

AMENDATORY SECTION

SECTION 104 - ADOPTION OF STATE AND FEDERAL LAWS AND RULES

104.1 All provisions of the following state rules that are in effect as of December 26, 2018 (~~June 21, 2018~~) are hereby adopted by reference and made part of the Regulation of the NWCAA: 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 WAC, chapter 173-480 WAC, chapter 173-481 WAC, chapter 173-485 WAC, chapter 173-491 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 December 26, 2018 (~~June 21, 2018~~) are hereby adopted by reference and made part of the Regulation of the NWCAA: 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, OOOOa, 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, FFFFF, GGGGG, HHHHH, IIIII, LLLLL, MMMM, NNNNN, PPPP, QQQQQ, RRRRR, SSSSS, TTTTT, UUUUU, WWWWW, YYYYY, ZZZZZ, BBBBB, CCCCC, EEEEE, FFFFF, GGGGG, HHHHH, JJJJJ, MMMMM, NNNNN, QQQQQ, SSSSS, TTTTT, VVVVV, WWWWW, XXXXX, ZZZZZ, AAAAAA, DDDDD, EEEEE, and HHHHHH; 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, March 14, 2019

AMENDATORY SECTION

SECTION 200 – DEFINITIONS

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ALLOWABLE EMISSIONS - The emission rate of a stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (A) The applicable standards as in 40 CFR Part 60, 61, 62, or 63;
- (B) Any applicable SIP emissions limitation including those with a future compliance date; or
- (C) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.

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FEDERALLY ENFORCEABLE - All limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, 62, 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.

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LOWEST ACHIEVABLE EMISSION RATE (LAER) - For any stationary source, the more stringent emissions rate based on the following: \_

- (A) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achieved in practice; or
- (B) The most stringent emissions limitation which is achieved in practice by such class or category of stationary sources. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source.

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

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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, 70.94.154, and 70.94.141(3), and includes, where used in the generic sense, the terms order, compliance order, order of approval, and regulatory order.

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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.))

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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, March 14, 2019

## AMENDATORY SECTION

### SECTION 300 - NEW SOURCE REVIEW

~~((300.1 A Notice of Construction and/or PSD permit application must be filed by the owner or operator and an Order of Approval and/or PSD permit issued by the NWCAA, or other designated permitting agency, prior to the establishment of any new source, except for:~~

- ~~a) — Those stationary sources exempt under NWCAA 300.4 (categorical) or NWCAA 300.5 (emission thresholds); and—~~
- ~~b) — Relocation of any temporary source operating in accordance with NWCAA Section 301.~~

~~For purposes of this section "establishment" shall mean to "begin actual construction", as that term is defined in NWCAA Section 200, and "new source" shall include any "modification" to an existing "stationary source", as those terms are defined in NWCAA Section 200.~~

~~300.2— Regardless of any other subsection of this section, a Notice of Construction or PSD permit application must be filed and an order of approval or PSD permit issued by the NWCAA prior to establishment of any of the following new sources:~~

- ~~a) — Any project that qualifies as construction, reconstruction or modification of an affected facility, within the meaning of 40 CFR Part 60 (New Source Performance Standards), except Subpart AAA (Wood stoves) and such provisions of Subpart IIII pertaining to owners and operators of emergency stationary compression ignition internal combustion engines;~~
- ~~b) — Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for asbestos demolition and renovation projects subject to 40 CFR 61.145;~~
- ~~c) — Any project that qualifies as a new source within the meaning of 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except Subpart M (Dry Cleaning Facilities) pertaining to area source perchloroethylene dry cleaners, and Subpart ZZZZ pertaining to emergency and limited use stationary reciprocating internal combustion engines;~~

- d) ~~Any project that qualifies as a new major stationary source, or a major modification;~~
- e) ~~Any modification to a stationary source that requires an increase either in a plant wide cap or in a unit specific emission limit.~~

~~300.3 New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing stationary source or modified and the air contaminants whose emissions would increase as a result of the modification; provided, however, that review of a major modification must comply with WAC 173 400 112 and/or 173 400 113, as applicable.~~

~~300.4 Emission unit and activity exemptions.~~

~~Except as provided in NWCAA 300.1 and 300.2 of this section, establishment of a new emission unit that falls within one of the categories listed below is exempt from new source review. Modification of any emission unit listed below is exempt from new source review, provided that the modified unit continues to fall within one of the listed categories. The installation or modification of a unit exempt under this subsection does not require the filing of a Notice of Construction application.~~

~~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, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);~~
- ~~6) Plumbing installation, plumbing protective coating application and maintenance activities;~~
- ~~7) Roofing application;~~
- ~~8) Insulation application and maintenance, excluding products for resale;~~
- ~~9) Janitorial services and consumer use of janitorial products.~~

