a stationary source after permanent shutdown

~~((e))~~(C) Any other project that constitutes a new stationary source under the Federal Clean Air Act~~((:))~~

NEW SOURCE PERFORMANCE STANDARDS (NSPS) - The federal rules in 40 CFR Part 60.

NONATTAINMENT AREA - A geographic area designated by EPA at 40 CFR Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

~~((NON HIGHWAY MOBILE SOURCE - A source which is neither used on nor does ordinarily travel on the public roadways and is powered by an internal combustion or other type engine. These sources include, but are not limited to, farm tractors, bulldozers, earthmovers, ships, boats, railroad locomotives and non-commercial aircraft.))~~

NONROAD ENGINE - ~~((a))~~(A) Except as discussed in ~~((b))~~(B) of this definition, a nonroad engine is any internal combustion engine:

~~((4))~~(1) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or

~~((2))~~(2) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or

~~((3))~~(3) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.

~~((b))~~(B) An internal combustion engine is not a nonroad engine if:

~~((4))~~(1) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or

~~((2))~~(2) The engine is regulated by a New Source Performance Standard (NSPS) promulgated under section 111 of the Federal Clean Air Act; or

~~((3))~~(3) The engine otherwise included in ~~((a))~~(A)(3) of this definition remains or will remain at a location for more than ~~((twelve))~~12 consecutive months or a shorter

period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. ~~((As))~~ A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two years) and that operates at that single location approximately three months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.

NOTICE OF CONSTRUCTION APPLICATION - A written application to ~~((permit))~~ allow construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

ODOR - That property ~~((of))~~ of a substance ~~((which))~~ that enables ~~((allows))~~ its detection ~~((s))~~ by the sense of smell and/or taste.

ODOR SOURCE - Any source that incurs two verified odor nuisance complaints within a ~~((twelve))~~ 12 month time period. Odor nuisance complaints are verified by a NWCAA representative according to the criteria ~~((of the))~~ in NWCAA ~~((Regulation-))~~ Sections 530~~((-4))~~ and 535~~((-3))~~.

OPACITY - The degree to which an object seen through a plume is obscured, stated as a percentage.

ORDER - Any order issued by the NWCAA 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, compliance order, order of approval, and regulatory order.

~~ORDER OF APPROVAL((-APPROVAL-ORDER))~~ or ORDER OF APPROVAL TO CONSTRUCT (OAC) - A regulatory order issued by the NWCAA 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.

OWNER, OPERATOR, OR AGENT - Includes the person who leases, supervises, or operates the equipment or control facility.

OZONE DEPLETING SUBSTANCE – Substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.

PARTICLE - A small discrete mass of solid or liquid matter.

PARTICULATE MATTER or PARTICULATES - Any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

PARTS PER MILLION (PPM) - parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((PATHOLOGICAL WASTE – Human and animal remains consisting of carcasses, organs and solid organic wastes, consisting of up to 85% moisture, 5% incombustible solids.))~~

PERMANENT SHUTDOWN - Permanently stopping or terminating all processes at a “stationary source” or “emissions unit.” Except as provided in subsections ~~((a))~~ (A) and ~~((b))~~ (B), whether

a shutdown is permanent depends on the intention of the owner or operator at the time of the shutdown as determined from all facts and circumstances, including the cause of the shutdown.

~~((a))~~(A) A shutdown is permanent if the owner or operator files a report of shutdown, as provided in NWCAA ~~((Regulation))~~Section~~((s))~~ 325. Failure to file such a report does not mean that a shutdown was not permanent.

~~((b))~~(B) Any shutdown lasting ~~((two (2)))~~2 or more years is considered to be permanent.

~~((PERMITTING AGENCY -- Ecology or the local air pollution control authority with jurisdiction over the source.))~~

PERSON - An individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

PETROLEUM LIQUIDS – Petroleum, condensate, and any finished or intermediate products manufactured in a petroleum refinery but does not mean Numbers 2 through ~~((Number))~~6 fuel oils as specified in ~~((A.S.T.M.))~~ASTM D396-~~((69))~~78, 89, 90, 92, 96, or 98, gas turbine fuel oils Numbers 2-GT through 4-GT as specified in ~~((A.S.T.M.))~~ASTM D2880-~~((71))~~78 or 96, or diesel fuel oils Numbers 2-D and 4-D as specified in ~~((A.S.T.M.))~~ASTM D975-~~((68))~~78, 96, or 98a.

