

DEPARTMENT OF
ECOLOGY
State of Washington

Washington State Implementation Plan Revision

*Revised Public Notice Provisions
and Other Changes to Chapters
173-400, 173-405, 173-410, and
173-415 WAC*

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Air Quality Program
Washington State Department of Ecology
Olympia, Washington

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Acronyms

AOP	Air Operating Permit
CAA	Federal Clean Air Act
eCFR	Electronic Code of Federal Register
BCAA	Benton Clean Air Agency
Ecology	Washington State Department of Ecology
EPA	U.S. Environmental Protection Agency
FIP	Federal Implementation Plan
FR	Federal Register
LCAA	Local Clean Air Agency
NAAQS	National Ambient Air Quality Standards
NESHAP	National Emissions Standards for Hazardous Pollutants
NSPS	New Source Performance Standards
NSR	New Source Review
PSD	Prevention of Significant Deterioration
RCW	Revised Code of Washington
SIP	State Implementation Plan
SSM	Startup, Shutdown, and Malfunction
TAP	Toxic Air Pollutants
U.S.C.	United States Code
VOC	Volatile Organic Compounds
WAC	Washington Administrative Code

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Executive Summary

The Washington State Implementation Plan (SIP) is composed of air quality rules, plans, and programs developed by the following agencies to ensure healthy air quality.

- Washington Department of Ecology
- Washington Department of Natural Resources
- Energy Facility Site Evaluation Council (EFSEC)
- Seven local clean air agencies.

The SIP includes air pollution control strategies to attain and maintain the national ambient air quality standards (NAAQS). The federal Clean Air Act (CAA) requires states to update their SIP when federal requirements change or when states change their air pollution control strategies to meet the NAAQS.

This SIP revision proposes EPA include parts of the rule amendments that Washington State Department of Ecology (Ecology) adopted through three separate rulemaking processes in the Washington SIP. Some of the proposed amendments to the SIP apply statewide, others apply specifically to Ecology and Benton Clean Air Agency (BCAA) jurisdictions.

The Environmental Protection Agency (EPA) revised requirements for public notice processes under the federal Clean Air Act (CAA) permitting programs. EPA removed the mandatory requirements to provide public notice of a draft air permit and other program actions through publication in a newspaper. Instead, EPA replaced it with electronic notice (e-notice) for EPA actions (that use federal rules), allowing electronic notice as an option for EPA approved programs.

On August 16, 2018, Ecology adopted changes in WAC's 173-400-171 and 740 to meet EPA's revised requirements for public notice processes. We are proposing to include these changes in the Washington SIP. These adopted provisions require Ecology and local clean air agencies (LCAAs) to inform the public through posting the public notices, draft permits, and supporting documents on their websites. They also allow electronic methods (including e-mail) as the mechanism of communicating with the public about permitting and other program actions. This will improve the efficiency of the public notification process, while avoiding the cost of publishing public notices in newspaper. The agencies continued publishing the public notices in newspapers until June 30, 2019, to provide the public time to adapt to these changes. Moreover, the agencies may use other mechanisms, including publishing public notices in newspapers of general circulation, to supplement the electronic notification.

In addition to the changes to WAC 173-400-171 and 740, Ecology also adopted changes to WAC-173-400-025, 030, and 050 to update the cross references to federal regulations and statutes, as well as minor wording revisions for clarity. We are proposing to include parts of these rule amendments in Washington SIP that apply to Ecology's direct jurisdiction. As Benton Clean Air Agency implements and enforces parts of Chapter 173-400 WAC in its jurisdiction, we are also proposing to include these rule amendments in the SIP that apply to Benton Clean Air Agency jurisdiction.

We noticed that the WAC 173-400-081 that was approved in the SIP for Benton Clean Air Agency jurisdiction that was published on November 17, 2015 (80 FR 71695) is not being reflected in the Electronic Code of Federal Register (eCFR) website under table 4 of 40 CFR 52.2470(c). We are proposing EPA correct this typographical oversight.

On October 25, 2018, Ecology adopted amendments to Chapter 173-455 WAC (the Air Quality Fee rule) and Chapter 173-400 WAC to recover the total cost of the registration program. The amendment restructured the source registration program and updated the fees. We are proposing to include parts of these rule amendments in the Washington SIP that apply in Ecology and Benton Clean Air Agency jurisdictions.

On April 23, 2019, we adopted the amendments to the statewide pulping mills and primary aluminum plants rules (Chapters 173-405, 173-410, and 173-415 WAC). We extended the time allowed for submission of source testing reports to 60 days instead of 15 days for pulping mills and 30 days for primary aluminum plants, to provide a more realistic timeframe to complete and submit a quality assured performance test report to Ecology. The 60-days timeframe is consistent with the performance report submission timeline in the federal rules. We are proposing to include parts of these amendments in Washington SIP that applies statewide.

To meet the federal and state procedural requirements for public involvement, Ecology invited the public to:

- Review and comment on the proposed revision from August 7 through September 13, 2019, and
- Request a public hearing for September 11, 2019.

We did not receive a hearing request, and thus we did not hold a public hearing, as allowed by 40 C.F.R. Section 51.102. We did not receive any comment on the proposed SIP revision. As a result, Ecology met all federal and procedural requirements for public involvement. Therefore, Ecology adopted the proposed revisions with non-substantive changes for clarity and consistency purposes. Ecology is requesting EPA to approve this revision in the Washington SIP. EPA's approval of this SIP revision keeps our SIP approved programs compliant to the CAA requirements.

Chapter 1. Introduction

Background

The federal Clean Air Act (CAA) §109, authorizes EPA to adopt national ambient air quality standards (NAAQS) for criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide) to protect public health and welfare.

The CAA §110 requires states to adopt the latest NAAQS and submit to EPA a State Implementation Plan (SIP) to attain and maintain the NAAQS in their jurisdictions, after public notice and hearing. The SIP is a comprehensive set of documents that the state must update when federal requirements change and/or when the state changes its air pollution control strategies to meet the NAAQS. Once EPA approves the inclusion of state and local agency regulations in a SIP, those regulations become federal law.

Washington's SIP includes air quality rules, plans, and programs adopted by Ecology, the Energy Facility Site Evaluation Council (EFSEC), and seven local clean air agencies (LCAAs). It also contains Washington State Department of Natural Resources' (DNR's) Smoke Management Plan.

Scope and purpose of this SIP revision

This SIP revision proposes EPA include parts of the amendments to the following four rules that Ecology adopted through three separate rulemaking processes in the Washington SIP.

- August 16, 2018 adopted: Chapter 173-400 WAC, General Regulations for Air Pollution Sources
- October 25, 2018 adopted: Chapter 173-400 WAC, General Regulations for Air Pollution Sources
- April 23, 2019 adopted:
 - Chapter 173-405 WAC, Kraft Pulping Mills
 - Chapter 173-410 WAC, Sulfite Pulping Mills
 - Chapter 173-415 WAC, Primary Aluminum Plants

The rules adopted on August 16, 2018, and April 23, 2019, include amendments to correct the deficiencies in Chapter 173-400 WAC that EPA identified in the Startup, Shutdown, and Malfunction (SSM) SIP Call, and meet the requirements in CAA and EPA's SSM policy (80 FR 33840). However, in April 2017, EPA announced they are reviewing the SSM SIP Call for potential repeal or modification. In October 2018, EPA expressed the intention to reconsider the SSM SIP Call to Texas. Recently, EPA Region-4 and Region-6 offices have proposed alternative SSM policies that depart from the EPA's 2015 SSM policy, and propose to withdraw the 2015 SIP Call to the states in their regions. To accommodate the uncertainty around the SSM provisions, this SIP revision does not propose to include the rule amendments related to the

startup, shutdown, and malfunction (SSM) SIP Call. We are submitting a separate SIP revision to include the amendments that respond to the SSM SIP Call and EPA SSM policy.

This SIP revision proposes to include the non-SSM amendments in the following four rules that are not responding to the SSM SIP Call in the Washington SIP.

I. August 16, 2018 adopted amendments

EPA revised the public notice rule provisions¹ for the permitting programs under the CAA that applies to:

- Minor new source review (NSR),
- Prevention of Significant Deterioration (PSD),
- Nonattainment major NSR, and
- Title V air operating permitting (AOP) programs.

EPA removed the mandatory requirements to provide public notice of a draft air permit and other program actions through publication in a newspaper. Instead, EPA requires electronic notices (e-notices) and providing online access (e-access) of draft permit documents as the primary mechanism of public notification for EPA actions. EPA allowed e-noticing and posting on agencies' website as an option to publication in a newspaper, for EPA approved program actions.

To meet these EPA public involvement requirements, Ecology adopted changes to the following sections of Chapter 173-400 WAC on August 16, 2018:

- WAC 173-400-171 applies to most air quality management actions including registration program, minor new sources permitting, and major sources permitting in nonattainment areas.
- WAC 173-400-740 applies to the PSD permitting program.

These provisions require agencies to post their public notices, draft permits, and supporting information on their websites.

Currently, Ecology and the LCAAs post public notices, draft permits, and supporting information for the draft permits on their websites, in addition to publishing notices in newspapers and providing access to supporting information at a specified physical location. The agencies continued publishing the public notices for all permitting actions in newspapers until June 30, 2019, to provide the public time to adapt to these changes.

After June 30, 2019, the agencies will have the option to notify the public via newspapers and other mechanisms (radio, TV, flyers) in addition to the mandatory posting on agencies' websites. Each agency will evaluate the most effective options to notify the local community impacted by the permitting action, in addition to the web posting.

¹ 81 FR 71613, October 18, 2016, Revisions to Public Notice Provisions in Clean Air Act Permitting Program

In addition to the changes to WAC 173-400-171 and 740, Ecology also made changes to sections WAC-173-400-025, 030, and 050 to update the cross references to federal regulations and statutes, as well as minor wording revisions for clarity.

We propose EPA incorporate the amendments to these provisions in the Washington SIP that applies to Ecology and Benton Clean Air Agency jurisdictions.

II. October 25, 2018 adopted amendments

On October 25, 2018, Ecology revised Chapter 173-455 WAC (Registration Fee rule) and Chapter 173-400 WAC. The adopted rules restructured the air pollution sources registration program to recover the cost of the program through equitable distribution of air quality fees across all the sources regulated under the registration program. In order to modify the registration program structure we have adopted changes to sections WAC 173-400-100 through 105. Ecology is requesting EPA to include only WAC 173-400-105 in the Washington SIP.

In addition to the change in the registration program structure, we also made some changes in WAC 173-400-060 to improve readability that we are proposing to include in the SIP.

We are proposing to incorporate the changes in these provisions in the Washington SIP that applies to Ecology and Benton Clean Air Agency jurisdictions.

III. April 23, 2019 adopted amendments

In this rulemaking, Ecology adopted amendments to

- Chapter 173-405 WAC – Kraft Pulping Mills,
- Chapter 173-410 WAC – Sulfite Pulping Mills, and
- Chapter 173-415 WAC – Primary Aluminum Plants.

Ecology extended the time allowed for submission of source testing reports to 60 days instead of 15 days for pulping mills and 30 days for primary aluminum plants, to provide a more realistic timeframe to complete and submit a quality assured performance test report to Ecology. The 60-days timeframe is consistent with the performance report submission timeline in the National Emission Standards for Hazardous Air Pollutants (NESHAP) for pulping mills and primary aluminum plants.

We also made changes to clarify that regulated sources, under these three rules, are subject to the new source review (NSR) and Prevention of Significant Deterioration (PSD) requirements in Chapter 173-400 WAC. EPA already approved these NSR and PSD requirements in the Washington SIP. Additionally, we made changes in the definition sections of the three rules for clarification.

We are proposing EPA incorporate the amendments to these provisions in the Washington SIP as statewide provisions.

Additionally, we noticed that the WAC 173-400-081 that was approved in the SIP for Benton Clean Air Agency jurisdiction (80 FR 71695, November 17, 2015) is not being reflected in the

Electronic Code of Federal Register (eCFR) website under table 4 of 40 CFR 52.2470(c). We are proposing EPA correct this typographical oversight.”

Public involvement

Public notice:

Ecology disseminated the notice on the proposed SIP revision’s public comment period by:

- Publishing the notice in a newspaper, The Daily Journal of Commerce, on August 7, 2019.
- Posting the notice and any updates on Ecology’s State Implementation Plan - [Infrastructure, rule, & program plans](#) website, and
- Sending e-mail messages to the list of subscribers to the Air Quality Rule and SIP listserv, and Industrial Section’s list of stakeholders.

Comment period and how to comment:

Ecology invited public comment on the proposed SIP revision from August 7, 2019 through September 13, 2019 using the following methods:

- Comment online at [e-comment](#)
- Attend the public hearing on September 11, 2019, if requested by September 6, 2019.
- Mail to Debebe Dererie, Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600.

We did not receive any comment on the proposed SIP revision during the public comment period.

Public hearing, upon request:

Ecology invited the public to request a public hearing on the proposed SIP revision [online](#), or by contacting Debebe Dererie at debebe.dererie@ecy.wa.gov or (360) 407-7558. Ecology scheduled a tentative public hearing for September 11, 2019 at 1:30 p.m. at the Ecology Headquarters in Lacey, and via webinar. We did not receive a request for a hearing by the announced deadline of September 6, 2019. Thus, Ecology announced the cancellation on our [Public Input and Event Listing](#) and [Ecology’s SIP- Infrastructure, rule, & program plans](#) webpages.

Further information on the rulemaking:

The following rulemaking websites provide additional information on the amendments to the rules:

- [Chapter 173-400 WAC adopted on August 16, 2018](#)
- [Chapter 173-400 WAC adopted on October 25, 2018](#)
- [Chapter 173-405, 173-410, and 173-415 WAC on April 23, 2019](#)

What happened after the comment period?

As required in state and federal regulations, Ecology offered the public an opportunity to request a hearing and comment on the proposed SIP revision. Ecology did not receive a hearing request, and thus we did not hold a public hearing, as allowed by 40 C.F.R. Section 51.102. We did not receive any comment on the proposed SIP revision during the public comment period. As a result, Ecology met all federal and procedural requirements for public involvement. Therefore, Ecology adopted the proposed revision with non-substantive changes for clarity and consistency purposes.

Ecology is requesting EPA to approve this revision in the Washington SIP. EPA's approval of this SIP revision keeps our SIP approved programs compliant to the CAA requirements.

Difference between public review draft and final document

Ecology made the following changes between the public review draft SIP revision document and this final SIP revision document.

- Added this subchapter
- Completed the public involvement records in Appendix E.
- Included Ecology's formal SIP Adoption Order in Appendix F.
- Documented the public inputs during the public comment period, and how we met the state and federal procedural requirements. We also documented how the public input affected Ecology's adoption of this SIP revision. We made these changes in the executive summary and the introduction chapter.
- Made non-substantive changes including grammar, spelling, and formatting for clarity and consistency purposes.

Document's structure

This first chapter provides the background, the scope and purpose of this SIP revision. It also summarizes the public involvement process detailed in Appendix C.

The second chapter analyzes and justifies how the changes we are proposing in the SIP enable Ecology and Benton Clean Air Agency to meet federal and state requirements to protect air quality.

The appendices provide more information of the proposed changes in the SIP.

- Appendix A summarizes the changes in the rule and the proposed changes in SIP for EPA approval in three tables.
 - Table 1 summarizes the non-SSM changes in Chapter 173-400 WAC that we are proposing to EPA to approve it in the Washington SIP that apply in Ecology jurisdiction.

- Table 2 summarizes the non-SSM changes in Chapters 173-405, 173-410, and 173-415 WAC that we are proposing to EPA to approve in the Washington SIP that apply statewide.
 - Table 3 summarizes the non-SSM changes in Chapter 173-400 WAC that we are proposing to EPA to approve it in the Washington SIP that apply in Benton Clean Air Agency jurisdiction.
- Appendix B provides the strikeout rule language that shows the amendments in Chapter 173-400 WAC that Ecology adopted on August 16 and October 25, 2018. It also shows the strikeout language for Chapters 173-405, 173-410, and 173-415 WAC. We highlighted the rule texts in different colors to identify the parts of the rule texts that we are proposing to EPA for inclusion in the SIP statewide, Ecology, or BCAA jurisdictions.
- Appendix C presents Benton Clean Air Agency's request for SIP submission to EPA
- Appendix D documents Ecology's efforts for the public involvement process.
- Appendix E documents Ecology's formal adoption of this SIP revision after the public had the opportunity to review and comment on it.

Chapter 2. Changes in Chapters 173-400, 173-405, 173-410, 173-415 WAC

The analysis below shows the changes that Ecology is proposing to EPA to include in the SIP applicable in Ecology and Benton Clean Air Agency (BCAA) jurisdictions, and the justification that these changes meet the Clean Air Act (CAA) requirements and federal regulations. The rule citations in this analysis refer to parts of the latest rules that Ecology adopted on August 16, 2018 and October 25, 2018, as well as statewide rules adopted on April 23, 2019.

Changes for Ecology jurisdiction

Amendments to chapter 173-400 WAC

The rule citations in this analysis refer to parts of the Chapter 173-400 WAC that Ecology adopted on August 16 and October 25, 2018, and became effective on September 16, 2019 and November 25, 2019.

- **WAC 173-400-025: Adoption of federal rules.**
 - Ecology revised this section to ensure the federal rules we adopted by reference in different parts of this rule are the most recent versions as of Jan 24, 2018. We are proposing to include the new date of adoption by reference in the SIP.
- **WAC 173-400-030: Definitions.**
 - The following are new definitions introduced to guide the implementation of the rule.
 - (26) “Electronic means”: This generic name refers to electronic methods like fax, e-mail, FTP site, etc. approved by the permitting authority; and they are consistent with the EPA’s revised public notice rule.
 - (105) “Waste wood”: We added this definition to specify the properties of clean wood that sources can use as “hog-fuel” in the implementation of the rule in WAC 173-400-040. We used this term in multiple other sections of Chapter 173-400 WAC, replacing “wood waste” or “wood derived fuel”, except where the federal rules that are adopted by reference apply. Ecology adapted this definition to avoid potential confusion with the state solid waste definitions in Ecology’s solid waste management rules. This change does not change the requirements.
 - The following are the main changes in the existing definitions, and we are proposing to include the changes in the SIP:
 - (5) “Allowable emission”: We replaced the term “limitation” with “standard” in the definition of “allowable emission”, because the definition refers to limitations in federal rule and SIP. We changed this to use the language of the users of the rule. The change does not change the requirements.

- (29) “Emission standard,” “emission limitation” and “emission limit”: We added the term “emission limit” to have the same meaning as the first two as these terms are used interchangeably in the rule, even though “emission standard” usually refers to limitations in rules and “emission limit” usually refers to limitations in permits and orders.
- (62) “Outdoor burning”: In this definition, we replaced the term “wood waste” with the newly defined term “waste wood”, to avoid confusion with other state programs that deal with hazardous waste management.
- (102) “Volatile organic compound (VOC)”: Ecology made the following changes to the definition of VOC, to align our rule with 40 CFR 51.100(s):
- Added the following ten chemicals to the list of chemicals that EPA determined not to be considered as VOC due to their negligible photochemical reactivity.
 - trans-1,3,3,3-tetrafluoropropene;
 - HCF2OCF2H (HFE-134);
 - HCF2OCF2OCF2H (HFE-236cal2);
 - HCF2OCF2CF2OCF2H (HFE-338pcc13);
 - HCF2OCF2OCF2CF2OCF2H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180));
 - trans 1-chloro-3,3,3-trifluoroprop-1-ene;
 - 2,3,3,3-tetrafluoropropene;
 - 2-amino-2-methyl-1-propanol;
 - t-butyl acetate;
 - 1,1,2,2- tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane;
- Deleted the requirement that considers tertiary butyl acetate as VOC for the purpose of all record keeping, emissions reporting, photochemical dispersion modeling and inventory requirements that apply to VOC.
- Added the effective date of 40 CFR Part 60, Appendix A that is adopted by reference to specify the VOC measuring method.
- Added the alternative names of two chemicals (HFE-7100 and HFE-7200) that are already in the list.
- The following definitions have clarification, typographical or format changes without changing the meaning, and we propose all to be in the SIP:
 - Addition of citations of the 42 U.S.C. code of the federal Clean Air Act provisions in the definitions of Class I area (18), mandatory Class I federal area (48), nonroad engine (59), and stationary source (91).

