

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION

[Applicable in Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-400-700, 173-405-012, 173-410-012, and 173-415-012]

Southwest Clean Air Agency Regulations

General Regulations for Air Pollution Sources

SWAPCA 400-010 POLICY AND PURPOSE

(1) It is the policy of the Southwest Air Pollution Control Authority (herein after referred to as the Authority and/or SWAPCA) to maintain such a reasonable degree of purity of the air as will protect human health and safety and to the greatest degree practicable, prevent injury to plant and animal life or to property and be consistent with the economic and industrial well being of the jurisdiction of the Authority.

(2) Pursuant to the U.S. Clean Air Act (42 U.S.C. 7401 et seq.) and the Washington Clean Air Act (RCW 70.94), the Authority has adopted regulations for the control of air contaminant emissions, including toxic air contaminants, substances for which primary and secondary National Ambient Air Quality Standards (NAAQS) have been established and volatile organic compounds, to prevent air pollution. In conformance with these laws, the policy of SWAPCA is to control and regulate the emission of air contaminants from sources within the jurisdiction of SWAPCA, to prevent violations of federal, state and local air pollution regulations, to provide uniform administration and enforcement of the aforementioned regulations, and to effectuate the requirements and purpose of Chapter 70.94 Revised Code of Washington (RCW).

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-020 APPLICABILITY

(1) The provisions of this regulation shall apply within Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(2) The Authority is authorized to enforce this regulation and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly

delegated by Ecology, the Authority does not have jurisdiction over the following sources:

(a) Specific source categories over which the State, by separate regulation, has assumed or hereafter assumes jurisdiction.

(b) Automobiles, trucks, aircraft, chemical pulp mills and primary aluminum reduction facilities.

(c) Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) as provided in Washington Administrative Code (WAC) 463.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-030 DEFINITIONS

Except as provided elsewhere in this regulation the following definitions apply throughout the regulation:

(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. The 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) The 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" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of a Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these

factors correlate with (a) times of visitor use of the Federal Class I area and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(3) "Air contaminant" means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof. This includes any substance regulated as an air pollutant under WAC 173-460, NESHAPS, Section 112 of the Federal Clean Air Act Amendments or substance for which a primary or secondary National Ambient Air Quality Standard has been established and volatile organic compounds. "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 regulation 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 various pesticides.

(5) "Allowable emissions" means the emission rate of a stationary 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:

The applicable standards as set forth in 40 CFR Part 60, 61, or 63;

- (a) Any applicable State Implementation Plan emission limitation including those with a future compliance date;
- (b) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date; or
- (c) The emission rate specified by an applicable regulatory order.

(6) "Ambient air" means the surrounding outside air.

(7) "Ambient air quality standard" (AAQS) means an established concentration, exposure time, and frequency of occurrence of an air contaminant or multiple air contaminants in the ambient air which shall not be exceeded.

(8) "Authority" means the Southwest Air Pollution Control Authority (SWAPCA).

(9) "Best available control technology, (BACT)" means an emission limitation (including a visible emission standard) based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW which would be emitted from or which results from any new or modified stationary source, which the 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 or treatment, clean fuels, 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 air pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 63 as they exist on August 1, 1996, or their later enactments as adopted by reference by the Authority by rule. 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.

(10) "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 non-air 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.

(11) "Board" means the Board of Directors of the Southwest Air Pollution Control Authority.

(12) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155, and SWAPCA 400-120.

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

(14) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. ~~The following areas are the Class I areas potentially affected by emissions from sources within SWAPCA jurisdiction:~~

~~Alpine Lakes Wilderness;~~

~~Glacier Peak Wilderness;~~

~~Goat Rocks Wilderness;~~

~~Mount Adams Wilderness;~~

~~Mount Rainier National Park;~~

~~Mt. Hood Wilderness Area;~~

~~Mt. Jefferson Wilderness Area.~~

(15) "Closure" means permanently stopping or terminating all processes at a facility. Such

termination of processes shall result in no emissions of pollutants to the ambient air. Closure does not mean temporary shutdown of operations. A facility shall be considered "permanently closed" if operations have ceased and registration fees are not paid as set forth in SWAPCA 400-100(2)(e). Process and pollution control equipment may remain in place and on site but shall be configured such that the equipment or processes are incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation). Closure of a facility requires notification to SWAPCA in accordance with SWAPCA 400-100(2)(d). New Source Review and applicable emission control technology requirements in accordance with current requirements for similar facilities will be required of the facility prior to restart if the annual registration fee is not paid.

(16) "Combustion and incineration sources" means emissions units using combustion for waste disposal, steam production, chemical recovery or other process requirements, but excludes open burning.

(17) "Commenced construction" means that an owner or operator has all the necessary preconstruction approvals or permits and either has:

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

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled 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. (ref. 40 CFR 52.21)

(18) "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.

(19) "Construction" means any physical change or change in the method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit) which would result in a change in actual emissions. (ref. 40 CFR 52.21)

(20) "Control Officer" means the Executive Director of the Southwest Air Pollution Control Authority.

(21) "Director" means the director of the Washington State Department of Ecology or duly authorized representative.

(22) "Dispersion technique" means a method which 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.

- (23) "Ecology" means the Washington State Department of Ecology.
- (24) "Emission" means a release of air contaminants into the ambient air.
- (25) "Emission control technology" means emission control equipment integral or in addition to the emission unit or other technology, device, component or control parameter that is integral to the design of an emission unit or the basic design to the emission unit; i.e., low NOx burner for a boiler or turbine.
- (26) "Emission reduction credit (ERC)" means a credit granted pursuant to SWAPCA 400-131. This is a voluntary reduction in emissions beyond required levels of control. ERCs may be sold, leased, banked for future use or traded in accordance with applicable regulations. Emission reduction credits shall provide an incentive for reducing emissions below the required levels and to establish a framework to promote a market based approach to air pollution control.
- (27) "Emission standard" and "emission limitation" mean a requirement established under the FCAA or Chapter 70.94 RCW or local regulation 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 promulgated under the FCAA or Chapter 70.94 RCW..
- (28) "Emissions unit" means any part of a stationary source which emits or would have the potential to emit any pollutant subject to regulation under the FCAA, Chapter 70.94 RCW or Chapter 70.98 RCW.
- (29) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.
- (30) "Excess stack height" means that portion of a stack which exceeds the greater of sixty-five meters (213.25 feet) or the calculated stack height described in SWAPCA 400-200(2).
- (31) "Executive Director" means the Control Officer of the Southwest Air Pollution Control Authority.
- (32) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant emitting

activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(33) "Federal Clean Air Act (FCAA)" means the Federal Clean Air Act, also known as Public Law 88-206, 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) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

(35) "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.

(36) "Fugitive dust" means a type of particulate emission made airborne by forces of wind, human 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.

(37) "Fugitive emissions" means emissions which do not pass and which could not reasonably be collected to pass through a stack, chimney, vent, or other functionally equivalent opening.

(38) "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.

(39) "Good agricultural practices" means economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.

(40) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in SWAPCA 400-200(2)(a)(ii).

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

(42) "In operation" means engaged in activity related to the primary design function of the source.

(43) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.

(44) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:

- (a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed

new or modified source demonstrates that such limitations are achievable; or

(b) The most stringent emission limitation which is achieved in practice by such class or category of source. In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

(45) "Maintenance Area" or "Maintenance Plan Area" means a geographical area of the jurisdiction of SWAPCA which was formerly designated as a nonattainment area and which has been redesignated as an attainment area as provided under 40 CFR 52. The maintenance area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

(46) "Maintenance Pollutant" means a pollutant for which a maintenance plan area was formerly designated a nonattainment area.

(47) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the Federal Clean Air Act. Any net emissions increase that is considered significant for volatile organic compounds or oxides of nitrogen shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

(a) Routine maintenance, repair, and replacement;

(b) Use of an alternative fuel or raw material by reason of an order under sections 2 (a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;

(c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;

(d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;

(e) Use of an alternative fuel or raw material by a stationary source which:

(i) The source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application; or

(ii) The source is approved to use under any federally enforceable notice of construction approval or a PSD permit issued by the Environmental Protection Agency;

(f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after December 21, 1976, in a Prevention of Significant Deterioration permit or an Order of Approval for a Notice of Construction application;

(g) Any change in ownership at a stationary source.

(48) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the Washington State or Federal Clean Air Acts;

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of organic compounds or oxides of nitrogen;

(iii) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(iv) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(b) Any physical change that would occur at a stationary source not qualifying under (a) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(c) A major stationary source that is major for VOCs or NO_x shall be considered major for ozone;

(d) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (a)(iii) or (iv) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

(iii) Portland cements plants;

(iv) Primary zinc smelters;

(v) Iron and steel mills;

(vi) Primary aluminum ore reduction plants;

(vii) Primary copper smelters;

(viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;

(ix) Hydrofluoric, sulfuric, or nitric acid plants;

(x) Petroleum refineries;

(xi) Lime plants;

(xii) Phosphate rock processing plants;

(xiii) Coke oven batteries;

(xiv) Sulfur recovery plants;

(xv) Carbon black plants (furnace process);

(xvi) Primary lead smelters;

- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels (12,600,000 gallons);
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, being regulated under sections 111 or 112 of the Federal Clean Air Act.

(e) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(49) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. ~~The mandatory Class I federal areas potentially affected by emissions from sources within~~

~~SWAPCA jurisdiction are as follows:~~

- ~~Alpine Lakes Wilderness;~~
- ~~Glacier Peak Wilderness;~~
- ~~Goat Rocks Wilderness;~~
- ~~Mount Adams Wilderness;~~
- ~~Mount Rainier National Park;~~
- ~~Mt. Hood Wilderness Area;~~
- ~~Mt. Jefferson Wilderness Area.~~

(50) "Masking" means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor, usually to a less offensive odor.

(51) "Materials handling" means the handling, transporting, loading, unloading, storage, and transfer of materials with no significant alteration of the chemical or physical properties of the material.

(52) "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 definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(53) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61 or Part 63.

(54) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(55) "Net emissions increase" means:

(a) The amount by which the sum of the following exceeds zero:

(i) Any increase in actual emissions from a particular change or change in method of operation at a source; and

(ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.

(b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if the changes in actual emissions occur between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.

(c) An increase or decrease in actual emissions is creditable only if:

(i) It occurred no more than one year prior to the date of submittal of a complete Notice of Construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.