PETROLEUM REFINERY - A facility engaged in producing gasoline, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting, or reforming unfinished petroleum derivatives.

PM_{2.5} - Particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

PM_{2.5} EMISSIONS - Finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 CFR Part 51 or by a test method specified in the SIP. PM_{2.5} emissions are also known as primary PM_{2.5}, direct PM_{2.5}, total PM_{2.5}, or combined filterable PM_{2.5} and condensable PM. These solid particles are emitted directly from an air emissions source or activity, or are the gaseous emissions or liquid droplets from an air emissions source or activity that condense to form PM at ambient temperatures.

PM₁₀ - 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.

PM₁₀ 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 SIP.

PORTLAND CEMENT PLANT - Any facility manufacturing ~~((P))~~portland cement by either the wet or dry process.

POTENTIAL TO EMIT (PTE) - 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 stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

PREVENTION OF SIGNIFICANT DETERIORATION (PSD) - The program in WAC 173-400-~~((720))~~700 through 750.

PROCESS - A physical and/or chemical modification or treatment of a material from its previous state or condition.

~~((REASONABLY ATTRIBUTABLE -- Attributable by visual observation or any other technique the state deems appropriate.))~~

PROCESS UNIT - All the equipment essential to a particular production process.

PROPER ATTACHMENT FITTINGS - Connecting hardware for the attachment of fuel transfer or vapor lines that meets or exceeds industrial standards or specifications and the standards of other agencies or institutions responsible for health and safety.

REASONABLY AVAILABLE CONTROL TECHNOLOGY (RACT) - The lowest emission limit that a particular stationary source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or source category taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or source category shall be adopted only after notice and opportunity for comment are afforded.

REFUSE - Putrescible and non-putrescible solid waste including garbage, rubbish, ashes, dead animals, abandoned automobiles, solid market wastes, street cleanings, and industrial wastes including waste disposal in industrial salvage.

REFUSE BURNING EQUIPMENT - Equipment designed to burn waste (refuse) material, scrap or combustion remains.

REGISTRATION - ~~((†))~~The process of identifying, delineating, and itemizing all air contaminant sources within the jurisdiction of the NWCAA including the making of periodic reports, as required, by the persons operating or responsible for such sources and may contain information concerning location, size, height of contaminant outlets, processes employed, nature of the contaminant emissions and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

REGULATORY ORDER - An ~~((e))~~Order issued by the NWCAA to an air contaminant source or sources pursuant to chapter 70.94 RCW including, but not limited to, RCW 70.94.141(3). A ~~((f))~~Regulatory ~~((e))~~Order includes an ~~((e))~~Order ~~((which applies to))~~that ~~((source or sources))~~requires compliance with any applicable provision of chapter 70.94 RCW~~((or the))~~, rules adopted thereunder, or the NWCAA Regulation.

SMOKE - Gas borne particulate matter in a sufficient amount to be observable.

SOLID WASTE - All putrescible and nonputrescible solid and semisolid wastes, including but not limited to garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid, and semisolid materials, which are not primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes but is not limited to septage from septic tanks, dangerous waste, and problem wastes. Solid waste does not include wood waste or sludge from ~~((waste water))~~ wastewater treatment plants.

SOURCE - 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.

SOURCE CATEGORY - All sources of the same type or classification.

STACK - Any point in a stationary source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((STACK HEIGHT - The height of an emission point measured from the ground level elevation at the base of the stack.))~~

STAGE I VAPOR RECOVERY - Vapor recovery system that captures gasoline vapors during gasoline transfer operations at gasoline dispensing facilities, except during motor vehicle refueling.

STAGE II VAPOR RECOVERY - Vapor recovery system that captures gasoline vapors during motor vehicle refueling operations from stationary tanks at gasoline dispensing facilities.

STANDARD CONDITIONS - A temperature of 20 degrees C (68 degrees F) and a pressure of 760 mm (29.92 inches) of mercury.

STANDARD CUBIC FOOT OF GAS - That amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of 68 degrees F.

STATE ACT - Washington Clean Air Act ~~((RCW))~~ chapter 70.94 RCW and chapter 43.21B RCW.