- Addition of the phrase “(in effect on the date in WAC 173-400-025)” in the definitions of PM-10 emissions (72), PM_{2.5} emissions (74), and total reduced sulfur (TRS) (94).
- Change in sequence of the emission threshold list in definition WAC 173-400-030(30) without any change in content.
- Typographical changes in the definitions of best available control technology (BACT) (13), federal Clean Air Act (35), National Emission Standards for Hazardous Air Pollutants (NESHAP) (53), new source (56), secondary emissions (82), State Implementation Plan (90).
- The sequence of the definitions changed due to inclusion of new definitions to clarify the implementation of the rule. We are proposing to include all the definitions in WAC 173-400-030 to be in the SIP, except the following definitions.
 - (97) “Toxic air pollutant (TAP)”, which is out of the scope of SIP.
 - The following new definitions for which we are not proposing any action in this SIP revision. These definitions are part of another SIP revision that we are submitting separately, as EPA is on-hold for SIP actions related to Startup, Shutdown and Malfunction SIP Call².
 - (6) “Alternative emission limit” or “alternative emission limitation”
 - (45) “Hog fuel”
 - (83) “Shutdown”
 - (89) “Startup”
 - (97) “Transient mode of operation”
 - (100) “Useful thermal energy”
 - (103) “Wigwam” or “Silo burner”, and
 - (104) “Wood-fired boiler”.
 - The changes in the following definitions on which we are not proposing any action in this SIP revision, because they are part of a separate SIP related Startup, Shutdown, and Malfunction SIP Call.
 - (32) “Excess emissions”
 - (38) “Federally enforceable”
- **WAC 173-400-040 General standards for maximum emissions.**

² 80 FR 33840, June 12, 2015, SIP Calls to Amend Provisions Applying to Excess Emissions During Periods of Startup, Shutdown and Malfunction

This section was in the SIP except subsections (3), (5) and parts of subsection (2) and (7). We are proposing to include all the changes in this section to be in the SIP, except the changes in subsection (2), and the whole subsections (3) and (5). The main changes in this section is the visible emissions standards in WAC 173-400-040(2) that we are not proposing to include in this SIP. We are going to submit separate SIP revision in response to the Startup, Shutdown and Malfunction SIP Call (80 FR 33839).

In this SIP, we are proposing to include the following amendments in the SIP.

- WAC 173-400-040(1). We have separated the general requirements into three sub sub-sections, with no change in rule texts and intents. We are proposing to include this change in the Washington SIP.
- We did not change subsections WAC 173-400-040(4), (6), (8), and (9). We are not proposing any change in the SIP related to these subsections.
- WAC 173-400-040(5). We revised this section, but we are not proposing it to be in the SIP, because odors are not in the scope of SIP.
- WAC 173-400-040(7). We revised this subsection to delete the rule text that EPA has not approved in the SIP. We are proposing to EPA to reflect this change in the SIP.
- **WAC 173-400-050 Emission standards for combustion and incineration units.**
 - We replaced the undefined term “wood derived fuel” with the newly defined term “waste wood” in WAC 173-400-050(1) to avoid potential confusion with solid waste related definitions in Ecology’s solid waste management rules; and we propose to include this change in the SIP.
- **WAC 173-400-060 Emission standards for general process units.**
 - We made some changes to improve readability, without changing the intent or requirements.
- **WAC 173-400-105 Records, monitoring, and reporting.**
 - We included applicable test methods from 40 C.F.R. Parts 62, 75 and 1065 as acceptable test method for source testing to demonstrate compliance. All other changes in this section are to clarify the requirements.
- **WAC 173-400-171 Public notice and opportunity for public comment.**
 - We revised this section, in part, to align our rule with the recent changes to the federal public notification provisions for CAA permitting programs. We propose to include the revised section in the SIP, except the subsections:
 - (3)(o),
 - (12) and
 - the expression in (3)(b) that says “or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC”.

- The main changes in this section include:
- WAC 173-400-171 (2) Internet notice of application. We expanded the methods available for the public to request a public comment period from requesting via letter, fax, and e-mail to include other electronic methods approved by the permitting authority, as defined in WAC 173-400-030(26). This is consistent with EPA's revised public notice provisions.
- WAC 173-400-171 (3) Actions subject to a mandatory public comment period. We have added, under (3)(o), alternative emission limitation setting under WAC's 173-400-081 and 082 to the list of actions that require mandatory public comment period; and we are not proposing any action on (3)(o) in this SIP revision. The rest of the changes are to improve readability, not to change meanings and requirements.
- WAC 173-400-171 (4) Advertising the mandatory public comment period. The main change in this subsection is that all Washington clean air agencies will use website posting as the primary mechanism to notify the public about public comment periods. The agencies will continue mandatory advertising in a newspaper of general circulation in the area of proposed action until June 30, 2019. The permitting authority may supplement the website posting with advertising in a newspaper of general circulation in the area or other methods appropriate for the local community; and the publishing cost must be covered by the applicant or other initiator of the proposed action. All these changes are consistent with EPA's current revision to the public notification provisions for Clean Air Act permitting programs.
- WAC 173-400-171 (5) Information available for public review. The main change in this section is that it added website posting throughout the public comment period as an alternative mechanism to provide the public access to the permit administrative records, in addition to the existing option of making the information available in at least one specified physical location. Moreover, we specified the materials that agencies need to post on their websites include the public notice, draft permit, order, or action, and information on how to access such administrative records. . These changes are consistent with the EPA's current revision to the Public Notice Provisions (81 FR 71613, October 18, 2016).
- WAC 173-400-171 (6) Public notice components. The main change in this subsection is the requirement for the permitting agency to include in the public notice the date the notice is posted, and the start and end date of the public comment period. . We have also deleted some contents that address the length of the public comment period and the time of posting public notice. This information is included in the subsequent section that covers the length of the public comment period.
- WAC 173-400-171 (7) Length of public comment period. The main change in this subsection is that the first day of the public comment period begins on the next calendar day after the permitting agency posts the public notice on their website. We did this to ensure the public has the full thirty days for review and comment on proposed actions.

- WAC 173-400-171(8) Requesting a public hearing. The main change in this section is that we expanded the means of requesting hearing from “letter, fax or electronic mail” to “letter or electronic means”, because “electronic means” as defined in the WAC 173-400-030(26) include fax, e-mail and other electronic method approved by the permitting authority. We have also deleted the information that specify the length of the public comment period, because the appropriate location to specify the length is in subsection (7).
- WAC 173-400-171 (10) Notice of a public hearing. The main change in this section is that we have added electronic means as an alternative to the United States Postal Service to notify any person who submitted a written comment on the application or requested a public hearing on how to attend the public hearing. This replaces the previous requirement to publish the notice of the public hearing in a prominent newspaper of general circulation in the area affected by the proposal. The other changes are the results of the change in subsection (4) of this section.
- WAC 173-400-171 (11) Notifying the EPA. The main change here is the use of electronic means as an alternative to the United States Postal Service to notify the EPA Region 10 Administrator.
- **WAC 173-400-740 PSD permitting public involvement requirements.**

We revised this section mainly to align it with the recent change in the EPA’s public notification provisions for permitting programs under the CAA. We propose to include the revised section in the SIP, with no exception. The main changes in this section include:

- WAC 173-400-740 (2) Notification of the public. The main change in this subsection include:
 - It allows posting of the PSD permit administrative records (proposed permit and supporting information) on Ecology’s website for the duration of the public comment period, as an alternative to the previous requirement to make the information available at a physical location. When the information is too large to post on the agency website, it specifies use of hard copy or a data storage device to avail the information for the public.
 - It requires the public comment period starts the day after the public notice is posted on Ecology’s website, instead of the previous requirement to post the information by noon of the first day of the comment period. This is to ensure the public have the minimum thirty days of the public comment period.
 - It specifies the types of information to post for the duration of the public comment period, which includes the public notice, PSD draft permit, technical support document, and the information on how to access the administrative record.
 - Consistent with EPA’s revision to the public notification provisions, it requires Ecology post the notice of extension of public comment period on the

same website where we posted the original public notice. The previous rule required us to publish an extension notice in a newspaper. Additionally, it requires the extension notice include the closing date of the extended comment period.

- It added electronic means as an alternative to the United States Postal Service to distribute:
 - a copy of the public notice to identified stakeholders in the rule,
 - extension notice to the requester, and
 - PSD preliminary determination and technical support documents to the applicant and relevant regulatory authorities.
- WAC 173-400-740 (3) Public notice content. It added the requirement to include the start and closing dates of the public comment period in the public notice. We deleted language that set requirements on the length of the public comment period and the location of the documents for public inspection, and included the requirements in the relevant subsection (2).
- WAC 173-400-740 (4) Public hearing. We made one clarifying change related to the length of the public comment period by referencing subsection (2), without changing the requirement.
- WAC 173-400-740 (5) Consideration of public comments. The only change is that the rule requires Ecology to post the public comments at the same website where we posted the preconstruction information instead of the “same physical location” as required in the previous rule. This is the result of adopting e-noticing, consistent with EPA’s rule.
- WAC 173-400-740 (6) Issuance of final determination. The main change in this subsection is that it added electronic means as an alternative to the existing requirement to use the United States Postal Service as the mechanism of distribution of the final determination on the proposed action to the applicant, regulatory agencies and any person who commented on the preliminary determination. Additionally, we changed “web site” to “web page”, to ensure that the final determination is posted at the same location as the draft permit and public notice.

Changes that apply statewide

Amendments to chapters 173-405, 173-410, and 173-415 WAC

The rule citations in this part of the analysis refer to parts of the Chapter 173-405, 173-410 and 173-415 WAC that Ecology adopted on April 23, 2019, and it is effective as of May 24, 2019. However, there are some provisions that will be effective when EPA approval of this SIP revision become effective that we explain under each section.

- **WAC 173-405-021 and WAC 173-410-021 and Definitions.**

We clarified that in these pulping mills rules “ecology” means the Department of Ecology and we are proposing to include this definition in the SIP applicable to Ecology jurisdiction.

- **WAC 173-405-072 and WAC 173-410-062 Monitoring requirements**

We extended the time allowed for submission of source testing reports to 60 days instead of 15 days for kraft and sulfite pulping mills to provide a more realistic timeframe to complete and submit a quality assured performance test report to Ecology. The 60-days timeframe is consistent with the performance report submission timeline in the 40 C.F.R. 63.455(h)(2) for pulping mills. We propose to include the revised section in the SIP, except subsection WAC 173-405-072(2) because it sets requirements for total reduced sulfur (TRS). TRS is not criteria pollutant, and so the requirements on TRS emissions control are not covered in the scope of SIP.

- **WAC 173-405-086 and WAC 173-410-086 New source review (NSR)**

We made changes to these two sections to clarify that the new source review (NSR) requirements in WAC 173-400-100 through 173-400-114 are applicable to sources regulated under these three rules. We are proposing the NSR requirements already approved in the Washington SIP to apply for sources regulated under Chapters 173-405 and 173-410 WAC. These include:

- WAC 173-400-110, except subsection (1)(e) and the requirements (rule texts) that apply to toxic air pollutants or refer to Chapter 173-460 WAC.
- WAC 173-400-111, except WAC 173-400-111(9) and the requirements (rule texts) that apply to toxic air pollutants or refer to Chapter 173-460 WAC.
- WAC 173-400-112 with no exception
- WAC 173-400-113, except the second sentence in WAC 173-400-113(3)

EPA did not approve WAC 173-400-114 in the SIP, and we are not proposing that section to be in the SIP for sources regulated under Chapters 173-405 and 173-410 WAC.

- **WAC 173-405-087 and WAC 173-410-087 Prevention of Significant Deterioration (PSD)**

We made changes to these two sections to clarify that the PSD requirements in WAC 173-400-700 through 173-400-750 are applicable to sources regulated under these three rules. EPA already approved these PSD requirements in the Washington SIP. We are proposing the already approved PSD requirements to apply for sources regulated under Chapters 173-405 and 173-410 WAC. Thus, we are proposing the following sections to be in the SIP for sources regulated under Chapters 173-405 and 173-410 WAC

- WAC 173-400-700, with no exception
- WAC 173-400-710, with no exception

- WAC 173-400-720 parts that are already approved in the SIP for Ecology jurisdiction.
- WAC 173-400-730, with no exception
- WAC 173-400-740, with no exception
- WAC 173-400-750, except the second sentence in WAC 173-400-750(2) that refers to fee schedule in Chapter 173-455 WAC.

- **WAC 173-415-015 Applicability**

This section was not in the SIP and, with the exception of WAC 173-415-015(3), we are proposing to include it in Washington SIP. WAC 173-415-015(3) subjects primary aluminum plants to Chapter 173-481 WAC, Ambient Air Quality and Environmental Standards for Fluorides, which is not in the scope of the SIP as it is not criteria pollutant.

- **WAC 173-415-020 Definitions**

This section was in the SIP having two definitions that we are proposing to revise in the SIP. We are also proposing to include the following additional three definitions in the SIP:

- WAC 173-415-020(1) Ecology
- WAC 173-415-020(4) Potline
- WAC 173-415-020(5) Secondary emission control system

We are not proposing to include in the SIP WAC 173-415-020(6). It sets requirements for total fluoride, which is not in the scope of SIP because fluoride is not criteria pollutant. Thus, we propose to include in the SIP all the definitions in this section, except WAC 173-415-020(6).

- **WAC 173-415-060 Monitoring requirements**

We extended the time allowed for submission of source testing reports to sixty days instead of thirty days for primary aluminum plants to provide a more realistic timeframe to complete and submit a quality assured performance test report to Ecology. The 60-days timeframe is consistent with the performance report submission timeline in the 40 C.F.R. 63.850(b) for primary aluminum plants. We propose to include the revised section in the SIP, except subsection WAC 173-415-060(1)(b) that sets requirements for fluoride emission monitoring and reporting. This is because fluoride is not criteria pollutant covered under SIP.

Changes for Benton Clean Air Agency (BCAA) jurisdiction

The Benton Clean Air Agency implements and enforces Chapter 173-400 WAC that is in effect now and including all future amendments, except where specific provisions of BCAA Regulation 1 apply. Regulation 1 of the Benton Clean Air Agency, adopted in April 28, 2017, states this in Section 1.03. Therefore, the analysis of the proposed changes for Ecology jurisdiction discussed in the previous sub-chapter apply in the Benton Clean Air Agency jurisdiction except the following provisions:

- **Chapters 173-405, 173-410, and 173-415 WAC**

These three rules are in the Washington SIP as statewide rules, thus we are not proposing these rules to be in the SIP for BCAA's jurisdiction separately.

- **WAC 173-400-030 Definitions.**

The sequence of the definitions changed due to inclusion of new definitions included in the rule. We are not proposing the following definitions to be in the SIP applicable in Benton Clean Air agency jurisdiction, because BCAA has adopted different definitions in Section 4.01 of its Regulation 1. There is no change in these definitions, except the sequence has changed from (38) and (39) to (40) and (41).

- (40) "Fugitive dust". BCAA is not implementing this definition, because Regulation 1 has equivalent definition in Section 4.01(A).
- (41) "Fugitive emissions". BCAA is not implementing this definition, because Regulation 1 has equivalent definition in Section 4.01(B).

- **WAC 173-400-040 General standards for maximum emissions.**

We are proposing EPA include the same provisions that we propose for Ecology jurisdiction be in the SIP that apply for Benton Clean Air Agency except the following provisions, because BCAA has similar provision in its Regulation 1 for fugitive dust and emissions.

- WAC 173-400-040 (4) Fugitive emissions. BCAA is not implementing this subsection, because Regulation 1 has equivalent definition in Section 4.02(B).
- WAC 173-400-040 (9) fugitive dust. BCAA is not implementing this subsection, because Regulation 1 has equivalent definition in Section 4.01(C).

- **WAC 173-400-740 PSD permitting public involvement requirements.**

We are not proposing the changes in WAC-400-740 in the SIP applicable in BCAA jurisdiction, because the BCAA is not implementing the Prevention of Significant Deterioration (PSD) permitting program.

Appendices

Appendix A. SIP revision overview tables

When we are not proposing any SIP action on the whole section of the rule, we did not include it in the tables that summarize the proposed SIP action.

Table 1. Summary of the proposed non-SSM SIP revision for Ecology jurisdiction – Chapter 173-400 WAC adopted 08/16/2018 and 10/25/2018

Rule Section Citation	Section title	State effective date	Changes in the rule	Proposed change in the SIP
WAC 173-400-025	Adoption of federal rules	9/16/2018	Revised	Revise in the SIP
WAC 173-400-030	Definitions	9/16/2018	Revised	Revise in the SIP
	Except: 173-400-030(6), (45), (83), (89), (97), (100), (103), and (104)	9/16/2018	New	No change in the SIP
	WAC 173-400-030(32) and (38)	9/16/2018	Revised	No change in the SIP
	WAC 173-400-030(96) “toxic air pollutant (TAP)”	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-040	General standards for maximum emissions	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-040(2)	9/16/2018	Revised	No change in the SIP
	WAC 173-400-040(3)	9/16/2018	Unchanged	Not in the SIP
	WAC 173-400-040(5)	9/16/2018	Revised	Not in the SIP
WAC 173-400-050	Emission standards for combustion and incineration units	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-050(2), (4), and (6)	9/16/2018	Revised	Not in the SIP
	WAC 173-400-050(5)	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-060	Emission standards for general process units	11/25/2018	Revised	Revise in the SIP
WAC 173-400-105	Records, monitoring, and reporting.	11/25/2018	Revised	Revise in the SIP
WAC 173-400-171	Public notice and opportunity for public comment	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-171(3)(o)	9/16/2018	New	No change in the SIP
	WAC 173-400-171(3)(b) that says “or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC”; and WAC 173-400-171(12)	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-740	PSD permitting public involvement requirements	9/16/2018	Revised	Revise in the SIP

Table 2. Summary of the proposed non-SSM related revision to SIP applicable statewide (Chapters 173-405, 173-410, and 173-415 WAC)

Rule Section Citation	Section title	State effective date	Changes in the rule	Proposed change in the SIP
Chapter 173-405 WAC Kraft Pulping Mills				
WAC 173-405-021	Definitions	5/24/2019	Revised	Revise in the SIP
WAC 173-405-072	Monitoring requirements	5/24/2019	Revised	Revise in the SIP
WAC 173-405-086	New source review	5/24/2019	Revised	Revise in the SIP
	Except: the exceptions in WAC 173-400-110 through 114	5/24/2019	Unchanged	Not in the SIP
WAC 173-405-087	Prevention of significant deterioration	5/24/2019	Revised	Revise in the SIP
	Except: the exceptions in WAC 173-400-720	5/24/2019	Unchanged	Not in the SIP
	The exceptions in WAC 173-400-750	5/24/2019	Unchanged	Not in the SIP
Chapter 173-410 WAC Sulfite Pulping Mills				
WAC 173-410-021	Definitions	5/24/2019	Revised	Revise in the SIP
WAC 173-410-062	Monitoring requirements	5/24/2019	Revised	Revise in the SIP
WAC 173-410-086	New source review	5/24/2019	Revised	Revise in the SIP
	Except: The exceptions in WAC 173-400-110 through 114	5/24/2019	Unchanged	Not in the SIP
WAC 173-410-087	Prevention of significant deterioration	5/24/2019	Revised	Revise in the SIP
	Except: The exceptions in WAC 173-400-720	5/24/2019	Unchanged	Not in the SIP
	The exceptions in WAC 173-400-750	5/24/2019	Unchanged	Not in the SIP
Chapter 173-415 WAC Primary Aluminum Plants				
WAC 173-415-015	Applicability	5/24/2019	Revise	Revise in the SIP
	Except WAC 173-415-015(3)	5/24/2019	New	Not in the SIP
WAC 173-415-020	Definitions	5/24/2019	Revised	Revise in the SIP
	Except WAC 173-415-020(6)	5/24/2019	New	Not in the SIP
WAC 173-415-060	Monitoring and reporting	5/24/2019	Revised	Revise in the SIP

Table 3. Summary of the proposed non-SSM SIP revision for BCAA jurisdiction - Chapter 173-400 WAC adopted on 08/16/2018 and 10/25/2018

Rule Section Citation	Section title	State effective date	Changes in the rule	Proposed change in the SIP at BCAA jurisdiction
WAC 173-400-025	Adoption of federal rules	9/16/2018	Revised	Revise in the SIP
WAC 173-400-030	Definitions	9/16/2018	Revise	Revise in the SIP
	Except: 173-400-030(6), (45), (83), (89), (97), (100), (103), and (104)	9/16/2018	New	No change in the SIP
	WAC 173-400-030(32) and (38)	9/16/2018	Revised	No change in the SIP
	WAC 173-400-030 (40) “fugitive dust”, (41) “fugitive emissions”, and (96) “toxic air pollutant (TAP)”	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-040	General standards for maximum emissions	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-040(2)	9/16/2018	Revised	No change in the SIP
	WAC 173-400-040(3), (4), and (9)	9/16/2018	Unchanged	Not in the SIP
	WAC 173-400-040(5)	9/16/2018	Revised	Not in the SIP
WAC 173-400-050	Emission standards for combustion and incineration units	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-050(2), (4), and (6)	9/16/2018	Revised	Not in the SIP
	WAC 173-400-050(5)	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-060	Emission standards for general process units	11/25/2018	Revised	Revise in the SIP
WAC 173-400-105	Records, monitoring, and reporting.	11/25/2018	Revised	Revise in the SIP
WAC 173-400-171	Public involvement	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-171(3)(o)	9/16/2018	New	No change in the SIP
	WAC 173-400-171(3)(b) that says “or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC”; and WAC 173-400-171(12)	9/16/2018	Unchanged	Not in the SIP
WAC 173-400-740	PSD permitting public involvement requirements	9/16/2018	Revised	Not in the SIP

Appendix B. Strikeout rule language

Appendix B includes the strikeout rule texts that Ecology adopted in three rulemaking processes. In order to clarify our proposed SIP action, we highlighted the rule texts as specified below. We are proposing to include the rule texts in Chapter 173-400 WAC in the SIP that applies in:

- Ecology and Benton Clean Air Agency jurisdictions to have no (or white) highlight,
- Ecology jurisdiction only to be highlighted in turquoise

We are proposing to exclude parts of Chapter 173-400 WAC texts that are highlighted in gray from the SIP that apply in both Ecology and BCAA jurisdictions. We are not proposing any SIP action to EPA for parts of Chapter 173-400 WAC texts highlighted in pale blue. When we are not proposing any SIP action on the whole section of the rule, we did not include the rule text of the section here. We are proposing the Chapters 173-405, 173-410, and 173-415 WAC are in the SIP as statewide rules, and thus we did not highlight the texts in turquoise.

