



Focus

Air Operating Permits Applicability

Background

The 1991 Washington Clean Air Act required the Department of Ecology (Ecology) to develop a program to issue five-year renewable operating permits to industrial or commercial sources of air pollution. These permits apply to large industries, as well as to industries that pollute less but still cause public health or environmental problems. The purpose of the permits is to ensure that pollution controls for industries are upgraded as control technology advances.

What sources must have an operating permit?

Sources that must have an operating permit fall into three general categories: Federal Sources, Temporarily Exempt Federal Sources, and State Sources.

Federal Sources

Federal sources are those required by the federal Clean Air Act Amendments and the federal permit rule to obtain operating permits. There are about 150 sources in Washington that must have permits. They include:

- **Major Sources of Criteria Pollutants Based Upon Actual Emissions:** These are sources that emit more than 100 tons per year of a criteria pollutant. (Criteria air pollutants are the six pollutants for which the federal Environmental Protection Agency (EPA) has set standards for protecting human health. They are carbon monoxide, particulate matter, volatile organic compounds, nitrogen oxides, or lead.)
- **Major Sources of Criteria Pollutants Based Upon Potential to Emit:** This refers to sources that have the potential to emit more than 100 tons per year of a criteria pollutant. These sources must have a permit even if their actual emissions are below that amount. However, a source may opt out of the permit program by accepting a federally-enforceable limitation to keep its emissions below 100 tons per year.
- **Additional Major Sources in Nonattainment Areas:** Sources that are located in “nonattainment areas” (areas that do not meet federal standards for a criteria pollutant) may be considered major sources even if their potential emissions of a criteria pollutant are less than 100 tons per year. These lower size thresholds can be triggered when EPA designates an area as being a “serious” nonattainment area. For example, sources located in “serious” carbon monoxide or particulate matter nonattainment areas are considered major sources if they have the potential to emit:
 - more than 50 tons per year of carbon monoxide (in carbon monoxide nonattainment areas);
or

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- 70 tons per year of particulate matter (in particulate matter nonattainment areas).

No areas of Washington are currently designated as serious nonattainment areas.

- **Acid Rain Sources:** This refers to sources that are regulated under Title IV of the federal Clean Air Act (acid rain requirements). There are currently three such sources in Washington.
- **Prevention of Significant Deterioration/New Source Review Sources:** These are sources that are required to have a preconstruction permit issued under the Prevention of Significant Deterioration program or the New Source Review program.
- **Major Sources of Hazardous Air Pollutants:** This refers to major sources that are subject to a hazardous air pollutant standard under the federal Clean Air Act. (For hazardous air pollutants, a “major source” is one with the potential to emit more than 10 tons per year of a single hazardous air pollutant; 25 tons per year of any combination of hazardous air pollutants; or any smaller amount specific by EPA.)
- **Section 129 Sources:** These are solid waste incinerators that are subject to requirements under Section 129 of the federal Clean Air Act.

Temporarily Exempt Federal Sources

The following categories of sources are temporarily exempt from obtaining operating permits. The federal permit rule provides a five-year exemption for these sources; the state rule also exempts them until Ecology completes a second rule-making process to determine whether they need to have permits.

- **Non-Major Sources of Hazardous Air Pollutants:** These sources must have an operating permit if they are subject to a hazardous air pollutant standards under Section 112 of the federal Clean Air Act. EPA is currently working on rules covering about 160 source categories. In the future, EPA may decide on a case-by-case basis to require a category of non-major sources to obtain a permit; however, EPA has temporarily exempted these sources for five years.
- **Non-Major Sources Regulated Under Section 111:** These sources include any non-major source that is subject to requirements under Section 111 of the federal Clean Air Act. This includes sources subject to New Source Performance Standards.

A non-major source which has one emission unit subject to New Source Performance Standards only needs to have a permit for that emission unit. However, EPA may decide on a case-by-base basis to require a category of non-major sources to have a permit. EPA’s rules cover about 80 source categories at this time.

State-Only Sources

According to state law, the requirement to obtain an operating permit applies to any source that “. . . may cause or contribute to air pollution in such a quantity as to create a threat to the public health or welfare.” Ecology will define in future rule-making the source categories that this applies to.

For more information

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If you have special accommodation needs or require this document in alternative format, please contact Tami Dahlgren, Air Quality Program, (360) 407-6830 (voice); or (360) 407-6006 (TDD only).
