

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) PM₁₀: 0.75
 - 3) PM_{2.5}: 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.
 - c) 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.

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

SECTION 301 - TEMPORARY SOURCES

- 301.1 This section applies to temporary sources not exempt under NWCAA 300.4 or 300.5, which locate temporarily at sites within the jurisdiction of the NWCAA. Nonroad engines regulated by this section are limited to those listed in a) 3) of the definition of “nonroad engine” found in Section 200 of this Regulation (i.e., those that are portable or transportable, but operate in a stationary manner). The regulation of nonroad engines under this section is subject to the limitations as set forth in 40 CFR Appendix A to Subpart A of 89 – State Regulation of Nonroad Internal Combustion Engines.
- 301.2 The owner or operator of a temporary source shall be allowed to operate at a temporary location without filing a Notice of Construction application or, for nonroad engines, obtaining a regulatory order from the NWCAA providing that:
 - a) The owner or operator notifies the NWCAA each calendar year of the intent to operate within the jurisdiction of the NWCAA at least fifteen (15) days prior to starting operation and_pays the appropriate fees identified in NWCAA Section 324.1;
 - b) The owner or operator notifies the NWCAA of the intent to relocate within the jurisdiction of the NWCAA at least fifteen (15) days prior to relocation;

- c) The owner or operator supplies sufficient information to enable the NWCAA to determine that the operation will comply with all applicable air pollution rules and regulations;
- d) The operation does not cause a violation of ambient air quality standards;
- e) If the operation is in a nonattainment area, it shall not interfere with the scheduled attainment of ambient standards;
- f) The temporary source operates in compliance with all applicable air pollution rules and regulations;
- g) A temporary source that is considered a major stationary source within the meaning of WAC 173-400-113 shall also comply with the requirements in WAC 173-400-720 through -750;
- h) Except for nonroad engines, all temporary sources shall have a valid Order of Approval to Construct from an air quality permitting organization in the State of Washington. The temporary source shall operate in compliance with the conditions set forth in the Order of Approval to Construct. Any reports required by the Order of Approval to Construct shall be submitted to the NWCAA;
- i) Permission to operate shall not exceed ninety (90) operating days in any calendar year anywhere within the jurisdiction of the NWCAA. The NWCAA may set specific conditions for operating during that time period. No source shall continue to operate beyond the allowable 90-day period unless an Order of Approval to Construct, or for nonroad engines, a regulatory order, has been issued by the NWCAA. For the purpose of this section, an operating day shall be considered any time equipment operates within a calendar day; and
- j) Except for nonroad engines, based on the source type and emission quantity, temporary sources may be subject to new source review at the discretion of the Control Officer.

PASSED: November 12, 1998 AMENDED: March 9, 2000, June 14, 2001, July 10, 2003, July 14, 2005, November 8, 2007, November 17, 2011

SECTION 303 – WORK DONE WITHOUT AN APPROVAL

Where work for which a “Notice of Construction and Application for Approval” is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 324.2, shall be assessed in an amount equal to 3 times the fees of Section 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: November 12, 1998

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, and for each proposed revision to an Order of Approval to Construct (OAC) for which there is no associated NOC application. 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 be received by the NWCAA via letter, facsimile, or electronic mail within 15 days of the initial date of the internet posting. A public notice and comment period shall be provided in accordance with this Section, for any NOC application or proposed OAC revision that receives such a request. Any NOC application or proposed OAC 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.

305.2 Actions Requiring Public Notice and Comment Period

- (A) The NWCAA shall provide public notice and a public comment period in accordance with 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 of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on July 1, 2005) as part of review under Section 300 of this Regulation;
 - (2) Any order to determine Reasonably Available Control Technology (RACT);
 - (3) Any order to establish a compliance schedule or a variance;
 - (4) Any order to demonstrate the creditable height of a stack which exceeds the good engineering practice (GEP) formula height and sixty-five meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;

- (5) Any order to authorize an emissions bubble pursuant to WAC 173-400-120;
- (6) Any regulatory order to establish or debit of emission reduction credits (ERC);
- (7) Any order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit;
- (8) Any extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area;
- (9) The original issuance and any revisions to a general Order of Approval issued under WAC 173-400-560;
- (10) Any Notice of Construction application or other proposed action for which the NWCAA determines there is substantial public interest;
- (11) Any Notice of Construction application or proposed Order of Approval to Construct revision that receives a request for a public comment period in accordance with 305.1 of this Section.
- (12) Any Notice of Construction application or proposed Order of Approval to Construct revision that would result in a significant emissions increase defined as follows.