~~b) Storage tanks:~~

~~Note: It can be difficult to determine requirements for storage tanks therefore it is recommended that the owner or operator contact the NWCAA to determine the exemption status of storage tanks prior to their installation.~~

- ~~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 (35-cft);~~
- ~~6) — Operation, loading and unloading of storage tanks, less than or equal to 1100-gallon capacity, with lids or other appropriate closure, not for use with materials containing toxic air pollutants, as defined in chapter 173-460 WAC, max. VP 550 mm Hg @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.~~
- ~~c) — A project with combined aggregate heat input capacity from combustion units, less than or equal to any of the following:
 
  - ~~1) — Less than or equal to 500,000 Btu/hr coal with less than or equal to 0.5% sulfur or other fuels with less than or equal to 0.5% sulfur;~~
  - ~~2) — Less than or equal to 500,000 Btu/hr used oil, per the requirements of RCW 70.94.610;~~
  - ~~3) — Less than or equal to 400,000 Btu/hr wood waste or paper;~~
  - ~~4) — Less than 1,000,000 Btu/hr kerosene, #1, or #2 fuel oil and with less than or equal to 0.05% sulfur;~~
  - ~~5) — Less than or equal to 10,000,000 Btu/hr natural gas, propane, or LPG.~~~~

Note: the heat input capacity of each combustion unit shall be based on the higher heating value of fuel to be used.

- ~~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, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.~~~~
- ~~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) ~~Environmental chambers and laboratory equipment:~~
- 1) ~~Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;~~
  - 2) ~~Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;~~
  - 3) ~~Installation or modification of a single laboratory fume hood;~~
  - 4) ~~Laboratory calibration and maintenance equipment.~~
- 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 Compression Ignition (CI) Internal Combustion Engines (ICE): Any stationary internal combustion engine whose operation is limited to emergency situations and required testing and maintenance and operating 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 CI 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 (see c) of this subsection for threshold for boilers);~~
- ~~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;~~
- ~~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) — Kraft lime mud storage tanks and process vessels;~~
- ~~28) — Lime grits washers, filters and handling;~~
- ~~29) — Lime mud filtrate tanks;~~
- ~~30) — Lime mud water;~~

- ~~31) Stock cleaning and pressurized pulp washing down process of the brown stock washer;~~
- ~~32) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;~~
- ~~33) Nontoxic air pollutant, as defined in chapter 173-460 WAC, solvent cleaners less than 10 square feet air vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C;~~
- ~~34) Surface coating, aqueous solution or suspension containing less than or equal to 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;~~
- ~~35) Cleaning and stripping activities and equipment using solutions having less than or equal to 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;~~
- ~~36) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.~~
- ~~37) Gasoline dispensing facilities subject to chapter 173-491 WAC are exempt from toxic air pollutant analysis pursuant to chapter 173-460 WAC.~~

~~300.5 Exemptions Based on Emissions Thresholds~~

- ~~a) Except as provided in NWCAA 300.1 and 300.2 of this section and in this subsection:
 
  - ~~1) A new emissions unit that has an uncontrolled potential to emit below each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.~~
  - ~~2) A modification to an existing emissions unit that increases the unit's actual emissions by less than each of the threshold levels listed in the table contained in (d) of this subsection is exempt from new source review provided that the conditions of (b) of this subsection are met.~~~~
- ~~b) The owner or operator seeking to exempt a project from new source review under this section shall notify, and upon request, file a brief project summary with the NWCAA thirty (30) days prior to beginning actual construction on the project. If the NWCAA determines that the project will have more than a de Minimus impact on air quality as defined in 300.5 d), the NWCAA shall require the filing of a Notice of Construction or PSD permit application. The NWCAA may require the owner or operator to demonstrate that the emissions increase from the new emissions unit is smaller than all of the thresholds listed below. In accordance with NWCAA 324.2, a filing and NOC applicability determination fee shall apply when the NWCAA issues a written determination that a project is exempt for new source review.~~
- ~~c) The owner or operator may begin actual construction on the project thirty one (31) days after the NWCAA receives the project summary, unless the NWCAA notifies the owner or operator within thirty (30) days that the proposed new source requires a Notice of Construction or PSD permit application.~~
- ~~d) Exemption threshold table:~~

~~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 Oxides: 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 (in effect on July 1, 2000)~~
- 10) ~~Toxic Air Pollutants: as specified in chapter 173-460 WAC.~~

~~(e) 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 NWCAA impose emission limits and/or operation limitations for greenhouse gas in any new source review Order of Approval.~~