(ii) The Authority or Ecology has not relied on it in issuing any permit or Order of Approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in emissions from the particular change occurs.

(d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.

(e) A decrease in actual emissions is creditable only to the extent that:

(i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;

(ii) It is federally enforceable at and after the time that actual construction on the particular change begins;

(iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
(iv) The Authority has not relied on it in issuing any permit, regulatory order or Order of Approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21 or Ecology or the Authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(56) "New source" means one or more of the following:

- (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;
- (b) Any other project that constitutes a new source under the Federal Clean Air Act;
- (c) Restart after a lapse in one year or more in payment of registration fees or operating permit fees;
- (d) Restart after a period of five years of non-operation where registration or operating permit fees have been paid.

(57) "New Source Performance Standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60 and adopted by the Authority in SWAPCA 400-115.

(58) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a National Ambient Air Quality Standard or standards.

(59) "Notice of Construction application (NOC)" means a written application from the source by which the Authority records and tracks requests from registered and nonregistered sources for the purpose of obtaining information regarding proposed changes or activities at a source. Types of changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, installation of new sources, control technology determinations, PSD determinations and other items specified by the Authority. A Notice of Construction application shall be submitted to the Authority for review and approval prior to construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source or portable source. A Notice of Construction application may be submitted to the Authority for activities not requiring New Source Review and shall not automatically impose New Source Review requirements. (For more information refer to SWAPCA 400-109.)

(60) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a

percentage.

(61) "Open 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. Open burning includes all forms of outdoor burning except those listed as exempt in SWAPCA 425-020. Wood waste disposal in wigwam burners is not considered open burning.

(62) "Order" or Regulatory Order means any order issued by the Authority pursuant to Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153 and 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, compliance schedule order, consent order, order of denial, order of violation, order of prevention, order of discontinuance, administrative order, and regulatory order.

(63) "Order of Approval" and "Approval Order" mean a regulatory order issued by the Authority to approve a 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 or portable source. Note: For more information refer to SWAPCA 400-230(1)(a).

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

(65) "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 40 CFR Part 60 or by a test method specified in the Washington State Implementation Plan.

(66) "Parts per million (ppm)" means parts of a contaminant per million parts of gas or carrier medium, by volume. When calculating or measuring the ppm of a given gas or carrier stream, such measurement or calculation shall be exclusive of water and particulate matter.

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

(68) "PM₁₀" 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 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(69) "PM₁₀ 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 CFR Part 51 or by a test method specified in the Washington State Implementation Plan.

(70) "Potential to emit" means the maximum capacity (i.e., design capacity) of a stationary 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 federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(71) "Prevention of Significant Deterioration (PSD)" means the program set forth in SWAPCA 400-141 and WAC 173-400-141.

(72) "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.

(73) "Reasonably attributable" means attributable by visual observation or any other technique the Authority deems appropriate.

(74) "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 public notice and opportunity for comment are afforded. RACT shall apply to existing sources.

(75) "Regulatory order" means an order issued by the Authority to an air contaminant source which applies to that source, any applicable provision of Chapter 70.94 RCW, or the rules adopted thereunder, or, the regulations of the Authority. Note: For further clarification refer also to the definition of Order and Order of Approval and SWAPCA 400-230.

(76) "Significant" or "significant emission rate" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

| Pollutant | Tons/Year |
|-----------------|-----------|
| Carbon monoxide | 100 |
| Nitrogen oxides | 40 |
| Sulfur dioxide | 40 |

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| Particulate matter (PM) | 25 |
| Fine particulate matter (PM ₁₀) | 15 |
| Volatile organic compounds (VOC) | 40 |
| Lead | 0.6 |
| Fluorides | 3 |
| Sulfuric acid mist | 7 |
| Hydrogen sulfide (H ₂ S) | 10 |
| Total reduced sulfur (including H ₂ S) | 10 |
| Municipal waste combustor organics (measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) | 0.0000035 |
| Municipal waste combustor metals (measured as PM) | 15 |
| Municipal waste combustor acid gases (measured as SO ₂ and hydrogen chloride) | 40 |

(77) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of a Class I area as defined in Section 162(a) of the FCAA. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(78) "Source" means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous and 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. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual*, 1987.

(79) "Source category" means all sources of the same type or classification as described in the *Standard Industrial Classification Manual*, 1987.

(80) "Southwest Air Pollution Control Authority (SWAPCA)" or "Authority" means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7401, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(81) "Stack" means any emission point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

(82) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(83) "Standard conditions" means a temperature of 20 degrees C (68 degrees F) and a pressure of 29.92 inches (760 mm) of mercury except as otherwise specified.

~~(84) "State Implementation Plan, (SIP)" means a comprehensive plan developed/prepared by the Washington State Department of Ecology with assistance from the Southwest Air Pollution Control Authority, other regional air pollution control authorities and other interested planning and governing entities, and submitted to EPA for approval, which provides for implementation, maintenance and enforcement of the primary and secondary National Ambient Air Quality Standards.~~

(85) "Stationary source" means any building, structure, facility, or installation which emits or may emit any contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a non-road engine or non-road vehicle as defined in Section 216 of the FCAA.

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

(87) "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 or an approved equivalent method and expressed as hydrogen sulfide.

(88) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1992.

(89) "United States Environmental Protection Agency, (USEPA)" shall be referred to as EPA.

(90) "Upgraded" is defined only for gasoline dispensing facilities and means the modification of a. gasoline storage tank or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping. "Modification" of a gasoline dispensing facility means the same as "upgraded".

(91) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(92) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(93) "Volatile organic compound (VOC)" means:

- (a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic

acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical activity: acetone; methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 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); perchloroethylene (tetrachloroethylene); and perfluorocarbon compounds which fall into these classes:

- (i) Cyclic, branched, or linear, completely fluorinated alkanes;
- (ii) Cyclic, branched, or linear, completely fluorinated ethers with no unsaturations; and
- (iii) 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, VOCs will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-040 GENERAL STANDARDS FOR MAXIMUM EMISSIONS

All sources and emissions units are required to meet the emission standards of this section. Where an emission standard listed in another section is applicable to a specific emissions unit, such standard shall take precedent over a general emission standard listed in this section. 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. Further, 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 this regulation or any chapter of Title 173 WAC. Where current controls are determined to be less than RACT, the 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.

(1) Visible emissions. No person shall cause or permit 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 as determined by certified observer in accordance with EPA Method 9 "Visual Determination of the Opacity of Emissions from Stationary Sources" as specified in 40 CFR 60 Appendix A except:

(a) 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 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 Authority shall be advised of the schedule.

(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.

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

~~(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).~~

~~(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.~~

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

(a) If the emissions unit has been identified as a significant contributor to the nonattainment status of a designated nonattainment area, 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 contaminants for which nonattainment has been designated.

(4) Odors.

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

~~(b) A scentometer No. 1 odor strength or equivalent dilution in residential and commercial areas shall not be exceeded.~~

~~(c) A scentometer No. 3 odor strength or equivalent dilution in all other land use areas shall not be exceeded.~~

Scentometer Readings

| Scentometer | Concentration Range |
|-------------|---------------------|
| No. | No. of Thresholds |
| 0 | 1 to 2 |
| 1 | 2 to 8 |
| 2 | 8 to 32 |
| 3 | 32 to 128 |
| 4 | 128 |

~~(d) A violation of this section shall have occurred when two measurements made within a period of one (1) hour, separated by at least fifteen (15) minutes, off the property surrounding the air contaminant source exceeds the scentometer limitations set hereunder.~~

~~(e) When the source is a manufacturing process, no violation of this section shall have occurred provided that Best Available Control Technology (BACT), Maximum Available Control Technology (MACT), or Lowest Achievable Emission Rate (LAER), as applicable for odor control and abatement, is provided and is operating in compliance with other applicable regulations and emission limits.~~

~~(f) When the source is using "good agricultural practices", as provided in RCW 70.94.640, no violation of this section shall have occurred.~~

(5) Emissions detrimental to persons or property. No person shall cause or permit 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.

(6) Sulfur dioxide. No person shall cause or permit 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 or twelve percent CO₂ as required by the applicable emission standard for combustion sources, and based on the average of any period of sixty consecutive minutes **except:**

~~(a) When the owner or operator of an emissions unit supplies emission data and can demonstrate to the 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 sulfur~~

~~dioxide will not be exceeded. In such cases, the 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 shall be made available upon request and a monthly summary shall be submitted to the Authority.~~

(b) When a source limits such emission by a combination of constant emission controls and dispersion techniques approved by the Authority.

(7) Concealment and masking. No person shall cause or permit 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 section.

(8) Fugitive dust sources.

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

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM₁₀ nonattainment area shall be required to use reasonably available control technology (RACT) to control emissions. Significance will be determined by the criteria found in SWAPCA 400-113(3).

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-050 EMISSION STANDARDS FOR COMBUSTION AND

INCINERATION UNITS

(1) Combustion and incineration emissions units shall meet all requirements of SWAPCA 400-040 and, in addition, no person shall cause or permit 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 wood derived fuels for the production of steam. No person shall allow or permit the emission of particulate matter from an emissions unit combusting wood derived fuels in excess of 0.46 gram per dry cubic meter at standard conditions (0.2 grain/dscf), as measured by EPA Method 5 or other acceptable sampling methods approved in advance by the Authority.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable sampling methods or other acceptable procedures approved in advance by the Authority including but not limited to those methods contained in "Source Test Manual - Procedures for Compliance Testing", State of Washington, Department of Ecology on file at the Authority. Incinerators shall be operated only during daylight hours unless

written permission to operate at other times is received from the Authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted in accordance with the following listing. Source categories not identified shall have measured concentrations for volumes corrected to seven percent oxygen ~~except when the Authority determines that an alternate oxygen correction factor is more representative of normal operations.~~ Concentrations for the following sources shall normally be adjusted to the following oxygen concentrations: gas, diesel, & oil fired boilers: 3%; medical/hospital waste incinerators: 12%; natural gas turbines: 15%.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-052 STACK SAMPLING OF MAJOR COMBUSTION SOURCES

(1) **General Requirements.** No owner or operator of a major source which is also a combustion or incineration source shall operate the source except in compliance with the requirements of this section.

(2) **Applicability.** All sources that are designated as major as a result of the operation of a combustion or incineration unit (or units) where the combined emissions of a single pollutant from the combustion or incineration unit (or units) are 100 tons per year or more of oxides of nitrogen, carbon monoxide, particulate matter, sulfur dioxide or volatile organic compounds.

