



DEPARTMENT OF
ECOLOGY
State of Washington

**State Implementation Plan (SIP)
Revision
Including Revised Northwest Clean Air
Agency General Regulations for Air
Pollution Sources**

Rule SIP Revision

January 2020

Publication Number: 20-02-003

Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/2002003.html>

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State Implementation Plan (SIP) Revision

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Air Quality Program

Washington State Department of Ecology

Olympia, Washington

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Table of Contents

| | <u>Page</u> |
|---|-------------|
| Acronyms and Abbreviations | vi |
| Executive Summary | vii |
| Introduction..... | 1 |
| Scope and purpose of SIP revision | 1 |
| Background | 1 |
| SIP revision submittal documents..... | 1 |
| Ecology’s request..... | 2 |
| Public involvement | 2 |
| Appendices..... | 3 |
| Appendix A. SIP revision overview table for the NWCAA regulation..... | 4 |
| Appendix A.1 SIP revision overview table for Ecology regulations incorporated by reference in the NWCAA regulation | 8 |
| Appendices B through D – Separate Attachments..... | 11 |
| Appendix E – SIP Order | 12 |

Acronyms and Abbreviations

| | |
|---------|---|
| CAA | Federal Clean Air Act |
| Ecology | Washington State Department of Ecology |
| EPA | U.S. Environmental Protection Agency |
| NAAQS | National Ambient Air Quality Standards |
| NESHAP | National Emissions Standards for Hazardous Air Pollutants |
| NSPS | New Source Performance Standards |
| NSR | New Source Review |
| NWCAA | Northwest Clean Air Agency |
| RCW | Revised Code of Washington |
| SIP | State Implementation Plan |
| WAC | Washington Administrative Code |

Executive Summary

Washington State Department of Ecology (Ecology) requests the Environmental Protection Agency (EPA) approve this revision to the Washington State Implementation Plan (SIP) proposed by the Northwest Clean Air Agency (NWCAA). The proposed SIP revision updates portions of the NWCAA regulation currently in the SIP, removes outdated portions of the regulation, and updates sections of Chapter 173-400 WAC, General Regulation for Air Pollution Sources, that NWCAA has incorporated by reference. The SIP currently includes previous versions of these rules approved by EPA in 1995. This SIP revision applies to the NWCAA jurisdiction of Island, Skagit, and Whatcom Counties.

Introduction

Scope and purpose of SIP revision

Washington State Department of Ecology (Ecology) requests EPA to approve into the Washington State Implementation Plan (SIP) portions of the revised Regulation of the Northwest Clean Air Agency (NWCAA) as described in this document. The SIP includes portions of the NWCAA regulations last approved by EPA in 1995.

A SIP revision is a revision of the WA SIP to include or update state and local air agency rules and programs. Ecology submits proposed SIP revisions and requests EPA to approve the revisions into the SIP. Once approved into the SIP, these state and local rules and programs become federally enforceable.

NWCAA adopted revisions to its Regulations (Regulation 100-600) on several occasions since the 1995 EPA approval. This SIP revision request includes certain SIP-relevant portions of those rule amendments, including certain sections of Chapter 173-400 WAC, General Regulation for Air Pollution Sources, that NWCAA has incorporated by reference in its general regulation.

This SIP revision applies to the NWCAA jurisdiction of Island, Skagit, and Whatcom counties.

This SIP revision does not apply where NWCAA does not have jurisdiction, including major energy facilities under the jurisdiction of the Energy Facility Site Evaluation Council and any areas with tribal jurisdiction.

Background

The federal Clean Air Act (CAA) authorizes EPA to adopt National Ambient Air Quality Standards (NAAQS) for six criteria pollutants (carbon monoxide, lead, nitrogen dioxide, ozone, particulate matters, and sulfur dioxide) to protect public health and welfare. The CAA requires states to adopt the latest NAAQS and submit SIPs on how to attain and maintain the NAAQS in their jurisdiction. Ecology submits SIP revisions to EPA after public notice, a public comment period, and public hearing if one is requested.

