

## SECTION 300 – NEW SOURCE REVIEW

300.1(A) A Notice of Construction (NOC) application must be filed by the owner or operator and an Order of Approval must be issued by the NWCAA, prior to beginning actual construction of any new source or making any modification, except for any of the following:

- (1) Emissions units that are categorically exempt under NWCAA 300.3.
  - (2) Emissions units that are exempt under NWCAA 300.4.
  - (3) Any temporary sources operating under NWCAA 300.17.
  - (4) Any emissions unit covered under a General Order of Approval and operating in accordance with NWCAA 300.16.
- (B) New source review of a modification is limited to the emissions unit or units proposed to be added to or modified at an existing stationary source and the air contaminants whose emissions would increase above the emission thresholds in NWCAA 300.4 as a result of the modification.
- (C) New source review is required for an increase in a plant-wide cap or an emissions-unit-specific emission limit.
- (D) The Control Officer may require that a new source or modification, that would otherwise be exempt under this section, submit a Notice of Construction application and be issued an Order of Approval as specified in this section. The Control Officer may also require that individual pollutant emission increases that would otherwise be exempt under this section be included in the Order of Approval review. This discretionary determination will be based on the nature of air pollution emissions from the stationary source and its potential effect on health, economic and social factors, or physical effects on property. Upon request, the proponent shall submit to the Control Officer appropriate information as necessary to make this determination.

300.2 In lieu of this section, any new major stationary source or major modification located in an attainment or unclassifiable area as defined in WAC 173-400-030 shall be processed in accordance with the requirements of WAC 173-400-113 and WAC 173-400-700 through 173-400-750, as applicable, for the pollutant for which the project is major. Additionally, any new major stationary source or major modification located in a nonattainment area as defined in WAC 173-400-030 shall be processed in accordance with the requirements of WAC 173-400-112 and WAC 173-400-800 through 173-400-860, as applicable, for the pollutant and for precursors of the pollutant for which the area is in nonattainment.

300.3 Categorical Exemptions from New Source Review

Construction of a new emissions unit that falls within one of the categories listed in NWCAA 300.3 is exempt from new source review. Modification of any emissions unit listed in NWCAA 300.3 is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The owner or operator shall keep sufficient records to document the exemption under this subsection.

(A) Maintenance/construction:

- (1) Cleaning and sweeping of streets and paved surfaces
- (2) Concrete application, and installation
- (3) Dredging wet spoils handling and placement
- (4) Paving application and maintenance, excluding asphalt plants
- (5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine house keeping, architectural or maintenance coatings to stationary structures, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.)
- (6) Plumbing installation, plumbing protective coating application and maintenance activities
- (7) Roofing application and maintenance
- (8) Insulation application and maintenance, excluding products for resale
- (9) Janitorial services and consumer use of janitorial products

(B) Storage tanks:

- (1) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils
- (2) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation
- (3) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions
- (4) Process and white water storage tanks
- (5) Operation, loading and unloading of storage tanks and storage vessels, with lids or other appropriate closure and less than 260 gallon capacity
- (6) Operation, loading, and unloading of storage tanks less than or equal to 1,100 gallon capacity, with lids or other appropriate closure, that store materials that do not contain Toxic Air

Pollutants, as defined in chapter 173-460 WAC, or that have a maximum vapor pressure of 550 mm mercury at 21° C

- (7) Operation, loading and unloading storage of butane, propane, or liquefied petroleum gas with a vessel capacity less than 40,000 gallons
  - (8) Tanks, vessels and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases and acids with no VOC content
- (C) New or modified fuel burning equipment with a heat input capacity (higher heating value) less than all of the following:
- (1) 500,000 Btu/hr coal or other solid fuels with less than or equal to 0.5% sulfur
  - (2) 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610
  - (3) 400,000 Btu/hr wood
  - (4) 1,000,000 Btu/hr gasoline, kerosene, #1 or #2 fuel oil and with less than or equal to 0.05% sulfur
  - (5) 10,000,000 Btu/hr natural gas, propane, or LPG. This includes combustion units that have natural gas as a primary fuel source and ultra-low sulfur diesel (less than 15 ppm by weight sulfur) as a secondary fuel source that is combusted only during testing or periods of natural gas curtailment beyond the control of the source.
- (D) Material handling:
- (1) Continuous digester chip feeders
  - (2) Grain elevators not licensed as warehouses or dealers by either the Washington State Department of Agriculture or the U.S. Department of Agriculture
  - (3) Storage and handling of water based lubricants for metal working where organic content of the lubricant is less than or equal to 10%
  - (4) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallon capacity with lids or other appropriate closure. The high boiling point organic material shall not have an atmospheric boiling point of less than 150°C or a vapor pressure more than 5 mm mercury at 21°C.
- (E) Water treatment:

- (1) Septic sewer systems, not including active wastewater treatment facilities
  - (2) NPDES permitted ponds and lagoons used solely for the purpose of settling suspended solids and skimming of oil and grease
  - (3) De-aeration (oxygen scavenging) of water where Toxic Air Pollutants as defined in chapter 173-460 WAC are not emitted
  - (4) Process water filtration system and demineralizer vents
  - (5) Sewer manholes, junction boxes, sumps, and lift stations associated with wastewater treatment systems
  - (6) Demineralizer tanks
  - (7) Alum tanks
  - (8) Clean water condensate tanks
- (F) Laboratory testing and quality assurance/control testing equipment, including fume hoods, used exclusively for chemical and physical analysis, teaching, or experimentation, used specifically in achieving the purpose of the analysis, test, or teaching activity. Non-production bench scale research equipment is also included.
- (G) Monitoring/quality assurance/testing:
- (1) Equipment and instrumentation used for quality control/assurance or inspection purpose
  - (2) Hydraulic and hydrostatic testing equipment
  - (3) Sample gathering, preparation, and management
  - (4) Vents from continuous emission monitors and other analyzers
- (H) Dry Cleaning: Unvented, dry-to-dry, dry-cleaning equipment that is equipped with refrigerated condensers and carbon absorption to recover the cleaning solvent
- (I) Emergency Stationary Internal Combustion Engines (ICE): Any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance, and operates in these capacities for less than 500 hours a year. Examples include stationary ICE used to produce power for critical networks or equipment (including power supplied to portions of a facility) when electric power from the local utility (or the normal power source, if the facility runs on its own power production) is interrupted, or stationary ICE used to pump water in the case of fire or flood, etc. Stationary ICE used to supply power to an electric grid or that supply power as part of

a financial arrangement with another entity are not considered to be emergency engines.