~~300.6 The Control Officer may require that a new source, that would otherwise be exempt under this section, submit a Notice of Construction application and be granted approval as specified in this section. This discretionary determination shall 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.~~

~~300.7 Notice of Construction—Submittal Requirements~~

~~Each Notice of Construction application shall:~~

- a) ~~be submitted on forms provided by the NWCAA;~~
- b) ~~be accompanied by the appropriate fee specified in NWCAA 324.2;~~
- c) ~~be accompanied by a completed State Environmental Policy Act (SEPA) checklist consistent with NWCAA 155; and~~
- d) ~~include a "top-down" BACT analysis, as defined at the time of submittal, except where the Federal Clean Air Act requires LAER; and~~
- e) ~~An applicant filing a Notice of Construction application for a project described in WAC 173-400-117(2), Special protection requirements for Class I areas, shall send a copy of the application to the responsible federal land manager.~~

~~300.8 Notice of Construction—Completeness Determination.~~

- a) ~~Within thirty (30) days after receiving a Notice of Construction or PSD permit application, the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of additional information necessary to complete the application.~~

- b) ~~For a project subject to the Special protection requirements for federal Class I areas in WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3).~~
- c) ~~For a project subject to PSD review under WAC 173-400-720 through 750, a completeness determination includes a determination that the application provides all information required to conduct the PSD review.~~

### ~~300.9 Notice of Construction – Final Determination~~

- a) ~~Within sixty (60) days of receipt of a complete Notice of Construction or PSD permit application, the NWCAA shall either issue a final decision on the application or initiate public notice under NWCAA Section 305 on a proposed decision, followed as promptly as possible by a final decision.~~
- b) ~~A person seeking approval to construct or modify a stationary source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction or PSD permit application required by this section. A Notice of Construction or PSD permit application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD permit application under WAC 173-400-720 through 750, a notice of nonattainment area construction application for a major modification in a nonattainment area, or a Notice of Construction application for a major stationary source in a nonattainment area must also comply with WAC 173-400-171.~~
- c) ~~Every final determination on a Notice of Construction or PSD permit 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.~~
- d) ~~If the new source is a major stationary source or the change is a major modification, the application shall be processed in accordance with the applicable sections of WAC 173-400-112, 113, 117 and 171. The permitting agency shall:
 
  - 1) ~~Submit any control technology determination included in a final Order of Approval or PSD permit to the RACT/BACT/LAER clearinghouse maintained by EPA; and~~
  - 2) ~~Send a copy of the final Order of Approval or PSD permit to EPA.~~~~

### ~~300.10 Order of Approval – Appeals~~

~~An Order of Approval or PSD permit, any conditions contained in an Order of Approval or PSD permit, or the denial of a Notice of Construction or PSD permit application may be appealed to the Pollution Control Hearings Board as provided in chapter 43.21B RCW. The NWCAA shall promptly mail copies of each order approving or denying a Notice of Construction or PSD permit 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.~~

~~An Order of Approval or PSD permit becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a~~

~~reasonable time. The NWCAA may extend the eighteen month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the time period between construction of the approved phases of a phased construction project. Each phase must commence construction within eighteen months of the projected and approved commencement date.~~

#### ~~300.12 Order of Approval Change of Conditions.~~

- ~~a) The owner or operator may request, at any time, a change in conditions of an Order of Approval or PSD permit and the NWCAA may approve the request provided the NWCAA finds that:
  - ~~1) The change in conditions will not cause the stationary source to exceed an emissions standard;~~
  - ~~2) No ambient air quality standard or PSD increment will be exceeded as a result of the change;~~
  - ~~3) The change will not adversely impact the ability of Ecology or the NWCAA to determine compliance with an emissions standard;~~
  - ~~4) The revised order will continue to require BACT, as defined at the time of the original approval, for each new source approved by the order except where the Federal Clean Air Act requires LAER; and~~
  - ~~5) The revised order meets the requirements of this section and WAC 173-400-110, 173-400-112, 173-400-113 and 173-400-720 through 750, as applicable.~~~~
- ~~b) Actions taken under this subsection are subject to the public involvement provisions of NWCAA Section 305 or WAC 173-400-171 as applicable.~~
- ~~c) This rule does not prescribe the exact form such requests must take. However, if the request is filed as a Notice of Construction application, that application must be acted upon using the timelines found in NWCAA 300.8 and NWCAA 300.9 and the fee schedule found in NWCAA 324.~~

#### ~~300.13 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 emission 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 projects not otherwise reviewable under NWCAA Section 300, the NWCAA may:
  - ~~1) Require that the owner or operator employ RACT for the affected emission unit;~~
  - ~~2) Prescribe reasonable operation and maintenance conditions for the control equipment; and~~
  - ~~3) Prescribe other requirements as authorized by chapter 70.94 RCW.~~~~