(3) **Emissions Sampling Requirements.** The owner or operator of a major combustion or incineration source identified in (2) shall cause or conduct emissions tests at least once every two calendar years to quantify emissions of the pollutants for which the source has been designated major. In the event that the combined emissions of a single pollutant from several emissions units establishes the source as major, emissions tests shall be conducted at least once every two calendar years for all emissions units which emit 30 percent or more of the emissions of the pollutant for which the source has been designated major. ~~Emissions testing shall be performed in accordance with SWAPCA 400-106.~~

(4) **Sampling Methods.** All emissions tests shall be conducted in accordance with the specific test methods approved in advance by the Authority.

(5) **Additional Requirements.** Nothing in this section shall be construed as to limit the ability of the Authority to impose additional or supplemental emissions testing requirements for any emissions unit within the Authority's jurisdiction in accordance with SWAPCA 400-105(4).

(6) **Alternative Sampling Schedules.** The Authority may on a case-by-case basis, accept or require an alternative emissions sampling schedule provided sufficient source-specific sampling data exists to adequately demonstrate that the source is capable of continuous compliance with any emission standards that are applicable to the source. Alternative sampling schedules shall be based

upon measured emissions relative to the applicable emissions limitation. The Authority may reduce the frequency of the required emissions testing.

(7) Continuous Emissions Monitors. The use of continuous emissions monitors shall be acceptable as an alternative emissions sampling schedule.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-060 EMISSION STANDARDS FOR GENERAL PROCESS UNITS

General process units shall meet all applicable provisions of SWAPCA 400-040 and, no person shall cause or permit 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. EPA test methods from 40 CFR Appendix A which are adopted by reference-and any other appropriate test procedures approved in advance by the Authority shall be used to determine compliance.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-070 EMISSION STANDARDS FOR CERTAIN SOURCE CATEGORIES

The Authority finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed.

(1) Wigwam burners.

The use of wigwam ("tee-pee", "conical", or equivalent type) burners is prohibited effective January 1, 1994.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of SWAPCA 400-040 and SWAPCA 400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary for efficient operation of these units. This practice is to be scheduled for the same specific times each day and the Authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of SWAPCA 400-040:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the emission point, or within a reasonable distance of the emission point, exceeds twenty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall install BACT which may be more stringent than the provisions of SWAPCA 400-115.

~~(5) Sulfuric acid plants. No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H_2SO_4 , in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H_2SO_4 .~~

(6) Gasoline dispensing facilities. All gasoline dispensing facilities shall meet all the provisions of SWAPCA 400-110(8) and SWAPCA 491 "Emission Standards and Controls for Sources Emitting Gasoline Vapors".

(7) Abrasive blasting.

(a) Abrasive blasting shall be performed inside a booth or structure designed to capture the blast grit, overspray, and removed material except that outdoor blasting of structures or items too large to be reasonably handled indoors or in an enclosure shall employ control measures such as curtailment during windy periods, wet blasting, and/or enclosure of the area being blasted with tarps.

(b) Outdoor blasting shall be performed with either steel shot or an abrasive material containing less than one percent (by mass) which would pass through a No. 200 sieve.

(c) All abrasive blasting with sand shall be performed inside a blasting booth, enclosure or structure designed to capture fugitive particulate matter.

(d) All abrasive blasting of materials that have a coating or that may contain a substance that is identified as a toxic air pollutant in WAC 173-460 or a hazardous substance shall be analyzed prior to blast operations. If a toxic or hazardous material is present in the blast media or removed media, all material shall be handled and disposed of in accordance with applicable regulations.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-074 GASOLINE TRANSPORT TANKERS

(1) Each owner(s) and/or operator(s) of a gasoline transport tank doing business within the designated ozone non-attainment area of SWAPCA jurisdiction shall register the transport tank with SWAPCA prior to being placed into service. Such registration shall be made annually with SWAPCA.

(2) Each registered gasoline transport tanker shall pay an annual registration fee in accordance with the schedule provided in SWAPCA 400-100(3)(a)(i). Each transport tanker shall have its own registration sticker, certification test and shall be assessed a separate registration fee.

(3) Prior to registration, SWAPCA shall review the leak test certification documentation from the testing company required under SWAPCA 490-202(3). Upon demonstration of a successful leak test and payment of registration fees, SWAPCA shall issue a registration sticker that shall be applied to the tanker.

(4) The owner(s) and/or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid SWAPCA registration sticker is displayed on the tank(s).

(5) Each owner(s) and/or operator(s) of a petroleum product transport tank doing business within SWAPCA jurisdiction shall notify SWAPCA of a change in status of a tanker. Change in status shall include sale, operating only out of SWAPCA jurisdiction, out of service, or other similar change. Such notification shall be made in writing to SWAPCA within 10 days of the change of status.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-081 STARTUP AND SHUTDOWN

(1) In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) the Authority shall consider any physical and operational constraints on the ability of a source to comply with the applicable standard during

startup or shutdown.

(2) Where the Authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, the Authority shall include in regulatory orders or the Operating Permit, appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions.

(3) In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, the Authority shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this section.

(4) Any emission limitation or other parameter adopted under this section which increases allowable emissions during startup or shutdown conditions over levels authorized in the Washington State Implementation Plan shall not take effect until approved by EPA as a SIP amendment.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-090 VOLUNTARY LIMITS ON EMISSIONS

(renumbered to 400-091 9/21/95)

State effective: 11/8/93; EPA effective: 7/3/95

SWAPCA 400-091 VOLUNTARY LIMITS ON EMISSIONS

(1) Voluntary limits on emissions and limitations on potential to emit may be requested by a source by submittal of a complete Notice of Construction application to the Authority as provided in SWAPCA 400-109. Confidential information shall be identified as set forth in SWAPCA 400-270. Upon request by the owner or operator of a source, and completion of review of the application by the Authority, the Authority shall issue a regulatory order which reduces that source's potential to emit to an amount agreed to by the owner or operator and the Authority.

(2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of that air contaminant under all applicable requirements of Chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington State Implementation Plan.

(3) Any order issued under this section shall include monitoring, record keeping and reporting requirements sufficient to ensure that the source complies with any emission limit established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of SWAPCA 400-105.

(4) Any order issued under this section shall be subject to the public notice and comment procedures under SWAPCA 400-171.

(5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington State Implementation Plan. Any proposed increase in emissions above limits contained in an order issued under this section shall require revision or revocation of the order.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-100 REGISTRATION REQUIREMENTS AND OPERATING PERMIT FEES

(1) **Applicability.** All sources or emission units that emit contaminants to the ambient air shall be registered with the Authority in accordance with this section as set forth in RCW 70.94.151 except those sources specifically exempted by SWAPCA 400-100(3) and SWAPCA 400-101.

(2) General requirements.

(a) A unique registration number shall be assigned to all sources required to be registered with SWAPCA and a separate registration fee shall be provided for each air contaminant emission unit; provided that, an owner has the option to register a process with a detailed inventory of air contaminant sources and emissions related to the process. A registration fee shall not be collected for exempt emission units identified at SWAPCA 400-101.

(b) Each registration submittal shall be certified for truth, accuracy and completeness by the owner or operator.

(c) Registration information shall be provided on forms supplied by the Authority and the forms shall be verified by the source and returned to the Authority with payment in full within the time specified by the Authority.

(d) Annual registration fees that are unpaid after July 31 for the effective year shall be considered to be in default and the source shall be considered to be out of business and in violation of item (d) above for failure to report closure. At the discretion of the Control Officer, all Orders of Approval for existing equipment shall become invalid for this source and the source shall be required to submit a Notice of Construction and applicable fees in accordance with SWAPCA 400-110 prior to resuming operations. Prior to taking actions to

'un-register' a source, the source must be notified by certified letter. The registration program covers the period of July 1 through June 30. Sources or emission units operating less than six months in the current registration period that are terminated, shall not be liable for registration fees. This does not apply to temporary or portable sources.

(e) A report of closure or discontinuance shall be filed with the Authority within ninety days after operations producing emissions permanently cease at any source. (Refer to SWAPCA 400-230 for issuance of an Order of Discontinuance.)

(3) Registration Fees. Before the Control Officer may register any emission unit, the use of which may emit contaminants to the atmosphere, an annual registration fee of \$100.00 for each emission unit shall be paid. For new stationary sources, registration fees for the first year are included as part of the fees collected for a Notice of Construction application and shall not be considered in addition to those fees.

(a) Exceptions:

- (a) An annual registration fee of \$50.00 shall be charged to each gasoline transport tank.
- (b) The registration fee for a small operation may be waived by the Control Officer provided sufficient demonstration of circumstances is presented, subject to the discretion of the Control Officer.
- (c) Emissions units and activities specifically exempted under SWAPCA 400-101 are not required to comply with the requirements of this section.
- (iv) ~~Operating Permit Program sources, as defined in RCW 70.94.030(17) shall pay an operating permit fee in accordance with SWAPCA 400-100(4).~~ Operating Permit Program sources, as defined in RCW 70.94.030(17) are not required to comply with the registration requirements of this section after EPA grants interim or final approval of the SWAPCA Operating Permit Program pursuant to 40 CFR Part 70.