Air Pollutant	Potential to Emit in Tons per Year
Carbon Monoxide (CO)	100.0
Volatile Organic Compounds (VOC)	40.0
Sulfur Dioxide (SO ₂)	40.0
Nitrogen Oxides (NO _x)	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM ₁₀)	15.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist (H ₂ SO ₄)	7.0
Hydrogen Sulfide (H ₂ S)	10.0
Total Reduced Sulfur (including H ₂ S)	10.0

- (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 173-401.

305.3 Public Comment Period

If required, a public comment period shall be initiated through publication of a legal notice in a local newspaper. The public comment period shall be initiated only after the NWCAA has made a preliminary determination. The cost of providing legal notice shall be borne by the applicant. Public notice of any NOC application requiring a public comment period shall include the following:

- (A) The NOC application and any written preliminary determination by the NWCAA shall be available on the NWCAA's internet website, excluding any confidential information as provided in Section 114 of this Regulation. In addition, the NOC application and any written determination shall 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) Name, location and a brief description of the project;
 - (2) 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) A statement that a public hearing may be held if the NWCAA determines within a 30-day period that significant public interest exists;
 - (6) The date of the close of the public comment period in the event of a public hearing;
- (C) Notice to the US Environmental Protection Agency Region 10 Regional Administrator.

305.4 Extent of Public 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

Any person, interested governmental entity, group or the applicant, may request a public hearing within 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.

305.6 Consideration of Public Comments

No final decision on any NOC application or OAC revision shall be made until all public comment periods have ended and any comments received 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 available for public inspection at the NWCAA. This includes copies of Notices of Construction applications, orders, and modifications.

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

SECTION 309 – REASONABLY AVAILABLE CONTROL TECHNOLOGY

309.1 Reasonably Available Control Technology (RACT) is required for all existing sources except as otherwise provided in RCW 70.94.331(9).

309.2 Where current controls are determined by the NWCAA to be less than RACT, the NWCAA shall define RACT for that source or source category and issue a rule or an order under NWCAA 121 requiring the installation of RACT.

309.3 RACT for each source category containing three or more sources shall be determined by rule, except as provided in NWCAA 309.4.

309.4 Source-specific RACT determinations may be performed under any of the following circumstances:

(A) For replacement or substantial alteration of existing control equipment under NWCAA 300.13;

- (B) When required by the federal Clean Air Act;
 - (C) For sources in source categories containing fewer than three sources;
 - (D) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or
 - (E) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.
- 309.5 The Control Officer shall have the authority to perform a RACT determination, to hire a consultant to perform relevant RACT analyses in whole or in part, or to order the owner or operator to perform RACT analyses and submit the results to the NWCAA.
- 309.6 In determining RACT, the NWCAA shall utilize the factors set forth in the RACT definition in NWCAA 200 and shall consider RACT determinations and guidance made by the EPA, other states, and local authorities for similar sources, and other relevant factors. In establishing or revising RACT requirements, the NWCAA shall address, where practicable, all air contaminants deemed to be of concern for that source or source category.
- 309.7 The NWCAA shall assess a fee to be paid by any source included in a RACT determination to cover the direct and indirect costs of developing, establishing, or reviewing categorical or source-specific RACT determinations. The fee for RACT determinations shall be as established in NWCAA 324.6. The amount of the fee may not exceed the direct and indirect costs of establishing the requirement for the particular source or the pro rata portion of the direct and indirect costs of establishing the requirement for the relevant source category.
- 309.8 Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of operating permit issuance or renewal.
- 309.9 Replacement or substantial alteration of control equipment under NWCAA 300.13 shall be subject to the New Source Review fees under NWCAA 324.2, in lieu of RACT fees under this section.

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

SECTION 320 - REGISTRATION PROGRAM

- 320.1 Program Authority, Applicability and Purpose. As authorized by RCW 70.94.151, the Board, by 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.

PASSED: November 12, 1998 AMENDED: November 12, 1999, July 14, 2005, June 9, 2011

SECTION 321 – EXEMPTIONS FROM REGISTRATION

Exclusion from registration does not absolve the owner, lessee, or his registered agent from all other requirements of the 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.