I. Chapter 173-400 WAC adopted 8/16/2019 and effective 9/16/2018

WAC 173-400-025 Adoption of federal rules. Federal rules mentioned in this rule are adopted as they exist on (~~January 1, 2016~~) January 24, 2018. Adopted or adopted by reference means the federal rule applies as if it was copied into this rule.

WAC 173-400-030 Definitions. The definitions in this section apply statewide except where a permitting authority has redefined a specific term. Except as provided elsewhere in this chapter, the definitions in this section apply throughout the chapter:

(1) **"Actual emissions"** means the actual rate of emissions of a pollutant from an emission unit, as determined in accordance with (a) through (c) of this subsection.

(a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emissions unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. Ecology or an authority shall allow the use of a different time period upon a determination that it is more representative of normal source operation. Actual emissions shall be calculated using the

emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.

(b) Ecology or an authority may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.

(c) For any emissions unit which has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

(2) **"Adverse impact on visibility"** is defined in WAC 173-400-117.

(3) **"Air contaminant"** means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. "Air pollutant" means the same as "air contaminant."

(4) **"Air pollution"** means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities, and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property. For the purposes of this chapter, air pollution shall not include air contaminants emitted in compliance with chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

(5) **"Allowable emissions"** means the emission rate of a source calculated using the maximum rated capacity of the source (unless the 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 C.F.R. Part 60, 61, 62, or 63;

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

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

(6) **"Alternative emission limit" or "alternative emission limitation"** means an emission limitation that applies to a source or an emissions unit only during a specifically defined transient mode of operation. An alternative emission limitation is a component of a continuously applicable emission limit. An alternative emission limit may be a numerical limit or a design characteristic of the emission unit and associated emission controls, work practices, or other operational standard, such as a control device operating range.

(7) **"Ambient air"** means the surrounding outside air.

~~((+7))~~ (8) **"Ambient air quality standard"** means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air which shall not be exceeded.

~~((+8))~~ (9) **"Approval order"** is defined in **"order of approval."**

~~((+9))~~ (10) **"Attainment area"** means a geographic area designated by EPA at 40 C.F.R. Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

~~((+10))~~ (11) **"Authority"** means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.

~~((+11))~~ (12) **"Begin actual construction"** means, in general, initiation of physical on-site construction activities on an emission unit that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work

and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

~~((12))~~ (13) **"Best available control technology (BACT)"** means an emission limitation based on the maximum degree of reduction for each air pollutant subject to regulation under chapter 70.94 RCW emitted from or which results from any new or modified stationary source, which the permitting authority, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of the "best available control technology" result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 C.F.R. Part 60 and Part 61. Emissions from any source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

~~((13))~~ (14) **"Best available retrofit technology (BART)"** means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and nonair quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may

reasonably be anticipated to result from the use of such technology.

~~((14))~~ (15) **"Brake horsepower (BHP)"** means the measure of an engine's horsepower without the loss in power caused by the gearbox, alternator, differential, water pump, and other auxiliary components.

~~((15))~~ (16) **"Bubble"** means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and WAC 173-400-120.

~~((16))~~ (17) **"Capacity factor"** means the ratio of the average load on equipment or a machine for the period of time considered, to the manufacturer's capacity rating of the machine or equipment.

~~((17))~~ (18) **"Class I area"** means any area designated under section 162 or 164 of the federal Clean Air Act (42 U.S.C., Sec. 7472 or 7474) as a Class I area. The following areas are the Class I areas in Washington:

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

~~((18))~~ (19) **"Combustion and incineration units"** means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes outdoor burning.

~~((+19+))~~ (20)(a) **"Commence"** as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

(i) Begun, or caused to begin, a continuous program of actual on-site construction of the source, to be completed within a reasonable time; or

(ii) Entered into binding agreements or contractual obligations, which cannot be canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

(b) For the purposes of this definition, "necessary preconstruction approvals" means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

~~((+20+))~~ (21) **"Concealment"** means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.

~~((+21+))~~ (22) **"Criteria pollutant"** means a pollutant for which there is established a National Ambient Air Quality Standard at 40 C.F.R. Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O₃) sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

~~((+22+))~~ (23) **"Director"** means director of the Washington state department of ecology or duly authorized representative.

~~((+23+))~~ (24) **"Dispersion technique"** means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.

~~((+24+))~~ (25) **"Ecology"** means the Washington state department of ecology.

~~((+25+))~~ (26) **"Electronic means"** means email, fax, FTP site, or other electronic method approved by the permitting authority.

(27) **"Emission"** means a release of air contaminants into the ambient air.

~~((+26+))~~ (28) **"Emission reduction credit (ERC)"** means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.

~~((+27+))~~ (29) **"Emission standard,"** ~~((and))~~ **"emission limitation"** and **"emission limit"** means a requirement established under the federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the federal Clean Air Act or chapter 70.94 RCW.

~~((+28+))~~ (30) **"Emission threshold"** means an emission of a listed air contaminant at or above the following rates:

Table 4. Emission threshold for air contaminant

Air Contaminant	Annual Emission Rate
Carbon monoxide:	100 tons per year
Fluorides:	<u>3 tons per year</u>
Hydrogen sulfide (H ₂ S):	<u>10 tons per year</u>
Lead:	<u>0.6 tons per year</u>
Nitrogen oxides:	40 tons per year
((Sulfur dioxide:	40 tons per year))
Particulate matter (PM):	25 tons per year of PM emissions
	((15 tons per year of PM-10 emissions)) 10 tons per year of PM-2.5
	<u>15 tons per year of PM-10 emissions</u>

Air Contaminant	Annual Emission Rate
((Volatile organic compounds):	40 tons per year
Fluorides:	3 tons per year
Lead:	0.6 tons per year))
<u>Reduced sulfur compounds (including H₂S):</u>	<u>10 tons per year</u>
<u>Sulfur dioxide:</u>	<u>40 tons per year</u>
<u>Sulfuric acid mist:</u>	<u>7 tons per year</u>
((Hydrogen sulfide (H₂S):	10 tons per year))
<u>Total reduced sulfur (including H₂S):</u>	<u>10 tons per year</u>
((Reduced sulfur compounds (including H₂S):	10 tons per year))
<u>Volatile organic compounds:</u>	<u>40 tons per year</u>

~~((+29+))~~ (31) **"Emissions unit"** or **"emission unit"** means any part of a stationary source or source which emits or would have the potential to emit any pollutant subject to regulation under the federal Clean Air Act, chapter 70.94 or 70.98 RCW.

~~((+30+))~~ (32) **"Excess emissions"** means emissions of an air pollutant in excess of any applicable emission standard or an emission limit established in a permit or order, including an alternative emission limit.

~~((+31+))~~ (33) **"Excess stack height"** means that portion of a stack which exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).

~~((+32+))~~ (34) **"Existing stationary facility (facility)"** is defined in WAC 173-400-151.

~~((+33+))~~ (35) **"Federal Clean Air Act (FCAA)"** means the federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.

~~((34))~~ (36) **"Federal Class I area"** means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington:

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

~~((35))~~ (37) **"Federal land manager"** means the secretary of the department with authority over federal lands in the United States.

~~((36))~~ (38) **"Federally enforceable"** means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 C.F.R. Parts 60, 61, 62 and 63, requirements established within the Washington SIP, requirements within any approval or order established under 40 C.F.R. 52.21 or under a SIP approved new source review regulation, ~~((and))~~ emissions limitation orders issued under WAC 173-400-081(4), 173-400-082, or 173-400-091.

~~((37))~~ (39) **"Fossil fuel-fired steam generator"** means a device, furnace, or boiler used in the process of burning fossil fuel for the primary purpose of producing steam by heat transfer.

~~((38))~~ (40) **"Fugitive dust"** means a particulate emission made airborne by forces of wind, man's activity, or both. Unpaved roads, construction sites, and tilled land are examples of areas that originate fugitive dust. Fugitive dust is a type of fugitive emission.

~~((+39+))~~ (41) **"Fugitive emissions"** means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

~~((+40+))~~ (42) **"General process unit"** means an emissions unit using a procedure or a combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.

~~((+41+))~~ (43) **"Good engineering practice (GEP)"** refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

~~((+42+))~~ (44) **"Greenhouse gases (GHGs)"** includes carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride.

~~((+43+))~~ (45) **"Hog fuel"** (hogged fuel) means waste wood that is reduced in size to facilitate burning.

(46) **"Incinerator"** means a furnace used primarily for the thermal destruction of waste.

~~((+44+))~~ (47) **"In operation"** means engaged in activity related to the primary design function of the source.

~~((+45+))~~ (48) **"Mandatory Class I federal area"** means any area defined in Section 162(a) of the federal Clean Air Act 42 U.S.C., 7472(a)). The following areas are the mandatory Class I federal areas in Washington:

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

~~((46))~~ (49) **"Masking"** means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

~~((47))~~ (50) **"Materials handling"** means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant chemical or physical alteration.

~~((48))~~ (51) **"Modification"** means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definition of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

~~((49))~~ (52) **"National Ambient Air Quality Standard (NAAQS)"** means an ambient air quality standard set by EPA at 40 C.F.R. Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

~~((50))~~ (53) **"National Emission Standards for Hazardous Air Pollutants (NESHAP((S)))"** means the federal rules in 40 C.F.R. Part 61.

~~((51))~~ (54) **"National Emission Standards for Hazardous Air Pollutants for Source Categories"** means the federal rules in 40 C.F.R. Part 63.

~~((52))~~ (55) **"Natural conditions"** means naturally occurring phenomena that reduce visibility as measured in terms of light extinction, visual range, contrast, or coloration.

~~((53))~~ (56) **"New source"** means:

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

(b) Any other project that constitutes a new source under the federal Clean Air Act.

((~~(54)~~)) (57) **"New Source Performance Standards (NSPS)"** means the federal rules in 40 C.F.R. Part 60.

((~~(55)~~)) (58) **"Nonattainment area"** means a geographic area designated by EPA at 40 C.F.R. Part 81 as exceeding a National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

((~~(56)~~)) (59) **"Nonroad engine"** means:

(a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion engine:

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

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

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

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

(i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the federal Clean Air Act (42 U.S.C., Sec. 7521); or

(ii) The engine is regulated by a New Source Performance Standard promulgated under section 111 of the federal Clean Air Act (42 U.S.C., Sec. 7411); or

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

~~((+57+))~~ (60) **"Notice of construction application"** means a written application to allow construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

~~((+58+))~~ (61) **"Opacity"** means the degree to which an object seen through a plume is obscured, stated as a percentage.

~~((+59+))~~ (62) **"Outdoor burning"** means the combustion of material in an open fire or in an outdoor container, without providing for the control of combustion or the control of the emissions from the combustion. ~~((Wood-waste))~~ Waste wood disposal in wigwam burners or silo burners is not considered outdoor burning.

~~((+60+))~~ (63) **"Order"** means any order issued by ecology or a local air authority 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, corrective action order, order of approval, and regulatory order.

~~((+61+))~~ (64) **"Order of approval"** or **"approval order"** means a regulatory order issued by a permitting authority to approve the notice of construction application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

~~((+62+))~~ (65) **"Ozone depleting substance"** means any substance listed in Appendices A and B to Subpart A of 40 C.F.R. Part 82.

~~((+63+))~~ (66) **"Particulate matter"** or **"particulates"** means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

~~((+64+))~~ (67) **"Particulate matter emissions"** means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40, chapter I of the Code of Federal Regulations or by a test method specified in the SIP.

~~((+65+))~~ (68) **"Parts per million (ppm)"** means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

~~((+66+))~~ (69) **"Permitting authority"** means ecology or the local air pollution control authority with jurisdiction over the source.

~~((+67+))~~ (70) **"Person"** means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

~~((+68+))~~ (71) **"PM-10"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers as measured by a reference method based on 40 C.F.R.

Part 50 Appendix J and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

~~((+69+))~~ (72) **"PM-10 emissions"** means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 10 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in ~~((Appendix M of))~~ 40 C.F.R. Part 51, Appendix M (in effect on the date in WAC 173-400-025) or by a test method specified in the SIP.

~~((+70+))~~ (73) **"PM-2.5"** means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 C.F.R. Part 50 Appendix L and designated in accordance with 40 C.F.R. Part 53 or by an equivalent method designated in accordance with 40 C.F.R. Part 53.

~~((+71+))~~ (74) **"PM-2.5 emissions"** means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in 40 C.F.R. Part 51 (in effect on the date in WAC 173-400-025) or by a test method specified in the SIP.

~~((+72+))~~ (75) **"Portable source"** means a type of stationary source which emits air contaminants only while at a fixed location but which is capable of being transported to various locations. Examples include a portable asphalt plant or a portable package boiler.

~~((+73+))~~ (76) **"Potential to emit"** means the maximum capacity of a source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the source to emit a pollutant, including air pollution control equipment and restrictions on hours of

operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable. Secondary emissions do not count in determining the potential to emit of a source.

~~((+74+))~~ (77) **"Prevention of significant deterioration (PSD)"** means the program in WAC 173-400-700 to 173-400-750.

~~((+75+))~~ (78) **"Projected width"** means that dimension of a structure determined from the frontal area of the structure, projected onto a plane perpendicular to a line between the center of the stack and the center of the building.

~~((+76+))~~ (79) **"Reasonably attributable"** means attributable by visual observation or any other technique the state deems appropriate.

~~((+77+))~~ (80) **"Reasonably available control technology (RACT)"** means the lowest emission limit that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any source or source category shall be adopted only after notice and opportunity for comment are afforded.

~~((+78+))~~ (81) **"Regulatory order"** means an order issued by a permitting authority that requires compliance with:

(a) Any applicable provision of chapter 70.94 RCW or rules adopted there under; or

(b) Local air authority regulations adopted by the local air authority with jurisdiction over the sources to whom the order is issued.

~~((+79+))~~ (82) **"Secondary emissions"** means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions. Secondary emissions include emissions from any off-site support facility which would not be constructed or increase its emissions except as a result of the construction or operation of the major stationary source or major modification. Secondary emissions do not include any emissions which come directly from a mobile source such as emissions from the tailpipe of a motor vehicle, from a train, or from a vessel.

~~((+80+))~~ (83) **"Shutdown"** means, generally, the cessation of operation of a stationary source or emission unit for any reason.

(84) **"Source"** means 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.

~~((+81+))~~ (85) **"Source category"** means all sources of the same type or classification.

~~((+82+))~~ (86) **"Stack"** means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

~~((+83+))~~ (87) **"Stack height"** means the height of an emission point measured from the ground-level elevation at the base of the stack.

~~((+84+))~~ (88) **"Standard conditions"** means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

~~((+85+))~~ (89) **"Startup"** means, generally, the setting in operation of a stationary source or emission unit for any reason.

(90) **"State implementation plan (SIP)"** or **"Washington SIP"** means the Washington SIP in 40 C.F.R. Part 52, Subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

~~((+86+))~~ (91) **"Stationary source"** means any building, structure, facility, or installation which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in Section 216(11) of the federal Clean Air Act (42 U.S.C., 7550(11)).

~~((+87+))~~ (92) **"Sulfuric acid plant"** means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.

~~((+88+))~~ (93) **"Synthetic minor"** means any source whose potential to emit has been limited below applicable thresholds by means of an enforceable order, rule, or approval condition.

~~((+89+))~~ (94) **"Total reduced sulfur (TRS)"** means the sum of the sulfur compounds hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides emitted and measured by ~~((EPA method 16 in Appendix A to))~~ 40 C.F.R. Part 60, Appendix A, Test Method 16 (in effect on the date in WAC 173-400-025) or an EPA approved equivalent method and expressed as hydrogen sulfide.

~~((+90+))~~ (95) **"Total suspended particulate"** means particulate matter as measured by the method described in 40 C.F.R. Part 50 Appendix B.

~~((+91+))~~ (96) **"Toxic air pollutant (TAP)"** or **"toxic air contaminant"** means any toxic air pollutant listed in WAC 173-460-150. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.

~~((+92+))~~ (97) **"Transient mode of operation"** means a short-term operating period of a source or an emission unit with a specific beginning and end, such as startup, shutdown, or maintenance.

(98) **"Unclassifiable area"** means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant and that is listed by EPA at 40 C.F.R. Part 81.

~~((+93+))~~ (99) **"United States Environmental Protection Agency (USEPA)"** shall be referred to as EPA.

~~((+94+))~~ (100) **"Useful thermal energy"** means energy (steam, hot water, or process heat) that meets the minimum operating temperature, flow, and/or pressure required by any system that uses energy provided by the affected boiler or process heater.

(101) **"Visibility impairment"** means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.

~~((+95+))~~ (102) **"Volatile organic compound (VOC)"** means any carbon compound that participates in atmospheric photochemical reactions.