STATE IMPLEMENTATION PLAN (SIP) ~~((or WASHINGTON SIP))~~ - Washington and NWCAA SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local, and federal regulations and orders, the state plan, and compliance schedules approved and promulgated by EPA ~~((?))~~ for the purpose of implementing, maintaining, and enforcing National Ambient Air Quality Standards.

STATIONARY SOURCE - Any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the Federal Clean Air Act.

~~((STRAW - All vegetative material of agricultural origin other than seed removed by swathing, combining or cutting.))~~

SUBMERGED FILL LINE - Any discharge pipe or nozzle that meets either of the following conditions:

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

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

SUBMERGED LOADING - The filling of a tank with a submerged fill line.

SUITABLE CLOSURE or SUITABLE COVER - A door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.

SULFURIC ACID PLANT - Any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

SYNTHETIC MINOR - Any stationary source whose potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

TEMPORARY SOURCE – An emissions unit that remains or will remain at one location for less than 12 consecutive months. A location is any single site at a building, structure, facility, or installation. A nonroad engine is not considered a temporary source.

THROUGHPUT - means the amount of material passing through a facility.

TON - Short ton or 2,000 pounds (a long ton is considered 2,240 pounds).

TOTAL SUSPENDED PARTICULATE - Particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

TOXIC AIR POLLUTANT (TAP) or TOXIC AIR CONTAMINANT - Any toxic air pollutant listed in WAC 173-460-150. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

TRANSPORT TANK - A container with a capacity greater than 264 gallons used for transporting gasoline, including, but not limited to, tank truck, tank trailer, railroad car, and metallic or nonmetallic tank or cell conveyed on a flatbed truck, trailer, or railroad car.

TRUE VAPOR PRESSURE - The equilibrium partial pressure exerted by a hydrocarbon at storage conditions.

TURNAROUND or PROCESS UNIT TURNAROUNDS - The shutting down and starting up of process units for periodic major maintenance and repair of equipment, or other planned purpose.

UNCLASSIFIABLE AREA - An area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 CFR Part 81.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY - ((~~Shall be referred~~)) Referred to as EPA.

VAPOR BALANCE SYSTEM - A combination of pipes or hoses that create a closed system between the vapor spaces of an unloading tank and receiving tank such that the vapors displaced from the receiving tank are transferred to the tank being unloaded.

VAPOR RECOVERY SYSTEM - A process and equipment that prevents emission to the atmosphere of volatile organic compounds released by the operation of any transfer, storage, or process equipment.

VOLATILE ORGANIC COMPOUND (VOC) - Any carbon compound that participates in atmospheric photochemical reactions as defined in WAC 173-400-030(95). ((Any carbon compound that participates in atmospheric photochemical reactions. a) Exceptions. The following compounds are not a VOC: Acetone; carbon monoxide; carbon dioxide; carbonic acid; metallic carbides or carbonates; ammonium carbonate, methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-22); trifluoromethane (HFC-23); 1,2-dichloro-1,1,2,2-tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115); 1,1,1-trifluoro-2,2-dichloroethane (HCFC-123); 1,1,1,2-tetrafluoroethane (HFC-134a); 1,1-dichloro-1-fluoroethane (HCFC-141b); 1-chloro-1,1-difluoroethane (HCFC-142b); 2-chloro-1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane (HFC-143a); 1,1-difluoroethane (HFC-152a);- perchlorobenzotrifluoride (PCBTF); cyclic, branched, or linear completely methylated siloxanes; perchloroethylene (tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane (HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC-43-10mcc); difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane (HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245cb); 1,1,1,3,3-pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane (HFC-236ca); 1,1,1,3,3-pentafluorobutane (HFC-365mfc);- chlorofluoromethane (HCFC-31); 1-chloro-1-fluoroethane (HCFC-151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a); 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C4F9OCH3); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane ((CF3)2CFCF2OCH3); 1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C4F9OC2H5); 2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane((CF3)2CFCF2OC2H5); methyl acetate, 1,1,1,2,2,3,3-heptafluoro-3-methoxy-propane (n-C3F7OCH3 or HFE-7000); 3-ethoxy-1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane (HFE-7500) 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ca); methyl formate (HCOOCH3); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; dimethyl carbonate; *trans*-1,3,3,3-tetrafluoropropene; HCF₂OCF₂H (HFE-134);- HCF₂OCF₂OCF₂H (HFE-236cal2); HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13);- HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or alden ZT-130 (or 150 or 180)); *trans*-1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; and perfluorocarbon compounds that fall into these classes:-