The following sources of air pollution 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.
- 321.5 The Control Officer may exempt sources having the potential to emit (uncontrolled) criteria air pollutants under the following thresholds:

- a) 5 tons per year of carbon monoxide (CO);
- b) 2 tons per year of nitrogen oxides (NO_x);
- c) 2 tons per year of sulfur dioxide (SO₂);
- d) 1.25 tons per year of particulate matter (PM);
- e) 0.75 tons per year of fine particulate matter (PM₁₀);
- 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.

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

SECTION 322 - AIR OPERATING PERMIT PROGRAM (AOP)

322.1 Purpose. The purpose of this section is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the Federal Clean Air Act (FCAA) Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70.94.161 and its implementing regulation Chapter 173-401 of the Washington Administrative Code (WAC).

322.2 Applicability. The provisions of this section shall apply to all sources within the NWCAA jurisdiction excluding those regulated by the Washington State Department of Ecology Industrial Section subject to the requirements of Section 7661(a) of the FCAA or Chapter 173-401-300 WAC.

322.3 Compliance. It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of Chapter 173-401 WAC without complying with the provisions of Chapter 173-401 WAC and any permit issued under its authority.

322.4 Air Operating Permit Fees.

- a) The NWCAA shall levy annual operating permit program fees as set forth in this section to cover the cost of administering its operating permit program.
- b) Commencing with the effective date of the operating permit program, the NWCAA shall assess and collect annual air operating permit fees in its jurisdiction for any source specified in Section 7661(a) of Title V of the FCAA or Chapter 173-401-300 WAC (excluding sources regulated by the Washington State Department of Ecology Industrial Section). The total fees required by the NWCAA to administer the program shall

be determined by a workload analysis conducted by the staff and approved annually by a resolution by the Board of Directors. Allocation of the fees to individual affected sources shall be based on the following:

- 1) Ten percent (10%) of the total fees shall be allocated equally among all affected sources.
- 2) Ninety percent (90%) of the total fees shall be allocated based on actual emissions of regulated pollutants identified in the most recent annual emission inventory or potential emissions if actual data are unavailable. A regulated pollutant for fee calculation shall include:
 - Nitrogen oxides (NO_x);
 - Volatile organic compounds (VOC's);
 - Particulate matter with an aerodynamic particle diameter less than or equal to 10 micrometers (PM₁₀);
 - Sulfur dioxide (SO₂);
 - Lead; and
 - Any pollutant subject to the requirements under Section 112(b) of the FCAA not included in any of the above categories.
- c) Upon assessment by the NWCAA, fees are due and payable and shall be deemed delinquent if not fully paid within 90 days. Any source that fails to pay a fee imposed under this section within 90 days of the due date shall be assessed a late penalty in the amount of 50 percent of the fee. This late penalty shall be in addition to the fee assessed under this section.
- d) The NWCAA shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology to cover the Department of Ecology's program development and oversight costs attributable to subject sources within the NWCAA jurisdiction. Fees for the Department of Ecology shall be allocated to affected sources in the same manner specified in this section.
- e) An affected source subject to the operating permit program that is required to pay an annual operating permit program fee shall not be required to pay a registration fee as specified in Section 324.

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

SECTION 324 - FEES

324.1 Annual Registration Fees

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

324.2 New Source Review Fees

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

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

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

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

324.6 RACT Fee. The applicable fee(s) shall be established to cover the costs of developing, establishing, or reviewing categorical or case-by-case RACT requirements, adjusted periodically based on the three-year average change

of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA. Fees shall be due and payable upon receipt of invoice and shall be deemed delinquent if not fully paid within 30 days of invoice.

- 324.7 Order Fee. The applicable fee(s) shall be established to cover the direct and indirect costs of administering the program, adjusted periodically based on the three-year average change of the "December annual average – Seattle/Tacoma/Bremerton Consumer Price Index for all Urban Consumers", rounded to the nearest dollar or other index, as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.8 Asbestos Program Fee. The applicable fee(s) shall be established to cover the direct and indirect costs of administering the program as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.9 Agricultural Burning Fee. The applicable fee(s) shall be established as described in RCW 70.94.6528 and WAC 173-430-041 as referenced in NWCAA 104.1 as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.10 Outdoor Burning Fee. The applicable fee(s) shall be established to cover the cost of administering the program as set forth in the current fee schedule adopted by Resolution of the Board of Directors of the NWCAA.
- 324.20 Procedure for Adoption and Revision of Fee Schedules. A proposed resolution that adopts or changes any fee schedules described in this section shall be posted on the NWCAA website for not less than 30 days prior to the Board of Directors meeting at which the Board takes action on the resolution. In addition, an electronic version of the proposed fee schedule or proposed fee schedule changes shall be provided by e-mail to any person requesting notice of proposed fee schedules or proposed fee schedule changes, not less than 30 days prior to the Board meeting at which such changes are considered. It shall be the ongoing responsibility of a person requesting electronic notice of proposed fee schedule amendments to provide their current e-mail address to the NWCAA; however, no person is required to request such notice. Each notice of a proposed fee schedule or proposed fee schedule change shall provide for a comment period on the proposal of not less than 30 days. Any such proposal shall be subject to public comment at the Board meeting where such changes are considered. No final decision on a proposed fee schedule or proposed fee schedule change shall be taken until the public comment period has ended and any comments received during the public comment period have been considered.

