



DEPARTMENT OF
ECOLOGY
State of Washington

**Rule Implementation Plan
Chapter 173-460 WAC
Controls for New Sources of Toxic Air Pollutants**

November 2019

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1902028.html>

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To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6831 or email ecyadacoordinator@ecy.wa.gov. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

Implementation Plan
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Controls for New Sources of Toxic Air Pollutants

Air Quality Program
Washington State Department of Ecology
Olympia, Washington

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On Nov. 22, 2019, Ecology adopted amendments to Chapter 173-460 WAC Controls for New Sources of Toxic Air Pollutants (AO # 18-07). The purpose of this rule implementation plan is to inform those who must implement and comply with Chapter 173-460 WAC about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance with the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that we may need to write or revise because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Implementing second and third tier review lies with Ecology. Technical staff in Ecology's Air Quality Program Science and Engineering Section have almost thirty years' experience with these statewide reviews. The applicable permitting agency includes the recommendations from these reviews in the permit (approval order) they issue to the applicant.

Contact Ecology for more information on a tier-two review or a health impact analysis:

- [Matt Kadlec](#) (360) 407-6817
- [Gary Palcisko](#) (360) 407-7338

Contact Ecology for more information on air dispersion modeling:

- [Ranil Dhammapala](#) (360) 407-6807
- [Tes Ghidey](#) (360) 407-6815

Implementing and enforcing the air quality permitting requirements for emissions of TAPs (first tier review) lies with the agency responsible for maintaining air quality within its jurisdiction.

Ecology's jurisdiction includes:

- Central Regional Office – Air Quality Program: Chelan, Douglas, Kittitas, Klickitat, Okanogan counties
- Eastern Regional Office – Air Quality Program: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla, Whitman counties
- Northwest Regional Office – Air Quality Program: San Juan County
- Industrial Section: Statewide pulp/paper mills and aluminum smelters
- Nuclear Waste Program: Hanford

Seven local air agencies manage air quality over most of western Washington and portions of central and eastern Washington. These agencies and their jurisdictions include:

- Benton Clean Air Agency: Benton County
- Northwest Clean Air Agency: Island, Skagit, Whatcom counties
- Olympic Region Clean Air Agency: Clallam, Grays Harbor, Jefferson, Mason, Pacific, Thurston counties
- Puget Sound Clean Air Agency: King, Kitsap, Pierce, Snohomish counties
- Southwest Clean Air Agency: Clark, Cowlitz, Lewis, Skamania, Wahkiakum counties
- Spokane Regional Clean Air Agency: Spokane County
- Yakima Regional Clean Air Agency: Yakima County

Informing and Educating Persons Affected by the Rule

To help inform and educate persons affected by the rule, we will:

- Email notice with the adoption materials to persons who commented on the rulemaking, the rulemaking distribution list, the Air Quality Program distribution list, and the agency distribution list (WACTrack).
- Post the rule adoption materials (final rule language, response to comments, final regulatory analyses, and the rule implementation plan) on the rulemaking webpage for public access.
- Provide information or training on request.
- Inform the Washington Air Permit Writers Group about this rule by providing training and holding discussions on topics as needed.
- Request that local clean air agencies inform the regulated businesses in their jurisdiction.

Promoting and Assisting Voluntary Compliance

We will promote and assist voluntary compliance through technical assistance.

- Ecology staff are available to respond to phone and email inquiries about the rule.

- Affected staff have participated in developing the revised rules and are familiar with the final product.
- The rule and guidance documents are available on our website.
- We may use the email list to disseminate program updates and information.

The actions mentioned above to inform and educate affected persons on the changes also help to promote voluntary compliance. We will also monitor whether local air agencies use the values in WAC 173-460-150 as required by the Washington Clean Air Act, Chapter 70.94 RCW.

Evaluating the Rule

Feedback from local air agencies, applicants, and consultants during the toxics review process is a key indicator on effectiveness of the rule. We will continue discussions on impacts from this rule with Ecology staff and all permitting staff through statewide permit meetings. We will continue to add comments we get on the rule to the Air Quality Program file we maintain. We refer to the file for consideration during future rulemakings.

Training and Informing Ecology Staff

Many of the Ecology staff responsible for implementing this revised rule work directly with the affected sources and are already familiar with the nuances of the rule changes. Staff are available to coach other Ecology staff on the best way to implement the changes. We may also develop guidance documents to help train and inform Ecology staff.

List of Supporting Documents that May Need to be Written or Revised

We intend to update or develop the following supporting materials:

- Update “Guidance Document: First, Second, and Third Tier Review of Toxic Air Pollution Sources” publication number 08-02-025. We will review the modeling requirements and update as necessary to ensure consistency with the Air Quality Program “Guidance on Typical AERMOD Modeling Protocol Parameter” (August 2019), specify assumptions for estimating risks, and revise the application form (ECY 070-415).
- Develop guidance to clarify how to:
 - Apply the standards in the adopted rule to an in progress application submitted prior to the rule adoption.
 - Address an existing permit with toxic air pollutant limits based on previous ASILs that will become less stringent (e.g., ammonia).
- Develop guidance on metals:
 - Clarify what NOS (not otherwise specified) means for various metal compounds.
 - Clarify how to determine applicability to an ASIL for a metal compound (mass of the metal).

- Clarify that increased emissions of multiple metal compounds (e.g., Chromium(VI)) should be summed and compared to the broad ASIL instead of individually for each compound for which an ASIL exists. For example, if a source emits barium chromate, lithium chromate, and strontium chromate, the total chromium VI mass or ambient impact of hexavalent chromium in these compounds must be calculated and compared to the “Chromium(VI) & compounds, NOS” SQER or ASIL.
- Clarify that mercury, elemental covers total inorganic mercury. Implementation of the rule will require summing the amounts of mercury in the various inorganic forms a source emits to determine the total inorganic mercury emission.
- Conduct a needs assessment regarding guidance or other tools for tBACT topics or issues. Issues may include:
 - Clarifying what it means, and how it should be applied and analyzed;
 - Establishing cost effectiveness criteria for toxics; and
 - Evaluating the utility and feasibility of establishing a tBACT clearinghouse.
- Post a searchable spreadsheet of the table in WAC 173-460-150 on the “Health impact review of toxic air pollution” webpage.

More Information

- More information on permit requirements for emissions of toxic air pollutants (Health impact review of toxic air pollution webpage)
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Notice-of-Construction-permit/Health-impact-assessments-of-toxic-air-pollutants>
- More information on rulemaking
<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-460>
- View comments on proposed rule
<http://ac.ecology.commentinput.com/comment/extra?id=t7W9R>

Contact Information

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