(a) Exceptions. The following compounds are not a VOC:
Acetone; carbon monoxide; carbon dioxide; carbonic acid;
metallic carbides or carbonates; ammonium carbonate, methane;
ethane; methylene chloride (dichloromethane); 1,1,1-
trichloroethane (methyl chloroform); 1,1,2-trichloro-1,2,2-
trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11);
dichlorodifluoromethane (CFC-12); chlorodifluoromethane (HCFC-
22); trifluoromethane (HFC-23); 1,2-dichloro 1,1,2,2-
tetrafluoroethane (CFC-114); chloropentafluoroethane (CFC-115);
1,1,1-trifluoro 2,2-dichloroethane (HCFC-123); 1,1,1,2-
tetrafluoroethane (HFC-134a); 1,1-dichloro 1-fluoroethane (HCFC-
141b); 1-chloro 1,1-difluoroethane (HCFC-142b); 2-chloro
1,1,1,2-tetrafluoroethane (HCFC-124); pentafluoroethane (HFC-
125); 1,1,2,2-tetrafluoroethane (HFC-134); 1,1,1-trifluoroethane
(HFC-143a); 1,1-difluoroethane (HFC-152a);
parachlorobenzotrifluoride (PCBTf); cyclic, branched, or linear
completely methylated siloxanes; perchloroethylene
(tetrachloroethylene); 3,3-dichloro-1,1,1,2,2-pentafluoropropane
(HCFC-225ca); 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-
225cb); 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
difluoromethane (HFC-32); ethylfluoride (HFC-161); 1,1,1,3,3,3-
hexafluoropropane (HFC-236fa); 1,1,2,2,3-pentafluoropropane
(HFC-245ca); 1,1,2,3,3-pentafluoropropane (HFC-245ea);
1,1,1,2,3-pentafluoropropane (HFC-245eb); 1,1,1,3,3-
pentafluoropropane (HFC-245fa); 1,1,1,2,3,3-hexafluoropropane
(HFC-236ea); 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
chlorofluoromethane (HCFC-31); 1 chloro-1-fluoroethane (HCFC-
151a); 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane ($C_4F_9OCH_3$ or HFE-
7100); 2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-
heptafluoropropane ($(CF_3)_2CFCH_2OCH_3$); 1-ethoxy-1,1,2,2,3,3,4,4,4-
nonafluorobutane ($C_4F_9OC_2H_5$ or HFE-7200); 2-
(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
($(CF_3)_2CFCH_2OC_2H_5$); methyl acetate(τ); 1,1,1,2,2,3,3-heptafluoro-
3-methoxy-propane ($n-C_3F_7OCH_3$ or HFE-7000); 3-ethoxy-
1,1,1,2,3,4,4,5,5,6,6,6-dodecafluoro-2-(trifluoromethyl) hexane

(HFE-7500); 1,1,1,2,3,3,3-heptafluoropropane (HFC 227ea); methyl formate (HCOOCH₃); 1,1,1,2,2,3,4,5,5,5-decafluoro-3-methoxy-4-trifluoromethyl-pentane (HFE-7300); dimethyl carbonate; propylene carbonate; trans-1,3,3,3-tetrafluoropropene; HCF₂OCF₂H (HFE-134); HCF₂OCF₂OCF₂H (HFE-236cal2); HCF₂OCF₂CF₂OCF₂H (HFE-338pcc13); HCF₂OCF₂OCF₂CF₂OCF₂H (H-Galden 1040x or H-Galden ZT 130 (or 150 or 180)); trans 1-chloro-3,3,3-trifluoroprop-1-ene; 2,3,3,3-tetrafluoropropene; 2-amino-2-methyl-1-propanol; t-butyl acetate; 1,1,2,2- tetrafluoro -1-(2,2,2-trifluoroethoxy) ethane; and perfluorocarbon compounds that fall into these classes:

(i) Cyclic, branched, or linear completely fluorinated alkanes;

(ii) Cyclic, branched, or linear completely fluorinated ethers with no unsaturations;

(iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and

(iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.

(b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 C.F.R. Part 60, Appendix A (in effect on the date in WAC 173-400-025). Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology, the authority, or EPA.

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

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

(103) **"Wigwam"** or **"silo burner"** means a cone-shaped or cylindrical structure that burns waste wood for disposal. A silo burner is a cylinder and may be made with refractory material rather than metal.

(104) **"Wood-fired boiler"** means an enclosed device using controlled flame combustion of wood or waste wood with the primary purpose of recovering thermal energy in the form of a steam or hot water boiler that burns wood or waste wood for fuel for the primary purpose of producing hot water or steam by heat transfer. Controlled flame combustion refers to a steady-state, or near steady-state, process wherein fuel and/or air feed rates are controlled.

(105) **"Waste wood"** means wood pieces or particles generated as a by-product or waste from the manufacturing of wood products, and the handling and storage of raw materials, trees, and stumps. This includes, but is not limited to, sawdust, chips, shavings, bark, pulp, log sort yard waste, and wood materials from forest health logging, land clearing or pruning, but does not include wood pieces or particles containing chemical preservatives such as creosote, pentachlorophenol, or copper-chrome-arsenate.

WAC 173-400-040 General standards for maximum emissions.

(1) **General requirements.**

(a) All sources and emissions units are required to meet the emission standards of this chapter. Where an emission standard listed in another chapter is applicable to a specific

emissions unit, such standard takes precedence over a general emission standard listed in this chapter.

(b) When two or more emissions units are connected to a common stack and the operator elects not to provide the means or facilities to sample emissions from the individual emissions units, and the relative contributions of the individual emissions units to the common discharge are not readily distinguishable, then the emissions of the common stack must meet the most restrictive standard of any of the connected emissions units.

(c) All emissions units are required to use reasonably available control technology (RACT) which may be determined for some sources or source categories to be more stringent than the applicable emission limitations of any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the permitting authority shall, as provided in RCW 70.94.154, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(2) Visible emissions. No person shall cause or allow the emission for more than three minutes, in any one hour, of an air contaminant from any emissions unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity (~~(except-)~~) as determined by ecology method 9A. The following are exceptions to this standard:

(a) Soot blowing or grate cleaning alternate visible emission standard.

(i) This provision is in effect until the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. The opacity emission standard in subsection (2) of this section shall apply except when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to allow the soot blowing

and grate cleaning necessary to the operation of boiler facilities. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the permitting authority must be advised of the schedule.

(ii) This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. For emissions that occur due to soot blowing or grate cleaning of a hog fuel or wood-fired boiler: Visible emissions (as determined by ecology method 9A) shall not exceed twenty percent opacity; except that opacity shall not exceed forty percent for up to a fifteen minute period in any eight consecutive hours. For this provision to apply, the owner or operator must:

(A) Schedule the soot blowing and/or grate cleaning for the same approximate time(s) each day;

(B) Notify the permitting authority in writing of the schedule before using the forty percent standard; and

(C) Maintain contemporaneous records sufficient to demonstrate compliance. Records must include the date, start time, and stop time of each episode, and the results of opacity readings conducted during this time.

(b) When the owner or operator of a source supplies valid data to show that the presence of uncombined water is the only reason for the opacity to exceed twenty percent or an alternative opacity standard established in this section.

(c) When two or more emission units are connected to a common stack, the permitting authority may allow or require the use of an alternate time period if it is more representative of normal operations.

(d) When an ~~((alternate))~~ alternative opacity limit has been established per RCW 70.94.331 (2)(c), WAC 173-400-081(4) or 173-400-082.

~~(e) ((Exemptions from twenty percent opacity standard.~~

~~(i)) Alternative visible emission standard for a hog fuel or wood-fired boiler in operation before January 24, 2018. This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. For emissions that occur due to planned startup or shutdown of a hog fuel or wood-fired boiler with dry particulate matter controls, an owner or operator may use the alternative standard in this subsection when all of the following requirements are met.~~

Note: This subsection does not apply to a combustion unit with wet particulate matter controls.

(i) A planned startup or shutdown means that the owner or operator notifies the permitting authority:

(A) At least twenty-four hours prior to the planned boiler startup or shutdown; or

(B) Within two hours after restarting the boiler for a startup within twenty-four hours after the end of an unplanned shutdown (i.e., malfunction or upset).

Note: A shutdown due to a malfunction is part of the malfunction.

(ii) Startup begins when fuel is ignited in the boiler fire box.

(iii) Startup ends:

(A) When the boiler starts supplying useful thermal energy;
or

(B) Four hours after the boiler starts supplying useful thermal energy if the facility follows the work practices in (e)(vi)(B) of this subsection.

(iv) Shutdown begins when the boiler no longer supplies useful thermal energy, or when no fuel is being fed to the boiler or process heater, whichever is earlier.

(v) Shutdown ends when the boiler or process heater no longer supplies useful thermal energy and no fuel is being combusted in the boiler.

(vi) The facility complies with one of the following requirements:

(A) Visible emissions during startup or shutdown shall not exceed forty percent opacity for more than three minutes in any hour, as determined by ecology method 9A; or

(B) During startup or shutdown, the owner or operator shall:

(I) Operate all continuous monitoring systems;

(II) In the boiler, use only clean fuel identified in 5.b. in Table 3 in 40 C.F.R. Part 63, Subpart DDDDD;

(III) Engage all applicable control devices so as to comply with the twenty percent opacity standard within four hours of the start of supplying useful thermal energy;

(IV) Engage and operate particulate matter control within one hour of first feeding fuels that are not clean fuels; and

(V) Develop and implement a written startup and shutdown plan. The plan must minimize the startup period according to the manufacturer's recommended procedure. In the absence of manufacturer's recommendation, the owner or operator shall use the recommended startup procedure for a unit of a similar design. The plan must be maintained on-site and available upon request for public inspection.

(vii) The facility maintains records sufficient to demonstrate compliance with (e)(i) through (v) of this subsection. The records must include the following:

(A) The date and time of notification of the permitting authority;

(B) The date and time when startup and shutdown began;

(C) The date and time when startup and shutdown ended;

(D) The compliance option in (e)(vi) of this subsection that was chosen (either (A) or (B)) and documentation of how the conditions of that option were met.

(f) Furnace refractory alternative visible emission standard. This provision takes effect on the effective date of EPA's removal of the September 20, 1993, version of WAC 173-400-107 from the SIP. For emissions that occur during curing of furnace refractory in a lime kiln or boiler, visible emissions (as determined by ecology method 9A) shall not exceed forty percent opacity for more than three minutes in any hour, except when (b) of this subsection applies. For this provision to apply, the owner or operator must meet all of the following requirements:

(i) The total duration of refractory curing shall not exceed thirty-six hours; and

(ii) Use only clean fuel identified in 5.b. in Table 3 in 40 C.F.R. Part 63, Subpart DDDDD; and

(iii) The owner or operator provides a copy of the manufacturer's instructions on curing refractory to the permitting authority; and

(iv) The manufacturer's instructions on curing refractory must be followed, including all instructions on temperature increase rates and holding temperatures and time; and

(v) The emission controls must be engaged as soon as possible during the curing process; and

(vi) The permitting authority must be notified at least one working day prior to the start of the refractory curing process.

(g) Visible emissions reader certification testing. Visible emissions from the "smoke generator" used ~~((for))~~ during testing and ~~((certification of))~~ certifying visible emission~~((s))~~ readers ~~((per the))~~ are exempt from the twenty percent opacity limit. Testing must follow testing and certification requirements ~~((of))~~ in 40 C.F.R. Part 60, Appendix A, Test

Method 9 (in effect on the date in WAC 173-400-025) and
((ecology)) Source Test Methods 9A and 9B ((shall be exempt from
compliance with the twenty percent opacity limitation while
being used for certifying visible emission readers)) in Source
Test Manual - Procedures for Compliance Testing, state of
Washington, department of ecology, as of September 20, 2004, on
file at ecology.

((~~(ii)~~)) (h) Military training exercises. Visible emissions
((~~resulting from~~)) during military obscurant training exercises
are exempt from ((~~compliance with~~)) the twenty percent opacity
((~~limitation provided~~)) limit when the following ((~~criteria~~))
requirements are met:

((~~(A)~~)) (i) No visible emissions shall cross the boundary
of the military training site/reservation.

((~~(B)~~)) (ii) The operation shall have in place methods,
which have been reviewed and approved by the permitting
authority, to detect changes in weather that would cause the
obscurant to cross the site boundary either during the course of
the exercise or prior to the start of the exercise. The approved
methods shall include provisions that result in cancellation of
the training exercise, cease the use of obscurants during the
exercise until weather conditions would allow such training to
occur without causing obscurant to leave the site boundary of
the military site/reservation.

((~~(iii)~~)) (i) Firefighter training. Visible emissions from
fixed and mobile firefighter training facilities ((~~while being~~
~~used to train firefighters and while complying with the~~
~~requirements of~~)) occurring during the training of firefighters
are exempt from the twenty percent opacity limit. Compliance
with chapter 173-425 WAC is required.

(3) **Fallout.** No person shall cause or allow the emission of
particulate matter from any source to be deposited beyond the
property under direct control of the owner or operator of the
source in sufficient quantity to interfere unreasonably with the

use and enjoyment of the property upon which the material is deposited.

(4) **Fugitive emissions.** The owner or operator of any emissions unit engaging in materials handling, construction, demolition or other operation which is a source of fugitive emission:

(a) If located in an attainment area and not impacting any nonattainment area, shall take reasonable precautions to prevent the release of air contaminants from the operation.

(b) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, the owner or operator shall be required to use reasonable and available control methods, which shall include any necessary changes in technology, process, or other control strategies to control emissions of the air contaminants for which nonattainment has been designated.

(5) **Odors.** Any person who shall cause or allow the generation of any odor from any source or activity which may unreasonably interfere with any other property owner's use and enjoyment of her or his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.

(6) **Emissions detrimental to persons or property.** No person shall cause or allow the emission of any air contaminant from any source if it is detrimental to the health, safety, or welfare of any person, or causes damage to property or business.

(7) **Sulfur dioxide.** No person shall cause or allow the emission of a gas containing sulfur dioxide from any emissions unit in excess of one thousand ppm of sulfur dioxide on a dry basis, corrected to seven percent oxygen for combustion sources, and based on the average of any period of sixty consecutive minutes(~~(, except: When the owner or operator of an emissions unit supplies emission data and can demonstrate to the permitting authority that there is no feasible method of~~

~~reducing the concentration to less than one thousand ppm (on a dry basis, corrected to seven percent oxygen for combustion sources) and that the state and federal ambient air quality standards for sulfur dioxide will not be exceeded. In such cases, the permitting authority may require specific ambient air monitoring stations be established, operated, and maintained by the owner or operator at mutually approved locations. All sampling results will be made available upon request and a monthly summary will be submitted to the permitting authority)).~~

(8) **Concealment and masking.** No person shall cause or allow the installation or use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of this chapter.

(9) Fugitive dust.

(a) The owner or operator of a source or activity that generates fugitive dust must take reasonable precautions to prevent that fugitive dust from becoming airborne and must maintain and operate the source to minimize emissions.

(b) The owner or operator of any existing source or activity that generates fugitive dust that has been identified as a significant contributor to a PM-10 or PM-2.5 nonattainment area is required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(4).

WAC 173-400-050 Emission standards for combustion and incineration units. (1) Combustion and incineration emissions units must meet all requirements of WAC 173-400-040 and, in addition, no person shall cause or allow emissions of particulate matter in excess of 0.23 gram per dry cubic meter at standard conditions (0.1 grain/dscf), except, for an emissions unit combusting waste wood (~~((derived fuels))~~) for the production of steam. No person shall allow the emission of particulate matter in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by (~~((test method 5 in~~

~~Appendix A to~~) 40 C.F.R. Part 60, Appendix A, Test Method 5 (in effect on the date in WAC 173-400-025) or approved procedures (~~(contained)~~) in (~~(the)~~) Source Test Manual - Procedures for Compliance Testing, (~~(the)~~) state of Washington, department of ecology, as of September 20, 2004, on file at ecology.

(2) For any incinerator, no person shall cause or allow emissions in excess of one hundred ppm of total carbonyls as measured by Source Test Method 14 procedures (~~(contained)~~) in (~~(the)~~) Source Test Manual - Procedures for Compliance Testing, (~~(the)~~) state of Washington, department of ecology, as of September 20, 2004, on file at ecology. An applicable EPA reference method or other procedures to collect and analyze for the same compounds collected in the ecology method may be used if approved by the permitting authority prior to its use.

(a) **Incinerators** not subject to the requirements of chapter 173-434 WAC or WAC 173-400-050 (4) or (5), or requirements in WAC 173-400-075 (40 C.F.R. Part 63, Subpart EEE in effect on the date in WAC 173-400-025) and WAC 173-400-115 (40 C.F.R. Part 60, Subparts E, Ea, Eb, Ec, AAAA, and CCCC (in effect on the date in WAC 173-400-025)) shall be operated only during daylight hours unless written permission to operate at other times is received from the permitting authority.

(b) Total carbonyls means the concentration of organic compounds containing the =C=O radical as collected by (~~the Ecology~~) Source Test Method 14 (~~(contained)~~) procedures in (~~(the)~~) Source Test Manual - Procedures for Compliance Testing, (~~(the)~~) state of Washington, department of ecology, as of September 20, 2004, on file at ecology.

(3) Measured concentrations for combustion and incineration units shall be adjusted for volumes corrected to seven percent oxygen, except when the permitting authority determines that an alternate oxygen correction factor is more representative of normal operations such as the correction factor included in an

applicable NSPS or NESHAP, actual operating characteristics, or the manufacturer's specifications for the emission unit.

(4) Commercial and industrial solid waste incineration units constructed on or before November 30, 1999.

Note: Subsection (2) of this section (a state-only provision) does not apply to a unit subject to this subsection because this section is based on federal requirements.

(a) Definitions.

(i) "Commercial and industrial solid waste incineration (CISWI) unit" means any combustion device that combusts commercial and industrial waste, as defined in this subsection. The boundaries of a CISWI unit are defined as, but not limited to, the commercial or industrial solid waste fuel feed system, grate system, flue gas system, and bottom ash. The CISWI unit does not include air pollution control equipment or the stack. The CISWI unit boundary starts at the commercial and industrial solid waste hopper (if applicable) and extends through two areas:

(A) The combustion unit flue gas system, which ends immediately after the last combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(ii) "Commercial and industrial solid waste" means solid waste combusted in an enclosed device using controlled flame combustion without energy recovery that is a distinct operating unit of any commercial or industrial facility (including field erected, modular, and custom built incineration units operating with starved or excess air), or solid waste combusted in an air curtain incinerator without energy recovery that is a distinct operating unit of any commercial or industrial facility.

(b) Applicability. This section applies to incineration units that meet all three criteria:

(i) The incineration unit meets the definition of CISWI unit in this subsection.

(ii) The incineration unit commenced construction on or before November 30, 1999.

(iii) The incineration unit is not exempt under (c) of this subsection.

(c) The following types of incineration units are exempt from this subsection:

(i) *Pathological waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste as defined in 40 C.F.R. 60.2265 (in effect on the date in WAC 173-400-025) are not subject to this ((~~subpart~~)) section if you meet the two requirements specified in (c)(i)(A) and (B) of this subsection.

(A) Notify the permitting authority that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of pathological waste, low-level radioactive waste, and/or chemotherapeutic waste burned, and the weight of all other fuels and wastes burned in the unit.

(ii) *Agricultural waste incineration units.* Incineration units burning 90 percent or more by weight (on a calendar quarter basis and excluding the weight of auxiliary fuel and combustion air) of agricultural wastes as defined in 40 C.F.R. 60.2265 (in effect on the date in WAC 173-400-025) are not subject to this ((~~subpart~~)) section if you meet the two requirements specified in (c)(ii)(A) and (B) of this subsection.

(A) Notify the permitting authority that the unit meets these criteria.

(B) Keep records on a calendar quarter basis of the weight of agricultural waste burned, and the weight of all other fuels and wastes burned in the unit.

(iii) *Municipal waste combustion units.* Incineration units that meet either of the two criteria specified in (c)(iii)(A) and (B) of this subsection.

(A) Units are regulated under 40 C.F.R. Part 60, Subpart Ea or Subpart Eb (in effect on the date in WAC 173-400-025); Spokane County Air Pollution Control Authority Regulation 1, Section 6.17 (in effect on February 13, 1999); 40 C.F.R. Part 60, Subpart AAAA (in effect on the date in WAC 173-400-025); or WAC 173-400-050(5).

(B) Units burn greater than 30 percent municipal solid waste or refuse-derived fuel, as defined in 40 C.F.R. Part 60 (in effect on the date in WAC 173-400-025), Subparts Ea, Eb, and AAAA, and WAC 173-400-050(5), and that have the capacity to burn less than 35 tons (32 megagrams) per day of municipal solid waste or refuse-derived fuel, if you meet the two requirements in (c)(iii)(B)(I) and (II) of this subsection.