PASSED: November 12, 1998 AMENDED: November 12, 1999, June 14, 2001, July

10, 2003, July 14, 2005, November 8, 2007, August 9, 2012, March 14, 2013, September 11, 2014

SECTION 325—TRANSFER OR PERMANENT SHUTDOWN

- 325.1 A registration, regulatory order, approval to construct, operate or use any article, machine, equipment, or other contrivance, shall not be transferable, whether by operation of law or otherwise, either from one location to another or from one piece of equipment to another provided that, registered sources which are designed to be portable and are moved from one location to another may retain the same registration so long as they abide by the requirements of NWCAA Sections 300 and 301.
- 325.2 The registered owner or operator shall report the transfer of ownership or permanent shutdown of a registered source to the NWCAA within ninety (90) days of shutdown or transfer. The report shall contain the following information:
- a) Legal name of the existing business as registered with the NWCAA;
 - b) Effective date of the shutdown or transfer;
 - c) Description of the affected emission units; and
 - d) Name and telephone number of the owner, operator, and authorized representative.
 - e) The new legal name of the business, and legal names and contact information for the owner, operator and registered agent.
- 325.3 Any party that assumes ownership and/or operational control of a registered source shall file a written report with the NWCAA within ninety (90) days of completing transfer of ownership and/or assuming operational control. The report shall contain the following information:
- a) Legal name of the business before and after the transfer and individuals involved in the transfer;
 - b) Effective date of the transfer;
 - c) Description of the affected emission units; and
 - d) Name and telephone number of the owner, operator, and authorized representative.
- 325.4 In the case of a permanent shutdown, process and pollution control equipment may remain in place and on site, but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g., disconnection of power to equipment, mechanical

positioning that inhibits processing; placing of padlocks on equipment to prevent operation).

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

SECTION 340 - REPORT OF BREAKDOWN AND UPSET

- 340.1 If a breakdown or upset condition occurs which results in or may have resulted in an exceedance of an emission and/or ambient air quality standard established by this Regulation or an emission release to the air that requires NWCAA notification as specified in 40 CFR 302 (CERCLA) or 40 CFR 355 (SARA), the owner or operator of the source shall take the following actions:
- a) The upset or breakdown shall be reported as promptly as possible and in no event later than twelve (12) hours to the NWCAA.
 - b) For Title V Air Operating Permit sources, the responsible official, or their designee, shall submit a full report no later than 30 days after the end of the calendar month in which the breakdown or upset occurred that resulted in an exceedance of an ambient or emission standard of this Regulation. The report shall be submitted on forms provided by the NWCAA and must include, at a minimum, the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event. Other non-Title V Air Operating Permit sources shall file a full report to the NWCAA within 30 days upon the request of the Control Officer.
- 340.2 Compliance with the requirements of this section does not relieve the owner or operator of the source from the responsibility to maintain continuous compliance with all the requirements of this Regulation nor from the resulting liabilities for failure to comply.
- 340.3 It shall be prima facie evidence of violation of this Regulation if:
- a) any control equipment is turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1, or
 - b) any other equipment creates new or increased emissions to the atmosphere as the result of being turned off, broken down or otherwise inoperative, and a notice of breakdown has not been filed under Section 340.1.
- 340.4 Excess emissions due to breakdowns and upsets shall be considered unavoidable, and not subject to penalty, provided the stationary source adequately demonstrates that:

- a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
- b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance;
- c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice; and
- d) The emissions did not result in a violation of an ambient air quality standard.

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

SECTION 341 - REPORT OF SHUTDOWN OR STARTUP

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

report shall be submitted on forms provided by the NWCAA and must include, at minimum, the known causes, corrective action taken, preventive measures put in place to reduce the possibility of or eliminate a recurrence, and an estimate of the quantity of emissions above the applicable limit caused by the event. Other non-Title V Air Operating Permit sources shall file a full report to the NWCAA within 30 days upon the request of the Control Officer.