~~(4) Operating Permit Fees. Fee determination and certification for sources subject to 70.94.161 RCW requirements.~~

~~(a) Applicability. The owner or operator of all sources subject to the requirement to obtain an Operating Permit under 40 CFR 70 or 70.94.161 RCW, shall pay an annual fee, or the equivalent over some other period as approved, subject to the discretion of the Control Officer, sufficient to cover all reasonable (direct and indirect) costs required to develop and administer the Operating Permit Program requirements as specified in this section.~~

~~(b) Pollutants for which fees will be assessed.~~

- ~~(1) A volatile organic compound.~~

~~(2) Each pollutant regulated under Section 7411 or 7412 of the 1990 Clean Air Act Amendments.~~

~~(3) Each pollutant for which a national primary ambient air quality standard has been promulgated except that carbon monoxide shall be excluded from this reference. PM₁₀ emissions will be utilized for purposes of calculating particulate matter emissions when such data is provided by the 40 CFR Part 70 source. Source test data is required to demonstrate the PM₁₀ portion of total particulate matter emissions.~~

~~(4) Emissions of each regulated pollutant emitted in excess of 7500 tons from a source shall be excluded from fee assessment.~~

~~(c) **Program cost projections.** The Authority shall prepare an Operating Permit Program budget each year based on a projected workload evaluation. Only fee eligible activities as specified in SWAPCA 400-100(f) and Ecology's development and oversight costs, as provided in RCW 70.94.162 shall be considered in the workload analysis. The projected budget shall be submitted to the Authority's Technical Advisory Council, as described in SWAPCA 400-172, for comments. The Technical Advisory Council shall be given an opportunity to provide input regarding the projected budget. The Control Officer shall evaluate all comments and revise the projected budget where deemed appropriate. After consideration of the comments, the Control Officer shall submit the proposed budget to the Board of Directors for approval. The approved budget shall be used in the equations below to determine the Operating Permit Program fees. The Authority shall publish the proposed and approved budgets and workload analysis in the Permit Register.~~

~~(d) **Three part fee assessment methodology.** Operating Permit Program fees shall be determined using a three part fee assessment methodology as described below:~~

~~(1) **Participation Fee.** Fees sufficient to cover one third of the Board approved Operating Permit Program budget shall be assessed such that each source shall pay an equal share. The total Operating Permit Program budget shall be divided by three. This amount shall be further divided by the number of 40 CFR Part 70 sources within the Authority's jurisdiction. Participation fees shall be equal in amount for each 40 CFR Part 70 source. The participation portion of the fee shall be assessed according to the following formula:~~

~~PF = $\frac{B}{3n}$, where;~~

~~PF = Participation fee portion of total fee;~~

~~B = The total Authority budget for the Operating Permit Program;~~

~~(2) **Emissions Fee.** Fees sufficient to cover one third of the budget shall be assessed such that each source shall pay an amount equal to that source's portion of the total annual emissions of the fee applicable pollutants from all 40 CFR Part 70 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's annual emissions (in tons) to the total annual emissions of fee applicable pollutants emitted by all 40 CFR Part 70 sources within the Authority's jurisdiction shall be paid by the owner or operator of each source. The~~

emissions portion of the fee shall be assessed according to the following formula:

$EF = B \cdot \frac{SE}{TE}$, where:

EF = Emissions fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

SE = The sum of annual emissions of fee applicable pollutants in tons per year from the individual 40 CFR Part 70 source;

TE = The sum of annual emissions of fee applicable pollutants in tons per year from all 40 CFR Part 70 sources.

(3) Complexity Fee. Fees sufficient to cover one-third of the budget shall be assessed such that each 40 CFR Part 70 source shall pay an amount equal to that source's portion of the total emissions units at all 40 CFR Part 70 sources within the Authority's jurisdiction. The total Operating Permit Program budget shall be divided by three. The ratio of each source's emissions units to the total number of emissions units located at all 40 CFR Part 70 sources within the Authority's jurisdiction shall be paid by the owner or operator of each source. The complexity portion of the fee shall be assessed according to the following formula:

$CF = B \cdot \frac{SU}{TU}$, where:

CF = Complexity fee portion of total fee;

B = The total Authority budget for the Operating Permit Program;

SU = The number of emission units at a source;

TU = The number of emissions units at all 40 CFR Part 70 sources.

(4) Total Fee. The amount of the annual assessed fees for each 40 CFR Part 70 source shall be the sum of the participation, emissions and complexity fee portions ($PF + EF + CF = \text{Total Fee}$). The sum of the total fees for all 40 CFR Part 70 sources within the Authority's jurisdiction shall be equal in amount to the Board adopted budget for the Operating Permit Program.

(e) Accountability.

(1) The sum of the fees assessed by the Authority to all sources required to obtain Operating Permits within the Authority's jurisdiction shall not exceed the cost of developing and administering the program. All fees collected from permit program sources as provided in RCW 70.94.162, shall be deposited in a dedicated air operating permit account. Such fees shall be used exclusively to support and administer the operating permit program.

(2) The Authority shall keep a record of all reasonable (direct and indirect) costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information shall be used by the Authority to develop the Operating Permit Program budget specified in section (3) above. The information obtained from tracking revenues, time and expenditures shall not provide a basis for challenge to the amount of an individual source's fee.

(3) In the event that the assessed fees exceed the cost of developing and administering the Operating Permit Program, such excess fees shall be used to

~~develop and administer the Operating Permit Program in the next subsequent year. The amount of the excess fees shall be deducted from the projected budget of the next subsequent year prior to fee assessment for the subsequent year.~~

~~(f) **Fee eligible activities.**~~

- ~~(1) Preapplication assistance and review of an application and proposed compliance plan for a permit, permit revision or permit renewal;~~
- ~~(2) Source inspections, testing and other data gathering activities necessary for development of a permit, permit revision or renewal;~~
- ~~(3) Acting on an application for a permit, permit revision or renewal, including the costs of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet and preparing a final permit, but excluding the costs of developing BACT, LAER, BART or RACT requirements for criteria and toxic air pollutants;~~
- ~~(4) Notifying and soliciting, reviewing and responding to comment from the public and contiguous states and tribes, conducting public hearings regarding the issuance of a draft permit and other costs of providing information to the public regarding operating permits and the permit issuance process;~~
- ~~(5) Modeling necessary to establish permit limits or to determine compliance with permit limits;~~
- ~~(6) Reviewing compliance certifications and emission reports, conducting related compilation and reporting activities;~~
- ~~(7) Conducting compliance inspections, complaint investigations and other activities necessary to ensure that a source is complying with permit conditions;~~
- ~~(8) Administrative enforcement activities and penalty assessment, excluding the costs of proceedings before the Pollution Control Hearings Board (PCHB) and all costs of judicial enforcement;~~
- ~~(9) The share attributable to permitted sources to the development and maintenance of emissions inventories;~~
- ~~(10) The share attributable to permitted sources of ambient air quality monitoring and associated recording and reporting activities;~~
- ~~(11) Training for permit administration and enforcement;~~
- ~~(12) Fee determination, assessment and collection, including the costs of necessary administrative dispute resolution and enforcement;~~
- ~~(13) Required fiscal audits, periodic performance audits and reporting activities;~~
- ~~(14) Tracking of time, revenues and expenditures and accounting activities;~~
- ~~(15) Administering the permit program including costs of clerical support, supervision and management;~~
- ~~(16) Provision of assistance to small business under jurisdiction of SWAPCA as required under Section 507 of the Federal Clean Air Act; and~~
- ~~(17) Other activities required by operating permit regulations issued by EPA under the Federal Clean Air Act.~~

~~(g) **Late Fee Payments.** Fees shall be paid in accordance with the schedule of payment agreed upon in advance by the Control Officer and each operating permit source. Delinquent fees are subject to a late fee equal to three times the operating permit fee. The penalties authorized by this subsection are additional to and in no way prejudice SWAPCA's ability to exercise other civil and criminal remedies, including authority to revoke a source's operating permit for failure to pay all or part of its permit fee.~~

~~(h) **Schedules of Payment.** A source shall be allowed to pay its annual operating permit fees in one, two or four installments. Each schedule of payment shall specify the terms and dates of payments.~~

~~(i) **Transfer of Ownership.** Transfer of ownership of a source shall not affect that source's obligation to pay operating permit fees. Any liability for fee payment, including payment of delinquent fees and other penalties shall survive any transfer of ownership of a source.~~

(5) Inspections.

(a) Periodic onsite inspections of emission units and sources shall be allowed to verify compliance with applicable requirements, regulations, orders or rules governing the processes, equipment, or emissions from a source as set forth in RCW 70.94.200.

(b) Authority personnel or representatives shall have the authority to enter at reasonable times upon any private or public property excepting non-multiple unit private dwellings housing two families or less for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants to the atmosphere.

(c) No person shall refuse entry or access to Authority personnel who request entry for the purpose of inspection, who present appropriate credentials.

(d) No person shall obstruct, hamper or interfere with any such inspection.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-101 SOURCES EXEMPT FROM REGISTRATION REQUIREMENTS

All air contaminant emissions units shall be registered with the Authority except for the emissions units listed in this section. In the event that a registered source has any of these emissions units at a location that is otherwise required to be registered or obtain an operating permit, the Authority may require that these emissions units be included on the permit or registration. However, registration fees shall not be assessed for any of the exempt emissions units. Any source exempted from registration under this section shall maintain sufficient documentation acceptable to the Authority that the source is entitled to exemption under this section. Any source exempted from registration under this section shall also be considered exempt from the requirements of SWAPCA 400-110, 400-111, 400-112, 400-113, and 400-114. For the purpose of identifying sources or emission units exempt from registration, the source's or emission unit's potential to emit shall be

used as the basis for emissions and shall consider emissions before application of any control equipment. All exempt emission units shall be identified on an Order of Authorization to Operate for an otherwise registered source (refer to SWAPCA 400-109). An exemption for an entire facility or source shall be valid only if the combined emissions from all emission units at that site or facility are less than 1.0 ton per year for criteria pollutants and less than the Small Quantity Emission Rate for each toxic air pollutant identified in SWAPCA 460. If any exemption threshold is exceeded for an emission unit or units, either individually or combined, the source or emission unit(s) shall not be considered to be exempt.

List of Exempt Emission Units or Sources as a Single Source or Emission Unit:

- (1) Air conditioning or ventilating systems designed for space heating and cooling, combined or separate, that are less than 2.0 million BTU per hour which do not exhaust to the atmosphere contaminants generated by or released from process equipment.
- (2) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which emits less than one ton per year combined of nitrogen oxides, carbon monoxide, PM₁₀, sulfur dioxide and volatile organic compounds from all emissions units combined. The one ton exemption does not apply to emissions of toxic air pollutants. Sources or emission units with emissions of toxic air pollutants to the ambient air may be exempted only if the annual emissions quantity for each toxic air pollutant is below the Small Quantity Emission Rate (annual rate) for each toxic air pollutant emitted as identified in SWAPCA 460.
- (3) Any commercial or industrial manufacturing operation or business or process(es) associated with such operation or business which is of insufficient stature to trigger a new source review fee assessment, from all emission units combined, as specified in Table A under SWAPCA 400-110.
- (4) Asphalt roofing and application equipment (not manufacturing or storage equipment).
- (5) Fuel burning equipment unless waste-derived fuel is burned, which:
 - (a) is used solely for a private dwelling serving less than five families; or
 - (b) has an energy input of less than 2 million Btu per hour.
- (6) Fuel burning equipment used exclusively for office space heating other than boilers.
- (7) Insecticide, pesticide or fertilizer spray equipment.
- (8) Laundering devices, dryers, extractors or tumblers for fabrics using water solutions of bleach and/or detergents.