- 1) Cyclic, branched, or linear completely fluorinated alkanes;-
- 2) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;-
- 3) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations;- and

~~4) 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 the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by Ecology, the NWCAA, or EPA.~~

~~c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, Ecology or the NWCAA may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of Ecology or the NWCAA, or EPA, the amount of negligibly reactive compounds in the source's emissions.~~

~~d) The following compounds are VOC for purposes of all recordkeeping, emissions reporting, photochemical dispersion modeling and inventory requirements which apply to VOC and shall be uniquely identified in emission reports, but are not VOC for purposes of VOC emissions limitations or VOC content requirements: Tertiary butyl acetate.)~~

WASHINGTON ADMINISTRATIVE CODE (WAC) - Regulations of executive branch agencies in the state of Washington, such as the Department of Ecology.

WAXY, HEAVY POUR CRUDE OIL - A crude oil with a pour point of 10 degrees C or higher (determined by the ASTM Standard D97-66, "Test for Pour Point of Petroleum Oils").

WOOD WASTE BURNER - A sheet metal or other type of enclosure to form a truncated cone or a single chamber cylindrically shaped incinerator line or constructed of suitable refractory material ~~that ((which employs controlled fuel feed, tangential overfire and underfire air supply system, and))~~ is designed and used for the disposal of wood and bark wastes by incineration.

PASSED: January 8, 1969 AMENDED: October 31, 1969, September 3, 1971, June 14, 1972, July 11, 1973, February 14, 1973, January 9, 1974, October 13, 1982, November 14, 1984, October 13, 1994, February 8, 1996, May 9, 1996, March 13, 1997, November 12, 1998, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, November 17, 2011, March 14, 2013, August 13, 2015, August 11, 2016, September 13, 2018

NEW SECTION

SECTION 508 - SPRAY COATING OPERATIONS

508.1 PURPOSE

This section of the NWCAA Regulation establishes a program of work practice standards and controls for spray coating operations in order to reduce particulate emissions from coating overspray, lessen public exposure to toxic air pollutants, decrease emissions of precursors to the formation of tropospheric ozone, and encourage pollution prevention.

508.2 APPLICABILITY

(A) This section applies to spray coating operations at a source and at portable spray coating operations except as provided in NWCAA 508.2(B).

(B) This section does not apply to spray application of:

- (1) Architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, mobile homes, pavement/curbs, or similar structures).
- (2) Maintenance coatings to farm equipment and mining equipment for which it is not practical or feasible to move to a dedicated spray coating facility.
- (3) Asphaltic or plastic liners including undercoating, sound deadening coating, and spray-on truck bed liners.
- (4) Fiberglass resin and gel coat.

508.3 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this section shall have the following meaning:

AIRLESS or AIR-ASSISTED AIRLESS SPRAY EQUIPMENT - Any paint spray technology that relies solely on the fluid pressure of the paint to create an atomized paint spray pattern and does not apply any atomizing compressed air to the paint before it leaves the paint nozzle. Air-assisted airless spray uses compressed air to shape and distribute the fan of atomized paint, but still uses fluid pressure to create the atomized paint.

COATING - A material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

CONTAINER - An individual receptacle that holds a coating or coating component for storage or distribution.

ELECTROSTATIC APPLICATION - Application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

ENCLOSED SPRAY AREA – An enclosed area used for spray coating including, but not limited to, spray booth, preparation station, or portable enclosure.

HIGH VOLUME, LOW PRESSURE (HVLP) SPRAY EQUIPMENT - Equipment used to apply coatings by means of a spray gun that is designed and operated between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle.

MOBILE EQUIPMENT - Any device that may be drawn and/or driven on a roadway including, but not limited to, heavy-duty trucks, truck trailers, fleet delivery trucks, buses, mobile cranes, bulldozers, street cleaners, agriculture equipment, motor homes, and other recreational vehicles (including camping trailers and fifth wheels).

OTHER SPRAY COATING – Spray coating of items other than complete motor vehicles and complete mobile equipment.