(J) Miscellaneous:

- (1) Single-family residences and duplexes
- (2) Plastic pipe welding
- (3) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting
- (4) Comfort air conditioning
- (5) Flares used to indicate danger to the public
- (6) Natural and forced air vents and stacks for bathroom/toilet activities
- (7) Personal care activities
- (8) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires
- (9) Tobacco smoking rooms and areas
- (10) Noncommercial smokehouses
- (11) Blacksmith forges for single forges
- (12) Vehicle maintenance activities, not including vehicle surface coating
- (13) Vehicle or equipment washing
- (14) Wax application
- (15) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment
- (16) Ozone generators and ozonation equipment
- (17) Solar simulators
- (18) Ultraviolet curing processes, to the extent that Toxic Air Pollutant gases as defined in chapter 173-460 WAC are not emitted
- (19) Electrical circuit breakers, transformers, or switching equipment installation or operation
- (20) Pulse capacitors

- (21) Pneumatically operated equipment, including tools and hand held applicator equipment for hot melt adhesives, excluding pneumatic conveying
- (22) Fire suppression equipment
- (23) Recovery boiler blow-down tank
- (24) Screw press vents
- (25) Drop hammers or hydraulic presses for forging or metal working
- (26) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight
- (27) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities
- (28) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm mercury at 21°C not emitting Toxic Air Pollutants as defined in chapter 173-460 WAC
- (29) Surface coating and dip coating operations using materials containing less than or equal to 1% by weight VOC and 1% by weight Toxic Air Pollutants as defined in chapter 173-460 WAC
- (30) Cleaning and stripping activities and equipment using solutions containing less than or equal to 1% by weight VOC and 1% by weight Toxic Air Pollutants as defined in chapter 173-460 WAC. Acid solutions used on metallic substances are not exempt
- (31) Gasoline dispensing facilities subject to chapter 173-491 WAC are exempt from Toxic Air Pollutant analysis pursuant to chapter 173-460 WAC

300.4 Emissions Threshold Exemptions from New Source Review

- (A) Construction of a new emissions unit that has an uncontrolled potential to emit emission rate below all of the threshold levels listed in the table contained in NWCAA 300.4(D) is exempt from new source review.
- (B) A modification to an existing emissions unit that increases the unit's actual emissions by less than all of the threshold levels listed in the table contained in NWCAA 300.4(D) is exempt from new source review.
- (C) Greenhouse gas emissions are exempt from new source review under this section except to the extent required under WAC 173-400-720, Prevention of Significant Deterioration. The owner or operator of a source or emissions unit may request that the NWCAA issue an Order

to impose emission limits and/or operation limitations for greenhouse gas emissions.

(D) Exemption threshold levels:

POLLUTANT THRESHOLD LEVEL (ton per year)

- (1) Total Suspended Particulates: 1.25
- (2) PM<sub>10</sub>: 0.75
- (3) PM<sub>2.5</sub>: 0.5
- (4) Sulfur Dioxide: 2.0
- (5) Nitrogen Oxides: 2.0
- (6) Volatile Organic Compounds, total: 2.0
- (7) Carbon Monoxide: 5.0
- (8) Lead: 0.005
- (9) Ozone Depleting Substances, total: 1.0
- (10) Toxic Air Pollutants: The small quantity emission rate (SQER) specified for each TAP in WAC 173-460-150

300.7 Notice of Construction – Submittal Requirements

Each Notice of Construction application shall be submitted on forms provided by the NWCAA and be accompanied by the appropriate new source review fee specified in NWCAA 324.2.

300.8 Notice of Construction - Completeness Determination.

- (A) Within 30 days after receiving a Notice of Construction application, the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of the additional information necessary to complete the application.
- (B) A complete application contains all the information necessary for processing the application. At a minimum, the application shall include information on the nature and amounts of emissions to be emitted by the proposed new source or increased as part of a modification, as well as the location, design, construction, and operation of the new source as needed to enable the NWCAA to determine that the construction or modification will meet the applicable requirements. Designating an application complete for purposes of permit processing does not preclude the NWCAA from requesting or accepting additional information.

- (C) An application is not complete until the State Environmental Policy Act (SEPA) has been addressed under chapter 197-11 WAC and NWCAA Section 155.
- (D) An application is not complete until the new source review fee specified in NWCAA 324.2 has been paid.

300.9 Notice of Construction – Final Determination

- (A) Within 60 days after receipt of a complete Notice of Construction application, the NWCAA shall either issue a final decision on the application or initiate public notice under NWCAA Section 305 as applicable on a preliminary decision, followed as promptly as practicable by a final decision.
- (B) An Order of Approval cannot be issued for the Notice of Construction application until the following criteria are met for those proposed emissions units and pollutants that triggered new source review, as applicable:
  - (1) Comply with all applicable New Source Performance Standards (NSPS), National Emission Standards for Hazardous Air Pollutants (NESHAP), National Emission Standards for Hazardous Air Pollutants for source categories (NESHAP), emission standards adopted under chapter 70.94 RCW and all applicable NWCAA emission standards.
  - (2) Employ Best Available Control Technology (BACT).
  - (3) Allowable emissions will not cause or contribute to a violation of any ambient air quality standard. In addition, if located in a nonattainment area, allowable emissions will not violate the requirements for reasonable further progress established by the State Implementation Plan (SIP). If NWCAA has reason to be concerned that the construction or modification would cause or contribute to a violation of a NAAQS, NWCAA may require modeling using the guideline models and procedures of Appendix W of 40 CFR Part 51 as referenced in NWCAA 104.2. Written approval from the EPA must be obtained for any modification to or substitution for a guideline model.
  - (4) Comply with the applicable requirements of NWCAA Section 305.
  - (5) Comply with the applicable requirements of WAC 173-400-200 and 173-400-205.
  - (6) All fees required under NWCAA 324.2 have been paid.



- (C) In addition to the requirements of NWCAA 300.9(B), an Order of Approval cannot be issued until the new project meets the Toxic Air Pollutant requirements of WAC 173-400-110(2)(d).
- (D) A person seeking approval to construct a new source or modification that requires an operating permit may elect to integrate review of the operating permit application or amendment required under chapter 173-401 WAC and the Notice of Construction application required by this section. A Notice of Construction application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC and must comply with NWCAA Section 305.
- (E) Every final determination on a Notice of Construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the NWCAA.

#### 300.10 Order of Approval - Appeals

- (A) The issuance of an Order of Approval, any conditions contained in an Order of Approval, or the denial of a Notice of Construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW.
- (B) The NWCAA shall promptly mail copies of each Order approving or denying a Notice of Construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising parties of their rights of appeal to the pollution control hearings board.

#### 300.11 Order of Approval - Time Limitations

- (A) An Order of Approval becomes invalid if the owner or operator has not begun actual construction within 18 months of approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The NWCAA may extend the approval period upon a satisfactory showing that an extension is justified. A written request for an extension shall include an updated BACT analysis submitted prior to the expiration of the current approval period. No single extension of time shall be longer than 18 months. The cumulative period between initial permit issuance and the end of any approved time extensions shall not exceed 54 months.
- (B) This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must begin actual construction within 18 months of the approved commencement date.

300.12 Order of Approval - Revision

- (A) The owner or operator may request a revision to an Order of Approval and the NWCAA may approve the request provided that the revision:
  - (1) Will not cause the source to exceed an emissions standard set by regulation or rule;
  - (2) Will not result in an exceedance of any ambient air quality standard;
  - (3) Will not adversely impact the ability to determine compliance with an emissions standard;
  - (4) Will continue to require Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER), and Toxic Air Pollutant Best Available Control Technology (T-BACT), as applicable, for each new source or modification approved by the original Order of Approval (BACT and T-BACT as defined at the time of original approval); and
  - (5) Will meet the requirements of NWCAA 300.7 through 300.13 and NWCAA Section 305, as applicable.
- (B) A revision under NWCAA 300.12 only addresses projects where the emissions increase from each emissions unit qualifies as exempt under NWCAA 300.4.
- (C) Each Order of Approval revision request shall be submitted and will be processed as a Notice of Construction application. The application shall be submitted with the appropriate new source review fee specified in NWCAA 324.2.

300.13 Order of Approval – Requirements to Comply

Owners and operators of a source or emissions unit shall:

- (A) Comply with the conditions in the Order of Approval or General Order of Approval, as applicable.
- (B) Install and operate in accordance with the information submitted in the Notice of Construction application or application for coverage under a General Order of Approval.

