

## Review of Sections 303, 320, and 321

Analysis – NWCAA 300 and 305 are reviewed separately in a spreadsheet format since the sections use language similar to the WAC corollaries, but are structured differently.

### SECTION 301 – (RESERVED)

Analysis – EPA is proposing to remove the former section 301 *Information Required for Notice of Construction & Application for Approval, Public Notice, Public Hearing*, adopted in 1994. These provisions have been consolidated in the revised section 300.

### SECTION 302 – (RESERVED)

Analysis – EPA is proposing to remove the former section 302 *Issuance of Approval or Order*, adopted in 1994. These provisions have been consolidated in the revised section 300, specifically subsection 300.9.

### SECTION 303 – WORK DONE WITHOUT AN APPROVAL

When actual construction has begun on a new source or modification for which a Notice of Construction is required and a final Order of Approval has not been issued, the Control Officer or designee may conduct an investigation as part of the Notice of Construction application review. In such a case, an investigation fee, in addition to the fees of NWCAA 324.2, may be assessed in an amount up to 3 times the fees of NWCAA 324.2. Payment of the fees does not relieve any person from the requirement to comply with any air regulation nor from any penalties for failure to comply.

Analysis – NWCAA and Ecology requested that this enforcement related provision be part of the ‘approved, but not incorporated by reference’ portion of the SIP. The EPA is proposing to approve this request.

### SECTION 320 - REGISTRATION PROGRAM

Analysis – NWCAA’s registration program changed significantly since the 1995 SIP-approval from an exemption based approach to a source classification approach like WAC 173-400-100. Ecology requested, and the EPA approved, removal of WAC 173-400-100 from the SIP. NWCAA uses the registration program for other program components, such as the section 150 emissions reporting, so it is retaining the registration program in the SIP like Puget Sound Clean Air Agency. Consistent with other SIP approvals, NWCAA and Ecology did not submit, and the EPA is not proposing to approve, registration requirements related to Toxic Air Pollutants or odors because they are outside the scope of CAA section 110 SIP requirements. These provisions are marked in strikethrough text.

**320.1** Program Authority, Applicability and Purpose. As authorized by RCW 70.94.151, the Board, by the NWCAA Regulation, requires registration and reporting for specified classes of stationary air contaminant sources (including temporary sources) which may cause or contribute to air pollution. This classification is made

according to levels and types of emissions and other characteristics that cause or contribute to air pollution with special reference to effects on health, economic and social factors, and physical effects on property. The purpose of the registration program is to develop and maintain a current and accurate record of stationary air contaminant sources (including temporary sources) within the NWCAA jurisdiction. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

- 320.2 Registration and Reporting. The owner or operator of a stationary air contaminant source (including temporary sources) for which registration and reporting are required, shall register the source with the NWCAA. The owner or operator shall make reports to the NWCAA containing information as may be required by the NWCAA concerning location, size, and height of air contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

Analysis – NWCAA and Ecology did not submit, and the EPA is not proposing to approve, registration fees because they are not required SIP elements.

- ~~320.3 Annual Registration Fees. Registered sources shall pay an annual registration fee. The Board has determined the fee for registered sources as specified in Section 324.1. The amount of fees collected shall not exceed the costs of implementing this registration program. Implementing the registration program includes, but is not limited to:~~

- ~~(A) Review of registered source emission reports and other periodic reports and conducting related compilation and reporting activities;~~
- ~~(B) Conducting compliance inspections, complaint investigations, and other activities necessary to ensure that a registered source is complying with permit, Order, or regulatory requirements, as applicable, including determination of registration applicability;~~
- ~~(C) The share attributable to registered sources of the development and maintenance of emissions inventories;~~
- ~~(D) The share attributable to registered sources for data storage and retrieval systems necessary for support of the registration program;~~
- ~~(E) Registered source fee determinations, assessment, and collection, including the costs of necessary administrative dispute resolution and penalty collection;~~
- ~~(F) The share attributable to registered sources for administration of the program including costs of clerical support, supervision, and management; tracking of time, revenues and expenditures; accounting activities; required fiscal audits and reporting activities; enforcement activities and penalty assessment, excluding the costs of proceedings before the pollution control hearings board and all costs of judicial enforcement.~~

- 320.4 Any registered source that does not pay the applicable annual registration fee by the deadline shall be considered a new source and shall submit a Notice of Construction application and receive an Order of Approval prior to resumption of

operation.

### 320.5 Registration Required

(A) Source categories. Except as provided in NWCAA Section 321, the owner or operator of a source that falls into at least one of the following source categories shall register with the NWCAA:

Any source subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61 other than Subpart M (National Emission Standard for Asbestos).

Any source subject to 40 CFR Part 62.

Any affected source subject to a National Emission Standard for Hazardous Air Pollutants for Source Categories (NESHAP) under 40 CFR Part 63.

Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability of EPA requirements under 40 CFR Part 63.

Any source that is subject to an Order of Approval or has been confirmed to be covered by a General Order of Approval by the NWCAA.

Any source with a facility-wide uncontrolled potential to emit emission rate of one or more pollutants equal to or greater than the registered source exemption emission rates as specified in WAC 173-400-102(5) ~~or the Small Quantity Emission Rates (SQER) for Toxic Air Pollutants as specified in chapter 173-460 WAC.~~

(B) Source types. Except as provided in NWCAA Section 321, the owner or operator of a source that falls into at least one of the following source types shall register with the NWCAA:

Abrasive blasting operations.