- ~~e) Within thirty (30) days of receipt of a Notice of Construction application under this section the NWCAA shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty (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) Construction shall not "commence," as defined in NWCAA Section 200, 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 thirty (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 construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The NWCAA may extend the eighteen month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.~~

~~300.15 Order of Approval — Requirements to Comply~~

~~It shall be unlawful for an owner or operator of a source or emission unit to not abide by the operating and reporting conditions in the Order of Approval.)~~

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-10: 0.75

(3) PM-2.5: 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.

PASSED: January 8, 1969 AMENDED: July 8, 1970, February 14, 1973, July 11, 1973, August 9, 1978, October 12, 1989, February 14, 1990, April 14, 1993, November 12, 1998, November 12, 1999, March 9, 2000, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, June 10, 2010, June 9, 2011, November 17, 2011, August 13, 2015, March 14, 2019

#### REPEALER

NWCAA Section 301 (Temporary Sources) is being repealed.

#### AMENDATORY SECTION

## SECTION 303 – WORK DONE WITHOUT AN APPROVAL

~~((Where work))~~ When actual construction has begun on a new source or modification for which a ((“)) Notice of Construction ((and Application for Approval“)) is required ((is commenced or performed prior to making application and receiving approval)) 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 ((Section)) NWCAA 324.2, ((shall)) may be assessed in an amount ((equal)) up to 3 times the fees of ((Section)) 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.

~~((Passed:))~~ PASSED: January 8, 1969 AMENDED: February 14, 1973, August 9, 1978, November 12, 1998, March 14, 2019

## AMENDATORY SECTION

### 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 ~~((7))~~ under NWCAA 300.7 and ~~((for))~~ each ~~((proposed))~~ revision request to an Order of Approval ~~((to Construct (OAC) for which there is no associated NOC application))~~ 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 ~~((shall))~~ must be submitted in writing via letter, fax, or email and received by the NWCAA ((via letter, facsimile, or electronic mail within 15 days of)) during the ((initial date of the)) 15-day internet ((posting)) notice period. A public ~~((notice and))~~ comment period shall be provided in accordance with ~~((this Section,))~~ NWCAA 305.3 for any NOC application or proposed ~~((OAC))~~ Order of Approval revision that receives such a request. Any NOC application or proposed ~~((OAC))~~ 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 ~~((Requiring))~~ Subject to a Mandatory Public ((Notice and)) Comment Period

- (A) The NWCAA shall provide public notice and a public comment period in accordance with NWCAA 305.3 ((through 305.8 of this Section)), before approving or denying any of the following types of applications or other actions:
- (1) ~~((Any use))~~ Use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 ((f)) as referenced in ((effect on July 1,

~~2005))~~ NWCAA 104.2 as part of review under NWCAA Section 300 ~~((of this Regulation))~~.

- (2) ~~((Any order))~~ An Order to determine Reasonably Available Control Technology (RACT) pursuant to NWCAA 309.4(B), (C), (D), or (E).~~((?))~~
- (3) ~~((Any order))~~ An Order to establish a compliance schedule or a variance.~~((?))~~
- (4) ~~((Any order))~~ An Order to demonstrate the creditable height of a stack which exceeds the good engineering practice (GEP) formula height and ~~((sixty-five))~~ 65 meters, by means of a fluid model or a field study, for the purposes of establishing an emission limit.~~((limitation))~~
- (5) ~~((Any order))~~ An Order to authorize an emissions bubble pursuant to WAC 173-400-120.~~((?))~~
- (6) ~~((Any regulatory order))~~ A Regulatory Order to establish or debit ~~((of))~~ emission reduction credits (ERC) issued under WAC 173-400-136.~~((?))~~
- (7) ~~((Any order))~~ An Order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit.~~((?))~~
- (8) ~~((Any))~~ 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))~~ General Order of Approval issued under ~~((WAC 173-400-560))~~ NWCAA 300.16.
- (10) ~~((Any))~~ An Notice of Construction application or other proposed action for which the NWCAA determines there is substantial public interest.~~((?))~~
- (11) ~~((Any))~~ A Notice of Construction application or proposed Order of Approval ~~((to Construct))~~ revision that receives a request for a public comment period ~~((in accordance with))~~ under NWCAA 305.1 ~~((of this Section))~~.
- (12) ~~((Any))~~ A Notice of Construction application ~~((or proposed Order of Approval to Construct revision))~~ that would result in ~~((a significant))~~ an emissions increase ~~((defined))~~ as follows:~~((?))~~