300.14 Notice of Construction Application Inapplicability Determination

An owner or operator may submit a written request to the NWCAA to obtain a written determination that a project is exempt from new source review under NWCAA 300.1 or from replacement or substantial alteration of control technology under NWCAA 300.25. The request shall include a summary of the project, a narrative describing

why the project should be exempt from applicability, and the appropriate fee in accordance with NWCAA 324.2.

Within 30 days after receiving a request under this subsection, the NWCAA shall either provide the written determination of inapplicability, notify the applicant in writing that the project requires an Order of Approval, or notify the applicant in writing of the additional information necessary to complete the request.

### 300.16 General Order of Approval

In lieu of filing a Notice of Construction application under NWCAA 300.7, the owner or operator of a qualifying emissions unit may apply for coverage under a General Order of Approval issued under this section.

(A) The NWCAA may issue a General Order of Approval applicable to a specific source type or emissions unit. A General Order of Approval shall identify criteria by which a source or emissions unit may qualify for coverage under the General Order of Approval and shall include terms and conditions under which the owner or operator agrees to install and/or operate the covered source or emissions unit.

- (1) These terms and conditions shall include as appropriate:
  - (a) Emissions limitations and/or control requirements based on Best Available Control Technology (BACT) and/or BACT for Toxic Air Pollutants (T-BACT);
  - (b) Operational restrictions, such as:
    - (i) Criteria related to the physical size of the source or emissions unit(s) covered;
    - (ii) Criteria related to raw materials and fuels used;
    - (iii) Criteria related to allowed or prohibited locations; and
    - (iv) Other similar criteria as determined by the NWCAA;
  - (c) Monitoring, reporting, and recordkeeping requirements to ensure compliance with the applicable emission limits and/or control requirements;
  - (d) Initial and periodic emission testing requirements;
  - (e) Compliance with WAC 173-400-112, NWCAA 300.9(B), and 300.9(C), as applicable;
  - (f) Compliance with 40 CFR Parts 60, 61, 62, and 63; emission standards adopted under chapter 70.94 RCW; and all applicable NWCAA emission standards; and

- (g) The application and approval process to obtain coverage under the specific General Order of Approval.
  - (2) The original issuance and any revisions to a General Order of Approval must comply with NWCAA Section 305, as applicable.
  - (3) The NWCAA may review and revise a General Order of Approval at any time. Revisions to General Orders of Approval shall only take effect prospectively.
- (B) Application for coverage under a General Order of Approval.
- (1) In lieu of applying for an individual Order of Approval under NWCAA 300.7, an owner or operator of a source or emissions unit may apply for and receive coverage from the NWCAA under a General Order of Approval if:
    - (a) The owner or operator of the source or emissions unit applies for coverage under a General Order of Approval in accordance with NWCAA 300.16 and any conditions of the specific General Order of Approval related to application for and the granting of coverage;
    - (b) The source or emissions unit meets all the applicability qualifications listed in the requested General Order of Approval;
    - (c) The requested source or emissions unit is not part of a new major stationary source or major modification subject to the requirements of WAC 173-400-113(3) and (4), WAC 173-400-700 through 173-400-750, or 173-400-800 through 173-400-860; and
    - (d) The requested source or emissions unit does not trigger applicability of the Air Operating Permit program under NWCAA Section 322, or trigger a required modification of an existing Air Operating Permit.
  - (2) Owners or operators of sources or emissions units applying for coverage under a General Order of Approval shall do so using the forms provided by the NWCAA and include the application fee as specified in NWCAA 324.2. The application must include all information necessary to determine qualification for, and to assure compliance with, a General Order of Approval.
  - (3) An application is incomplete until the NWCAA has received all required fees.
  - (4) The owner or operator of the proposed source or emissions unit that qualifies for coverage under a General Order of Approval shall not begin actual construction of the proposed source or

emissions unit until written confirmation of coverage from the NWCAA has been received in accordance with the procedures established in NWCAA 300.16(C).

- (C) Each General Order of Approval shall include a section on how an applicant is to request coverage and how the NWCAA will grant coverage.
  - (1) Within 30 days after receipt of an application for coverage under a General Order of Approval, the NWCAA shall either provide written confirmation of coverage under the General Order of Approval or notify the applicant in writing that the application is incomplete, inaccurate, or does not qualify for coverage under the General Order of Approval. If an application is incomplete, the NWCAA shall notify the applicant of the information needed to complete the application. If an application does not qualify for coverage under the General Order of Approval, the NWCAA shall notify the applicant of the reasons why the application does not qualify. Coverage under a General Order of Approval is effective as of the date of issuance of the written confirmation of coverage under the General Order.
  - (2) Failure of an owner or operator to obtain written confirmation of coverage under NWCAA 300.16 prior to beginning actual construction is considered failure to obtain an Order of Approval pursuant to NWCAA 300.1.
- (D) An owner or operator who has received confirmation of coverage under a specific General Order of Approval may later request to be excluded from coverage under that General Order of Approval by applying to the NWCAA for an individual Order of Approval under NWCAA 300.7 or for coverage under another General Order of Approval. If the NWCAA issues an individual Order of Approval or confirms coverage under a different General Order of Approval, coverage under the original General Order of Approval is automatically terminated, effective on the effective date of the individual Order of Approval or confirmation of coverage under the new General Order of Approval.
- (E) The Control Officer may require that a new source or modification, that would otherwise be covered under a General Order of Approval, submit a Notice of Construction application and be issued an individual Order of Approval under NWCAA 300.7 through 300.13. This discretionary determination shall be based on the nature of air pollution emissions from the source and its potential effect on health, economic and social factors, or physical effects on property. Upon request, the owner or operator shall submit to the Control Officer, appropriate information as necessary to make this determination.

### 300.17 Temporary Sources

- (A) This section applies to temporary sources that do not qualify for exemption under NWCAA 300.3 or 300.4.
- (B) Temporary sources shall submit a Notice of Construction application and an Order of Approval must be issued by the NWCAA in accordance with NWCAA 300.7 through 300.13 prior to beginning operation within the NWCAA jurisdiction except as provided under NWCAA 300.17(E).
- (C) If a temporary source is locating in a nonattainment area within the NWCAA jurisdiction and if the source emits the pollutants or pollutant precursors for which the area is classified as nonattainment, the source must obtain an Order of Approval from the NWCAA regardless of the exemption in NWCAA 300.17(E).
- (D) If a temporary source is a major stationary source then it must also comply with WAC 173-400-700 through 173-400-750 as applicable.
- (E) Except as provided in 300.17(C) and (D), temporary sources are allowed to operate within the NWCAA jurisdiction without obtaining an Order of Approval from the NWCAA provided that:
  - (1) A permitting authority in Washington State issued a Notice of Construction Order of Approval for the temporary source after July 1, 2010 identifying the emissions unit as a "portable" or "temporary" source.
  - (2) Operation within the NWCAA jurisdiction under this provision is limited to a single 12 consecutive month period commencing with initial startup within the NWCAA jurisdiction. For operation within the NWCAA jurisdiction after this initial 12 consecutive month period, the owner or operator must obtain an Order of Approval from the NWCAA in accordance with NWCAA 300.17(B).
- (F) The owner or operator shall notify the NWCAA of the intent to relocate into or within the NWCAA jurisdiction at least 15 calendar days prior to beginning operation at a different location. Notification is not required for relocation within the same major source. The notification shall include a copy of the applicable temporary source Order of Approval and estimated start and end dates at the new location. The owner or operator shall keep a record of the date of initial startup within the NWCAA jurisdiction along with durations and locations of operation.
- (G) The first time the owner or operator locates the temporary source within the NWCAA jurisdiction, the initial relocation notice shall include the appropriate annual registered source fee specified in NWCAA 324.1. The owner or operator shall pay an annual registered source fee for each calendar year during which the temporary source operates within the NWCAA jurisdiction.