(I) Notify the permitting authority that the unit meets these criteria.

(II) Keep records on a calendar quarter basis of the weight of municipal solid waste burned, and the weight of all other fuels and wastes burned in the unit.

(iv) *Medical waste incineration units.* Incineration units regulated under 40 C.F.R. Part 60, Subpart Ec (Standards of Performance for Hospital/Medical/Infectious Waste Incinerators for Which Construction is Commenced After June 20, 1996) (in effect on the date in WAC 173-400-025);

(v) *Small power production facilities.* Units that meet the three requirements specified in (c)(v)(A) through (C) of this subsection.

(A) The unit qualifies as a small power-production facility under section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity.

(C) You notify the permitting authority that the unit meets all of these criteria.

(vi) *Cogeneration facilities*. Units that meet the three requirements specified in (c)(vi)(A) through (C) of this subsection.

(A) The unit qualifies as a cogeneration facility under section 3 (18)(B) of the Federal Power Act (16 U.S.C. 796 (18)(B)).

(B) The unit burns homogeneous waste (not including refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) You notify the permitting authority that the unit meets all of these criteria.

(vii) *Hazardous waste combustion units*. Units that meet either of the two criteria specified in (c)(vii)(A) or (B) of this subsection.

(A) Units for which you are required to get a permit under section 3005 of the Solid Waste Disposal Act.

(B) Units regulated under (~~(subpart EEE of)~~) 40 C.F.R. Part 63, Subpart EEE (National Emission Standards for Hazardous Air Pollutants from Hazardous Waste Combustors) (in effect on the date in WAC 173-400-025).

(viii) *Materials recovery units*. Units that combust waste for the primary purpose of recovering metals, such as primary and secondary smelters;

(ix) *Air curtain incinerators*. Air curtain incinerators that burn only the materials listed in (c)(ix)(A) through (C) of this subsection are only required to meet the requirements under "Air Curtain Incinerators" in 40 C.F.R. 60.2245 through 60.2260 (in effect on the date in WAC 173-400-025).

(A) 100 percent wood waste, as defined in 40 C.F.R. 60.2265.

(B) 100 percent clean lumber.

(C) 100 percent mixture of only wood waste, clean lumber, and/or yard waste, as these terms are defined in 40 C.F.R. 60.2265.

(x) *Cyclonic barrel burners*. See 40 C.F.R. 60.2265 (in effect on the date in WAC 173-400-025).

(xi) *Rack, part, and drum reclamation units*. See 40 C.F.R. 60.2265 (in effect on the date in WAC 173-400-025).

(xii) *Cement kilns*. Kilns regulated under (~~subpart LLL of~~) 40 C.F.R. Part 63, Subpart LLL (National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry) (in effect on the date in WAC 173-400-025).

(xiii) *Sewage sludge incinerators*. Incineration units regulated under 40 C.F.R. Part 60, Subpart O (Standards of Performance for Sewage Treatment Plants) (in effect on the date in WAC 173-400-025).

(xiv) *Chemical recovery units*. Combustion units burning materials to recover chemical constituents or to produce chemical compounds where there is an existing commercial market for such recovered chemical constituents or compounds. The seven types of units described in (c)(xiv)(A) through (G) of this subsection are considered chemical recovery units.

(A) Units burning only pulping liquors (i.e., black liquor) that are reclaimed in a pulping liquor recovery process and reused in the pulping process.

(B) Units burning only spent sulfuric acid used to produce virgin sulfuric acid.

(C) Units burning only wood or coal feedstock for the production of charcoal.

(D) Units burning only manufacturing by-product streams/residues containing catalyst metals which are reclaimed and reused as catalysts or used to produce commercial grade catalysts.

(E) Units burning only coke to produce purified carbon monoxide that is used as an intermediate in the production of other chemical compounds.

(F) Units burning only hydrocarbon liquids or solids to produce hydrogen, carbon monoxide, synthesis gas, or other gases for use in other manufacturing processes.

(G) Units burning only photographic film to recover silver.

(xv) *Laboratory analysis units.* Units that burn samples of materials for the purpose of chemical or physical analysis.

(d) Exceptions.

(i) Physical or operational changes to a CISWI unit made primarily to comply with this section do not qualify as a "modification" or "reconstruction" (as defined in 40 C.F.R. 60.2815) (in effect on the date in WAC 173-400-025).

(ii) Changes to a CISWI unit made on or after June 1, 2001, that meet the definition of "modification" or "reconstruction" as defined in 40 C.F.R. 60.2815 (in effect on the date in WAC 173-400-025) mean the CISWI unit is considered a new unit and subject to WAC 173-400-115, which adopts 40 C.F.R. Part 60, Subpart CCCC (in effect on the date in WAC 173-400-025).

(e) A CISWI unit must comply with 40 C.F.R. 60.2575 through 60.2875 (in effect on the date in WAC 173-400-025). The federal rule contains these major components:

- Increments of progress towards compliance in 60.2575 through 60.2630;
 - Waste management plan requirements in 60.2620 through 60.2630;
 - Operator training and qualification requirements in 60.2635 through 60.2665;
 - Emission limitations and operating limits in 60.2670 through 60.2685;
 - Performance testing requirements in 60.2690 through 60.2725;
 - Initial compliance requirements in 60.2700 through 60.2725;
 - Continuous compliance requirements in 60.2710 through 60.2725;
 - Monitoring requirements in 60.2730 through 60.2735;
 - Recordkeeping and reporting requirements in 60.2740 through 60.2800;
 - Title V operating permits requirements in 60.2805;
 - Air curtain incinerator requirements in 60.2810 through 60.2870;
 - Definitions in 60.2875; and
 - Tables in 60.2875. In Table 1, the final control plan must be submitted before June 1, 2004, and final compliance must be achieved by June 1, 2005.
- (i) Exception to adopting the federal rule. For purposes of this section, "administrator" includes the permitting authority.
- (ii) Exception to adopting the federal rule. For purposes of this section, "you" means the owner or operator.
- (iii) Exception to adopting the federal rule. For purposes of this section, each reference to "the effective date of state plan approval" means July 1, 2002.

(iv) Exception to adopting the federal rule. The Title V operating permit requirements in 40 C.F.R. 60.2805(a) are not adopted. Each CISWI unit, regardless of whether it is a major or nonmajor unit, is subject to the air operating permit regulation, chapter 173-401 WAC, beginning on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

(v) Exception to adopting the federal rule. The following compliance dates apply:

(A) The final control plan (Increment 1) must be submitted no later than July 1, 2003. (See Increment 1 in Table 1.)

(B) Final compliance (Increment 2) must be achieved no later than July 1, 2005. (See Increment 2 in Table 1.)

(5) **Small municipal waste combustion units** constructed on or before August 30, 1999.

(a) Definition. "Municipal waste combustion unit" means any setting or equipment that combusts, liquid, or gasified municipal solid waste including, but not limited to, field-erected combustion units (with or without heat recovery), modular combustion units (starved air- or excess-air), boilers (for example, steam generating units), furnaces (whether suspension-fired, grate-fired, mass-fired, air-curtain incinerators, or fluidized bed-fired), and pyrolysis/combustion units. Two criteria further define municipal waste combustion units:

(i) Municipal waste combustion units do not include the following units:

(A) Pyrolysis or combustion units located at a plastics or rubber recycling unit as specified under the exemptions in this subsection (5)(c)(viii) and (ix).

(B) Cement kilns that combust municipal solid waste as specified under the exemptions in this subsection (5)(c)(x).

(C) Internal combustion engines, gas turbines, or other combustion devices that combust landfill gases collected by landfill gas collection systems.

(ii) The boundaries of a municipal waste combustion unit are defined as follows. The municipal waste combustion unit includes, but is not limited to, the municipal solid waste fuel feed system, grate system, flue gas system, bottom ash system, and the combustion unit water system. The municipal waste combustion unit does not include air pollution control equipment, the stack, water treatment equipment, or the turbine-generator set. The municipal waste combustion unit boundary starts at the municipal solid waste pit or hopper and extends through three areas:

(A) The combustion unit flue gas system, which ends immediately after the heat recovery equipment or, if there is no heat recovery equipment, immediately after the combustion chamber.

(B) The combustion unit bottom ash system, which ends at the truck loading station or similar equipment that transfers the ash to final disposal. It includes all ash handling systems connected to the bottom ash handling system.

(C) The combustion unit water system, which starts at the feed water pump and ends at the piping that exits the steam drum or superheater.

(b) Applicability. This section applies to a municipal waste combustion unit that meets these three criteria:

(i) The municipal waste combustion unit has the capacity to combust at least 35 tons per day of municipal solid waste but no more than 250 tons per day of municipal solid waste or refuse-derived fuel.

(ii) The municipal waste combustion unit commenced construction on or before August 30, 1999.

(iii) The municipal waste combustion unit is not exempt under (c) of this section.

(c) Exempted units. The following municipal waste combustion units are exempt from the requirements of this section:

(i) *Small municipal waste combustion units that combust less than 11 tons per day.* Units are exempt from this section if four requirements are met:

(A) The municipal waste combustion unit is subject to a federally enforceable order or order of approval limiting the amount of municipal solid waste combusted to less than 11 tons per day.

(B) The owner or operator notifies the permitting authority that the unit qualifies for the exemption.

(C) The owner or operator of the unit sends a copy of the federally enforceable order or order of approval to the permitting authority.

(D) The owner or operator of the unit keeps daily records of the amount of municipal solid waste combusted.

(ii) *Small power production units.* Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under section 3 (17)(C) of the Federal Power Act (16 U.S.C. 796 (17)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity.

(C) The owner or operator notifies the permitting authority that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting authority that the unit qualifies for the exemption.

(iii) *Cogeneration units.* Units are exempt from this section if four requirements are met:

(A) The unit qualifies as a small power production facility under section 3 (18)(C) of the Federal Power Act (16 U.S.C. 796 (18)(C)).

(B) The unit combusts homogeneous waste (excluding refuse-derived fuel) to produce electricity and steam or other forms of energy used for industrial, commercial, heating, or cooling purposes.

(C) The owner or operator notifies the permitting authority that the unit qualifies for the exemption.

(D) The owner or operator submits documentation to the permitting authority that the unit qualifies for the exemption.

(iv) *Municipal waste combustion units that combust only tires.* Units are exempt from this section if three requirements are met:

(A) The municipal waste combustion unit combusts a single-item waste stream of tires and no other municipal waste (the unit can cofire coal, fuel oil, natural gas, or other nonmunicipal solid waste).

(B) The owner or operator notifies the permitting authority that the unit qualifies for the exemption.

(C) The owner or operator submits documentation to the permitting authority that the unit qualifies for the exemption.

(v) *Hazardous waste combustion units.* Units are exempt from this section if the units have received a permit under section 3005 of the Solid Waste Disposal Act.

(vi) *Materials recovery units.* Units are exempt from this section if the units combust waste mainly to recover metals. Primary and secondary smelters may qualify for the exemption.

(vii) *Cofired units.* Units are exempt from this section if four requirements are met:

(A) The unit has a federally enforceable order or order of approval limiting municipal solid waste combustion to no more than 30 percent of total fuel input by weight.

(B) The owner or operator notifies the permitting authority that the unit qualifies for the exemption.

(C) The owner or operator submits a copy of the federally enforceable order or order of approval to the permitting authority.

(D) The owner or operator records the weights, each quarter, of municipal solid waste and of all other fuels combusted.

(viii) *Plastics/rubber recycling units.* Units are exempt from this section if four requirements are met:

(A) The pyrolysis/combustion unit is an integrated part of a plastics/rubber recycling unit as defined in 40 C.F.R. 60.1940 (in effect on the date in WAC 173-400-025).

(B) The owner or operator of the unit records the weight, each quarter, of plastics, rubber, and rubber tires processed.

(C) The owner or operator of the unit records the weight, each quarter, of feed stocks produced and marketed from chemical plants and petroleum refineries.

(D) The owner or operator of the unit keeps the name and address of the purchaser of the feed stocks.

(ix) *Units that combust fuels made from products of plastics/rubber recycling plants.* Units are exempt from this section if two requirements are met:

(A) The unit combusts gasoline, diesel fuel, jet fuel, fuel oils, residual oil, refinery gas, petroleum coke, (~~(liquefied)~~) liquefied petroleum gas, propane, or butane produced by chemical plants or petroleum refineries that use feed stocks produced by plastics/rubber recycling units.

(B) The unit does not combust any other municipal solid waste.

(x) *Cement kilns.* Cement kilns that combust municipal solid waste are exempt.

(xi) *Air curtain incinerators.* If an air curtain incinerator as defined under 40 C.F.R. 60.1910 combusts 100 percent yard waste, then those units must only meet the requirements under 40 C.F.R. 60.1910 through 60.1930 (in effect on the date in WAC 173-400-025).

(d) Exceptions.

(i) Physical or operational changes to an existing municipal waste combustion unit made primarily to comply with this section do not qualify as a modification or reconstruction, as those terms are defined in 40 C.F.R. 60.1940 (in effect on the date in WAC 173-400-025).

(ii) Changes to an existing municipal waste combustion unit made on or after June 6, 2001, that meet the definition of modification or reconstruction, as those terms are defined in 40 C.F.R. 60.1940 (in effect on the date in WAC 173-400-025), mean the unit is considered a new unit and subject to WAC 173-400-115, which adopts 40 C.F.R. Part 60, Subpart AAAA (in effect on the date in WAC 173-400-025).

(e) Municipal waste combustion units are divided into two subcategories based on the aggregate capacity of the municipal waste combustion plant as follows:

(i) *Class I units.* Class I units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity greater than 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 C.F.R. 60.1940 (in effect on the date in WAC 173-400-025) for the specification of which units are included in the aggregate capacity calculation.

(ii) Class II units. Class II units are small municipal waste combustion units that are located at municipal waste combustion plants with an aggregate plant combustion capacity less than or equal to 250 tons per day of municipal solid waste. See the definition of "municipal waste combustion plant capacity" in 40 C.F.R. 60.1940 (in effect on the date in WAC 173-400-025) for the specification of which units are included in the aggregate capacity calculation.

(f) Compliance option 1.

(i) A municipal solid waste combustion unit may choose to reduce, by the final compliance date of June 1, 2005, the maximum combustion capacity of the unit to less than 35 tons per day of municipal solid waste. The owner or operator must submit a final control plan and the notifications of achievement of increments of progress as specified in 40 C.F.R. 60.1610 (in effect on the date in WAC 173-400-025).

(ii) The final control plan must, at a minimum, include two items:

(A) A description of the physical changes that will be made to accomplish the reduction.

(B) Calculations of the current maximum combustion capacity and the planned maximum combustion capacity after the reduction. Use the equations specified in 40 C.F.R. 60.1935 (d) and (e) (in effect on the date in WAC 173-400-025) to calculate the combustion capacity of a municipal waste combustion unit.

(iii) An order or order of approval containing a restriction or a change in the method of operation does not qualify as a reduction in capacity. Use the equations specified in 40 C.F.R. 60.1935 (d) and (e) (in effect on the date in WAC 173-400-025) to calculate the combustion capacity of a municipal waste combustion unit.

(g) Compliance option 2. The municipal waste combustion unit must comply with 40 C.F.R. 60.1585 through 60.1905, and 60.1935 (in effect on the date in WAC 173-400-025).

(i) The rule contains these major components:

(A) Increments of progress towards compliance in 60.1585 through 60.1640;

(B) Good combustion practices - Operator training in 60.1645 through 60.1670;

(C) Good combustion practices - Operator certification in 60.1675 through 60.1685;

(D) Good combustion practices - Operating requirements in 60.1690 through 60.1695;

(E) Emission limits in 60.1700 through 60.1710;

(F) Continuous emission monitoring in 60.1715 through 60.1770;

(G) Stack testing in 60.1775 through 60.1800;

(H) Other monitoring requirements in 60.1805 through 60.1825;

(I) Recordkeeping reporting in 60.1830 through 60.1855;

(J) Reporting in 60.1860 through 60.1905;

(K) Equations in 60.1935;

(L) Tables 2 through 8.

(ii) Exception to adopting the federal rule. For purposes of this section, each reference to the following is amended in the following manner:

(A) "State plan" in the federal rule means WAC 173-400-050(5).

(B) "You" in the federal rule means the owner or operator.

(C) "Administrator" includes the permitting authority.

(D) "The effective date of the state plan approval" in the federal rule means December 6, 2002.

(h) Compliance schedule.

(i) Small municipal waste combustion units must achieve final compliance or cease operation not later than December 1, 2005.

(ii) Small municipal waste combustion units must achieve compliance by May 6, 2005 for all Class II units, and by November 6, 2005 for all Class I units.

(iii) Class I units must comply with these additional requirements:

(A) The owner or operator must submit the dioxins/furans stack test results for at least one test conducted during or after 1990. The stack test must have been conducted according to the procedures specified under 40 C.F.R. 60.1790 (in effect on the date in WAC 173-400-025).

(B) Class I units that commenced construction after June 26, 1987, must comply with the dioxins/furans and mercury limits specified in Tables 2 and 3 in 40 C.F.R. Part 60, Subpart BBBBB (in effect on the date in WAC 173-400-025) by the later of two dates:

(I) December 6, 2003; or

(II) One year following the issuance of an order of approval (revised construction approval or operation permit) if an order or order of approval or operation modification is required.

(i) Air operating permit. Applicability to chapter 173-401 WAC, the air operating permit regulation, begins on July 1, 2002. See WAC 173-401-500 for the permit application requirements and deadlines.

(6) **Hazardous/medical/infectious waste incinerators** constructed on or before December 1, 2008.

Hospital/medical/infectious waste incinerators constructed on or before December 1, 2008, must comply with the requirements in 40 C.F.R. Part 62, Subpart HHH (in effect on the date in WAC 173-400-025).

WAC 173-400-171 Public notice and opportunity for public comment. The purpose of this section is to specify the requirements for notifying the public about air quality actions and to provide opportunities for the public to participate in those actions. This section applies statewide except that the requirements of WAC 173-400-171 (1) through (11) do not apply where the permitting authority has adopted its own public notice provisions.

(1) Applicability to prevention of significant deterioration, and relocation of portable sources.

This section does not apply to:

(a) A notice of construction application designated for integrated review with actions regulated by WAC 173-400-700 through 173-400-750. In such cases, compliance with the public notification requirements of WAC 173-400-740 is required.

(b) Portable source relocation notices as regulated by WAC 173-400-036, relocation of portable sources.

(2) Internet notice of application.

(a) For those applications and actions not subject to a mandatory public comment period per subsection (3) of this section, the permitting authority must post an announcement of the receipt of notice of construction applications and other proposed actions on the permitting authority's internet web site.

(b) The internet posting must remain on the permitting authority's web site for a minimum of fifteen consecutive days.

(c) The internet posting must include a notice of the receipt of the application, the type of proposed action, and a

statement that the public may request a public comment period on the proposed action.

(d) Requests for a public comment period must be submitted to the permitting authority in writing via letter, (~~((fax))~~) or electronic (~~((mail))~~) means during the fifteen-day internet posting period.

(e) A public comment period must be provided for any application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement at the end of the fifteen-day internet posting period.

(3) Actions subject to a mandatory public comment period.

The permitting authority must provide public notice and a public comment period before approving or denying any of the following types of applications or other actions:

(a) Any application, order, or proposed action for which a public comment period is requested in compliance with subsection (2) of this section.

(b) Any notice of construction application for a new or modified source, including the initial application for operation of a portable source, if there is an increase in emissions of any air pollutant at a rate above the emission threshold rate (defined in WAC 173-400-030) or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC; or

(c) Any use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 C.F.R. Part 51 (in effect on the date in WAC 173-400-025) as part of review under WAC 173-400-110, 173-400-113, or 173-400-117; or

(d) Any order to determine reasonably available control technology, RACT; or

Revision of non-SSM provisions in the SIP

(e) An order to establish a compliance schedule issued under WAC 173-400-161, or a variance issued under WAC 173-400-180; or

Note: Mandatory notice is not required for compliance orders issued under WAC 173-400-230.