Air Pollutant ~~((Potential to Emit))~~ Emission Rate in Tons per Year

Carbon Monoxide (CO)	100 <del>((-0))</del>
Volatile Organic Compounds (VOC)	40 <del>((-0))</del>
Sulfur Dioxide (SO <sub>2</sub> )	40 <del>((-0))</del>
Nitrogen Oxides (NO <sub>x</sub> )	40 <del>((-0))</del>
Particulate Matter (PM)	25 <del>((-0))</del>
Fine Particulate Matter (PM <sub>10</sub> )	15 <del>((-0))</del>
<u>Fine Particulate Matter (PM<sub>2.5</sub>)</u>	<u>10</u>
Lead	0.6
Fluorides	3 <del>((-0))</del>
Sulfuric Acid Mist (H <sub>2</sub> SO <sub>4</sub> )	7 <del>((-0))</del>
Hydrogen Sulfide (H <sub>2</sub> S)	10 <del>((-0))</del>
Total Reduced Sulfur (including H <sub>2</sub> S)	10 <del>((-0))</del>
<u>Reduced Sulfur Compounds (including H<sub>2</sub>S)</u>	<u>10</u>



(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 ~~((WAC))~~chapter 173-401 WAC.

### 305.3 Public Comment Period

~~(A) ((If required, a public comment period shall be initiated through publication of a legal notice in a local newspaper.))~~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. ~~((The))~~In the case of a permit action, the cost of providing ((legal notice))all noticing shall be borne by the applicant. ((Public notice of any NOC application requiring a public comment period shall include the following:))

~~(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.

~~((A))~~(C) The NOC application and any written preliminary determination by the NWCAA shall be available ((on the NWCAA's internet))for the duration of the public comment period on the NWCAA website, excluding any confidential information as provided in NWCAA Section 114((of this Regulation)). In addition, the NOC application and any written determination ((shall))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.

~~((B) Publication of a legal notice in a newspaper of general circulation in the area of the proposed project which provides each of the following:))~~

~~((1))~~(D) \_\_\_\_\_ The public comment period notice shall include:

(1) Date the notice is posted;

~~((1))~~(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;

~~((2))~~(4) Location of documents made available for public inspection;

~~((3) The deadline for submitting written comments;~~

~~(4) A statement that any person, interested governmental agency, group, or the applicant may request a public hearing;))~~

(5) Start date and end date of the public comment period;

~~((5))~~(6) A statement that a public hearing may be held if the NWCAA determines  
~~((within a 30-day period))~~that significant public interest exists; and

~~((6))~~— The date of the close of the public comment period in the event of a  
public hearing;

(7) The name, telephone number, and email address of a person at the NWCAA  
whom interested persons may contact for additional information.

~~((C))~~(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), ~~((Notice))~~ to the US  
Environmental Protection Agency Region 10 Regional Administrator.

~~((305.4 Extent of Comment Period~~

~~The public comment period shall be the 30-day period following the date the public~~  
~~notice is first published, unless a public hearing is held. If a public hearing is held, the~~  
~~public comment period shall extend through the hearing date and thereafter for such~~  
~~period, as specified in the notice of public hearing.))~~

### 305.5 Public Hearings

(A) Any person, interested governmental entity, group or the applicant, may request a  
public hearing ~~((within))~~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. ~~((The NWCAA~~  
~~shall provide at least 30 days prior notice of any hearing.))~~

(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

~~((No))~~The NWCAA shall not issue a final decision ~~((on any NOC application or OAC revision~~  
~~shall be made))~~ until ~~((at))~~the public comment ~~((periods have))~~period has ended and any  
comments received during the public comment period have been considered.

### 305.7 ~~((Other Requirements of Law~~

~~Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this section (e.g., SEPA). This subsection does not apply to an application for a "major modification" or an application from a "major stationary source".)~~

#### ~~((305.8))~~ Public Information

~~All information~~~~((provided to the public in accordance with this Section))~~, except information protected from disclosure under any applicable law~~((;))~~ including, but not limited to, NWCAA Section 114 and RCW 70.94.205, ~~((shall be))~~is available for public inspection at the NWCAA. This includes copies of Notice~~((s))~~ of Construction applications, ~~((orders))~~Orders, and ~~((modifications))~~applications to modify Orders.