- (H) The owner or operator shall submit the emission inventory required under NWCAA Section 150 to the NWCAA if the temporary source operated in the NWCAA jurisdiction during the preceding calendar year. The data must be sufficient in detail to enable the NWCAA to determine the emissions within its jurisdiction and the yearly aggregate.
- (I) To change the conditions in an Order of Approval issued by a permitting authority other than the NWCAA while operating in the NWCAA jurisdiction, the owner or operator must obtain an Order of Approval from the NWCAA in accordance with NWCAA 300.7 through 300.13.
- (J) Prior to modifying a temporary source while operating within the NWCAA jurisdiction under a non-NWCAA Order of Approval, the owner or operator must obtain an Order of Approval from the NWCAA in accordance with NWCAA 300.7 through 300.13.
- (K) The NWCAA has authority to enforce the conditions of the Order of Approval that authorizes the temporary source operation, regardless of which permitting authority issued the Order of Approval. The owner or operator shall operate the temporary source in compliance with the conditions set forth in the Order of Approval and any other applicable requirements. Any reports required by the Order of Approval shall be submitted to the NWCAA.
- (L) Temporary sources relying upon an Order of Approval issued by a permitting authority other than the NWCAA may be required to obtain an Order of Approval from the NWCAA in accordance with NWCAA 300.17(B) at the discretion of the Control Officer based on the source type, emission quantity, or suitability of the non-NWCAA Order of Approval requirements.

300.25 Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source.

- (A) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emissions unit shall file a Notice of Construction application with the NWCAA. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.
- (B) For emissions units and associated pollutants not otherwise reviewable under NWCAA Section 300, the NWCAA may:
  - (1) Require that the owner or operator employ RACT for the affected emissions unit;
  - (2) Prescribe reasonable operation and maintenance conditions for the control equipment; and

- (3) Prescribe other requirements as authorized by chapter 70.94 RCW.
- (C) Within 30 days after receiving a Notice of Construction application under this subsection, the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of the additional information necessary to complete the application. Within 30 days of receipt of a complete Notice of Construction application under this section the NWCAA shall either issue an Order of Approval or a proposed RACT determination for the proposed project.
- (D) An owner or operator shall not begin actual construction on a project subject to review under this section until the NWCAA issues a final Order of Approval. However, any Notice of Construction application filed under this section shall be deemed to be approved without conditions if the NWCAA takes no action within 30 days of receipt of a complete Notice of Construction application.
- (E) Approval to replace or substantially alter emission control technology shall become invalid if the owner or operator has not begun actual construction within 18 months of approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The NWCAA may extend the 18-month approval period upon a satisfactory showing that an extension is justified. No single extension of time shall be longer than 18 months. The cumulative period between initial permit issuance and the end of any approved time extensions shall not exceed 54 months. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must begin actual construction within 18 months of the approved commencement date.

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### **SECTION 303 – WORK DONE WITHOUT AN APPROVAL**

When actual construction has begun on a new source or modification for which a Notice of Construction is required and a final Order of Approval has not been issued, the Control Officer or designee may conduct an investigation as part of the Notice of Construction application review. In such a case, an investigation fee, in addition to the fees of NWCAA 324.2, may be assessed in an amount up to 3 times the fees of NWCAA 324.2. Payment of the fees does not relieve any person from the requirement to comply with any air regulation nor from any penalties for failure to comply.



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## **SECTION 304 – NONROAD ENGINES**

304.1 This section applies to any nonroad engine as defined in NWCAA Section 200, except for:

- (A) Any nonroad engine that is:
  - (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; or
  - (2) In or on a piece of equipment that is intended to be propelled while performing its function.
- (B) Nonroad engines being stored in work centers, garages, or engine pool sites prior to being dispatched to the field for use and that do not provide back-up power at the work center, garage, or engine pool. Such engines may be operated at these facilities only for the purpose of engine maintenance, testing, and repair.

304.2 Nonroad engines are not subject to:

- (A) New source review.
- (B) Control technology determinations.
- (C) Emission limits set by the state implementation plan (SIP).
- (D) Chapter 173-460 WAC.

304.3 All nonroad engines as specified in this section shall use ultra low sulfur diesel or ultra low sulfur bio-diesel (a sulfur content of 15 ppm or 0.0015% sulfur by weight or less), gasoline, natural gas, propane, liquefied petroleum gas (LPG), hydrogen, ethanol, methanol, or liquefied/compressed natural gas (LNG/CNG). A facility that receives deliveries of only ultra low sulfur diesel or ultra low sulfur bio-diesel is deemed to be compliant with this fuel standard.

304.4 For each nonroad engine as specified in this section greater than 500 bhp: The owner or operator shall notify NWCAA within 15 calendar days prior to surpassing the engine remaining at a facility for 12 consecutive months. This notification shall include the make, model, serial number, rating, fuel type, date the engine was brought to the facility, and engine function or purpose.

Passed: April 11, 2019

## SECTION 305 – PUBLIC INVOLVEMENT

### 305.1 Internet Notice

- (A) A notice shall be published on the NWCAA website for each Notice of Construction (NOC) application received by the NWCAA under NWCAA 300.7 and each revision request to an Order of Approval received under NWCAA 300.12. The internet notice shall remain on the NWCAA website for a minimum of 15 consecutive days and shall include the following information:
- (1) name and location of the affected facility,
  - (2) brief description of the proposed action, and
  - (3) a statement that a public comment period may be requested within 15 days of the initial date of the internet posting.
- (B) Requests for a public comment period must be submitted in writing via letter, fax, or email and received by the NWCAA during the 15-day internet notice period. A public comment period shall be provided in accordance with NWCAA 305.3 for any NOC application or proposed Order of Approval revision that receives such a request. Any NOC application or proposed Order of Approval revision for which a public comment period is not requested may be processed without further public involvement at the end of the 15-day request period except as provided in NWCAA 305.2.

### 305.2 Actions Subject to a Mandatory Public Comment Period

- (A) The NWCAA shall provide public notice and a public comment period in accordance with NWCAA 305.3, before approving or denying any of the following types of applications or other actions:
- (1) Use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 as referenced in NWCAA 104.2 as part of review under NWCAA Section 300.
  - (2) An Order to determine Reasonably Available Control Technology (RACT) pursuant to NWCAA 309.4(B), (C), (D), or (E).
  - (3) An Order to establish a compliance schedule or a variance.
  - (4) An Order to demonstrate the creditable height of a stack which exceeds the good engineering practice (GEP) formula height and 65 meters, by means of a fluid model or a field study, for the purposes of establishing an emission limit.
  - (5) An Order to authorize an emissions bubble pursuant to WAC 173-400-120.