- (9) Portable, manually operated welding, brazing or soldering equipment when used at other than the owner's principal place of business.
- (10) Welding stations involved solely in the repair and maintenance of a facility. This exemption does not extend to manufacturing operations where welding is an integral part of the manufacturing process.
- (11) Food preparation facilities, establishments or equipment.
- (12) Retail paint sales establishments (not including manufacturing).
- (13) Sampling connections used exclusively to withdraw materials for laboratory analyses and testing.
- (14) Sewing equipment.
- (15) Sources which due to the amount and nature of air contaminants produced and their potential to contribute to air pollution, are determined through review by the Authority to not warrant registration; provided that, for new sources, such determination shall be based upon review of a Notice of Construction application.
- (16) Spray painting or blasting equipment used at a temporary location to clean or paint bridges, water towers, buildings or other structures.
- (17) Chemical and physical laboratory operations or equipment, including fume hoods and vacuum producing devices provided the emissions do not exceed those listed in SWAPCA 400-101(2). This exemption applies to incidental fume hoods or laboratory equipment used by a source to perform in-house analyses that do not exceed the small quantity exemption of (2) above. This exemption does not apply to sources whose primary activity is chemical or physical laboratory operations.
- (18) Residential wood heaters.
- (19) Office equipment, operations and supplies.
- (20) Internal combustion including diesel engines used for standby emergency power generation which are used less than 100 hours per year and are rated at less than 500 horsepower.
- (21) Steam cleaning equipment used exclusively for that purpose.
- (22) Refrigeration systems which are not in air pollution control service.

- (23) Housekeeping activities and equipment.
- (24) Natural draft hoods, natural draft stacks, or natural draft ventilators for sanitary and storm drains, safety valves and storage tanks.
- (25) Natural and forced air vents and stacks for bathroom/toilet facilities.
- (26) Personal care activities.
- (27) Lawn and landscaping activities.
- (28) Flares used to indicate danger to the public.
- (29) Fire fighting and similar safety equipment and equipment used to train fire fighters.
- (30) Materials and equipment used by, and activities related to operation of an infirmary provided that operation of an infirmary is not the primary business activity at the source in question.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-105 RECORDS, MONITORING AND REPORTING

The owner or operator of each registered source or emission unit shall 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. Sources that are not subject to the registration requirements of SWAPCA 400-100 because they are exempt under SWAPCA 400-101 shall nevertheless maintain records and other information necessary and sufficient to substantiate that their small quantity emissions are less than the applicable thresholds.

(1) Emission inventory.

(a) When requested, the owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year to the Authority. The inventory shall include stack and fugitive emissions of particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and toxic air pollutants identified in WAC 173-460. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(b) The emission inventory form supplied by the Authority shall be completed and returned to the Authority by April 15th for the following sources:

(i) Sources with the potential to emit over 100 tons of criteria pollutants, 10 tons of a single hazardous air pollutant or 25 tons of combined hazardous air pollutants, sources subject to NSPS, except Subpart AAA, and sources subject to NESHAPS, except Subpart M, sources are required to submit an emissions inventory. Only the hazardous air pollutants listed in Section 112 of the FCAA are considered for inclusion as hazardous air pollutant emissions for the purpose of determining those sources required to submit an emissions inventory. Minimum data required for the emissions inventory includes: emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment and boiler capacity.

(ii) In ozone nonattainment areas, those sources that emit over 10.0 tons of VOCs per year or over 25.0 tons per year of NO_x are also required to submit emission inventories. Minimum data required for the emissions inventory includes: emissions type, emissions quantity, process data, stack parameters, operating schedule, control equipment, and equipment capacity. Sources subject to this section are also required to submit daily emissions data for NO_x, and VOCs in preparation for the SIP update.

~~(iii) Sources with actual emissions or potential to emit greater than 50% of the Title V permit thresholds as identified in (i) above.~~

~~(iv) Synthetic minor or Title V opt-out sources.~~

(2) **Monitoring.** The Authority shall 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 Control Officer or an authorized representative may require any source under the jurisdiction of the Authority to conduct stack and/or ambient air monitoring and to report the results to the Authority.

(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 the Authority shall 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 determine compliance, evaluate control equipment performance, evaluate RACT or quantify emissions the Authority may conduct or require that a test be conducted of the source or any emissions unit within the jurisdiction of the Authority. Source testing shall be performed using appropriate sampling and analytical methods from 40 CFR 60 Appendix A which are adopted by reference, or alternate procedures approved by the Authority. The operator of a source shall provide the necessary platform and sampling ports for Authority personnel or others to perform a test of an emissions unit. The Authority shall be allowed to

obtain a sample from any emissions unit. 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 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 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 primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluidized 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 SWAPCA 400-105(5)(e) do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by SWAPCA 400-105(5)(d) shall be subject to approval by the Authority.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this section shall demonstrate to the Authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) **Special considerations.** If for reason of physical plant limitations or extreme economic situations, the Authority determines that continuous monitoring is not a reasonable requirement, alternative monitoring and reporting procedures shall be established on an individual basis. Alternative monitoring and reporting procedures may include continuous monitoring of process/operational parameters as a surrogate to continuous emissions monitoring and/or stack tests conducted at a frequency sufficient to determine compliance with applicable regulations and permit requirements as well as to quantify emissions.

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

(i) Subject to a new source performance standard. NSPS sources shall be governed by SWAPCA 400-115.

(ii) Not subject to an applicable emission standard.

(h) **Monitoring system malfunctions.** A source may be temporarily exempted from the monitoring and reporting requirements of this section during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of the Authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) **Change in raw materials or fuels for sources not subject to requirements of the Operating Permit Program.** Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by SWAPCA 400-105(1) shall require the submittal of sufficient information to the Authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. The Authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase or decrease in average annual sulfur content over the initial inventory shall not

require such notice.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-107 EXCESS EMISSIONS

(1) The owner or operator of a source shall have the burden of proving to the Authority or the decision-making entity (e.g., Pollution Control Hearings Board) in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined by the Authority to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions shall be reported to the Authority as soon as possible. Upon request by the Authority, the owner(s) or operator(s) of the source(s) shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-109 NOTICE OF CONSTRUCTION APPLICATION

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(1) Purpose. A Notice of Construction (NOC) application is the document or form used by the Authority to record and track requests from individual sources, registered and non-registered, for the purpose of obtaining information regarding proposed changes or activities at a source. Confidential information shall be identified as set forth in SWAPCA 400-270. Changes may include modifications, alterations, changes to process or control equipment, establishment of emission limits, and installation of new sources.

(2) Applicability.

(a) A Notice of Construction application consistent with SWAPCA 400-110 shall be submitted for all new installations, modifications, changes, and alterations to process and emission control equipment consistent with the definition of new source.

(b) Submittal of a Notice of Construction application shall not automatically impose New Source Review requirements for meeting emissions standards (including, but not limited to: NSPS, NESHAPs, any ambient air quality standard, etc.).

(3) Types of Applications. A Notice of Construction application may be submitted for, but not be limited to, the following activities:

(a) New construction or installation

~~**(b)** Change of existing approved emission limits (including Title V opt-out requests—SWAPCA 400-091).~~

~~**(c)** Review of existing or installed equipment operating without prior approval.~~

(d) Modification, alteration or replacement of existing process or control equipment.

(e) Change of registered owner (purchase or sale of source, facility or equipment).

(f) Change of location of operations of existing portable and stationary equipment.

~~**(g)** Review of existing equipment with an expired or lapsed approval or registration.~~

~~**(h)** Review of a case by case RACT, BACT, MACT or other similar determination.~~

~~**(i)** Other activities as identified by the Authority.~~

(4) Fees. A fee consistent with the fee schedule (Tables A and B) provided in SWAPCA 400-110 shall be paid by the owner or operator to the Authority prior to review of the Notice of Construction application by the Authority.

(5) Authority Actions. Each acceptable and complete Notice of Construction application shall have an Order of Approval or other applicable order issued by the Authority. A Notice of Construction for a gasoline dispensing station shall be submitted and approved as provided in SWAPCA 400-110(8). The requirements of SEPA (State Environmental Policy Act) shall be complied with for each Notice of Construction. Demonstration of completion of an environmental checklist as provided in WAC 197-11 shall be submitted with each Notice of Construction. Issuance of regulatory orders for all Notice of Construction applications shall be consistent with the requirements of SWAPCA 400-110. Requirements for New Source Review are provided in SWAPCA 400-110, 400-111, 400-112, 400-113 & 400-114. A Notice of Construction application may be withdrawn prior to issuance of a regulatory order by the Authority as provided in (6) below; or an application may be determined by the Authority to be exempt as provided under 400-100, 400-101, or 400-110. An application determined to be exempt will be processed as identified in (6) below.

(6) Withdrawal or Exempt.

(a) A Notice of Construction application may be withdrawn by the applicant at any time prior to issuance of a regulatory order. The applicant must provide a written and signed request to the Authority indicating their desire to withdraw a Notice of Construction application, and certification that the proposed equipment or modification will not be installed, constructed, or operated without prior review and approval from the Authority. The Authority shall provide written response to acknowledge withdrawal of the application.

(b) After review by the Authority, an application may be determined to be exempt from the registration requirements of SWAPCA 400-100 and New Source Review requirements of SWAPCA 400-110. Written notification shall be provided by the Authority to the applicant for all applications that are determined to be exempt. For withdrawn or exempt applications, filing fees will not be refunded to the applicant. Review fees, if provided with the application, may be refunded, upon request, provided that substantial time has not been expended by the Authority for review of the Notice of Construction application.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-110 NEW SOURCE REVIEW

(1) Applicability.

(a) New Source Review (NSR) means that if the new source, modification or substantial alteration or replacement, meets the definition of "new source" then that new source or modification must demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. A complete Notice of Construction

application shall be submitted for each source required to submit an application under the requirements of this section. Confidential information shall be identified as set forth in SWAPCA 400-270.

Before the Authority may review a Notice of Construction application, a filing fee of \$75.00 and a review fee, as shown in Table A shall be submitted by the applicant. If offsetting emission reductions or other types of review identified in Table B are required to be performed by the Authority as a result of the proposed installation, alteration, or modification, an additional review fee shall be paid. (Total Fee = Filing Fee + Review Fee [Table A] + Additional Review Fee [Table B]).