Chapter 70.94 Revised Code of Washington and the CAA (42 U.S.C. 7401 et seq.) authorize NWCAA to adopt regulations for the control of air contaminant emissions in its jurisdiction.

SIP revision submittal documents

This SIP revision request includes only provisions that are new, revised, or to be removed from the current SIP. All other portions are to remain unchanged.

- Appendix A describes the SIP revisions.

- Appendix B contains an analysis of the SIP revisions, established through coordination between NWCAA and EPA in preparation of this SIP request. This analysis shows the specific changes, shown in strikethrough text, with the exception of Sections 300 and 305 which relate to New Source Review (NSR). In 2013, Ecology made significant changes to NSR in its general air quality regulation, and EPA approved those changes into the Washington SIP on September 29, 2016. For this reason, the revisions to NWCAA Sections 300 and 305 are compared against Ecology's regulation in a spreadsheet format in Appendix B.1.
- Appendix C contains the NWCAA SIP revision request to Ecology.

Ecology's request

Ecology requests EPA take the following actions:

- Approve the submitted portions of the NWCAA regulation into the SIP, as described in Appendix A and shown in Appendix B, to be applicable in the NWCAA jurisdiction.
- Approve the submitted portions of Chapter 173-400 WAC incorporated by reference in the NWCAA regulation into the SIP, as described in Appendix A.1, to be applicable in the NWCAA jurisdiction.
- Remove the specified outdated portions of the NWCAA regulation, including the portions of Chapter 173-400 WAC that are incorporated by reference, as described in Appendix A and A.1.
- Move certain portions of the NWCAA regulation, some of which were incorrectly included in the 1995 EPA SIP approval, to the Approved, but Not Incorporated by Reference section of the SIP, as described in Appendix A.

Public involvement

Ecology invited public comment on the proposed SIP revision for the Regulation of the NWCAA from November 12, 2019 through December 29, 2019. Ecology offered to hold a public hearing for the proposed SIP revision if requested by December 13, 2019. Ecology offered the public comment period and hearing as required in 40 CFR 51.102 and the State Administrative Procedures Act, Chapter 34.05 RCW.

We did not receive public comment on this SIP update, nor did we receive a request to hold a public hearing.

Appendices

To request materials in a format for the visually impaired, email [Ecology's ADA coordinator](#) or call 360-407-6831. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341

Appendix A. SIP revision overview table for the NWCAA regulation

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|---|----------------------|-------------------------|---|
| 100 | Name of Agency | 8/21/05 ¹ | Revised | Revise in SIP |
| 101 | Short Title | 8/21/05 | Revised | Revise in SIP |
| 102 | Policy | 8/21/05 | Revised | Revise in SIP; replaces WAC 173-400-010 in SIP |
| 103 | Duties and Powers | 8/21/05 | Revised | Move to Approved, but Not Incorporated section of SIP |
| 104 | Adoption of State/ Federal Laws and Rules | 11/13/94 | N/A | Remove from SIP; not a required SIP element |
| 105 | Separability | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 106 | Public Records | 9/8/93 | N/A | Remove from SIP; will rely on revised Section 305.7 |
| 110 | Investigation and Studies | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 111 | Interference or Obstruction | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 112 | False and Misleading Oral Statement: Unlawful Reproduction or Alteration of Documents | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 113 | Service of Notice | 12/22/07 | Revised | Move to Approved, but not Incorporated section of SIP |
| 114 | Confidential Information | 12/22/07 | Revised | Move to Approved, but not Incorporated section of SIP |

¹ Rule citations with an effective date of 8/21/05 relate to an agency name change that has been adopted into the NWCAA rule, but may not have been published in the Washington State Register.