- (6) A Regulatory Order to establish or debit emission reduction credits (ERC) issued under WAC 173-400-136.
- (7) An Order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit.
- (8) An extension of the deadline to begin actual construction of a major stationary source or major modification in a nonattainment area.
- (9) The original issuance and any revisions to a General Order of Approval issued under NWCAA 300.16.
- (10) An Notice of Construction application or other proposed action for which the NWCAA determines there is substantial public interest.
- (11) A Notice of Construction application or proposed Order of Approval revision that receives a request for a public comment period under NWCAA 305.1.
- (12) A Notice of Construction application that would result in an emissions increase as follows:

Air Pollutant	Emission Rate in Tons per Year
Carbon Monoxide (CO)	100
Volatile Organic Compounds (VOC)	40
Sulfur Dioxide (SO <sub>2</sub> )	40
Nitrogen Oxides (NO <sub>x</sub> )	40
Particulate Matter (PM)	25
Fine Particulate Matter (PM <sub>10</sub> )	15
Fine Particulate Matter (PM <sub>2.5</sub> )	10
Lead	0.6
Fluorides	3
Sulfuric Acid Mist (H <sub>2</sub> SO <sub>4</sub> )	7
Hydrogen Sulfide (H <sub>2</sub> S)	10
Total Reduced Sulfur (including H <sub>2</sub> S)	10
Reduced Sulfur Compounds (including H <sub>2</sub> S)	10

- (13) An increase in emissions of a Toxic Air Pollutant with impacts greater than the Acceptable Source Impact Level (ASIL) for that Toxic Air Pollutant as regulated under chapter 173-460 WAC.
  - (14) A Notice of Construction Order of Approval with a second tier component as regulated under chapter 173-460 WAC.
- (B) Any Notice of Construction application designated for integrated review with an application to issue or modify an Air Operating Permit shall be

processed in accordance with the Air Operating Permit program procedures and deadlines set forth in chapter 173-401 WAC.

305.3 Public Comment Period

- (A) Public comment period notice for the actions listed under NWCAA 305.2 shall be posted on the NWCAA website for the duration of the public comment period. The NWCAA may supplement this method of notification by advertising in a newspaper of general circulation in the area of the proposed action or by other methods appropriate to notify the local community. The public comment period shall be initiated only after the NWCAA has made a preliminary determination. In the case of a permit action, the cost of providing all noticing shall be borne by the applicant.
- (B) The public comment period shall extend at least 30 days following the date the public notice is first published. If a public hearing is held, the public comment period shall extend at least through the hearing date and thereafter for such period as specified in the notice of public hearing.
- (C) The NOC application and any written preliminary determination by the NWCAA shall be available for the duration of the public comment period on the NWCAA website, excluding any confidential information as provided in NWCAA Section 114. In addition, the NOC application and any written determination may be made available for public inspection in at least one location near the proposed project. The NWCAA's written preliminary determination shall include the conclusions, determinations and pertinent supporting information from the NWCAA's analysis of the effect of the proposed project on air quality.
- (D) The public comment period notice shall include:
  - (1) Date the notice is posted;
  - (2) Name, location, and a brief description of the project;
  - (3) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;
  - (4) Location of documents made available for public inspection;
  - (5) Start date and end date of the public comment period;
  - (6) A statement that a public hearing may be held if the NWCAA determines that significant public interest exists; and
  - (7) The name, telephone number, and email address of a person at the NWCAA whom interested persons may contact for additional information.

- (E) The NWCAA shall distribute a copy of the notice for all actions subject to a mandatory public comment period under NWCAA 305.2, except for NWCAA 305.2(13) and (14), to the US Environmental Protection Agency Region 10 Regional Administrator.

### 305.5 Public Hearings

- (A) Any person, interested governmental entity, group or the applicant, may request a public hearing during the comment period specified in the public notice. Any such request shall indicate, in writing, the interest of the entity filing it and why a hearing is warranted. The NWCAA may, in its discretion, hold a public hearing if it determines that significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the NWCAA deems reasonable.
- (B) At least 30 days prior to the hearing, the NWCAA shall provide notice of the hearing as follows:
  - (1) Post the public hearing notice on the NWCAA website as directed by NWCAA 305.3(A). The NWCAA may supplement the web posting by advertising in a newspaper of general circulation in the area of the proposed source or action, or by other methods appropriate to notify the local community. In the case of a permit action, the cost of providing all noticing shall be borne by the applicant.
  - (2) The hearing legal notice shall include the date, time, and location of the hearing along with the information in NWCAA 305.3(D).
  - (3) Distribute via email or written letter the notice of public hearing to any person who submitted written comments on the application or requested a public hearing and, in the case of a permit action, to the applicant.
- (C) The public hearing notice requirements may be addressed as part of the public comment period notice requirements under NWCAA 305.3.

### 305.6 Consideration of Public Comments

The NWCAA shall not issue a final decision until the public comment period has ended and any comments received during the public comment period have been considered.

### 305.7 Public Information

All information, except information protected from disclosure under any applicable law including, but not limited to, NWCAA Section 114 and RCW 70.94.205, is available for public inspection at the NWCAA. This includes copies of Notice of Construction applications, Orders, and applications to modify Orders.

PASSED: July 14, 2005 AMENDED: November 8, 2007, June 9, 2011, November 17, 2011, April 11, 2019

**SECTION 309 – REASONABLY AVAILABLE CONTROL TECHNOLOGY**

- 309.1 Reasonably Available Control Technology (RACT) is required for all existing sources except as otherwise provided in RCW 70.94.331(9).
- 309.2 Where current controls are determined by the NWCAA to be less than RACT, the NWCAA shall define RACT for that source or source category and issue a rule or an order under NWCAA 121 requiring the installation of RACT.
- 309.3 RACT for each source category containing three or more sources shall be determined by rule, except as provided in NWCAA 309.4.
- 309.4 Source-specific RACT determinations may be performed under any of the following circumstances:
- (A) For replacement or substantial alteration of existing control equipment under NWCAA 300.13;
  - (B) When required by the federal Clean Air Act;
  - (C) For sources in source categories containing fewer than three sources;
  - (D) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or
  - (E) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.
- 309.5 The Control Officer shall have the authority to perform a RACT determination, to hire a consultant to perform relevant RACT analyses in whole or in part, or to order the owner or operator to perform RACT analyses and submit the results to the NWCAA.
- 309.6 In determining RACT, the NWCAA shall utilize the factors set forth in the RACT definition in NWCAA 200 and shall consider RACT determinations and guidance made by the EPA, other states, and local authorities for similar sources, and other relevant factors. In establishing or revising RACT requirements, the NWCAA shall address, where practicable, all air contaminants deemed to be of concern for that source or source category.
- 309.7 The NWCAA shall assess a fee to be paid by any source included in a RACT determination to cover the direct and indirect costs of developing, establishing, or reviewing categorical or source-specific RACT determinations. The fee for RACT determinations shall be as established in

NWCAA 324.6. The amount of the fee may not exceed the direct and indirect costs of establishing the requirement for the particular source or the pro rata portion of the direct and indirect costs of establishing the requirement for the relevant source category.

- 309.8 Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of operating permit issuance or renewal.
- 309.9 Replacement or substantial alteration of control equipment under NWCAA 300.13 shall be subject to the New Source Review fees under NWCAA 324.2, in lieu of RACT fees under this section.