Notice of Construction application review fees based on emissions are to utilize actual or approved emissions, after controls, as supported by test data or emission factors, not potential to emit. Other review fees as noted in the fee tables are based on design capacities of the source equipment. Where a source may fall under multiple categories, only one fee per application shall apply; Table A fees are not considered additive as they apply to an application. In general, the fee determination shall be based on the primary emission unit or activity of the new, modified or altered source.

TABLE A

Notice of Construction Application Review Fees

| i. Fuel Burning Equipment | Fuel | New |
|--|---------------|---------------------|
| (Million Btu/hr heat input @ design capacity): | <u>Change</u> | <u>Installation</u> |
| 2 or more but less than 5 | \$25.00 | \$100.00 |
| 5 or more but less than 10 | 50.00 | 200.00 |
| 10 or more but less than 30 | 100.00 | 350.00 |
| 30 or more but less than 50 | 200.00 | 500.00 |
| 50 or more but less than 100 | 300.00 | 1,000.00 |
| 100 or more but less than 250 | 400.00 | 2,500.00 |
| 250 or more but less than 500 | 500.00 | 4,000.00 |
| 500 or more | 600.00 | 6,000.00 |
| | | |
| (b) Discharge from control equipment or from uncontrolled process equipment (Actual Cubic Feet per Minute - ACFM): | | |
| Less than 5 | | \$ 100.00 |
| 5 or more but less than 5,000 | | 200.00 |
| 5,000 or more but less than 20,000 | | 300.00 |
| 20,000 or more but less than 50,000 | | 400.00 |
| 50,000 or more but less than 100,000 | | 500.00 |

| | |
|---|---|
| 100,000 or more but less than 250,000 | 1,000.00 |
| 250,000 or more but less than 500,000 | 2,000.00 |
| 500,000 or more | 4,000.00 |
| iii. Refuse Burning Equipment (Incinerators)(Tons/day): | |
| 0.5 or more but less than 5 | \$100.00 |
| 5 or more but less than 12 | 1,000.00 |
| 12 or more but less than 250 | 3,000.00 |
| 250 or more | 4,000.00 |
| iv. Storage Tanks, Reservoirs, or Containers (Gallons-total capacity): (Other than gasoline or diesel fuel dispensing facilities) | |
| 250 or more but less than 10,000 | \$ 100.00 |
| 10,000 or more but less than 40,000 | 500.00 |
| 40,000 or more but less than 100,000 | 1,000.00 |
| 100,000 or more | 2,000.00 |
| v. Gasoline Dispensing Facilities | |
| Stage I | \$100.00 |
| Stage II | 200.00 |
| Stages I & II, combined | 200.00 |
| Installation of storage tanks greater than 2000 gallons | 100.00 |
| Toxics review for gasoline facility | 500.00 |
| vi. Other | \$100.00/ton |
| (Not classified in Subsection i., ii., iii., or iv. above) | of emission |
| vii. Toxic Air Contaminants | \$100.00 up to one ton and \$100.00 for each additional ton |
| viii. Major Source or Major Modification | \$5,000.00 |
| ix. Synthetic minor application (including, but not limited to: Title V, HAP) Not to exceed | \$5,000.00 |
| x. Particulate Matter and Fugitive Emissions from Rock Crushing, Material Transfer and Ship Loading (Emissions - tons per year) | |
| 1.0 or more but less than or equal to 10 | \$100.00 |
| More than 10 but less than or equal to 50 | 500.00 |
| More than 50 but less than or equal to 100 | 1,000.00 |

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| | |
|---|-----------|
| More than 100 but less than 250 | 2,500.00 |
| 250 or greater | 5,000.00 |
| xi. Modifications to an Existing Order | \$ 200.00 |
| xii. Installation or Operation of a Temporary, Substitute or Emergency Source | \$ 300.00 |

TABLE B

Other Review Fees

The following fees are considered additive to the filing and review fees assessed for Notice of Construction applications (Table A). These fees apply to activities that may be requested of and performed by the Authority with or without submittal of a Notice of Construction application and are not part of the activities normally performed by the Authority as part of the Notice of Construction application review.

| | |
|--|------------|
| xiii. Emission Offset Analysis or Bubble | \$200.00 |
| xiv. Emission Reduction Credit (ERC) Application (Deposit or withdrawal) | \$200.00 |
| xv. State Environmental Policy Act (SEPA) - Lead Agency | \$1000.00 |
| xvi. Environmental Impact Statement (EIS) Review | \$500.00 |
| xvii. RACT/BACT/MACT/BART/LAER Determination | \$2,000.00 |
| xviii. Variance request | \$500.00 |

(b) A Notice of Construction application that meets the minimum requirements for New Source Review must be filed by the owner or operator and an Order of Approval issued by the Authority prior to the establishment of any new source or emission unit or modification which is listed in SWAPCA 400-100 or required to obtain an Operating Permit under RCW 70.94.161.

(c) The Authority may require that:

(i) a Notice of Construction application be filed by the owner or operator of a

proposed new source or modification,

(ii) the source meets all New Source Review requirements, and

(iii) an Order of Approval be issued by the Authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(d) New Source Review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(e) New Source Review is not required for those sources whose facility wide combined emissions (potential to emit) do not exceed the limits specified in SWAPCA 400-101 or whose emission unit capacities are less than the minimum quantities specified in Table A of SWAPCA 400-110(1)(a). The owner or operator of an exempt facility shall maintain sufficient documentation acceptable to the Authority to substantiate that the source is entitled to exemption under this section. An emission unit exempt from registration under SWAPCA 400-100 or 400-101 may be exempt from New Source Review requirements.

(f) New Source Review is not required when the following conditions are met:

(i) Performance of routine maintenance or repair that involves the replacement of like-in-kind air pollution control equipment or controls. This includes upgrades of parts or components where due to wear or breakage, parts or components must be replaced and exact replacement parts or components are no longer available from the original equipment manufacturer or after market vendors. In no case shall the replacement parts result in an increase in actual emissions above allowable emissions;

(ii) A process change is made that does not result in an emission of a different type not previously approved or an increase in capacity and total air pollutant emissions;

(iii) A process change is made that does not result in an emission of a different type of toxic air pollutant, as provided in SWAPCA 460, not previously approved and individual toxic air pollutant emissions do not exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in SWAPCA 460-080 (annual rate);

(iv) A raw material composition change that does not result in individual toxic airpollutant emissions that exceed the Small Quantity Emission Rates specified in the Small Quantity Emission Rate tables in SWAPCA 460-080 (annual rate);.

(g) Any source required to submit a Notice of Construction application for New Source Review is required to demonstrate that all applicable emission standards have been or will be met by the proposed modification or new source. Examples of applicable emissions standards may include, but not be limited to: RACT, BACT, LAER, BART, MACT, NSPS, NESHAPS, and any ambient air quality standards as identified in Table C. Requirements for new and modified sources and replacement or alteration of control equipment are further addressed in SWAPCA 400-111, 400-112, 400-113, 400-114, and 400-151.

TABLE C

Emission Concentration Regulatory Standards and Significance Levels

| Pollutant | Averaging Period | Class II Significant Impact Criteria $\mu\text{g}/\text{m}^3$ | Class I PSD Increments $\mu\text{g}/\text{m}^3$ | Class II PSD Increments $\mu\text{g}/\text{m}^3$ | NAAQS | | Washington |
|--|--------------------------|---|---|--|--|--|--|
| | | | | | Primary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm) | Secondary Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm) | Ambient Standards $\mu\text{g}/\text{m}^3$ (ppm) |
| Carbon Monoxide (CO) WAC 173-475 | 8-hour | 500 | — | — | 10,000 ^b (9.0) | 10,000 ^b (9.0) | 10,000 ^b (9.0) |
| | 1-hour | 2,000 | — | — | 40,000 ^b (35.0) | 40,000 ^b (35.0) | 40,000 ^b (35.0) |
| Nitrogen Dioxide (NO ₂) (WAC 173-475) | Annual (arithmetic mean) | 1 | 2.5 | 2.5 | 100 (0.05) | 100 (0.05) | 100 (0.05) |
| Ozone (O ₃) WAC 173-475 | 1-hour | -- | -- | -- | (0.12) | (0.12) | (0.12) |
| Sulfur Dioxide (SO ₂) WAC 173-474 | Annual | 1 | 2 | 20 | 80 (0.03) | -- | 53 (0.02) |
| | 24-hour | 5 | 5 | 91 | 365 ^b (0.14) | -- | 260 ^b (0.10) |
| | 3-hour | 25 | 25 | 512 | -- | 1300 ^b (0.50) | -- |
| | 1-hour | -- | -- | -- | -- | -- | 1,065 ^b (0.40) ^d |
| Total Reduced Sulfur (TRS) | 1-hour | -- | -- | -- | -- | -- | ---- |
| Total Suspended Particulates (TSP) WAC 173-470 | Annual (geometric mean) | 1 | 5 | 19 | 75 | 60 | 60 |
| | 24-hour | 5 | 10 | 37 | 260 ^b | 150 ^b | 150 ^b |
| Particulate Matter less than 10 μm (PM ₁₀) WAC 173-470 | Annual (geometric mean) | 1 | ----- | 17 | 50 | 50 | 50 |
| | 24-hour | 5 | ----- | 30 | 150 ^b | 150 ^b | 150 ^b |
| Lead | Quarterly Average | ---- | ---- | ---- | 1.5 | 1.5 | 1.5 |

$\mu\text{g}/\text{m}^3$ = micrograms per cubic meter; ppm = parts per million

- a -Never to be exceeded
- b - Not to be exceeded more than once per year
- c - This is not a standard, rather it is to be used as a guide in assessing whether implementation plans will achieve the 24-hour standard
- d -Also, 0.25 ppm not to be exceeded more than twice in seven days
- e -Not to be exceeded on more than 1 day per calendar year as provided in WAC 173-475

Annual standards never to be exceeded; short term standards not to be exceeded more than once per year unless otherwise noted.
Sources include the EPA New Sources Review Workshop Manual, 40 CFR 52.21 and individual WAC Chapters.