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|---|----------------|-------------------------|---|
| 120 | Hearings | 12/22/07 | Revised | Move to Approved, but not Incorporated section of SIP |
| 122 | Appeals from Orders or Violations | 9/8/93 | N/A | Remove from SIP; consolidated into new Section 123 |
| 123 | Appeal of Orders | 4/14/13 | Revised | Move to Approved, but not Incorporated section of SIP |
| 124 | Display of Orders, Certificates and Other Notices: Removal or Mutilation Prohibited | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 130 | Citations – Notices | 9/8/93 | N/A | Remove from SIP; will rely on revised Section 131 |
| 131 | Notice of Violators | 4/14/13 | Revised | Move to Approved, but not Incorporated section of SIP |
| 132 | Criminal Penalty | 9/13/15 | Revised | Move to Approved, but not Incorporated section of SIP |
| 133 | Civil Penalty | 9/13/15 | Revised | Move to Approved, but not Incorporated section of SIP |
| 134 | Restraining Orders – Injunctions | 8/21/05 | Revised | Move to Approved, but not Incorporated section of SIP |
| 135 | Assurance of Discontinuance | 12/22/07 | Revised | Move to Approved, but not Incorporated section of SIP |
| 140 | Reporting by Government Agencies | 9/8/93 | N/A | Remove from SIP; addressed by revised Section 300 |
| 145 | Motor Vehicle Owner Responsibility | 9/8/93 | N/A | Remove from SIP; not a required SIP element |
| 200 | Definitions, except for “odor,” “odor source” and “toxic air pollutant” | 5/12/19 | Revised | Revise in SIP; generally replaces WAC 173-400-030. However, for definitions not included in NWCAA Section 200, the WAC 173-400-030 definitions shall apply as described in Appendix A.1 |

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|--|----------------|-------------------------|--|
| 300 | New Source Review, except for NWCAA 300.8(C), NWCAA 300.25, and any provisions related to the regulation of toxic air pollutants | 5/12/19 | Revised | Revise in SIP; replaces WAC 173-400-036, -110, -111, -113, and -560, except for WAC 173-400-111(1)(c), (1)(d), (5)(b), and (7)(b) and WAC 173-400-113(4) |
| 301 | Information Required for Notice of Construction & Application for Approval, Public Notice, Public Hearing | 11/13/94 | N/A | Remove from SIP; will rely on revised Section 300 |
| 302 | Issuance of Approval or Order | 11/13/94 | N/A | Remove from SIP; will rely on revised Section 300.9 |
| 303 | Work Done Without an Approval | 5/12/19 | Revised | Move to Approved, but not Incorporated section of SIP |
| 305 | Public Involvement | 5/12/19 | New | Add to SIP, except provisions related to the regulation of toxic air pollutants. Replaces WAC 173-400-171 and WAC 173-400-175, except Subsection 173-400-171(6)(b) |
| 310 | Approval to Operate Required | 9/8/93 | N/A | Remove from SIP; will rely on revised Section 320 |
| 320 | Registration Program | 5/12/19 | Revised | Revise in SIP, except Subsection 320.3 and provisions related to the regulation of toxic air pollutants or odor as they are not SIP relevant |
| 321 | Exemptions from Registration | 5/12/19 | Revised | Revise in SIP, except Subsection 321.3, which should be removed from SIP |
| 322 | Exemptions from Registration | 11/13/94 | N/A | Remove from SIP; will rely on revised Section 321 |
| 323 | Classes of Registration | 9/8/93 | N/A | Remove from SIP; will rely on revised Section 320 |
| 400 | Ambient Air Standards - Forward | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|---|----------------|-------------------------|---|
| 401 | Suspended Particulate Standards (PM-10) | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |
| 410 | Sulfur Oxide Standards | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |
| 420 | Carbon Monoxide Standards | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |
| 422 | Nitrogen Oxide Standards | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |
| 424 | Ozone Standards | 9/8/93 | N/A | Remove from SIP; will rely on chapter 173-476 WAC |

Appendix A.1 SIP revision overview table for Ecology regulations incorporated by reference in the NWCAA regulation