PASSED: March 14, 2013 AMENDED: October 8, 2015

### **SECTION 320 - REGISTRATION PROGRAM**

- 320.1 Program Authority, Applicability and Purpose. As authorized by RCW 70.94.151, the Board, by the NWCAA Regulation, requires registration and reporting for specified classes of stationary air contaminant sources (including temporary sources) which may cause or contribute to air pollution. This classification is made according to levels and types of emissions and other characteristics that cause or contribute to air pollution with special reference to effects on health, economic and social factors, and physical effects on property. The purpose of the registration program is to develop and maintain a current and accurate record of stationary air contaminant sources (including temporary sources) within the NWCAA jurisdiction. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.
- 320.2 Registration and Reporting. The owner or operator of a stationary air contaminant source (including temporary sources) for which registration and reporting are required, shall register the source with the NWCAA. The owner or operator shall make reports to the NWCAA containing information as may be required by the NWCAA concerning location, size, and height of air contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.
- 320.3 Annual Registration Fees. Registered sources shall pay an annual registration fee. The Board has determined the fee for registered sources as specified in Section 324.1. The amount of fees collected shall not exceed the costs of implementing this registration program. Implementing the registration program includes, but is not limited to:
- (A) Review of registered source emission reports and other periodic reports and conducting related compilation and reporting activities;

- (B) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a registered source is complying with permit, Order, or regulatory requirements, as applicable, including determination of registration applicability;
- (C) The share attributable to registered sources of the development and maintenance of emissions inventories;
- (D) The share attributable to registered sources for data storage and retrieval systems necessary for support of the registration program;
- (E) Registered source fee determinations, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;
- (F) The share attributable to registered sources for administration of the program including costs of clerical support, supervision, and management; tracking of time, revenues and expenditures; accounting activities; required fiscal audits and reporting activities; enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement.

320.4 Any registered source that does not pay the applicable annual registration fee by the deadline shall be considered a new source and shall submit a Notice of Construction application and receive an Order of Approval prior to resumption of operation.

#### 320.5 Registration Required

- (A) Source categories. Except as provided in NWCAA Section 321, the owner or operator of a source that falls into at least one of the following source categories shall register with the NWCAA:

Any source subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61 other than Subpart M (National Emission Standard for Asbestos).

Any source subject to 40 CFR Part 62.

Any affected source subject to a National Emission Standard for Hazardous Air Pollutants for Source Categories (NESHAP) under 40 CFR Part 63.

Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability of EPA requirements under 40 CFR Part 63.



Any source that is subject to an Order of Approval or has been confirmed to be covered by a General Order of Approval by the NWCAA.

Any source with a facility-wide uncontrolled potential to emit emission rate of one or more pollutants equal to or greater than the registered source exemption emission rates as specified in WAC 173-400-102(5) or the Small Quantity Emission Rates (SQER) for Toxic Air Pollutants as specified in chapter 173-460 WAC.

- (B) Source types. Except as provided in NWCAA Section 321, the owner or operator of a source that falls into at least one of the following source types shall register with the NWCAA:

Abrasive blasting operations.

Agricultural chemical facilities engaged in the manufacturing of liquid or dry fertilizers or pesticides including, but not limited to, ammonium sulfate.

Agricultural drying and dehydrating operations.

Asphalt and asphalt products production facilities, not including asphalt laying equipment.

Casting facilities and foundries, ferrous and nonferrous.

Coffee roasting facilities.

Commercial smoke houses.

Composite fabrication and repair facilities including fiberglass boat building and repair, and miscellaneous parts fabrication.

Composting operations (commercial, industrial, and municipal).

Concrete product manufacturers and ready mix and premix concrete plants.

Flexible vinyl and urethane coating and printing operations.

Gasoline dispensing facilities and bulk gasoline plants.

Glass manufacturing plants.

Grain, seed, animal feed, legume, and flour processing operations and handling facilities.

Graphic art systems including, but not limited to, lithographic and screen printing operations.

Material handling and transfer facilities that emit fine particulate to the atmosphere, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems.

Metal plating and anodizing operations.

Metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations.

Perchloroethylene dry cleaners.

Soil and groundwater remediation projects including soil vapor extraction (active), thermal soil desorption, or groundwater air stripping operations.

Surface coating operations, including coating of motor vehicles, mobile equipment, boats, ships, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates.

Wastewater treatment plants.

Welding and metal cutting operations.

Wood products mills, including lumber, plywood, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, cabinet works, casket works, furniture, wood byproducts, or any combination thereof.

- (C) Equipment classification list. Except as provided in NWCAA Section 321, the owner or operator of the following equipment shall register with the NWCAA:

Any affected source subject to a New Source Performance Standard (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters).

Chemical concentration evaporators.

Crematoria or animal carcass incinerators.

Degreasers of the cold or vapor type where the solvent for which contains more than 5 percent halogenated compounds or Toxic Air Pollutants.

Ethylene oxide (ETO) sterilizers.

Fuel burning equipment (except natural gas only) with a heat input of more than 1 million Btu per hour, except comfort heating, air conditioning systems, or ventilation systems not designed to remove contaminants generated by or released from equipment.

Fuel burning equipment that fires only natural gas with a heat input of more than 10 million Btu per hour.

Gas collection systems with flares or other combustion devices.

Gas or odor control equipment having a rated capacity greater than or equal to 200 cfm including, but not limited to:

- (1) Activated carbon adsorption
- (2) Barometric condenser
- (3) Biofilter
- (4) Catalytic oxidizer
- (5) Chemical oxidation
- (6) Dry sorbent injection
- (7) Non-selective catalytic reduction (NSCR)
- (8) Refrigerated condenser
- (9) Selective catalytic reduction (SCR)
- (10) Selective non-catalytic reduction (SNCR)
- (11) Wet scrubber

Incinerators;

Ovens, burn-out or heat-treat.

Particulate control equipment having a rated capacity greater than or equal to 2,000 cfm including, but not limited to:

- (1) Baghouse
- (2) Cyclone
- (3) Demister
- (4) Electrostatic precipitator (ESP), dry or wet
- (5) High efficiency particulate air (HEPA) filter
- (6) High velocity air filter
- (7) Mat or panel filter
- (8) Mist eliminator
- (9) Multiclones
- (10) Rotoclone
- (11) Screen
- (12) Venturi scrubber
- (13) Water curtain

Stationary internal combustion engines and turbines rated at 500 horsepower or more.

Storage tanks, reservoirs, or containers with:

- (1) a rated capacity greater than 6,000 gallons storing volatile organic liquids, other than petroleum liquids, having a true vapor pressure equal to or greater than 1.5 psia or
- (2) a rated capacity greater than 40,000 gallons storing petroleum liquids having a true vapor pressure equal to or greater than 1.5 psia.

Waste oil burners rated at greater than 0.5 million Btu per hour.

- (D) The Control Officer may require that any source or equipment, that would otherwise be exempt, be registered as specified in this section. This discretionary determination will be based on the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

PASSED: January 8, 1969 AMENDED: February 14, 1973, August 9, 1978, February 8, 1996, November 12, 1998, November 12, 1999, July 14, 2005, June 9, 2011, April 11, 2019

### **SECTION 321 – EXEMPTIONS FROM REGISTRATION**

321.1 Exclusion or exemption from registration does not absolve the owner or operator from complying with all other requirements of the NWCAA Regulation.

321.2 The following stationary sources of air contaminants are exempt from registration:

Sources that require an Air Operating Permit pursuant to NWCAA Section 322.

Residential and agricultural composting activities.

321.3 The Control Officer may exempt any source or equipment, including any listed in NWCAA Section 320, from registration. This discretionary determination will be based on the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

321.4 An exemption from new source review under NWCAA Section 300 is not explicitly an exemption from registration under NWCAA Section 320.