Agricultural chemical facilities engaged in the manufacturing of liquid or dry fertilizers or pesticides including, but not limited to, ammonium sulfate.

Agricultural drying and dehydrating operations.

Asphalt and asphalt products production facilities, not including asphalt laying equipment.

Casting facilities and foundries, ferrous and nonferrous.

Coffee roasting facilities.

Commercial smoke houses.

Composite fabrication and repair facilities including fiberglass boat building and repair, and miscellaneous parts fabrication.

Composting operations (commercial, industrial, and municipal).

Concrete product manufacturers and ready mix and premix concrete plants.

Flexible vinyl and urethane coating and printing operations.

Gasoline dispensing facilities and bulk gasoline plants.

Glass manufacturing plants.

Grain, seed, animal feed, legume, and flour processing operations and handling facilities.

Graphic art systems including, but not limited to, lithographic and screen printing operations.

Material handling and transfer facilities that emit fine particulate to the atmosphere, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems.

Metal plating and anodizing operations.

Metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations.

Perchloroethylene dry cleaners.

Soil and groundwater remediation projects including soil vapor extraction (active), thermal soil desorption, or groundwater air stripping operations.

Surface coating operations, including coating of motor vehicles, mobile equipment, boats, ships, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates.

Wastewater treatment plants.

Welding and metal cutting operations.

Wood products mills, including lumber, plywood, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, cabinet works, casket works, furniture, wood byproducts, or any combination thereof.

(C) Equipment classification list. Except as provided in NWCAA Section 321, the owner or operator of the following equipment shall register with the NWCAA:

Any affected source subject to a New Source Performance Standard (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters).

Chemical concentration evaporators.

Crematoria or animal carcass incinerators.

Degreasers of the cold or vapor type where the solvent for which contains more than 5 percent halogenated compounds ~~or Toxic Air Pollutants~~.

Ethylene oxide (ETO) sterilizers.

Fuel burning equipment (except natural gas only) with a heat input of more than 1 million Btu per hour, except comfort heating, air conditioning systems, or ventilation systems not designed to remove contaminants generated by or released from equipment.

Fuel burning equipment that fires only natural gas with a heat input of more than 10 million Btu per hour.

Gas collection systems with flares or other combustion devices.

Gas ~~or odor~~ control equipment having a rated capacity greater than or equal to 200 cfm including, but not limited to:

- (1) Activated carbon adsorption
- (2) Barometric condenser
- (3) Biofilter
- (4) Catalytic oxidizer
- (5) Chemical oxidation
- (6) Dry sorbent injection
- (7) Non-selective catalytic reduction (NSCR)
- (8) Refrigerated condenser
- (9) Selective catalytic reduction (SCR)

(10) Selective non-catalytic reduction (SNCR)

(11) Wet scrubber

Incinerators;

Ovens, burn-out or heat-treat.

Particulate control equipment having a rated capacity greater than or equal to 2,000 cfm including, but not limited to:

- (1) Baghouse
- (2) Cyclone
- (3) Demister
- (4) Electrostatic precipitator (ESP), dry or wet
- (5) High efficiency particulate air (HEPA) filter
- (6) High velocity air filter
- (7) Mat or panel filter
- (8) Mist eliminator
- (9) Multiclones
- (10) Rotoclone
- (11) Screen
- (12) Venturi scrubber
- (13) Water curtain

Stationary internal combustion engines and turbines rated at 500 horsepower or more.

Storage tanks, reservoirs, or containers with:

- (1) a rated capacity greater than 6,000 gallons storing volatile organic liquids, other than petroleum liquids, having a true vapor pressure equal to or greater than 1.5 psia or
- (2) a rated capacity greater than 40,000 gallons storing petroleum liquids having a true vapor pressure equal to or greater than 1.5 psia.

Waste oil burners rated at greater than 0.5 million Btu per hour.

(D) The Control Officer may require that any source or equipment, that would otherwise be exempt, be registered as specified in this section. This discretionary determination will be based on the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.

PASSED: January 8, 1969 AMENDED: February 14, 1973, August 9, 1978, February 8, 1996, November 12, 1998, November 12, 1999, July 14, 2005, June 9, 2011, \*\*\*

## SECTION 321 – EXEMPTIONS FROM REGISTRATION

321.1 Exclusion or exemption from registration does not absolve the owner or operator from complying with all other requirements of the NWCAA Regulation.

321.2 The following stationary sources of air contaminants are exempt from registration:

Sources that require an Air Operating Permit pursuant to NWCAA Section 322.

Residential and agricultural composting activities.

Analysis – NWCAA and Ecology did not submit, and the EPA is not proposing to approve, subsection 321.3 consistent with the EPA’s prior action on Puget Sound Clean Air Agency’s exemption in Regulation 1, section 5.03(a)(5) [subsequently renumbered to 5.03(b)(5)].

~~321.3 The Control Officer may exempt any source or equipment, including any listed in NWCAA Section 320, from registration. This discretionary determination will be based on the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.~~

321.4 An exemption from new source review under NWCAA Section 300 is not explicitly an exemption from registration under NWCAA Section 320.

PASSED: January 8, 1969 AMENDED: February 14, 1973, August 8, 1978, March 13, 1997, November 12, 1998, June 9, 2011, November 17, 2011, \*\*\*