SPRAY COATING OPERATION – Application of coatings using a hand-held device that creates an atomized mist of coating and deposits the coating on a substrate. For the purposes of this section, a spray coating operation does not include the following materials or activities:

- (A) Use of air-brush spray equipment with a maximum cup capacity of 3 fluid ounces.

(B) Use of aerosol spray cans.

(C) Surface coating application using powder coating or non-atomizing application technology, including, but not limited to, paint brushes, rollers, hand wiping, flow coating, dip coating, electrodeposition coating, web coating, coil coating, touch-up markers, or marking pens.

(D) Thermal spray operations (also known as metallizing, flame spray, plasma arc spray, and electric arc spray, among other names) in which solid metallic or non-metallic material is heated to a molten or semi-molten state and propelled to the work piece or substrate by compressed air or other gas, where a bond is produced upon impact.

508.4 GENERAL REQUIREMENTS FOR SPRAY COATING OPERATIONS

(A) Except as in NWCAA 508.4(B), it shall be unlawful for any person subject to this section to cause or allow spray coating unless all of the following requirements are met as applicable:

(1) Enclosures. Except as in NWCAA 508.4(A)(1)(d) & (f), spray coating shall take place inside an enclosed spray area that is capable of capturing all visible paint overspray.

(a) Refinishing Complete Motor Vehicles and Complete Mobile Equipment. An enclosed spray area for refinishing complete motor vehicles and complete mobile equipment shall be one of the following:

(i) A negative pressure enclosure equipped with a full roof and four complete walls or complete side curtains and ventilated at a negative pressure so that air is drawn into any openings in the enclosed spray area, or

(ii) A positive pressure enclosure equipped with seals on all doors and other openings and an automatic pressure balancing system. The pressure balancing system shall be operated at a pressure not more than 0.05 inches water gauge positive pressure as measured by a functioning gauge that displays the pressure to the nearest 0.01 inches water column.

(b) Other Spray Coating. Except as in NWCAA 508.4(A)(1)(c) through (f), an enclosed spray area for other spray coating shall be equipped with a full roof, at least three complete walls or complete side curtains, and shall be ventilated at a negative pressure so that air is drawn into the enclosed spray area. The enclosed spray area may have openings, if needed, to allow for conveyors and parts to pass through the enclosed spray area during the spray coating process.

(c) Other Spray Coating in an Existing Enclosed Spray Area Located Outdoors. Enclosed spray areas used for other spray coating with complete three-walled/curtain and a full roof located outdoors that are not equipped with a negative pressure ventilation system as of April 20, 2018 are not required to install such system provided the spray coating operation does not create a nuisance.

(d) Other Spray Coating of Large Objects. Conducting other spray coating of large objects outside an enclosed spray area is allowed when it is impractical to totally enclose the large object, provided that reasonable precautions are employed to enclose the object to the extent practicable and to avoid creating a nuisance.

(e) Portable Other Spray Coating Operations. An enclosed spray area for a portable other spray coating operation shall be equipped with a frame-and-fabric shelter consisting of a fabric roof and three fabric sides or similar shelter.

(f) Inside Exhaust. An enclosed spray area is not required if the Department of Labor & Industries and fire protection agency with jurisdiction approve inside exhaust of spray coating operations.

(2) Filtration. Except as in NWCAA 508.4(A)(1)(c) & (e), all enclosed spray areas shall employ either:

(a) Water-wash curtains with a continuous water curtain to control the overspray or

(b) Properly-seated filter(s) that have a capture efficiency of at least 98 percent as described in NWCAA 508.4(A)(8)(c). A gauge shall be installed, operated, and maintained that displays the pressure drop across the filter(s). The acceptable pressure drop range shall be clearly marked on the gauge or posted next to the gauge. The enclosed spray area shall be operated such that the pressure drop across the filter(s) is within the acceptable range and the filter(s) are properly seated with no holes or tears.

(3) Spray Application Methods. The spray application methods in NWCAA 508.4(A)(3)(a) shall be used for spray coating unless the exemption in NWCAA 508.4(A)(3)(b) applies.

(a) Required Spray Application Methods.

(i) HVLP spray equipment;

(ii) Airless or air-assisted airless spray equipment;

(iii) Electrostatic application; or

(iv) A method that has a transfer efficiency of 65% or higher using ASTM Standard D 5327-92 or a test method approved in writing by the NWCAA.