The significant impact criteria are used to determine if a proposed project or modification will cause a significant deterioration in ambient air quality for Class II areas. If a proposed project impacts (i.e., changes in ambient concentrations resulting from the proposed project or modification alone) are predicted to be less than the significant impact criteria, then the air quality analysis is complete at that point. If the ambient impact of a proposed project or modification exceeds these levels, compliance with available PSD increments and AAQS must then be demonstrated. If a proposed project or modification exceeds the significant ambient concentrations for Class II areas, monitoring of existing ambient air quality may be required if data sufficient to characterize background air quality are not available.

(2) Completeness determination. Within thirty (30) calendar days of receipt of a Notice of Construction application, the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application as provided under RCW 70.94.152. For a project subject to PSD review under SWAPCA 400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review. The Authority may request additional clarification of information submitted from the source after a completeness determination has been made for a Notice of Construction application.

(3) Final determination / Regulatory Orders.

(a) Within sixty (60) calendar days of receipt of a complete application, the Authority shall either issue a final decision on the application or, for those projects subject to public notice, issue a preliminary determination and initiate notice and comment procedures under SWAPCA 400-171 on a proposed decision, followed as promptly as possible by a final decision. An owner or operator seeking to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the Notice of Construction application required by this section. A Notice of Construction application designated for integrated review shall be processed in accordance with SWAPCA-401 procedures and deadlines.

(b) Every final determination on a Notice of Construction application that results in the issuance of an Order of Approval by the Authority shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the Authority.

(c) If the new source is a major stationary source or the change is a major modification, the Authority shall submit any control technology determination(s) included in a final Order of Approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) Appeals. An Order of Approval, any conditions contained in an Order of Approval, the denial of a Notice of Construction application, or any other regulatory order issued by the Authority, may be appealed to the Board of Directors as specified in SWAPCA 400-220 of this regulation or appealed directly to the Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter 43.21B RCW. The Authority shall promptly mail copies of each order approving or denying a Notice of Construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) Portable sources. For portable sources which locate temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a Notice of Construction application for each location provided that:

(a) The source/emissions units are registered with the Authority.

(b) The source/emissions units have an Order of Approval as a portable source.

(c) The owner(s) or operator(s) notifies the Authority of intent to operate at the new location at least ten business days prior to starting the operation.

(d) The owner(s) or operator(s) supplies sufficient information including production quantities and hours of operation, to enable the Authority to determine that the operation will comply with the emission standards for a new source, and will not cause a violation of applicable ambient air quality standards and, if in a nonattainment area, will not interfere with scheduled attainment of ambient standards.

(e) The owner(s) and/or resident(s) of immediately adjacent properties shall be notified by the owner(s) or operator(s) of the portable source in writing at least 10 business days prior to commencement of operations at the proposed location with copies mailed to the Authority. Written notification to the adjacent landowners/residents shall be by certified mail with return receipt requested. Such written notification shall include a complete description of the proposed operation, the associated emissions control provisions and equipment, the total estimated project emissions, the name, address and phone number of the person in charge of the operation, and the address and phone number for SWAPCA. Written notification shall indicate that all comments shall be directed to the Authority.

(6) Compliance. Noncompliance with any emission limit, test requirement, reporting

requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) Expiration. Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen-month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(8) Temporary, Emergency, or Substitution Sources.

(a) A temporary source shall be considered to be a new source. The Authority may require that a Notice of Construction application and applicable review fees be submitted before reviewing a request for a temporary, emergency or substitution source. The Authority may provide approval for special situations for a source without meeting the requirements for New Source Review when one or more of the following conditions are met:

(i) The temporary source is needed to replace a previously approved similar source where the approved source is non-functional due to breakdown or other similar circumstances beyond the control of the owner or operator. This may include replacement steam or power supply units where facilities have an immediate need to continue production or service to public or private industries, or have a need for an extended or unscheduled shutdown of equipment that is of a duration not otherwise planned for. The Authority may provide written approval for a temporary source that may include but not be limited to emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. Installation of a temporary source due to poor or improper maintenance or operations is required to submit a Notice of Construction application for permanent replacement within 30 days of installation.

(ii) The temporary source is necessary to support public or private needs in the event of a local or regional disaster when proper planning could not be accommodated. In no event shall the temporary source be authorized for operations for durations greater than three months. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. For operations greater than three months the owner or operator shall submit a Notice of Construction application under New Source Review requirements (SWAPCA 400-110) for approval from the Authority.

(iii) The temporary source is a one time special need, urgent application, that can not otherwise be accommodated through the New Source Review process due to the critical nature of the source and time constraints. As a condition of approval under this expedited approval process, a new source of this type could not request to be allowed or expected to operate within the jurisdiction of the Authority for the following three years. Written approval shall be provided by the Authority that may contain but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements and testing requirements. In no case shall approval be provided for operation greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

(b) An emergency source is the result of an emergency situation that could not otherwise be planned for. The Authority shall provide written approval for an emergency source provided that the owner or operator has provided sufficient documentation or demonstration of the need for the source to the satisfaction of the Control Officer. The written approval may include but not be limited to: emission limits, operation and maintenance requirements and limitations, monitoring and reporting requirements, and testing requirements. In no case shall approval be provided for operations greater than three months.

(c) A substitute source is the same as a temporary source as in (a) above. A substitute source may be of a different manufacturer and model number and size and may result in increased emissions from installation from previously approved equipment on a short term basis. The Authority shall provide written approval for a substitute source that may include but not be limited to: emission limits, operational or maintenance requirements or limitations, monitoring and reporting requirements, and testing requirements. In no event shall the substitute source be authorized for operations for durations greater than three months. For operations greater than three months, the owner or operator shall submit a Notice of Construction application under the New Source Review requirements of SWAPCA 400-110.

(9) Gasoline dispensing facilities

(a) Owners or operators of gasoline dispensing facilities shall submit a Notice of Construction application for all new or upgraded facilities as defined in SWAPCA 491 prior to installation, construction or modification. New Source Review fees shall apply for all Notice of Construction applications as identified in SWAPCA 400-110. Installation of vapor control equipment and compliance schedules shall be as provided in SWAPCA. 491. Applications for installation of Stage II equipment shall include a Stage I application if the

tanks, spill/overflow collection, cathodic protection or Stage I controls are to be replaced, changed or modified as part of the Stage II activity.

(b) All gasoline vapor control equipment installed at gasoline dispensing facilities shall be certified by the California Air Resources Board (CARB) and shall have a CARB Executive Order issued for the vapor control equipment.

(c) A Notice of Construction application for a gasoline dispensing facility shall be submitted to the Authority prior to installation, construction, or upgrade of gasoline dispensing equipment, control equipment, or facilities.

(d) The Authority shall provide written notification to the applicant within 30 calendar days of receipt of the application if the application is complete and in accordance with applicable requirements. An Order of Approval may not be issued for a Notice of Construction for gasoline dispensing facilities and the public notice and comment procedures may not be required if the Notice of Construction application provides for certified or approved equipment and controls as identified in (b) above. The applicant may begin construction, upgrade, or operation upon receipt of written notification of approval of the application from the Authority. Written approval from the Authority may contain additional testing, monitoring and reporting requirements.

(e) Within 10 calendar days of installation of a new facility, Stage I or Stage II controls, or upgrades as provided in SWAPCA 491-020, the owner or operator shall notify the Authority in writing that the activities as identified in the Notice of Construction and associated testing are complete. Test results shall be submitted to SWAPCA within 14 calendar days of testing.

(f) All new facilities with Stage I gasoline vapor recovery systems shall have a back pressure/blockage test performed at the time of installation to ensure proper connection and absence of leaks.

(g) All new installations of Stage II vapor recovery controls shall have a static pressure decay test performed at the time of installation in accordance with CARB draft TP201.3 or an Authority approved equivalent. Identification of the test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval. This testing shall be performed annually by each new facility to ensure proper operation. Results of the testing shall be submitted to SWAPCA provided in (e) above.

(h) All vacuum assisted Stage II vapor recovery controls shall be performance tested by performance of an air to liquid ratio test at the time of installation. Such testing is in

addition to the back pressure/blockage testing and static pressure decay test of items (f) and (g) above and shall be performed in accordance with the CARB Executive Order certifying the equipment, CARB draft test procedure TP-201.5, or an Authority approved equivalent. Identification of the preferred test method shall be included in the Notice of Construction application and results of the testing shall be submitted to the Authority with the notification provided in (e) above. The Authority may specify other or additional test requirements in the written Order of Approval.

(i) Stage I and Stage II vapor recovery equipment shall be maintained in proper working order at all times. All Stage I and Stage II gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I or Stage II gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(j) Delivery rates for the gasoline dispensing systems shall be limited to the rates approved in the CARB Executive Order certifying the equipment or system, and in no case shall any delivery system exceed 10 gallons per minute as provided by EPA in the Federal Register, Volume 58, Number 55, page 16019.

(k) The owner or operator shall submit gasoline throughput figures annually (on a calendar basis) to the Authority by January 31 of each year.

(l) The owner or operator of a gasoline dispensing facility and/or the delivery person shall not permit the loading of gasoline into a gasoline storage tank equipped with vapor recovery fittings from a transport tank equipped with vapor recovery fittings unless the vapor recovery system is attached to the transport tank and operated satisfactorily at all times when fuel is unloaded.

(m) Pressure/vacuum valves shall be installed as required by the CARB Executive Orders that certify the particular Stage I or Stage II vapor recovery equipment. Relief set points shall be adhered to as provided in the applicable CARB Executive Orders and local fire ordinances.

(n) Any alteration of the equipment, parts, design, or operation of the nozzles or gasoline dispensing system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from the Authority.

(o) No person or entity shall sell, offer for sale, supply, offer for supply, dispense, transport, or introduce into commerce, for use as a fuel in any motor vehicle any gasoline which contains lead or lead additives after December 31, 1995 as provided at Section

211(n) of the 1990 Federal Clean Air Act Amendments.

State effective: 11/26/96; EPA effective: 6/30/97

SWAPCA 400-111 REQUIREMENTS FOR SOURCES IN A MAINTENANCE PLAN AREA

Any person proposing to install, construct or operate a new source or emission unit or make a modification to an existing source or emission unit shall file a Notice of Construction application with the Authority in accordance with SWAPCA 400-109 and shall be subject to the New Source Review provisions of SWAPCA 400-110. Confidential information shall be identified as set forth in SWAPCA 400-270. A Notice of Construction application to establish a new source or make a modification to a source in an area that is covered by a maintenance plan, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the requirements of this section. New sources or modifications within a designated maintenance plan area, including sources of VOC or NO_x in a designated ozone maintenance plan area, shall meet the requirements listed below.