PASSED: January 8, 1969 AMENDED: February 14, 1973, August 8, 1978, March 13, 1997, November 12, 1998, June 9, 2011, November 17, 2011, April 11, 2019

## **SECTION 322 - AIR OPERATING PERMIT PROGRAM (AOP)**

- 322.1 Purpose. The purpose of this section is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the Federal Clean Air Act (FCAA) Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).
- 322.2 Applicability. The provisions of this section shall apply to all sources within the NWCAA jurisdiction excluding those regulated by the Washington State Department of Ecology Industrial Section subject to the requirements of Section 7661(a) of the FCAA or Chapter 173-401-300 WAC.
- 322.3 Compliance. It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of Chapter 173-401 WAC without complying with the provisions of Chapter 173-401 WAC and any permit issued under its authority.
- 322.4 Air Operating Permit Fees.
- a) The NWCAA shall levy annual operating permit program fees as set forth in this section to cover the cost of administering its operating permit program.
  - b) Commencing with the effective date of the operating permit program, the NWCAA shall assess and collect annual air operating permit fees in its jurisdiction for any source specified in Section 7661(a) of Title V of the FCAA or Chapter 173-401-300 WAC (excluding sources regulated by the Washington State Department of Ecology Industrial Section). The total fees required by the NWCAA to administer the program shall be determined by a workload analysis conducted by the staff and approved annually by a resolution by the Board of Directors. Allocation of the fees to individual affected sources shall be based on the following:
    - 1) Ten percent (10%) of the total fees shall be allocated equally among all affected sources.
    - 2) Ninety percent (90%) of the total fees shall be allocated based on actual emissions of regulated pollutants identified in the most recent annual emission inventory or potential emissions if actual data are unavailable. A regulated pollutant for fee calculation shall include:  
Nitrogen oxides (NO<sub>x</sub>);

Volatile organic compounds (VOC's);

Particulate matter with an aerodynamic particle diameter less than or equal to 10 micrometers (PM<sub>10</sub>);

Sulfur dioxide (SO<sub>2</sub>);

Lead; and

Any pollutant subject to the requirements under Section 112(b) of the FCAA not included in any of the above categories.

- c) Upon assessment by the NWCAA, fees are due and payable and shall be deemed delinquent if not fully paid within 90 days. Any source that fails to pay a fee imposed under this section within 90 days of the due date shall be assessed a late penalty in the amount of 50 percent of the fee. This late penalty shall be in addition to the fee assessed under this section.
- d) The NWCAA shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology to cover the Department of Ecology's program development and oversight costs attributable to subject sources within the NWCAA jurisdiction. Fees for the Department of Ecology shall be allocated to affected sources in the same manner specified in this section.
- e) An affected source subject to the operating permit program that is required to pay an annual operating permit program fee shall not be required to pay a registration fee as specified in Section 324.

PASSED: November 12, 1998    AMENDED: November 12, 1999, June 9, 2011, November 17, 2011

## **SECTION 324 - FEES**

### **324.1 Annual Registration Fees**

- (A) All registered air pollution sources shall pay the appropriate fee(s), which shall be established to cover the cost of administering the program, adjusted periodically based on the three-year average change of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- (B) Upon assessment by the NWCAA, registration fees are due and payable. A source shall be assessed a late penalty in the amount of 25 percent of the registration fee for failure to pay the registration fee within 30 days after the due date. The late penalty shall be in addition to the registration fee.

324.2 New Source Review Fees

- (A) New source review fees and fees for review of an application to replace or substantially alter the emission control technology installed on an existing stationary source emission unit shall be submitted with each Notice of Construction (NOC) application or request for a NOC applicability determination.
- (B) The applicable fee(s) shall be established to cover the direct and indirect costs of processing an application, adjusted periodically based on the three-year average change of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution by the Board of Directors of the NWCAA.

324.3 Variance Fee. The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.

324.4 Issuance of Emission Reduction Credits. The applicable fee(s) shall be established in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.

324.5 Plan and examination, filing, SEPA review, and emission reduction credit fees may be reduced at the discretion of the Control Officer by up to 75 percent for existing stationary sources implementing pollution prevention or undertaking voluntary and enforceable emission reduction projects.

324.6 RACT Fee. The applicable fee(s) shall be established to cover the costs of developing, establishing, or reviewing categorical or case-by-case RACT requirements, adjusted periodically based on the three-year average change of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA. Fees shall be due and payable upon receipt of invoice and shall be deemed delinquent if not fully paid within 30 days of invoice.

324.7 Order Fee. The applicable fee(s) shall be established to cover the direct and indirect costs of administering the program, adjusted periodically based on the three-year average change of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.

324.8 Asbestos Program Fee. The applicable fee(s) shall be established to cover the direct and indirect costs of administering the program as set forth in the

current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.

- 324.9 Agricultural Burning Fee. The applicable fee(s) shall be established as described in RCW 70.94.6528 and WAC 173-430-041 as referenced in NWCAA 104.1 as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.10 Outdoor Burning Fee. The applicable fee(s) shall be established to cover the cost of administering the program as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.20 Procedure for Adoption and Revision of Fee Schedules. A proposed resolution that adopts or changes any fee schedules described in this section shall be posted on the NWCAA website for not less than 30 days prior to the Board of Directors meeting at which the Board takes action on the resolution. In addition, an electronic version of the proposed fee schedule or proposed fee schedule changes shall be provided by e-mail to any person requesting notice of proposed fee schedules or proposed fee schedule changes, not less than 30 days prior to the Board meeting at which such changes are considered. It shall be the ongoing responsibility of a person requesting electronic notice of proposed fee schedule amendments to provide their current e-mail address to the NWCAA; however, no person is required to request such notice. Each notice of a proposed fee schedule or proposed fee schedule change shall provide for a comment period on the proposal of not less than 30 days. Any such proposal shall be subject to public comment at the Board meeting where such changes are considered. No final decision on a proposed fee schedule or proposed fee schedule change shall be taken until the public comment period has ended and any comments received during the public comment period have been considered.

PASSED: November 12, 1998 AMENDED: November 12, 1999, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, August 9, 2012, March 14, 2013, September 11, 2014

## **SECTION 325—TRANSFER OR PERMANENT SHUTDOWN**

- 325.1 A registration, regulatory order, approval to construct, operate or use any article, machine, equipment, or other contrivance, shall not be transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another provided that, registered sources which are designed to be portable and are moved from one location to another may retain the same registration so long as they abide by the requirements of NWCAA Sections 300 and 301.
- 325.2 The registered owner or operator shall report the transfer of ownership or permanent shutdown of a registered source to the NWCAA within ninety (90)



days of shutdown or transfer. The report shall contain the following information:

- a) Legal name of the existing business as registered with the NWCAA;
- b) Effective date of the shutdown or transfer;
- c) Description of the affected emission units; and
- d) Name and telephone number of the owner, operator, and authorized representative.
- e) The new legal name of the business, and legal names and contact information for the owner, operator and registered agent.

325.3 Any party that assumes ownership and/or operational control of a registered source shall file a written report with the NWCAA within ninety (90) days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:

- a) Legal name of the business before and after the transfer and individuals involved in the transfer;
- b) Effective date of the transfer;
- c) Description of the affected emission units; and
- d) Name and telephone number of the owner, operator, and authorized representative.

325.4 In the case of a permanent shutdown, process and pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g., disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation).

PASSED: February 4, 1970 AMENDED: February 14, 1973, July 10, 2003, July 14, 2005, November 8, 2007

#### **SECTION 340 - REPORT OF BREAKDOWN AND UPSET**

340.1 If a breakdown or upset condition occurs which results in or may have resulted in an exceedance of an emission and/or ambient air quality standard established by this Regulation or an emission release to the air that requires NWCAA notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA), the owner or operator of the source shall take the following actions:

- a) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.