(b) If the required spray application methods under NWCAA 508.4(A)(3)(a) cannot be used in a certain situation, the situation is exempt from using a required spray application method provided that the facility maintains appropriate records (e.g., manufacturing specifications) to demonstrate that the required spray application methods cannot be used.

(4) Vertical Unobstructed Exhaust Vent. Except as provided in NWCAA 508.4(A)(1)(c) & (e), emissions from an enclosed spray area shall be vented to

the atmosphere through an unobstructed vertical exhaust vent. If the exhaust vent exits horizontally out of the side of the building, then the exhaust vent shall bend to vent vertically above the eave of the roof. There shall be no flow obstructions that will impede upward vertical flow of the exhaust.

(5) Visible Emissions. Visible emissions from an enclosed spray area exhaust vent shall not exceed 0% opacity for more than an aggregate of 3 minutes in any consecutive 60-minute period as determined by Ecology Method 9A.

(6) Equipment Cleanup. Spray guns shall be cleaned in an enclosed cleaning device or disassembled and cleaned in a container. Each gun cleaning device and container shall be kept closed when not in use. Guns and spray equipment must not atomize solvent into the air during cleanup.

(7) Storage and Disposal. VOC-containing materials shall be kept in closed containers except when materials are actively being added or removed. Rags and paper towels contaminated with VOC-containing materials shall be collected immediately after use and kept in closed containers. Empty containers as defined in WAC 173-303-160 are exempt from this requirement.

(8) Recordkeeping. All records required by this section shall be maintained onsite for at least 3 years from the date of generation and made available to NWCAA personnel upon request. Maintain the following records as applicable:

(a) Data Sheets. Environmental data sheets (EDS) or other data sheets that clearly indicate the contents of the spray coatings and solvents used.

(b) Usages. Records of total coating and solvent purchases or usages for the calendar year.

(c) Filter Efficiency. For those facilities utilizing filter(s) pursuant to NWCAA 508.4(A)(2)(b), documentation that demonstrates the filter(s) being used have a capture efficiency of at least 98 percent. The procedure used to demonstrate filter efficiency must be consistent with the American Society of Heating, Refrigerating, and Air-Conditioning Engineers (ASHRAE) Method 52.1, Method 52.2, or an alternate test method approved by the NWCAA in writing. Published filter efficiency data provided by filter vendors may be used to demonstrate compliance with this requirement.

(d) Filter Condition. For those facilities utilizing filter(s) pursuant to NWCAA 508.4(A)(2)(b), weekly observations of the filter(s) including: date, time, confirmation that filters are properly seated and in good condition, any corrective actions taken, and initials of person making the record. Weekly observations are not required for weeks that the enclosed spray area was not operated. Instead, the record must reflect the enclosed spray area was not in operation that week.

(e) Pressure Drop. For those facilities utilizing a pressure gauge pursuant to NWCAA 508.4(A)(1)(a)(ii) and/or NWCAA 508.4(A)(2)(b), weekly observations of pressure drop readings while operating including: date, time, pressure drop value, corrective action taken if the pressure drop is outside of the normal range (e.g., filter change), and initials of person making the record. Weekly observations are not

required for weeks that the enclosed spray area was not operated. Instead, the record must reflect the enclosed spray area was not in operation that week.

(f) Disposal. Disposal records of waste materials, including volumes of waste solvents and coatings transferred to authorized waste haulers.

(B) Compliance Date. Subject sources shall be in compliance with NWCAA 508.4(A)(1)(a) & (b), (A)(2), and (A)(4) by no later than October 12, 2020.

PASSED: September 13, 2018

AMENDATORY SECTION

580.6 ~~((Gasoline Stations))~~ GASOLINE DISPENSING FACILITIES

~~(A) NWCAA 580.6(B)((61—Section 580.62))~~ shall apply to ~~((~~

~~580.611 All))~~ all gasoline ((stations))dispensing facilities (GDF) with ((a total))an annual 12-consecutive month gasoline throughput equal to or greater than ((seven hundred and fifty-seven thousand liters (200))120,000 gallons((+and)).