(f) An 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))~~ limit; or

(g) An order to authorize a bubble; or

(h) ~~((Any))~~ An action to discount the value of an emission reduction credit, ERC, issued to a source per WAC 173-400-136; or

(i) ~~((Any))~~ A regulatory order to establish best available retrofit technology, BART, for an existing stationary facility; or

(j) ~~((Any))~~ A notice of construction application or regulatory order used to establish a creditable emission reduction; or

(k) ~~((Any))~~ An order issued under WAC 173-400-091 that establishes limitations on a source's potential to emit; or

(l) The original issuance and the issuance of all revisions to a general order of approval issued under WAC 173-400-560 (this does not include coverage orders); or

(m) ~~((Any))~~ An extension of the deadline to begin actual construction of a "major stationary source" or "major modification" in a nonattainment area; or

(n) ~~((Any))~~ An application or other action for which the permitting authority determines that there is significant public interest; or

(o) An order issued under WAC 173-400-081(4) or 173-400-082 that establishes an emission limitation that exceeds a standard in the SIP.

(4) Advertising the mandatory public comment period.

(a) Public notice of all applications, orders, or actions listed in subsection (3) of this section must be ~~((given by prominent advertisement in the area affected by the proposal. Prominent advertisement may be by publication in a newspaper of general circulation in the area of the proposed action or other means of prominent advertisement in the area affected by the proposal.))~~ posted on the permitting authority web site for the duration of the public comment period.

(i) The permitting authority 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 applicant or other initiator of the action must pay the publishing cost for all supplemental noticing.

(ii) A permitting authority must publish a notice of the public comment period in a newspaper of general circulation in the area of the proposed action until June 30, 2019. We recommend that a permitting authority continue publishing a notice in a newspaper for a project with high interest. The applicant or other initiator of the action must pay this publishing cost.

(b) This public notice can be ~~((published))~~ posted or given only after all of the information required by the permitting authority has been submitted and after the applicable preliminary determinations, if any, have been made.

(c) The notice must be ~~((published))~~ posted or given before any of the applications or other actions listed in subsection (3) of this section are approved or denied. ~~((The applicant or other initiator of the action must pay the publishing cost of providing public notice.))~~

(5) Information available for public review.

(a) Administrative record. The information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality, must be available for public inspection. A permitting authority may comply with this requirement by making these materials available on its web site or in at least one physical location near the proposed project.

(b) The permitting authority must post the following information on its web site for the duration of the public comment period:

(i) Public notice complying with subsection (6) of this section;

(ii) Draft permit, order, or action; and

(iii) Information on how to access the administrative record.

(c) Exemptions from this requirement include information protected from disclosure under any applicable law including, but not limited to, RCW 70.94.205 and chapter 173-03 WAC.

(6) Public notice components.

(a) The notice must include:

(i) The date the notice is posted;

(ii) The name and address of the owner or operator and the facility;

~~((~~(ii)~~))~~ (iii) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;

~~((~~(iii)~~))~~ (iv) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;

~~((~~(iv)~~))~~ (v) The location where those documents made available for public inspection may be reviewed;

~~((~~(v)~~ A thirty day period for submitting written comment to the permitting authority;))~~

(vi) Start date and end date for a public comment period consistent with subsection (7) of this section;

(vii) A statement that a public hearing will be held if the permitting authority determines that there is significant public interest;

~~((~~(vii)~~))~~ (viii) The name, address, and telephone number and email address of a person at the permitting authority from whom interested persons may obtain additional information, including copies of the permit draft, the application, all relevant supporting materials, including any compliance plan, permit, and monitoring and compliance certification report, and all other materials available to the permitting authority that are relevant to the permit decision, unless the information is exempt from disclosure;

(b) For projects subject to special protection requirements for federal Class I areas, as required by WAC 173-400-117, public notice must include an explanation of the permitting authority's draft decision or state that an explanation of the draft decision appears in the support document for the proposed order of approval.

(7) Length of the public comment period.

(a) The public comment period must ~~((extend))~~ consist of a minimum of thirty days and start at least thirty days prior to any hearing. The first day of the public comment period begins on the next calendar day after the permitting authority posts the public notice on their web site.

(b) If a public hearing is held, the public comment period must extend through the hearing date.

(c) The final decision cannot be issued until the public comment period has ended and any comments received during the public comment period have been considered.

(8) **Requesting a public hearing.** The applicant, any interested governmental entity, any group, or any person may request a public hearing within the ~~((thirty-day))~~ public comment period. All hearing requests must be submitted to the permitting authority in writing via letter, ~~((fax,))~~ or electronic ~~((mail))~~ means. A request must indicate the interest of the entity filing it and why a hearing is warranted.

(9) **Setting the hearing date and providing hearing notice.** If the permitting authority determines that significant public interest exists, then it will hold a public hearing. The permitting authority will determine the location, date, and time of the public hearing.

(10) **Notice of public hearing.**

(a) At least thirty days prior to the hearing the permitting authority ~~((will))~~ must provide notice of the hearing as follows:

(i) ~~((Give public hearing notice by prominent advertisement in the area affected by the proposal. Prominent advertisement may be by publication in a newspaper of general circulation in the area of the proposed action or other means of prominent advertisement in the area affected by the proposal))~~ Post the public hearing notice on the permitting authority web site as directed by subsection (4) and (7) of this section;

(ii) The permitting authority 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; and

~~((~~(ii) Mail~~))~~ (iii) Distribute by electronic means or via the United States postal service 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.

(b) This notice must include the date, time and location of the public hearing and the information described in subsection (6) of this section.

(c) In the case of a permit action, the applicant must pay all ~~((publishing costs associated with meeting the requirements of this subsection))~~ supplemental notice costs when the permitting authority determines a supplemental notice is appropriate. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(11) **Notifying the EPA.** The permitting authority must ~~((send))~~ distribute by electronic means or via the United States postal service a copy of the notice for all actions subject to a mandatory public comment period to the EPA Region 10 regional administrator.

(12) Special requirements for ecology only actions.

(a) This subsection applies to ecology only actions including:

(i) A Washington recommendation to EPA for the designation of an area as attainment, nonattainment or unclassifiable after EPA promulgation of a new or revised ambient air quality standard or for the redesignation of an unclassifiable or attainment area to nonattainment;

(ii) A Washington submittal of a SIP revision to EPA for approval including plans for attainment and maintenance of ambient air quality standards, plans for visibility protection, requests for revision to the boundaries of attainment and maintenance areas, requests for redesignation of Class I, II, or III areas under WAC 173-400-118, and rules to strengthen the SIP.

(b) Ecology must provide a public hearing or an opportunity for requesting a public hearing on an ecology only action. The notice providing the opportunity for a public hearing must specify the manner and date by which a person may request the public hearing and either provide the date, time and place of the proposed hearing or specify that ecology will publish a notice specifying the date, time and place of the hearing at least thirty days prior to the hearing. When ecology provides the opportunity for requesting a public hearing, the hearing must be held if requested by any person. Ecology may cancel the hearing if no request is received.

(c) The public notice for ecology only actions must comply with the requirements of 40 C.F.R. 51.102 (in effect on the date in WAC 173-400-025).

(13) **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.

WAC 173-400-740 PSD permitting public involvement requirements. (1) Actions requiring notification of the public. Ecology must provide public notice before approving or denying any of the following types of actions related to implementation of the PSD program contained in WAC 173-400-720:

(a) Any preliminary determination to approve or disapprove a PSD permit application; or

(b) An extension of the time to begin construction or suspend construction under a PSD permit; or

(c) A revision to a PSD permit, except an administrative amendment to an existing permit; or

(d) Use of a modified or substituted model in Appendix W of 40 C.F.R. Part 51 (in effect on the date in WAC 173-400-025) as part of review of air quality impacts.

(2) **Notification of the public.** As expeditiously as possible after the receipt of a complete PSD application, and as expeditiously as possible after receipt of a request for extension of the construction time limit under WAC 173-400-730(6) or after receipt of a non-administrative revision to a PSD permit under WAC 173-400-750, ecology shall:

(a) Administrative record. Make available for public inspection in at least one location in the vicinity where the proposed source would be constructed, or for revisions to a PSD permit where the permittee exists, a copy of the information submitted by the applicant, and any applicable preliminary determinations, including analyses of the effects on air quality and air quality related values, considered in making the preliminary determination. Ecology may comply with this requirement by making these materials available on ecology's web site or at a physical location.

(i) Some materials comprising the administrative record (such as air quality modeling data) may be too large to post on a web site but may be made available as part of the record either in hard copy or on a data storage device.

(ii) Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and chapter 173-03 WAC.

(b) Notify the public ((by:

~~(i) Causing to be published, in a newspaper of general circulation in the area of the proposed project, the public notice prepared in accordance with WAC 173-400-730(4). The date the public notice is published in the newspaper starts the required thirty day comment period.~~

~~(ii))).~~

(i) Public notice must be posted on ecology's web site for a minimum of thirty days. Day one of the public comment period

begins on the next calendar day after ecology posts the public notice.

(ii) The following information must be posted for the duration of the public comment period:

(A) Public notice elements in subsection (3) of this section;

(B) PSD draft permit;

(C) PSD technical support document; and

(D) Information on how to access the administrative record.

(iii) If ecology grants a request to extend the public comment period, ~~((the extension notice must also be published in a newspaper as noted above))~~ ecology must:

(A) Post the extension notice on the same web page where the original notice was posted;

(B) Specify the closing date of the extended comment period in the extension notice; and

(C) Distribute a copy of the extension notice ~~((sent to))~~ by electronic means or via the United States postal service to whomever requested the extension and the organizations and individuals listed in (c) and (d) of this subsection. ~~((The closing date of the extended comment period shall be as defined in the public comment period extension notification.~~

~~((iii)))~~

(iv) If a hearing is held, the public comment period must extend through the hearing date and comply with the notice requirements in subsection (4)(c) of this section.

~~((iv))~~ (v) If ecology determines a supplemental notice is appropriate, the applicant or other initiator of the action must pay the cost of providing this supplemental public notice. Supplemental notice may include, but is not limited to, publication in a newspaper of general circulation in the area of the proposed project.

(c) ~~((Send))~~ Distribute by electronic means or via the United States postal service a copy of the public notice to:

(i) Any Indian governing body whose lands may be affected by emissions from the project;

(ii) The chief executive of the city where the project is located;

(iii) The chief executive of the county where the project is located;

(iv) Individuals or organizations that requested notification of the specific project proposal;

(v) Other individuals who requested notification of PSD permits;

(vi) Any state within 100 km of the proposed project.

(d) ~~((Send))~~ Distribute by electronic means or via the United States postal service a copy of the public notice, PSD preliminary determination, and the technical support document to:

(i) The applicant;

(ii) The affected federal land manager;

(iii) EPA Region 10;

(iv) The permitting authority with authority over the source under chapter 173-401 WAC; and

(v) Individuals or organizations who request a copy(~~+~~ ~~and~~

~~(vi) The location for public inspection of material required under (a) of this subsection)).~~

(3) **Public notice content.** The public notice shall contain at least the following information:

(a) The name and address of the applicant;

(b) The location of the proposed project;

(c) A brief description of the project proposal;

(d) The preliminary determination to approve or disapprove the application;

(e) How much increment is expected to be consumed by this project;

(f) The name, address, and telephone number of the person to contact for further information;

(g) A brief explanation of how to comment on the project;

(h) An explanation on how to request a public hearing;

~~((i) The location of the documents made available for public inspection;~~

~~(j) There is a thirty day period from the date of publication of the notice for submitting written comment to ecology;~~

~~(k))~~

(i) The start date and end date of the public comment period consistent with subsection (2)(b)(i) of this section;

(j) A statement that a public hearing may be held if ecology determines within ((a thirty day)) the public comment period((7)) that significant public interest exists;

~~((1))~~ (k) The length of the public comment period in the event of a public hearing; and

~~((m))~~ (l) For projects subject to special protection requirements for federal Class I areas, in WAC 173-400-117, and where ecology disagrees with the analysis done by the federal land manager, ecology shall explain its decision in the public notice or state that an explanation of the decision appears in the technical support document for the proposed approval or denial.

(4) Public hearings.

(a) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the

~~((thirty-day))~~ public comment period established consistent with subsection (2)(b)(i) of this section. A request must indicate the interest of the entity filing it and why a hearing is warranted. Whether a request for a hearing is filed or not, ecology may hold a public hearing if it determines significant public interest exists. Ecology will determine the location, date, and time of the public hearing.

(b) Notification of a public hearing will be accomplished per the requirements of WAC 173-400-740(2).

(c) The public must be notified at least thirty days prior to the date of the hearing (or first of a series of hearings).

(5) Consideration of public comments. Ecology shall make no final decision on any application or action of any type described in subsection (1) of this section until the public comment period has ended and any comments received during the public comment period have been considered. Ecology shall make all public comments available for public inspection at the same ~~((locations))~~ web site where the preconstruction information on the proposed major source or major modification was made available.

(6) Issuance of a final determination.

(a) The final approval or disapproval determination must be made within one year of receipt of a complete application and must include the following:

(i) A copy of the final PSD permit or the determination to deny the permit;

(ii) A summary of the comments received;

(iii) Ecology's response to those comments;

(iv) A description of what approval conditions changed from the preliminary determination; and

(v) A cover letter that includes an explanation of how the final determination may be appealed.

(b) Ecology shall post the final determination on the same web page where the draft permit and public notice was posted according to subsection (2)(b) of this section.

(c) Ecology shall ~~((mail))~~ distribute by electronic means or via the United States postal service a copy of the cover letter that accompanies the final determination to:

(i) Individuals or organizations that requested notification of the specific project proposal; and

(ii) Other individuals who requested notification of PSD permits.

~~((+e))~~ (d) Ecology shall distribute a copy of the final determination ~~((shall be sent))~~ to:

(i) The applicant;

(ii) U.S. Department of the Interior - National Park Service;

(iii) U.S. Department of Agriculture - Forest Service;

(iv) EPA Region 10;

(v) The permitting authority with authority over the source under chapter 173-401 WAC; and

(vi) Any person who commented on the preliminary determination(~~+~~~~and~~

~~(vii) The location for public inspection of material required under subsection (2)(a) of this section)).~~

II. Chapter 173-400 WAC adopted 10/25/2018 and effective 11/25/2018

WAC 173-400-060 Emission standards for general process units. General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or allow the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. Test methods ~~((in effect on the date in WAC 173-400-025))~~ from 40 C.F.R. Parts 51, 60, 61, and 63 (in effect on the date in WAC 173-400-025) and any other approved test procedures in ecology's "Source Test Manual - Procedures For Compliance Testing" as of September 20, 2004, ~~((will))~~ must be used to determine compliance.

WAC 173-400-105 Records, monitoring, and reporting. The owner or operator of a source ~~((shall))~~ must upon notification by ~~((the director of))~~ ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) **Emission inventory.** The ~~((owner(s) or operator(s)))~~ owner and operator of ~~((any))~~ an air contaminant source ~~((shall))~~ must submit an inventory of emissions from the source each year. The inventory ~~((will))~~ must include stack and fugitive emissions of particulate matter, PM-10, PM-2.5, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, ammonia, and other contaminants. ~~((The format))~~ Sources must provide registration information in a manner prescribed by the permitting authority for the submittal of these inventories ~~((will be specified by the permitting authority or ecology))~~. When ~~((submittal of))~~ the permitting authority requests emission inventory information ~~((is requested))~~ for a calendar year, the owner or operator must submit the emissions inventory ~~((shall be submitted))~~ no later than ~~((one hundred five days))~~ April 15th after the end of the calendar year for which the emissions inventory was requested. If April 15th falls on a weekend, then the deadline to file shall be the next business day. The ~~((owner(s) or operator(s) shall))~~ owner and operator must maintain records of information necessary to substantiate any

reported emissions, consistent with the averaging times for the applicable standards. The owner or operator may base emission estimates used in the inventory (~~((may be based))~~) on the most recent published EPA emission factors for a source category, or other information available to the (~~((owner(s) or operator(s)))~~) owner and operator, whichever is the better estimate.

(2) **Monitoring.** Ecology (~~((shall))~~) must conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority (~~((shall))~~) must have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing one or two families.

(4) **Source testing.** To demonstrate compliance, (~~((ecology or))~~) the permitting authority may conduct or require that the owner or operator of a source conduct a test (~~((be conducted of the source))~~) using approved test methods from 40 C.F.R. Parts 51, 60, 61 (~~((and))~~), 62, 63, 75 and 1065, as applicable (in effect on the date in WAC 173-400-025) or procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, as of September 20, 2004, on file at ecology. The permitting authority may require the operator of a source (~~((may be required))~~) to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. (~~((Ecology shall be allowed))~~) The source owner or operator must allow the permitting authority to obtain a sample from any emissions unit. The permitting authority shall give the operator of the source (~~((shall be given))~~) an opportunity to observe the sampling and to obtain a sample at the same time.

(5) **Continuous monitoring and recording.** Owners and operators of the following categories of sources (~~((shall))~~) must install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) **Fossil fuel-fired steam generators.**

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) **Sulfuric acid plants.** Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is (~~utilized~~) used primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) **Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries.** Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) **Wood residue fuel-fired steam generators.**

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection (~~shall~~) must be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this subsection (~~shall~~) must demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the

reporting requirements contained in 40 C.F.R. Part 51, Appendix P, Sections 3, 4 and 5 (in effect on the date in WAC 173-400-025).

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, the permitting authority will establish alternative monitoring and reporting procedures (~~((will be established))~~) on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any emission unit which is:

(i) Required to continuously monitor emissions due to a standard or requirement contained in 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC 173-400-025) or a permitting authority's adoption by reference of (~~((such))~~) the federal standards. Emission units and sources subject to those standards (~~((shall))~~) must comply with the data collection requirements that apply to those standards.

(ii) Not subject to an applicable emission standard.

(6) No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(7) Continuous emission monitoring system operating requirements. All continuous emission monitoring systems (CEMS) required by 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC 173-400-025), or a permitting authority's adoption of those federal standards must meet the continuous emission monitoring systems (CEMS) performance specifications and data recovery requirements imposed by those standards. All CEMS required under an order, PSD permit, or regulation issued by a permitting authority and not subject to CEMS performance specifications and data recovery requirements imposed by 40 C.F.R. Parts 60, 61, 62, 63, or 75 must follow the continuous emission monitoring rule of the permitting authority, or if the permitting authority does not have a continuous emission monitoring rule, must meet the following requirements:

(a) The owner or operator (~~((shall))~~) must recover valid hourly monitoring data for at least (~~((95))~~) ninety-five percent of the hours that the equipment (required to be monitored) is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrated that the downtime was not a result of inadequate design, operation, or maintenance, or any other (~~((reasonable))~~) reasonably preventable condition, and the source conducts any necessary repairs to the monitoring system (~~((are conducted))~~) in a timely manner.

Note: This means that a continuous emissions monitor (CEM) must provide valid data for all but thirty-six hours for each month (ninety-five percent standard).

(b) The owner or operator (~~((shall))~~) must install a continuous emission monitoring system that meets the performance specification in 40 C.F.R. Part 60, Appendix B in effect at the time of its installation, and (~~((shall))~~) must operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 C.F.R. Part 60 (in effect on the date in WAC 173-400-025), and EPA's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/1-86-010.

(c) An owner or operator must reduce monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data (~~((must be reduced))~~) to one hour averages. An owner or operator must reduce monitoring data for opacity (~~((is to be reduced to))~~) six minute block averages unless otherwise specified in the order of approval or permit. An owner or operator must include all monitoring data (~~((will be included))~~) in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, a source must collect no valid data (~~((is collected))~~) until the monitoring system passes a quality assurance test or audit.

(d) An owner or operator must maintain continuous operation of all continuous monitoring systems except for instances of system breakdowns, repairs, calibration checks, and zero and span adjustments required under (~~((subsection))~~) (a) of this (~~((section, all continuous monitoring systems shall be in continuous operation))~~) subsection.

(i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.

(ii) Continuous monitoring systems for measuring emissions other than opacity (~~((shall))~~) must complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.

(e) The owner or operator (~~((shall))~~) must retain all monitoring data averages for at least five years, including copies of all reports submitted to the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.