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

### AMENDATORY SECTION

#### SECTION 320 – REGISTRATION PROGRAM

~~((320.1 Program Authority, Applicability and Purpose. As authorized by RCW 70.94.151, the Board, by this Regulation, classifies air contaminant 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. The Board requires both registration and reporting for these classes of air contaminant sources. The classifications are made for the entire area of jurisdiction of the NWCAA and are made with special reference to effects on health, economic and social factors, and physical effects on property. 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. Any person operating or responsible for the operation of an air contaminant source for which registration and reporting are required, shall register the source with the 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 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. An annual registration fee shall be paid by all registered sources. The Board has determined the fee for each class of air contaminant source to be as shown in Section 324.1. The amount of fees collected shall not exceed the costs of administering this registration program, which shall be defined as:~~

- ~~a) initial registration and annual or other periodic reports from the source owner or operator providing the information directly related to air pollution registration;~~
- ~~b) on-site inspections necessary to verify compliance with registration requirements;~~
- ~~c) data storage and retrieval systems necessary for support of the registration program;~~

- d) ~~emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of the registration program;~~
- e) ~~staff review, including engineering analysis for accuracy and completeness, of information provided by sources pursuant to the requirements of the registration program;~~
- f) ~~clerical and other office support provided in direct furtherance of the registration program; and~~
- g) ~~administrative support provided in directly carrying out the registration program.~~

~~320.4 Any registered source which does not pay the annual registration fee by the end of the registration period shall be considered a new source and shall submit a "Notice of Construction and Application for Approval" and receive approval from the Board prior to resumption of operation or re-entry into the jurisdiction of the NWCAA.~~

### 320.5 Registration Required

~~320.5.1 Source classification list. The following source categories shall register with the NWCAA:~~

- a) ~~abrasive blasting operations;~~
- b) ~~aerosol can filling facilities;~~
- c) ~~agricultural chemical facilities engaged in the manufacturing of liquid or dry fertilizers or pesticides;~~
- d) ~~agricultural drying and dehydrating operations;~~
- e) ~~alumina processing;~~
- f) ~~ammonium sulfate manufacturing plants;~~
- g) ~~any source category subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), Subpart BB (Kraft Pulp Mills), or Subpart AAA (Standards of Performance for New Residential Wood Heaters);~~
- h) ~~any source category subject to a federal standard under Section 112 of the Federal Clean Air Act (FCAA) other than 40 CFR Part 61 Subpart M;~~
- i) ~~any source that has elected to opt out of the operating permit program by limiting its potential to emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the FCAA;~~
- j) ~~any source that has equipment or control equipment, with an approved Notice of Construction from the NWCAA;~~
- k) ~~any source, stationary source or emission unit with significant emissions;~~
- l) ~~any source or emission unit from which emissions exceed the threshold levels for toxic air pollutants as specified in Chapter 173-401-531 WAC;~~
- m) ~~asphalt and asphalt products production facilities, not including asphalt laying equipment;~~

- ~~n) — automobile and light-duty truck surface coating operations;~~
- ~~o) — baker's yeast manufacturing;~~
- ~~p) — brick and clay manufacturing plants, including tiles and ceramics;~~
- ~~q) — casting facilities and foundries, ferrous and nonferrous;~~
- ~~r) — cattle feedlots with operational facilities which have an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growth season;~~
- ~~s) — chemical manufacturing plants;~~
- ~~t) — coal preparation plants;~~
- ~~u) — coffee roasting facilities;~~
- ~~v) — composting operations, including commercial, industrial and municipal, but exempting residential and agricultural composting activities;~~
- ~~w) — concrete product manufacturers and ready-mix and premix concrete plants;~~
- ~~x) — crematoria or animal carcass incinerators;~~
- ~~y) — dry-cleaning plants;~~
- ~~z) — ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;~~
- ~~aa) — explosives production;~~
- ~~bb) — flexible polyurethane foam production;~~
- ~~cc) — flexible vinyl and urethane coating and printing operations;~~
- ~~dd) — gasoline stations (>200,000 gallons per year) and bulk gasoline plants (>200,000 gallons per year);~~
- ~~ee) — gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;~~
- ~~ff) — glass manufacturing plants;~~
- ~~gg) — grain, seed, animal feed, legume, and flour processing operations and handling facilities;~~
- ~~hh) — graphic art systems;~~
- ~~ii) — hay cubers and pelletizers;~~
- ~~jj) — hazardous waste treatment and disposal facilities;~~
- ~~kk) — hospitals, specialty and general medical-surgical;~~
- ~~ll) — ink manufacturers;~~
- ~~mm) — insulation fiber manufacturers;~~
- ~~nn) — lead-acid battery manufacturing plants;~~
- ~~oo) — lime manufacturing plants;~~

~~pp) — materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;~~

~~qq) — meat packing plants;~~

~~rr) — metal plating and anodizing operations;~~

~~ss) — metallic and nonmetallic mineral processing plants, including rock crushing plants, and sand and gravel operations;~~