- b) For Title V Air Operating Permit sources, the responsible official, or their designee, shall submit a full report no later than 30 days after the end of the calendar month in which the breakdown or upset occurred that resulted in an exceedance of an ambient or emission standard of this Regulation. The report shall be submitted on forms provided by the NWCAA and must include, at a minimum, the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event. Other non-Title V Air Operating Permit sources shall file a full report to the NWCAA within 30 days upon the request of the Control Officer.
- 340.2 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this Regulation nor from the resulting liabilities for failure to comply.
- 340.3 It shall be prima facie evidence of violation of this Regulation if:
- a) any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or
  - b) any other equipment creates new or increased emissions to the atmosphere as the result of being turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1.
- 340.4 Excess emissions due to breakdowns and upsets shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that:
- a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
  - b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
  - c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice; and
  - d) The emissions did not result in a violation of an ambient air quality standard.

AMENDED: November 14, 1984, October 14, 1987, April 14, 1993, October 13, 1994, February 8, 1996, July 14, 2005, November 8, 2007

**SECTION 341 - REPORT OF SHUTDOWN OR STARTUP**

- 341.1 If the operator of any air contaminant source registered in the NWCAA jurisdiction or operating under a Title V air operating permit issued by the NWCAA schedules a total or partial shutdown or startup of control or process equipment that the source reasonably believes would result in emissions which may temporarily exceed an emission standard of this Regulation; the operator or owner of the source shall notify the NWCAA in advance of the shutdown or startup.
- 341.2 The advanced notification shall include a general schedule of steps to be taken to minimize the release of air contaminants to the atmosphere including the reasons for and duration of the proposed shutdown or startup, the nature of the action to be taken, the date and time for the action and an estimate of the anticipated rate and concentration of emission.
- 341.3 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with the requirements of this Regulation nor from the resulting liabilities for failure to comply.
- 341.4 Excess emissions due to shutdown or startup shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that the excess emissions could not have been prevented through careful planning and design, the emissions did not result in a violation of an ambient air quality standard and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.
- 341.5 For Title V Air Operating Permit sources, the responsible official, or their designee, shall submit a full report no later than 30 days after the end of the calendar month in which the shutdown or startup occurred that resulted in an exceedance of an ambient or an emission standard of this Regulation. The report shall be submitted on forms provided by the NWCAA and must include, at minimum, the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event. Other non-Title V Air Operating Permit sources shall file a full report to the NWCAA within 30 days upon the request of the Control Officer.

AMENDED: November 14, 1984, April 14, 1993, September 8, 1993, May 11, 1995, February 8, 1996, July 14, 2005

## **SECTION 342 - OPERATION AND MAINTENANCE**

- 342.1 All air contaminant stationary sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.
- 342.2 Operating instructions and maintenance schedules for process and/or control equipment must be available on the site.

AMENDED: April 14, 1993, September 8, 1993, May 11, 1995, February 8, 1996, March 13, 1997, July 14, 2005

## **SECTION 350 - VARIANCES**

- 350.1 Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who own or control like processes or like equipment may apply to the board for a variance from the rules or Regulation governing the quality, nature, duration or extent of discharge of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice, if it finds that:
- (A) The emissions occurring or proposed to occur do not endanger public health or safety; and
  - (B) Compliance with the rules or Regulation from which variance is sought would produce serious hardship without equal or greater benefits to the public.
- 350.2 No variance shall be granted pursuant to this Section until the Board has considered the relative interests of the applicant, other owners or property likely to be affected by the discharge, and the general public.
- 350.3 Any variance or renewal thereof shall be granted within the requirements of Section 350.1 and for time periods and under conditions consistent with reasons therefore, and with the following limitations:
- (A) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the pollution involved, it shall be only until the necessary means for prevention, abatement, or control becomes known and available, and subject to the taking of any substitute or alternate measure that the Board may prescribe.
  - (B) If the variance is granted on the ground that compliance with the particulate requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in view of the Board,

is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

- (C) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided in subsection 350.3(A) and 350.3(B), it shall be for not more than one year.

350.4 Any variance granted pursuant to this Section may be renewed on terms and conditions and for periods which would be appropriate under all circumstances including the criteria considered on the initial granting of a variance and that acquired during the existence of the variance. If a complaint is made to the board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the board finds that renewal is justified. No renewal shall be granted except on application thereof. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with the rules and Regulation of the Board.

350.5 A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board, may obtain judicial review thereof under the provisions of Section 123 or Chapter 43.21B RCW as now or hereafter amended.

350.6 Nothing in this Section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.715 to any person or his property.

PASSED: January 8, 1969 AMENDED: October 1, 1969, February 14, 1973, January 9, 1974, September 8, 1993, March 14, 2013

## **SECTION 367 – GENERAL REQUIREMENTS FOR MONITORING AND TESTING**

367.1 Any person operating a registered air contaminant source or an air operating permit source may, at any time, be required to monitor the ambient air, or process emissions, or conduct emission tests as deemed necessary by the Control Officer.

367.2 Before an approval to construct or a registration certificate is granted, the Control Officer may require the owner or applicant to provide and maintain such facilities as are necessary for sampling and testing purposes, including but not limited to safe access to sample locations, sample platforms, proper sample ports, and adequate shelter where appropriate.

- 367.3 All ambient monitoring, compliance testing, continuous emission monitoring systems, and continuous opacity monitoring systems required by a regulation, order of approval or permit issued by the NWCAA shall comply with the applicable requirements of this Section and Appendix A of this Regulation. The applicable requirements of this Section and Appendix A are in addition to any monitoring, testing, calibration, or quality assurance/quality control requirements that otherwise apply.
- 367.4 The Control Officer may take such samples and may perform any tests and investigations as are deemed necessary to determine the accuracy of the monitoring reports and data submitted to the NWCAA. The owner or operator may also be required by the Control Officer to collect a sample using an approved procedure and submit the results of the analysis thereof within a reasonable period of time.
- 367.5 Any NWCAA mandated testing or monitoring which is not part of a federally-approved State Implementation Plan or other federally enforceable regulation must be approved by the NWCAA. Such testing or monitoring may include the use of alternative methods, modified standard methods, and requirements or procedures not described in Appendix A of this Regulation.
- 367.6 The Control Officer may approve site-specific minor and intermediate changes to testing, monitoring, recordkeeping, and reporting requirements under the following conditions:
- (A) In determining whether a change is minor or intermediate, NWCAA will use as a guide the definitions in 40 CFR 63.90 (July 1, 2004);
  - (B) Where the testing, monitoring, recordkeeping, or reporting requirement is included in a permit, the approval is made through the applicable permit revision procedures;
  - (C) NWCAA maintains a record of all approved changes to all testing, monitoring, recordkeeping, and reporting and provides a list of such changes to EPA Region 10 at least semi-annually.
- 367.7 The Control Officer may approve major changes to testing, monitoring, recordkeeping, and reporting requirements if such requirements are not part of the federally-approved State Implementation Plan or otherwise federally enforceable. Major changes to testing, monitoring, recordkeeping, and reporting requirements that are part of the federally-approved State Implementation Plan or otherwise federally enforceable require EPA approval.
- 367.8 Significant Figures and Rounding:
- (A) All parameters used in stack test measurements and calculations shall meet or exceed the precision implied by an applicable standard, that is, contain at least as many significant figures as the standard.

Additional numbers may be retained until the final rounding to calculate the emission rate or concentration. Unless specified by using scientific notation, all digits displayed in a standard, including zeros, are considered significant.

(B) Rounding shall use the following convention:

First digit to be discarded	Last valid digit
>5, or a 5 followed by a non zero	round up
<5	retain as is
5 , or 5 followed by only zero	round up if odd, retain if even

PASSED: July 14, 2005