(f) The owner or operator (~~((shall))~~) must submit a monthly report (or other frequency as directed by terms of an order, air operating permit or regulation) to the permitting authority within thirty days after the end of the month (or other specified reporting period) in which the owner or operator recorded the data (~~((were recorded))~~). The owner or operator may combine the report required by this section (~~((may be combined))~~) with any excess emission report required by WAC 173-400-108. This report (~~((shall))~~) must include:

(i) The number of hours that the monitored emission unit operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(ii) The date, time period, and cause of each failure to meet the data recovery requirements of (a) of this subsection and any actions taken to ensure adequate collection of such data;

(iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least (~~((90))~~) ninety percent of the hours that the equipment (required to be monitored) was operated each day;

Note: A continuous emissions monitor (CEM) must provide valid data for all but two hours per day (ninety percent standard).

(iv) The results of all cylinder gas audits conducted during the month; and

(v) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.

III. Ecology adopted on 4/23/2018 and become effective on 5/24/2018

i. Chapter 173-405 WAC Kraft Pulping Mills

WAC 173-405-021 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter shall have the following meanings:

(1) "Ecology" means the department of ecology.

(2) "Kraft mill" means any manufacturing facility which uses an alkaline solution containing sodium hydroxide and/or sodium sulfide, and any other chemical pulping facility, except those covered by chapter 173-410 WAC, to produce pulp and/or paper products from wood fibers. For the purposes of this regulation "kraft mill" is equivalent to "source."

~~((+2+))~~ (3) "Noncondensibles" means gases and vapors from the digestion and evaporation processes of a mill that are not condensed with the equipment used in those processes.

~~((+3+))~~ (4) "Recovery furnace stack" means the stack from which the products of combustion from the recovery furnace are emitted to the ambient air.

WAC 173-405-040 Emission standards. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no kraft pulp mill shall cause or permit air contaminant emissions in excess of the limits listed below. Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) Recovery furnaces.

(a) The particulate emissions from each recovery furnace stack shall not exceed 0.23 grams of particulate per dry cubic meter at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen averaged over three one hour tests.

(b) The TRS emissions from each recovery furnace stack constructed before January 1, 1970, and for recovery furnaces that have direct contact evaporators, shall not exceed 17.5 ppm corrected to eight percent oxygen for a daily average.

(c) The TRS emissions from each recovery furnace constructed after January 1, 1970, which does not have a contact evaporator, shall not exceed 5.0 ppm corrected to eight percent oxygen for a daily average.

(2) Smelt dissolver tank vent. The particulate emissions from smelt dissolver tank vents shall not exceed 0.15 grams per kilogram (0.30 pounds per ton) of solids fired at the associated recovery furnace.

(3) Lime kilns.

(a) The particulate emission from each lime kiln stack shall not exceed 0.30 grams of particulate per dry cubic meter (0.13 grains/dscf) at standard conditions corrected to ten percent oxygen.

(b) The TRS emissions from any lime kiln stack shall not exceed eighty ppm expressed as hydrogen sulfide for more than two consecutive hours in any one day.

(c) The average daily emission of TRS from any lime kiln stack shall not exceed fifty ppm. After January 1, 1985, TRS emissions from each lime kiln stack shall not exceed twenty ppm corrected to ten percent oxygen for a daily average.

(4) Other TRS emissions units.

(a) Noncondensibles from digesters, multiple-effect evaporators and condensate stripper system shall (~~at all times~~) be treated to reduce the emissions of TRS equal to the reduction achieved by thermal oxidation in a lime kiln.

(b) A backup treatment system or equivalent approved by ecology must be installed to assure continual treatment of noncondensibles.

(5) Other particulate emissions units. The emission of particulates from emissions units other than kraft recovery furnaces, lime kilns, or smelt dissolving tank vents, shall not exceed the following maximums:

(a) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood and wood residue to produce steam and which commenced construction prior to January 1, 1983.

(b) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood and wood residue to produce steam, and which commenced construction after January 1, 1983.

(c) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under (a) or (b) of this subsection.

(6) Opacity.

(a) No person shall cause or allow the emission of a plume from any kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than thirty-five percent for more than six consecutive minutes in any sixty minute period, except as described in WAC 173-405-040(7).

(b) No person shall cause or allow the emission of a plume, from any emissions unit other than a kraft recovery furnace, smelt dissolver tank, or lime kiln, which has an average opacity greater than twenty percent for more than six consecutive minutes in any sixty minute period(~~(, except that these provisions do not apply when the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit soot blowing and grate cleaning necessary to the operation of the boiler facility. This practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and ecology shall be advised of the schedule))~~). The emissions unit shall comply with the alternative visible emission standard for:

(i) Soot blowing or grate cleaning in WAC 173-400-040 (2)(a);

(ii) Hog fuel or wood fired boiler in operation before January 24, 2018, in WAC 173-400-040 (2)(e); and/or

(iii) Furnace refractory in WAC 173-400-040 (2)(f).

(c) There shall be no more than one violation notice issued in any sixty minute period.

(d) These provisions (of WAC 173-405-040(6)) shall not apply when the presence of uncombined water is the only reason for the opacity of the plume to exceed the applicable maximum.

~~(7) ((Each mill may petition for, and ecology may establish by regulatory order, alternate opacity limits for a specific kraft recovery furnace or lime kiln, providing:~~

~~(a) The mill can demonstrate compliance; with all other applicable emission limits; and~~

~~(b) Best practicable operation and maintenance procedures, as approved by ecology, are continuously employed.~~

~~(8) Any person electing to apply for exceptions per the provisions of WAC 173-405-040(7) shall submit a program acceptable to ecology. The program shall include the following information: The amount and concentration of suspended particulate material emitted during best practicable operating procedures, opacity recorded at such emission level, the type of~~

~~equipment and procedures which will be used to demonstrate compliance and the time required for installation of the equipment.~~

~~(9) The opacity provisions of this chapter shall apply until an application is received by ecology, petitioning for a revised limit as allowed by WAC 173-405-040(7). After a petition is received, enforcement of the opacity provisions will be stayed until the application is rejected or a new limit is established.~~

~~(10))~~ Alternative emission limitation. An owner or operator may request an alternative emission limit (as defined in WAC 173-400-030) under:

(a) WAC 173-400-081 for an action covered under a notice of construction application; or

(b) WAC 173-400-082 for a permit modification.

(8) Operation and maintenance. At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ecology which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

~~((11))~~ (9) SO₂.

(a) The emission of sulfur dioxide from any recovery furnace or lime kiln shall not exceed five hundred ppm for an hourly average, corrected to eight percent oxygen for a recovery furnace or to ten percent oxygen for a lime kiln.

(b) The emission of sulfur dioxide from any emissions unit other than a recovery furnace or lime kiln shall not exceed one thousand ppm for an hourly average, corrected to seven percent oxygen for combustion units.

~~((12))~~ (10) Source testing. To demonstrate compliance with this chapter, the provisions of WAC 173-400-105 shall apply to all sources to which this chapter is applicable.

WAC 173-405-072 Monitoring requirements. Each mill shall conduct routine monitoring of emissions in accordance with a program that has been approved by ecology. Results of the monitoring shall be reported monthly within fifteen days of the end of each calendar month ~~((and))~~, except that source testing

results shall be submitted within sixty days of completion of each source testing. All reports shall include data as follows:

(1) Particulate: The results of particulate measurements made on each source during the month.

(2) TRS:

(a) The average TRS concentration expressed in units of the standard for each recovery furnace and lime kiln stack.

(b) The date, time and concentration of TRS for each TRS emissions violation and the total numbers of hours that exceed the standard.

(3) Opacity or other continuous monitor:

(a) The date and time of opacity in excess of the standard.

(b) If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required by a regulatory order as an alternate. If an alternate is approved, the date and time of each occurrence in excess of the regulatory order must be reported.

(4) Production: The average daily production of air-dried unbleached pulp.

(5) Other data: Each kraft mill shall furnish, upon request of ecology, such other pertinent data required to evaluate the mill's emissions or emission control program.

WAC 173-405-077 ~~((Report of startup, shutdown, breakdown or upset conditions.))~~ **Excess emissions.** The provisions of WAC ~~((173-400-105(5)))~~ 173-400-107, or 173-400-108 and 173-400-109 shall apply to all sources to which this chapter is applicable.

Note: WAC 173-400-107 is in effect until the effective date of EPA's removal of the provision from the SIP.

WAC 173-405-086 New source review (NSR). The provisions of WAC 173-400-110 through 173-400-114 shall apply to all new sources and emissions units to which this chapter is applicable.

WAC 173-405-087 Prevention of significant deterioration (PSD). The provisions of WAC ~~((173-400-141))~~ 173-400-700 through 173-400-750 shall apply to all new major sources and major modifications to which this chapter is applicable.

ii. Chapter 173-410 WAC Sulfite Pulping Mills

WAC 173-410-021 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this

chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter, shall have the following meanings:

(1) "Acid plant" means the facility in which the cooking liquor is either manufactured or fortified when not associated with a recovery system.

(2) "Average daily emission" means total weight of an air contaminant emitted in each month, divided by the number of days of production that month.

(3) "Average daily production" means air dried tons of unbleached pulp produced in a month, divided by the number of days of production in that month.

(4) "Blow system" includes the storage chest, tank or pit to which the digester pulp is discharged following the cook.

(5) "Ecology" means the department of ecology.

(6) "Recovery system" means the process by which all or part of the cooking chemicals may be recovered, and cooking liquor regenerated from spent cooking liquor, including evaporation, combustion, dissolving, fortification, storage facilities, and emission control equipment associated with the recovery cycle.

~~((6+))~~ (7) "Sulfite pulping mill" means any manufacturing facility which uses a cooking liquor consisting of sulfurous acid, a sulfite or bisulfite salt alone or in any combination, with or without additional mechanical refining or delignification to produce pulp, pulp products or cellulose from wood fibers. For the purposes of this regulation "sulfite pulping mill" is equivalent to "source."

WAC 173-410-040 Emission standards. In addition to the general applicability of chapters 173-400 and 173-490 WAC to all emission sources; no sulfite pulping mill shall cause or permit air contaminant emissions in excess of the limits listed below. Specific emission standards listed in this chapter will take precedence over the general emission standards of chapter 173-400 WAC.

(1) Sulfur dioxide.

(a) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill which practices incineration of the spent sulfite liquor, shall not exceed ten grams of sulfur dioxide per kilogram (twenty pounds per ton) of air dried, unbleached pulp produced.

(b) The total average daily emissions from a sulfite pulping mill, or a portion of a sulfite pulping mill that does not incinerate the spent sulfite liquor, shall not exceed two grams of sulfur dioxide per kilogram (four pounds per ton) of air dried, unbleached pulp produced.

(c) The blow system emissions shall not exceed 0.1 grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram (0.2 pounds per ton) of air dried, unbleached pulp discharged from the digester.

(d) Emissions from the recovery system and acid plant shall not exceed 800 ppm of sulfur dioxide for any hourly average.

(e) Emissions from recovery systems constructed after January 24, 1972, shall not exceed 300 ppm of sulfur dioxide for any hourly average.

(f) Emissions from any emissions unit, other than a recovery system, a blow system or an acid plant, shall not exceed 1000 ppm of sulfur dioxide, corrected to seven percent oxygen in the case of combustion unit, for any hourly average.

(2) Particulate.

(a) Emissions of particulate from recovery systems constructed before January 24, 1972, shall not exceed 0.23 grams per dry cubic meter of exhaust at standard conditions (0.10 grains/dscf) corrected to eight percent oxygen.

(b) Emissions of particulate matter from recovery systems constructed after January 24, 1972, shall not exceed 0.14 grams per dry cubic meter of exhaust at standard conditions (0.06 grains/dscf) corrected to eight percent oxygen.

(c) The emission of particulates from emissions units other than acid plants or recovery systems shall not exceed the following maximums:

(i) 0.46 grams per dry cubic meter at standard conditions (0.2 grains/dscf) corrected to seven percent oxygen, for units which combust wood and wood residue to produce steam and which commenced construction prior to January 1, 1983.

(ii) 0.12 grams per dry cubic meter at standard conditions (0.05 grains/dscf) corrected to seven percent oxygen, for units which combust fuel other than wood and wood residue to produce steam, and which commenced construction after January 1, 1983.

(iii) 0.23 grams per dry cubic meter at standard conditions (0.1 grains/dscf) corrected to seven percent oxygen in the case of combustion units, for units not classified under (c) (i) or (ii) of this subsection.

(3) Opacity.

(a) No person shall cause or allow the emission of a plume from a recovery system or acid plant which has an average opacity greater than thirty-five percent, for more than six consecutive minutes in any sixty minute period(~~(, except as allowed per RCW 70.94.331 (2)(e))~~).

(b) Visible emissions from units other than acid plants or recovery systems shall comply with WAC 173-400-040(2), except when an alternative opacity limit established under WAC 173-400-081 or 173-400-082 is applicable.

(4) Operation and maintenance. At all times, including periods of abnormal operations and upset conditions, owners and operators shall, to the extent practicable, maintain and operate any affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ecology which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source.

(5) No recovery system shall emit total reduced sulfur (TRS) gases in excess of 17.5 ppm for a daily average.

(6) More restrictive limits. Ecology may set more restrictive emissions limits than the specific limits set in this chapter (after public involvement and hearing), if there is reason to believe that the emission(s) from a source is a cause of public nuisance or a cause of violation of ambient air quality standards. The source shall, within ninety days from notification of the more restrictive limits, achieve operation that will prevent further recurrence of the nuisance or violation.

(7) Source testing. To demonstrate compliance with this chapter, the provisions of WAC 173-400-105 shall apply to all sources to which this chapter is applicable.

(8) Alternative emission limitation. An owner or operator may request an alternative emission limitation (as defined in WAC 173-400-030) under:

(a) WAC 173-400-081 for an action covered under a notice of construction application; or

(b) WAC 173-400-082 for a permit modification.

WAC 173-410-062 Monitoring requirements. Each mill shall conduct routine monitoring of emissions in accordance with a

program that has been approved by ecology. Facilities shall report results of monitoring ((shall be reported)) monthly within fifteen days of the end of each calendar month ((and)). Facilities shall submit source testing results within sixty days of completion of each source testing. All reports shall include data as follows:

(1) For the recovery system and acid plant:

(a) The average daily emissions of sulfur dioxide expressed as grams SO₂ per kilogram of air dried, unbleached pulp produced and the kilograms of SO₂ per day.

(b) Daily average concentration of sulfur dioxide.

(c) The date, time and concentration for each sulfur dioxide emission violation and the total number of hours that exceed the standard.

(d) The results of particulate tests conducted during the month.

(2) For the blow system:

(a) The grams of sulfur dioxide per minute, on a fifteen minute average, per kilogram of air dried, unbleached pulp discharged from the digester.

(b) The average daily production of air dried, unbleached pulp.

(3) Each mill shall furnish, upon request of ecology, such other pertinent data required to evaluate the mill's emission control program.

(4) All measurements shall be made in accordance with WAC 173-400-105.

(5) Each mill shall be required to establish a program approved by ecology for continuous opacity monitoring to demonstrate compliance with WAC 173-410-040(3) and to report the results to ecology in a format and on a schedule set by regulatory order. If equipment for continuous monitoring of opacity is not available, continuous monitoring of operating parameters may be required as an alternate until continuous opacity monitoring equipment is available.

WAC 173-410-067 ((Report of startup, shutdown, breakdown or upset conditions.)) Excess emissions. The provisions of WAC ((173-400-105(5))) 173-400-107, or 173-400-108 and 173-400-109 shall apply to all sources to which this chapter is applicable.

Note: WAC 173-400-107 is in effect until the effective date of EPA's removal of the provision from the SIP.

WAC 173-410-086 New source review (NSR). The provisions of WAC 173-400-110 through 173-400-114 shall apply to all new sources and emissions units to which this chapter is applicable.

WAC 173-410-087 Prevention of significant deterioration (PSD). The provisions of WAC ((173-400-141)) 173-400-700 through 173-400-750 shall apply to all new major sources and major modifications to which this chapter is applicable.

iii. Chapter 173-415 WAC - Primary Aluminum Plants

WAC 173-415-015 Applicability. (1) In addition to the general applicability of chapter 173-400 WAC to all emission sources, all primary aluminum reduction plants are required to meet the emissions standards of this chapter. Specific emissions standards and requirements listed in this chapter shall supersede the general emissions standards and general requirements in chapter 173-400 WAC.

(2) All primary aluminum reduction plants are required to meet applicable National Emissions Standards for Hazardous Air Pollutants (NESHAP((s))). New primary aluminum reduction plants must also meet federal New Source Performance Standards (NSPS).

(3) ~~((In this rule, whenever a federal regulation is cited, the most recent version that has been adopted into Washington Administrative Code is the version of the federal regulation that is referenced. These most recent adoptions by reference can be found in chapter 173-400 WAC.))~~ Primary aluminum reduction plants are also subject to chapter 173-481 WAC.

(4) Any federal regulations cited in this rule refer to the version of the federal regulation adopted by reference in WAC 173-400-025.

WAC 173-415-020 Definitions. The definitions of terms contained in chapter 173-400 WAC are incorporated into this chapter by reference. Unless a different meaning is clearly required by context, the following words and phrases as used in this chapter((7)) shall have the following meanings:

(1) "Ecology" means the department of ecology.

(2) "Potline" means a single discreet group of electrolytic reduction cells connected in series, in which alumina is reduced to form aluminum.

~~((+2))~~ (3) "Primary aluminum reduction plant" means any facility manufacturing aluminum by electrolytic reduction. The primary aluminum reduction plant includes the following processes and their emission control systems: Pitch storage tanks, paste production plant, anode bake furnaces and potlines. For the purposes of this regulation, "primary aluminum reduction plant" is equivalent to "source."

~~((+3))~~ (4) "Primary emission control system" means the equipment used to capture and remove the gases and particulate matter evacuated directly from the reduction cell ~~((and the emission control device(s) used to remove pollutants))~~ prior to discharge of the cleaned gas to the atmosphere ~~((. A roof scrubber is not part of the primary control system))~~.

~~((+4))~~ (5) "Secondary emission control system" means the equipment used to collect and treat the gases and particulate matter that escape from the reduction cells into the potroom prior to discharge of the cleaned gas to the atmosphere. Roof scrubbers are part of the secondary emission control system.

(6) "Total fluorides (TF)" means elemental fluorine and all fluoride compounds as measured by Methods 13A, 13B or 14A in 40 C.F.R. Part 60 Appendix A or by an EPA approved alternative method.

WAC 173-415-030 Emission standards. (1) Fluoride.

(a) The emission of total fluorides from a primary aluminum reduction plant shall meet the ~~((MACT))~~ requirements ~~((specified))~~ in 40 C.F.R. 63 Subpart LL.

(b) In addition to meeting the requirements in (a) of this subsection, the emission of fluorides from a primary aluminum reduction plant shall meet the requirements in chapter 173-481 WAC.

(c) If ~~((the department))~~ ecology has reason to believe that adverse fluoride impacts are occurring ~~((in violation of chapter 173-481 WAC))~~, a primary aluminum reduction plant must establish, in response to a request from ~~((the department))~~ ecology, an ambient air and/or forage monitoring program

approved by ~~((the department))~~ ecology as required by WAC 173-481-150.

(2) Particulate. Facilities shall reduce the total emission of particulate matter to the atmosphere from the reduction process (potlines) ~~((shall be reduced))~~ to the lowest level consistent with reasonably available control technology (RACT) for primary aluminum reduction plants. The emission of solid particulate shall not exceed 7.5 grams per kilogram (fifteen pounds per ton) of aluminum produced on a daily basis. Facilities shall calculate aluminum produced ~~((shall be calculated by))~~ using the method in 40 C.F.R. 63.847 (e)(6) used ~~((to determine))~~ for determining aluminum production rate ~~((in 40 C.F.R. 63.847 (e)(6)))~~.