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|---|----------------|-------------------------|---|
| 173-400-010 | Policy and Purpose | 3/22/91 | N/A | Remove from SIP; will rely on NWCAA Section 102 |
| 173-400-020 | Applicability | 12/29/12 | Revised | Revise in SIP |
| 173-400-025 | Adoption of Federal Rules | 9/6/18 | Revised | Add to SIP; only as it applies to cross-references in WAC |
| 173-400-030 | Definitions | 9/6/18 | Revised | Revise in SIP; except for WAC 173-400-030(6); 030(32); 030(38); 030(45); 030(83); 030(89); 030(96); 030(97); 030(100); 030(103); 030(104); and any definition included in NWCAA Section 200 |
| 173-400-050 | Emission Standards for Combustion and Incinerator Units | 9/6/18 | Revised | Update to current WAC, except WAC 173-400-050(2); 050(4), 050(5), and 050(6) |
| 173-400-060 | Emission Standards for General Purpose Units | 11/25/18 | Revised | Update to current WAC |
| 173-400-091 | Voluntary Limits on Emissions | 4/1/11 | Revised | Update to current WAC |
| 173-400-100 | Registration | 9/20/93 | N/A | Remove from SIP; will rely on NWCAA Section 320 |
| 173-400-110 | New Source Review (NSR) | 9/20/93 | N/A | Remove from SIP; will rely on NWCAA Section 300 |
| 173-400-111 | Processing Notice of Construction Applications for Sources, Stationary Sources and Portable Sources | 7/1/16 | Revised | Add to SIP; only WAC 173-400-111(1)(c), 111(1)(d), 111(5)(b), and 111(7)(b); otherwise NWCAA Section 300 applies |

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|--|----------------|-------------------------|---|
| 173-400-112 | Requirements for New Sources in Nonattainment Areas | 12/29/12 | Revised | Update to current WAC; the cross-reference to WAC 173-400-113(3) is interpreted to be NWCAA Section 300.9(B)(3) |
| 173-400-113 | Requirements for New Sources in Nonattainment or Unclassifiable Areas | 12/29/12 | Revised | Update to current WAC; only WAC 173-400-113(4); otherwise NWCAA Section 300 applies |
| 173-400-117 | Special Protection Requirements for Federal Class I Areas | 12/29/12 | Revised | Add to SIP |
| 173-400-118 | Designation of Class I, II, and III Areas | 12/29/12 | Revised | Add to SIP |
| 173-400-131 | Issuance of Emission Reduction Credits | 4/1/11 | Revised | Add to SIP |
| 173-400-136 | Use of Emission Reduction Credits | 4/1/11 | Revised | Add to SIP |
| 173-400-151 | Retrofit Requirements for Visibility Protection | 2/10/05 | Revised | Update to current WAC |
| 173-400-171 | Public Notice and Opportunity for Public Comment | 9/16/18 | Revised | Update to current WAC; only WAC 173-400-171(6)(b); otherwise NWCAA Section 305 applies |
| 173-400-200 | Creditable Stack Height and Dispersion Techniques | 2/10/05 | Revised | Update to current WAC |
| 173-400-800 | Major Stationary Source and Major Modification in a Nonattainment Area | 4/1/11 | Revised | Add to SIP |
| 173-400-810 | Major Stationary Source and Major Modification Definitions | 7/1/16 | Revised | Add to SIP |
| 173-400-820 | Determining if a New Stationary Source or Modification to a Stationary Source is Subject to these Requirements | 12/29/12 | Revised | Add to SIP |
| 173-400-830 | Permitting Requirements | 7/1/16 | Revised | Add to SIP |

| Rule Citation | Section Title | Effective Date | Change in Rule Language | Proposed SIP Action |
|---------------|---|----------------|-------------------------|---------------------|
| 173-400-840 | Emission Offset Requirements | 7/1/16 | Revised | Add to SIP |
| 173-400-850 | Actual Emissions Plantwide Applicability Limitation (PAL) | 7/1/16 | Revised | Add to SIP |
| 173-400-860 | Public Involvement Procedures | 4/1/11 | Revised | Add to SIP |

Appendices B through D – Separate Attachments

- **Appendix B. Analysis of changes and strikethrough language for the NWCAA regulation, sections 100, 200, 300, and 400.**
 - **Appendix B.1 Comparison table of the NWCAA regulation, sections 300 and 305 (new source review) with Chapter 173-400 WAC**
- **Appendix C. NWCAA SIP revision request letter**
- **Appendix D: Affidavits of Publication**

Appendix E – SIP Order