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

SECTION 342 - OPERATION AND MAINTENANCE

342.1 All air contaminant stationary sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.

342.2 Operating instructions and maintenance schedules for process and/or control equipment must be available on the site.

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

SECTION 350 - VARIANCES

350.1 Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who own or control like processes or like equipment may apply to the board for a variance from the rules or Regulation governing the quality, nature, duration or extent of discharge of air contaminants. The application shall be accompanied by such information and data as the Board may require. The Board may grant such variance, but only after public hearing or due notice, if it finds that:

- (A) The emissions occurring or proposed to occur do not endanger public health or safety; and
- (B) Compliance with the rules or Regulation from which variance is sought would produce serious hardship without equal or greater benefits to the public.

350.2 No variance shall be granted pursuant to this Section until the Board has considered the relative interests of the applicant, other owners or property likely to be affected by the discharge, and the general public.

350.3 Any variance or renewal thereof shall be granted within the requirements of Section 350.1 and for time periods and under conditions consistent with reasons therefore, and with the following limitations:

- (A) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement, or control of the pollution involved, it shall be only until the necessary means for prevention, abatement, or control becomes known and available, and subject to the taking of any substitute or alternate measure that the Board may prescribe.
- (B) If the variance is granted on the ground that compliance with the particulate requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in view of the Board, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.
- (C) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided in subsection 350.3(A) and 350.3(B), it shall be for not more than one year.

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

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

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

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

SECTION 367 – GENERAL REQUIREMENTS FOR MONITORING AND TESTING

- 367.1 Any person operating a registered air contaminant source or an air operating permit source may, at any time, be required to monitor the ambient air, or process emissions, or conduct emission tests as deemed necessary by the Control Officer.
- 367.2 Before an approval to construct or a registration certificate is granted, the Control Officer may require the owner or applicant to provide and maintain such facilities as are necessary for sampling and testing purposes, including but not limited to safe access to sample locations, sample platforms, proper sample ports, and adequate shelter where appropriate.
- 367.3 All ambient monitoring, compliance testing, continuous emission monitoring systems, and continuous opacity monitoring systems required by a regulation, order of approval or permit issued by the NWCAA shall comply with the applicable requirements of this Section and Appendix A of this Regulation. The applicable requirements of this Section and Appendix A are in addition to any monitoring, testing, calibration, or quality assurance/quality control requirements that otherwise apply.
- 367.4 The Control Officer may take such samples and may perform any tests and investigations as are deemed necessary to determine the accuracy of the monitoring reports and data submitted to the NWCAA. The owner or operator may also be required by the Control Officer to collect a sample using an approved procedure and submit the results of the analysis thereof within a reasonable period of time.
- 367.5 Any NWCAA mandated testing or monitoring which is not part of a federally-approved State Implementation Plan or other federally enforceable regulation must be approved by the NWCAA. Such testing or monitoring may include the use of alternative methods, modified standard methods, and requirements or procedures not described in Appendix A of this Regulation.
- 367.6 The Control Officer may approve site-specific minor and intermediate changes to testing, monitoring, recordkeeping, and reporting requirements under the following conditions:
- (A) In determining whether a change is minor or intermediate, NWCAA will use as a guide the definitions in 40 CFR 63.90 (July 1, 2004);
 - (B) Where the testing, monitoring, recordkeeping, or reporting requirement is included in a permit, the approval is made through the applicable permit revision procedures;
 - (C) NWCAA maintains a record of all approved changes to all testing, monitoring, recordkeeping, and reporting and provides a list of such changes to EPA Region 10 at least semi-annually.

367.7 The Control Officer may approve major changes to testing, monitoring, recordkeeping, and reporting requirements if such requirements are not part of the federally-approved State Implementation Plan or otherwise federally enforceable. Major changes to testing, monitoring, recordkeeping, and reporting requirements that are part of the federally-approved State Implementation Plan or otherwise federally enforceable require EPA approval.

367.8 Significant Figures and Rounding:

(A) All parameters used in stack test measurements and calculations shall meet or exceed the precision implied by an applicable standard, that is, contain at least as many significant figures as the standard. Additional numbers may be retained until the final rounding to calculate the emission rate or concentration. Unless specified by using scientific notation, all digits displayed in a standard, including zeros, are considered significant.

(B) Rounding shall use the following convention:

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

PASSED: July 14, 2005