~~tt) — mills: such as lumber, plywood, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;~~

~~uu) — mills: wood products (cabinet works, casket works, furniture, wood byproducts);~~

~~vv) — mineral wool production;~~

~~ww) — mineralogical processing plants;~~

~~xx) — municipal waste combustors;~~

~~yy) — natural gas transmission and distribution (SIC 4953);~~

~~zz) — nitric acid plants;~~

~~bbb) — other metallurgical processing plants;~~

~~ccc) — paper manufacturers;~~

~~ddd) — petroleum refineries;~~

~~eee) — pharmaceuticals production;~~

~~fff) — plastics and fiberglass product fabrication facilities;~~

~~ggg) — pneumatic materials conveying operations and industrial housekeeping vacuuming systems that exhaust more than 1000 acfm to the atmosphere;~~

~~hhh) — portland cement plants;~~

~~iii) — primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;~~

~~jjj) — refuse systems including: incinerators, dumps and landfills (active and inactive, including covers, gas collection systems or flares);~~

~~kkk) — rendering plants;~~

~~lll) — salvage operations (scrap metal, junk);~~

~~mmm) — semiconductor manufacturing;~~

~~nnn) — shipbuilding and ship repair (surface coating);~~

~~ooo) — soil and groundwater remediation projects;~~

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

~~qqq) — sulfuric acid plants;~~

- ~~rrr) — surface coating manufacturers;~~
- ~~sss) — surface coating operations including: metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates, excluding surface coating by use of aqueous solution or suspension;~~
- ~~ttt) — synthetic fiber production facilities;~~
- ~~uuu) — tire recapping facilities;~~
- ~~vvv) — utilities (combination of electrical and gas, and other utility services (SIC 4931, 4932, 4939));~~
- ~~www) — vegetable oil production;~~
- ~~xxx) — wastewater treatment plants;~~
- ~~yyy) — wood treatment; and~~
- ~~zzz) — any source, including any listed above, that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.~~

320.5.2—Equipment classification list. The owner or operator of the following equipment shall register with the NWCAA:

- a) — all natural gas only fired boilers above 10 million Btu per hour input;
- b) — chemical concentration evaporators;
- c) — degreasers of the cold or vapor type in which more than five percent of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;
- d) — flares utilized to combust any gaseous material;
- e) — fuel burning equipment with a heat input of more than one million Btu per hour, except heating, air conditioning systems, or ventilating systems not designed to remove contaminants generated by or released from equipment;
- f) — ovens, burn out or heat treat;
- g) — stationary internal combustion engines and turbines rated at five hundred horsepower or more;
- h) — storage tanks, reservoirs, or containers:
  - 1) — with 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.
  - 2) — With a rated capacity greater than 40,000 gallons storing petroleum liquids having a true vapor pressure equal to or greater than 1.5 psia.
- i) — vapor collection systems within commercial or industrial facilities;
- j) — waste oil burners above 0.5 million Btu heat output; and
- k) — woodwaste incinerators.))

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: ((November 12, 1998)) 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, March 14, 2019

## AMENDATORY SECTION

### SECTION 321 - EXEMPTIONS FROM REGISTRATION

321.1 Exclusion or exemption from registration does not absolve the owner((,lessee,)) or ((his registered agent))operator from complying with all other requirements of the NWCAA Regulation ((of the NWCAA. Exemption from registration does not apply to any control facility

or device required to be installed in order to meet the emission and/or ambient standards of this Regulation)).

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

~~((321.1) Motor vehicles.~~

~~321.2 Non road engines (as defined in Section 216 of the FCAA).~~

~~321.3 Non road vehicles (as defined in Section 216 of the FCAA).))~~

~~((321.4))Sources that require an ((air operating permit per Chapter 173-401-WAC))Air Operating Permit pursuant to NWCAA Section 322.~~

Residential and agricultural composting activities.

~~321.((5))3~~ The Control Officer may exempt ((sources having))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 ((emit (uncontrolled) criteria air pollutants))contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

~~((a) 5 tons per year of carbon monoxide (CO);~~

~~b) 2 tons per year of nitrogen oxides (NO<sub>x</sub>);~~

~~c) 2 tons per year of sulfur dioxide (SO<sub>2</sub>);~~

~~d) 1.25 tons per year of particulate matter (PM);~~

~~e) 0.75 tons per year of fine particulate matter (PM<sub>10</sub>);~~

~~f) 2 tons per year of volatile organic compounds (VOC's);~~

~~g) 0.005 tons per year of lead.~~

~~321.6 The Control Officer may exempt sources that do not emit measurable amounts of Class A or Class B toxic air pollutants specified in Chapter 173-460-150 WAC and Chapter 173-460-160 WAC.))~~

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

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

## AMENDATORY SECTION

### SECTION 400 - AMBIENT AIR QUALITY STANDARDS - FORWARD

400.1 In the interest of the people within the jurisdiction of the NWCAA, it is the objective of the NWCAA to obtain and maintain the cleanest air possible, consistent with the highest and best practicable control technology.