~~((580.612 All gasoline stations installed or reconstructed after January 1, 1990 with a nominal total gasoline storage capacity greater than thirty-eight thousand liters (10,000 gallons)-~~

~~580.62))~~ (B) It shall be unlawful for any person to cause or allow the transfer of gasoline from any transport tank into any stationary storage tank, except as provided in NWCAA 580.6(C)((63 of this section)), unless all of the following conditions are met:

~~((580.621))~~ (1) Such stationary storage tank is equipped with a permanent submerged or bottom loading fill ((pipe))line and ((approved))a vapor recovery system((,-and)).

~~((580.622))~~ (2) Vapor recovery system equipment, including, but not limited to, caps, adaptors, drain valves, and poppets, shall be installed and maintained to be vapor tight and in good working order.

~~((580.622))~~ (3) Such transport tank is equipped ((to))with a vapor balance ((vapors))system and is maintained in a vapor-tight condition in accordance with ((Section))NWCAA 580.10((,-and)).

~~((580.623))~~ (4) All vapor return lines are connected between the transport tank and the stationary storage tank and the vapor recovery system is functional and operating during loading.

~~((580.63 Notwithstanding the requirements of 580.61 of this regulation, the following))~~ (C) The following stationary gasoline storage tanks are exempt from the requirements of 580.6(A), (B), (D), and (F): ((62+))

~~((580.631))~~ (1) All tanks with a capacity less than ((seven thousand five hundred liters (-))2,000 gallons((+)) installed before January 1, 1990.

~~((580.632))~~ (2) All tanks with offset fill lines installed before January 1, 1990.

~~((580.633))~~ (3) All tanks with a capacity less than ~~((one thousand liters (260)))~~ 264 gallons ~~(?)~~.

~~((580.64~~ It shall be unlawful for any person to cause or allow the transfer of gasoline from a stationary tank into a motor vehicle fuel tank except as provided in ~~WAC 173-491-))~~

(D) Except for gasoline storage tanks specified in NWCAA 580.6(C), all gasoline tank vent pipes at gasoline dispensing facilities shall be equipped with properly functioning pressure vacuum vent (PV) caps.

(E) All gasoline storage tanks at gasoline dispensing facilities shall be maintained in a vapor-tight condition and in good working order. This includes, but is not limited to, caps, adaptors, and drain valves.

(F) All gasoline dispensing facilities that have Stage I vapor recovery shall conduct static pressure decay tests on all gasoline storage tanks, except those specified in NWCAA 580.6(C).

(1) The static pressure decay tests shall be conducted on the following frequency unless more frequent testing is required by an Order of Approval or General Order of Approval:

| <u>GDF Throughput</u> | <u>Frequency</u> |
|------------------------------------|-------------------------------|
| <u>30,000 to 119,999 gal/yr</u> | <u>Every 5 calendar years</u> |
| <u>120,000 to 1,200,000 gal/yr</u> | <u>Every 3 calendar years</u> |
| <u>> 1,200,000 gal/yr</u> | <u>Every calendar year</u> |

(2) The pressure decay tests shall be conducted in accordance with California Air Resources Board (CARB) TP-201.3 (dated 7/26/12) for underground storage tanks and CARB TP-201.3B (dated 4/12/96) for above ground tanks, or test procedures that have been approved by CARB as equivalent.

(3) Any person conducting a compliance test must be certified by the International Code Council or other association approved by the NWCAA in writing.

(4) Failed Compliance Tests. If the defective gasoline dispensing facility equipment cannot be repaired within 14 calendar days of failing a test, the owner or operator must stop receiving and/or dispensing gasoline from the defective equipment until it is repaired and retested, and passes all required compliance tests.

(5) Test Reports

(a) The owner or operator shall submit a written test report to the NWCAA within 30 calendar days after the testing has been completed that includes the following information:

- (i) Identification of the facility,
- (ii) Name and address of the person(s) who conducted each test,

- (iii) Current certification credential information for each person who conducted each test.
- (iv) Date of each test.
- (v) Equipment tested.
- (vi) Test procedures or methods used.
- (vii) Results of each test conducted (pass/fail), and
- (viii) Any maintenance, repairs, or corrective actions taken necessary to pass the tests.

(b) Owners or operators shall keep a copy of all test reports on-site for at least 5 years after the date of testing that shall be made available for inspection upon request.

PASSED: February 14, 1990 AMENDED: April 14, 1993, October 13, 1994, March 13, 1997, May 14, 1998, November 12, 1998, September 13, 2018