(3) Visible emissions. Visible emissions from any emissions unit in a primary aluminum reduction plant shall not exceed an average twenty percent opacity for more than six consecutive minutes in any sixty-minute period. This provision shall not apply:

(a) When the presence of uncombined water is the only reason for the opacity of the plume to exceed twenty percent; or

(b) When an alternate opacity limit has been established under ~~((RCW 70.94.331 (2)(c)))~~ WAC 173-400-040, 173-400-081, or 173-400-082.

(4) Fugitive emissions. Each primary aluminum reduction plant shall use RACT to prevent fugitive emissions. Fugitive dust is included in fugitive emissions.

(5) Sulfur dioxide.

(a) Total emissions of sulfur dioxide from all emissions units shall not exceed thirty grams of sulfur dioxide per kilogram of aluminum produced on a monthly average (sixty pounds per ton). ~~((These primary aluminum plants which were in excess of the above sulfur dioxide limit on January 1, 1978, will be allowed to emit at the January 1, 1978, level of emissions provided that the owners or operators did demonstrate to ecology by July 1, 1981, by use of modeling and ambient measurements, that the emissions will not cause the ambient standard to be exceeded, and that the limits are placed in a regulatory order(s).))~~

(b) In no case shall any plant cause or permit the emission of a gas containing sulfur dioxide in excess of one thousand parts per million corrected to dry standard conditions for an hourly average.

(6) Operation and maintenance (O&M). At all times, including periods of abnormal operation and upset conditions, owners and operators shall, to the extent practicable, maintain and operate an affected facility, including associated air pollution control equipment, in a manner consistent with good air pollution control practice. Determination of whether acceptable operating and maintenance procedures are being used will be based on information available to ecology, which may include, but is not limited to, monitoring results, opacity observations, review of operating and maintenance procedures, and inspection of the source. The means for demonstrating ongoing compliance with good O&M may include, but not be limited to: More frequent source testing, prescriptive procedures or inspections, control values for emissions at values less than the applicable regulatory requirements and that function as an investigative trigger rather than as a limit, collection and efficiency requirements, or the use of CEMs.

(7) Source testing. To demonstrate compliance with this chapter, the testing provisions of chapters 173-400, 173-481 WAC and ~~((MACT))~~ the requirements ((as specified)) in 40 C.F.R. Part 63, Subpart LL shall be ~~((used as))~~ applicable.

(8) Alternative emission limitation. An owner or operator may request an alternative emission limitation (as defined in WAC 173-400-030) under:

(a) WAC 173-400-081 for an action covered under a notice of construction application; or

(b) WAC 173-400-082 for a permit modification.

WAC 173-415-060 Monitoring and reporting. (1) When requested by ~~((the department))~~ ecology, each primary aluminum reduction plant shall conduct routine monitoring of emissions, ambient air, and forage in accordance with a program that has been approved by ~~((the department of))~~ ecology. Facilities shall report results of monitoring ((shall be reported)) monthly within thirty days of the end of each calendar month. Facilities shall submit source testing results within sixty days of

completion of each source testing. In addition to the information required by ~~((the Primary Aluminum MACT,))~~ 40 C.F.R. Part 63, Subpart LL and chapter 173-481 WAC, the approved program shall include data as follows:

(a) Particulate emissions:

(i) Results of all emission sampling conducted during the month for particulates, shall be expressed in units used in the applicable requirements or in units specified in the monitoring plan. ~~((The method of calculating))~~

(ii) Facilities shall determine particulate emissions in units of pounds per ton ~~((shall be as))~~ using the methods specified in the approved monitoring programs.

(iii) For each potline, facilities shall report particulate data ~~((shall be reported))~~ as total particulates and percentage of fluoride ion contained therein. For other units at a primary aluminum reduction plant, facilities shall report particulate data ~~((shall be reported))~~ as total particulates.

(iv) Compliance with WAC 173-415-030(2) shall be determined by measurements of emissions from the potline primary emission control system plus measurements of emissions from the potline ~~((ref))~~ secondary emission control system.

(b) Fluoride emissions: Facilities shall report results of all sampling conducted during the month for fluoride emissions ~~((shall be reported))~~ in pounds of total fluoride per ton of aluminum produced. Facilities shall calculate aluminum produced ~~((shall be calculated by))~~ using the method ~~((used to determine))~~ for determining aluminum production rate in 40 C.F.R. 63.847 (e)(6).

(c) Other emission and ambient air data as specified in the approved monitoring program.

(2) Other data: Each primary aluminum reduction plant shall furnish other data requested by ~~((the department of))~~ ecology to evaluate a plant's emission control program.

(3) Change in raw materials or fuel: Any change or series of changes in raw material or fuel which results in a cumulative increase in emissions of sulfur dioxide of five hundred tons per year or more over that stated in the 1979 emissions inventory shall require the submittal of sufficient information to ~~((the~~

~~department of~~) ecology so that the effect upon ambient concentrations of sulfur dioxide can be determined. ((The ~~department of~~) Ecology may issue regulatory orders requiring controls to reduce the effect of such increases.

NEW SECTION

WAC 173-415-075 Excess emissions. The applicable provisions of WAC 173-400-107, or 173-400-108 and 173-400-109 shall apply to all sources to which this chapter is applicable.

Note: WAC 173-400-107 is in effect until the effective date of EPA's removal of the provision from the SIP.

Appendix C. Benton Clean Air Agency's request for SIP submission



BENTON CLEAN AIR AGENCY

July 16, 2019

Kathy Taylor
Acting Air Quality Program Manager,
Washington State Department of Ecology,
300 Desmond Drive SE
Lacey, WA 98503

Subject: Revision of State Implementation Plan

Dear Kathy

Ecology adopted amendments to the General Air Quality Regulation, Chapter 173-400 Washington Administrative Code (WAC), on August 16 and October 25, 2018. We learned from Air Quality Program staff that Ecology is working to propose EPA include portions of this Chapter 173-400 WAC in the Washington State Implementation Plan (SIP) to ensure parts of these rule amendments are federally enforceable in Ecology's jurisdiction.

Benton Clean Air Agency (BCAA) implements and enforces part of Chapter 173-400 WAC in its jurisdiction, and would like to make these rule amendments, as summarized in the attached table, are federally enforceable. Therefore, BCAA requests Washington State Department of Ecology, as the designated state agency for submitting SIP to EPA, to adopt this revision and submit it to EPA for approval in the Washington SIP that applies to our jurisdiction.

Sincerely,

A handwritten signature in blue ink, appearing to read "RP", is written over the word "Sincerely,".

Robin Priddy
Executive Director

Enclosure:

- SIP revision Benton Clean Air Agency proposes for our jurisdiction

• 526 South Clallam Road • Kennewick, Washington 99336 • Fax Number 509-783-6562
Phone: 509.783.1304 • Website: www.bentoncleanair.org

Table: SIP revision Benton Clean Air Agency proposes for its jurisdiction - Chapter 173-400 WAC adopted on 08/16/2018 and 10/25/2018				
Rule Section Citation	Section title	State effective date	Changes in the rule	Proposed change in the SIP at BCAA jurisdiction
WAC 173-400-025	Adoption of federal rules	9/16/2018	Revised	Revise in the SIP
WAC 173-400-030	Definitions	9/16/2018	Revise	Revise in the SIP
	WAC 173-400-030 (40) "fugitive dust"; (41) "fugitive emissions"; and (96) "toxic air pollutant (TAP)"		Unchanged	Not in the SIP
WAC 173-400-040	General standards for maximum emissions	9/16/2018	Revised	Revise in the SIP
	WAC 173-400-040(2)(c), (3), (4), and (9)		Unchanged	Not in the SIP
	WAC 173-400-040(2)(d) that says "RCW 70.94.331(2)(c)", and WAC 173-400-040(5)		Revised	Not in the SIP
WAC 173-400-050	Emission standards for combustion and incineration units	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-050(2), (4), and (6)		Revised	Not in the SIP
	WAC 173-400-050(5)		Unchanged	Not in the SIP
WAC 173-400-060	Emission standards for general process units	11/25/2018	Revised	Revise in the SIP
	Emission standards for certain source categories,	9/16/2018	Revised	Revise in the SIP
	WAC 173-400-070 (5)		Deleted	Remove from the SIP
WAC 173-400-070	WAC 173-400-070 (7)		Deleted	Not in the SIP
	WAC 173-400-070 (6)		Unchanged	Not in the SIP
WAC 173-400-081	Startup and shutdown	9/16/2018	Revised	Revise in the SIP
WAC 173-400-082	Alternative emission limit that exceeds an emission standard in the SIP	9/16/2018	New	Include in the SIP
WAC 173-400-105	Records, monitoring, and reporting.	11/25/2018	Revised	Revise in the SIP
WAC 173-400-107	Excess emissions	9/16/2018	Revised	Remove from the SIP
WAC 173-400-108	Excess emissions reporting	9/16/2018	Revised	Not in the SIP
WAC 173-400-109	Unavoidable excess emissions	9/16/2018	Revised	Not in the SIP
WAC 173-400-171	Public involvement	9/16/2018	Revised	Revise in the SIP
	Except: WAC 173-400-171(3)(g)		New	No change in the SIP
	WAC 173-400-171(3)(b) that says "or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under chapter 173-460 WAC"; and WAC 173-400-171(12)		Unchanged	Not in the SIP
WAC 173-400-740	PSD permitting public involvement requirements	9/16/2018	Revised	Not in the SIP

• 526 South Cladjeffer Road • Kennewick, Washington 99336 • Fax Number 509-783-6562
 Phone: 509.783.1304 • Website: www.bentancleanair.org

Appendix D. Public involvement

This appendix demonstrates Ecology's efforts to meet and exceed both federal and state requirements for public involvement during the development of this SIP revision document through presenting the following records.

Appendix D.1. E-mail messages to subscribers of Air Quality Rule and SIP Update ListServ

<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A2=ECY-AQ-RULE-AND-SIP-UPDATES;a059fc74.1908&S=>

<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A2=ECY-SIP-UPDATE-WAC-173-400;397a79a8.1908&S=>





Appendix D.2. Announcement on Ecology SIP – Infrastructure, rule, & program plans webpage

<https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans/Infrastructure-SIPs#Español>

Appendix D.2.a. At the start of public comment period

9/9/2019

Infrastructure, rule, & program plans - Washington State Department of Ecology

SIP document	How to comment or request a public hearing
Draft SIP Revision: Startup, Shutdown, Malfunction Provisions in Chapters 173-400, -405, -410, -415 WAC 	<p>Public comment period: Aug. 7, 2019 – Sept. 13, 2019</p> <ul style="list-style-type: none">• Comment or request a public hearing online • Mail comments to: Debebe Dererie, Air Quality Program Washington State Department of Ecology P.O. Box 47600; Olympia, WA 98504-7600 <p>Tentative public hearing (in person and webinar): (must request public hearing by Sept. 6, 2019) If public hearing is cancelled, information will be updated here. Sept. 11, 2019, 1:30 p.m. Department of Ecology (map to location ) 300 Desmond Drive SE Lacey, WA 98503 Register for webinar </p> <p>For more information, contact Debebe Dererie at 360-407-7558.</p> <p>To request ADA accommodation for the public hearing, email Ecology's ADA coordinator by Sept. 6, 2019. Or call 360-407-6831, 711 (relay service), or 800-833-6384 (TTY).</p>

Accessibility

To request ADA accommodation for the public hearing, email [Ecology's ADA coordinator](#) or call 360-407-6831, 711 (relay service), or 800-833-6384 (TTY).

<https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans/Infrastructure-SIPs>

Appendix D.2.b. After the deadline (September 6, 2019) for requesting hearing

10/10/2019

Infrastructure, rule, & program plans - Washington State Department of Ecology

SIP document	How to comment or request a public hearing
Draft SIP Revision: Startup, Shutdown, Malfunction Provisions in Chapters 173-400, -405, -410, -415 WAC Draft SIP Revision: Revised Public Notice Provisions and Other Changes to Chapters 173-400, -405, -410, -415 WAC	Public comment period: Aug. 7, 2019 – Sept. 13, 2019 • Comment or request a public hearing online • Mail comments to: Debebe Dererie, Air Quality Program Washington State Department of Ecology P.O. Box 47600; Olympia, WA 98504-7600 Public hearing CANCELLED: (no request for a public hearing by Sept. 6, 2019) Sept. 11, 2019, 1:30 p.m. Department of Ecology (map to location) 300 Desmond Drive SE Lacey, WA 98503 For more information, contact Debebe Dererie at 360-407-7558.

Accessibility

To request ADA accommodation for the public hearing, email [Ecology's ADA coordinator](#) or call 360-407-6831, 711 (relay service), or 800-833-6384 (TTY).

<https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans/Infrastructure-SIPs>

Appendix D.3. Notice in The Daily Journal of Commerce (Newspaper)

STATE OF WASHINGTON -- KING COUNTY

--SS.

376606

No.

DEPT OF ECOLOGY

Affidavit of Publication

The undersigned, on oath states that he is an authorized representative of The Daily Journal of Commerce, a daily newspaper, which newspaper is a legal newspaper of general circulation and it is now and has been for more than six months prior to the date of publication hereinafter referred to, published in the English language continuously as a daily newspaper in Seattle, King County, Washington, and it is now and during all of said time was printed in an office maintained at the aforesaid place of publication of this newspaper. The Daily Journal of Commerce was on the 12th day of June, 1941, approved as a legal newspaper by the Superior Court of King County.

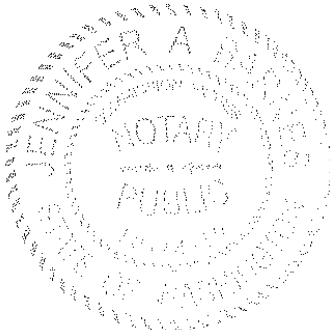
The notice in the exact form annexed, was published in regular issues of The Daily Journal of Commerce, which was regularly distributed to its subscribers during the below stated period. The annexed notice, a

PN:PUBL COMMENT RULE CHAN

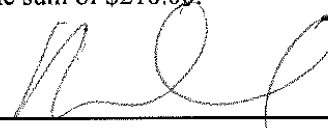
was published on

08/07/19


The amount of the fee charged for the foregoing publication is the sum of \$216.00.



Affidavit of Publication


Subscribed and sworn to before me on

08/07/2019


Notary public for the State of Washington,
residing in Seattle

State of Washington, King County

State of Washington

Legal Notice: Washington State Department of Ecology

Public comment period and opportunity to request a hearing

In the past year, Ecology adopted changes to the following rules:

- Chapter 173-400 WAC – General Regulations for Air Pollution Sources

- Chapter 173-405 WAC – Kraft Pulp Mill

- Chapter 173-410 WAC – Sulfite Pulp Mill

- Chapter 173-415 WAC – Primary Aluminum Plants

We are proposing to include parts of these rule changes in the Washington State air quality plan, called the State Implementation Plan (SIP). We are not proposing to change these rules. The Federal Clean Air Act instructs states to submit modifications to their State Implementation Plans to EPA for approval. Once approved by EPA the SIP becomes enforceable under federal law. This means that EPA or other parties, including citizens, can file suit in federal court for allegations of non-compliance.

We are proposing two SIP actions with this announcement:

- SIP Revision related to start-up, shutdown and malfunction (SSM) provisions

- SIP Revision not related to SSM

Ecology invites public comment on the proposal through September 13, 2019. We also provide an opportunity to request a public hearing. Requests for a

public hearing must be submitted to Ecology by September 6, 2019.

How to comment:

- Submit comments online (preferred) at: <http://ac.ecology.com-mentinput.com/?id=RrkH5>

- Mail comments to: Debebe Dererie

Air Quality Program
Department of Ecology
PO Box 47600

Olympia, WA 98504-7600

- Attend public hearing in person and webinar (if requested by September 6, 2019):

- September 11, 2019 at 1:30

- Via webinar or

- In person at: Department of Ecology

300 Desmond Drive SE
Lacey, WA 98503

How to request public hearing:

- To request a public hearing, contact Debebe Dererie by September 6, 2019 at Debebe.dererie@ecy.wa.gov or 360-407-7558.

- Or request online

- If no hearing is requested up to September 6, 2019, Ecology will post the cancellation of the hearing on its public inputs and event listing website.

More information on the proposed SIP revision is available at: <https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans/Infrastructure-SIPs>

Date of publication in the Seattle Daily Journal of Commerce, August 7, 2019.

8/7(376606)

Appendix D.4. E-Comment page for receiving public comment online

<http://ac.ecology.commentinput.com/?id=RrkH5>

The screenshot shows a web form titled "Public Comment Form" with a progress bar indicating three steps: 1. Comment (active), 2. Review, and 3. Your Copy. Below the title, it states the commenting period: "Commenting open: August 07, 2019 12:00AM PT - September 13, 2019 11:59PM PT." The main heading is "Revising Washington's State Implementation Plan".

Send us comments
We're proposing to add changes to these four rules to Washington's air quality State Implementation Plan (SIP): Chapters 173-400, 173-405, 173-410, and 173-415 WAC.

Let us know by September 6, 2019 if you want a hearing!
* If we do not receive a request by the deadline, we will cancel the public hearing.
* We will update the [web page](#) with the hearing information.
* We have scheduled a tentative public hearing for September 11, 2019, at 1:30 p.m.

Contact information is necessary if you want to receive future notices or responses related to this topic.

Contact Information

All fields are optional unless otherwise indicated.

Submitted By: **Individual – I** (dropdown menu)

First Name: [text box] Last Name: [text box]

Address: [text box] City: [text box]

State: **Select a State** (dropdown menu) ZIP: [text box]

Email: [text box]

Your Comment

To make a comment, enter comment(s) in the text area. To submit an attachment, use the "Upload a File" button below. Then click "Continue" to review your comment(s).

For tips about making your comments more useful or how to submit comments for a group, read our [Commenting Tips web page](#).

Next steps

After the comment period ends, we will review and respond to comments, and submit the plan to EPA.

Any information (e.g., personal or contact) you provide on this comment form or in an attachment may be publicly disclosed and posted on the internet.

[View Comments](#)[More Information](#)

Insert comments on Revising Washington's State Implementation Plan

[Upload a File](#)

Uploading a file is optional

You may attach up to five 30 MB files to accompany your submission. Allowed formats are pdf, jpg, jpeg, png, txt, gif, doc, docx. If you experience technical difficulties submitting your comment please contact the person listed at the bottom of this page.

[Continue »](#)

Appendix E. SIP adoption order.

In the matter of adopting Revised Public Notice Provisions and Other Changes in Chapters 173-400, 173-405, 173-410, and 173-415 WAC Code in the Washington State Implementation Plan

SIP ADOPTION ORDER

The Washington State Department of Ecology (Ecology) offered the public an opportunity to request a hearing and comment on the proposed inclusion of **Revised Public Notice Provisions and Other Changes in Chapters 173-400, 173-405, 173-410, and 173-415 WAC** in the Washington State Implementation Plan (SIP).

Ecology adopted various amendments to the General Regulations for Air Pollution Sources (Chapter 173-400 WAC), and three industry specific rules for pulping and aluminum plants (Chapters 173-405, 173-410, 173-415 WAC). These amendments also align our rules with the most current federal rules; including revisions to public notice provisions. This SIP revision includes provisions that apply to Ecology and Benton Clean Air Agency jurisdictions. Due to the uncertainty around the startup, shutdown and malfunction (SSM) SIP Call, this SIP revision does not include provisions related specifically to SSM. We are adopting a separate SIP revision to update the startup, shutdown, and malfunction provisions in the Washington SIP.

Ecology met all state and federal procedural requirements for public outreach by taking the following actions:

- Announced the public comment period (August 7 through September 13, 2019) and the tentative public hearing date (September 11, 2019) on our website, public input & events listing web page, and through e-mails for subscribers.
- Published a legal notice in the *Seattle Daily Journal of Commerce* on August 7, 2019.

We did not receive a hearing request, and thus we did not hold a public hearing, as allowed by 40 C.F.R. Section 51.102. We did not receive any comment on the proposed SIP revision.

IT IS HEREBY ORDERED that the referenced document, constituting the revision, is approved and adopted by the Department of Ecology as part of the Washington State Implementation Plan. All provisions of the Washington State Implementation Plan inconsistent with the attached documents are superseded.

Maia D. Bellon, Director
Department of Ecology

Date