400.2 In the areas where existing concentrations of air contaminants are below the ((lower than)) concentrations allowed by the standards enumerated in chapter 173-476 WAC

as referenced in NWCAA 104.1 ((below)), degradation of the atmosphere should be minimized. The highest and best practicable control technology should be applied to all sources unless it is specifically determined that lesser technology is justified. Ambient air standards are set at levels which, according to latest knowledge, will not cause damage to health, plants or animals or degrade materials.

## REPEALER

The following sections are being repealed:

SECTION 401 - SUSPENDED PARTICULATE STANDARDS (PM<sub>10</sub>)  
SECTION 402 - PARTICULATE FALLOUT STANDARDS  
SECTION 403 - PARTICULATE STANDARDS (PM<sub>2.5</sub>)  
SECTION 410 - SULFUR OXIDE STANDARDS  
SECTION 420 - CARBON MONOXIDE STANDARDS  
SECTION 422 - NITROGEN OXIDE STANDARDS  
SECTION 424 - OZONE STANDARD  
SECTION 426 - HYDROCARBONS  
SECTION 428 - HAZARDOUS AIR POLLUTANTS

## AMENDATORY SECTION

SECTION 460 - AMBIENT MONITORING OF SULFUR DIOXIDE ((~~WEIGHT/HEAT RATE STANDARD - EMISSION OF SULFUR COMPOUNDS~~))

((~~All sources with an aggregate heat input capacity greater than five hundred million Btu per hour (500 MMBtu/hr) are subject to the following:~~))

460.1 NWCAA Section 460 shall apply to all petroleum refineries. ((~~Emission of sulfur compounds, calculated as a calendar month average of sulfur dioxide, shall not exceed one and one-half pounds per million Btu of heat input per hour (1.5 lbs SO<sub>2</sub>/MMBtu, calendar month average of hourly values):~~))

460.2 Owners or operators of subject sources shall install, calibrate, maintain, and operate monitoring equipment as follows: ((~~Sources subject to Section 460 shall submit an ambient monitoring proposal and monitoring schedule for sulfur dioxide within one hundred and eighty (180) days of start-up. Each proposal shall include:~~))

((~~460.21~~))(A) At least one continuous recording meteorological station equipped to record wind speed and direction ((~~and located and operated as in accordance with Appendix A of this Regulation~~)).

((~~460.22~~))(B) At least one sulfur dioxide ambient station. ((~~The sulfur content and quantity of all materials, gaseous or liquid, fed to any boilers, furnaces, heaters, flares or any other facility capable of generating heat, resulting in emissions to the atmosphere. The sulfur content shall be expressed in percent by weight of sulfur in each fuel type and shall contain an explanation of how each was determined.~~—

460.23 ~~The method for monitoring the sulfur content and quantity of fuel burned at each emission unit capable of emitting sulfur to the atmosphere in quantities in excess of one hundred (100) pounds/day of sulfur compounds calculated as sulfur dioxide. All emission units capable of emitting less than one hundred (100) pounds/day of sulfur compounds, calculated as sulfur dioxide may be monitored collectively as a single~~

emission:))

460.3((24)) The monitoring equipment required to be installed under NWCAA 460.2 ((proposal)) shall comply with the provisions of NWCAA Section 367 ((and Appendix A of this Regulation:))

((460.3 The total emissions of all sources located in that portion of Sections 2, 3, 4, 5, 9, Township 34 North and Sections 21, 27, 28, 29, 32, 33, 34, 35, in Township 35 North, Range 2 East, Willamette Meridian, all in Skagit County Washington, and commonly known as March Point heavy industrial area, shall not exceed seven thousand (7,000) pounds/hour of sulfur compounds, calculated as sulfur dioxide.

When the Control Officer reasonably believes that there exists a substantial likelihood that this total is likely to be exceeded, he or she shall establish additional temporary restrictions on any or all sources of sulfur compounds in said area to maintain a total emission of less than seven thousand (7,000) pounds/hour. The restrictions shall remain in force only so long as the total emission will exceed 7,000 pounds/hour.))

PASSED: November 11, 1971 AMENDED: February 14, 1973, January 9, 1974, August 9, 1978, February 8, 1996, July 14, 2005, March 14, 2019