(1) Emission Standards. The proposed new source or modification shall:

- (a)** comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the Authority; and
- (b)** not cause any ambient air quality standard as provided in SWAPCA 400-113(3) to be exceeded; and
- (c)** not violate the requirements for reasonable further progress established by the Washington State Implementation Plan; and
- (d)** minimize emissions to the extent that the new source or modification will not delay the attainment date for a nonattainment area, exceed emission levels or other requirements provided in a maintenance plan for an area that was previously identified as a nonattainment area, nor cause or contribute to a violation of any ambient air quality standard.

(2) BACT. Except as provided in Subsection (8) of this section, the owner or operator of the proposed new source or modification shall apply BACT for each pollutant. In the case of a modification, the requirement for BACT shall apply to each new or modified emission unit which increases emissions. For phased construction projects, the determination of BACT shall be reviewed at the latest reasonable time prior to commencement of construction of each independent phase.

(3) Source Compliance. The owner or operator of the proposed new source or modification shall certify that all sources owned or operated by such person (or by an entity controlling, controlled by, or under common control with such person) in Washington are in compliance or on a schedule for compliance, with all applicable emission limitations and standards under the Washington Clean Air Act (RCW 70.94).

(4) Offsets or Growth Allowance. The owner or operator of a proposed new major source or major modification shall provide offsets as specified in Subsection (9) of this section. Except as provided in Subsection (8) of this section, the requirements of this Section may be met in whole or in part in an ozone maintenance plan area with an allocation by SWAPCA from a growth allowance, if available, in accordance with Subsection (9) of this section and the applicable maintenance plan in the SIP adopted by the Board and approved by EPA.

(5) Net Air Quality Benefit. For cases in which emission reduction or offsets are required in accordance with Section (4) above, the applicant shall demonstrate that a net air quality benefit will be achieved in the maintenance plan area. If the proposed new source or the proposed modification is major for the contaminant for which the area has a maintenance plan, allowable emissions of the maintenance pollutant from the proposed new source or modification shall be offset by reductions in actual emissions of the maintenance pollutant. All offsetting emission reductions must satisfy the following requirements of Subsection (8).

(6) Alternative Analysis.

(a) Except as provided in Subsection (c) of this section, the owner or operator of a proposed major source or major modification shall conduct an alternatives analysis;

(b) This analysis shall include an evaluation of alternative sites, sizes, production processes, and environmental control techniques for such proposed source or modification which demonstrates that benefits of the proposed source or modification significantly outweigh the environmental and social costs imposed as a result of its location, construction or modification;

(c) This analysis shall not be required for a major source or major modification that is subject to this rule due to emissions of particulate matter in a designated TSP maintenance area.

(7) Contingency Plan Requirements. If the contingency plan in an applicable maintenance plan (CO or ozone) has been triggered due to a violation of an ozone ambient air quality standard or a second violation of the CO ambient air quality standard, this Section shall apply in addition to other requirements of this rule and the applicable approved maintenance plan adopted by the Board and approved by EPA as a revision to the SIP.

(a) The requirements for BACT in Section (2) of this Section shall be replaced by a requirement for LAER. If the new source is a major stationary source or the proposed modification is a major modification, it must achieve LAER for the maintenance pollutant and for which the proposed new source or modification is major.

(b) An allocation from a growth allowance shall not be used to meet the requirement for offsets in Section (4) of this Section. The growth allowance emissions shall be unavailable until such time as sufficient demonstration is made to reinstate the growth allowance emissions.

(8) Industrial Growth Allowance and Offset Allocation.

(a) Industrial growth allowances for sources in a maintenance plan area are identified in and governed by the Washington State Implementation Plan and the applicable maintenance plan for the applicable maintenance plan area.

(b) The growth allowance emissions may be increased or decreased as provided in a revision to the maintenance plan submitted to and approved by EPA. In the event of a confirmed ozone violation, the growth allowance for VOC and NO_x emissions shall be eliminated and new sources shall be required to implement LAER and offsets. Growth allowance emissions may be reinstated as provided in the EPA approved maintenance plan.

(c) The owner or operator of a proposed new major source or major modification emitting VOCs or NO_x, may obtain a portion of any remaining emissions in the respective growth allowance in accordance with the following process:

(i) Access is on a first-come-first-served basis, based on the date of a complete notice of construction and allowance allocation request;

(ii) No single source may receive an emissions allocation of more than 50% of any remaining growth allowance, or up to 10.0 tons per year, whichever is greater. On a case-by-case basis, the SWAPCA Board of Directors may approve an emissions allocation of greater than 50% upon consideration of the following:

(A) Information submitted by the source to SWAPCA justifying its request for exceeding the 50% emissions allocation, based on significant economic, employment, or other benefits to the maintenance plan area that will result from the proposed new major source or major modification;

(B) Information provided by SWAPCA on other known new major sources or major modifications seeking an emissions allocation from the same growth allowance; and

(C) Other relevant information submitted by the source or SWAPCA.

(iii) To avoid jeopardizing maintenance of the ozone standard during the interim years of the ozone maintenance plan, SWAPCA shall allocate only a portion of the VOC and NO_x growth allowances each year. SWAPCA will track use of VOC and NO_x emissions from the growth allowances. The amount of the growth allowance that can be allocated each year is identified in the applicable ozone maintenance plan.

(iv) The amount of the CO growth allowance that can be allocated is identified in the applicable CO maintenance plan, if any.

(d) If no emissions remain in the respective growth allowance or the contingency plan has been triggered which effectively zeros the growth allowance, the owner or operator of the proposed major source or major modification shall provide offsets. Applicants in a maintenance area shall demonstrate the following:

(i) A demonstration shall be provided showing that the proposed offsets will improve air quality in the same geographical area affected by the new source or modification. This demonstration may require that air quality modeling be conducted according to the procedures specified in 40 CFR Part 51, Appendix W, Guideline on Air Quality Models (Revised).

(ii) Offsets for VOCs or nitrogen oxides shall be within the same maintenance plan area as the proposed source. Offsets for particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, nitrogen dioxide, lead, and other pollutants shall be less than the level of significant air quality impact.

(iii) New sources or modifications shall meet the following offset requirements:

(A) within a designated maintenance plan area, the offsets shall provide reductions which are equivalent or greater than the proposed increases. The offsets shall be appropriate in terms of short term, seasonal, and yearly time periods to mitigate the impacts of the proposed emissions;

(B) outside a designated maintenance plan area, owners or operators of new sources or modifications which have a significant air quality impact on the maintenance plan area as provided in SWAPCA 400-113(3) shall provide emission offsets which are sufficient to reduce impacts to levels below the significant air quality impact level with the maintenance plan area; and

(C) The emission reductions must provide for a net air quality benefit.

(I) New major sources within an ozone maintenance plan area shall:

(a) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(b) Offset the new NO_x emissions at a ratio of 1.1 to 1, if the NO_x emissions exceed either 100 tons per year or 700 pounds per day.

(II) Sources within an ozone maintenance plan area undergoing major modifications shall:

(a) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(b) Offset the entire NO_x emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(III) New major sources within a carbon monoxide maintenance plan area shall:

(a) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(IV) Sources within a carbon monoxide maintenance plan area undergoing major modifications shall:

(a) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds per day.

(D) New major sources or major modifications with CO emissions greater than 250 tpy are required to obtain offsets and comply with the PSD requirements of SWAPCA 400-141.

(iv) The emission reduction shall be of the same type of pollutant as the emissions

from the new source or modification. Sources of PM₁₀ shall be offset with particulate in the same size range.

(v) The emission reductions shall be contemporaneous, that is, the reductions shall take effect prior to the time of startup but not more than two years prior to the submittal of a complete notice of construction application for the new source or modification. This time limitation may be extended through banking, as provided in SWAPCA 400-130, 400-131 and 400-136 for banking activities approved after the effective date of this regulation. In the case of replacement facilities, SWAPCA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that emissions do not exceed the new emission limits.

(vi) New major sources or major modifications in a maintenance plan area shall comply with the following:

(A) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(B) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. SWAPCA may allow simultaneous operation of the old and new facilities during the startup period of the new facility provided that the facility wide emissions do not exceed the new emission limit.

(9) PSD Applicability. If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program as described in SWAPCA 400-141, the new source or modification shall meet the requirements of that program for all pollutants. For maintenance plan pollutants, the source shall meet all PSD requirements in addition to the additional requirements of this Section.

(10) Toxics. If the proposed new source or modification will emit any toxic air pollutants regulated under SWAPCA 460, the source shall meet all applicable requirements of that regulation.

(11) Visibility. If the proposed new source is a major stationary source or the proposed modification is a major modification, the source shall meet all the visibility protection requirements of 40 CFR 52.27 as in effect on August 1, 1995.

(12) Noncompliance. Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-112 REQUIREMENTS FOR NEW SOURCES IN NONATTAINMENT AREAS

A Notice of Construction application to establish a new source or make a modification to a source in a nonattainment area, shall result in the issuance of an Order of Approval or other regulatory order, which contains such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if the Authority determines that the proposed project satisfies each of the following requirements:

- (1)** The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and, the applicable emission standards of the Authority.
- (2)** The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it must achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.
- (3)** The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Washington State Implementation Plan and will comply with SWAPCA 400-113(3) for all contaminants for which the area has not been designated nonattainment.
- (4)** If the proposed new source is a major stationary source or the proposed modification is a major modification, and the Authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.
- (5)** If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions of the pollutant for which the area has been designated nonattainment from the proposed new source or modification are

offset by reductions in actual emissions of the pollutant for which the area has been designated nonattainment from existing sources in the nonattainment area so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emissions units providing the reduction must be less than the current level of actual emissions of that source or emission unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit.

(i) New major sources within a marginal ozone nonattainment area shall:

(A) Offset the new VOC emissions at a ratio of 1.1 to 1, if the VOC emissions exceed either 100 tons per year or 700 pounds per day.

(B) Offset the new NO_x emissions at a ratio of 1.1 to 1, if the NO_x emissions exceed either 100 tons per year or 700 pounds per day.

(ii) Sources within a marginal ozone nonattainment area undergoing major modifications shall:

(A) Offset the entire VOC emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(B) Offset the entire NO_x emissions increase at a ratio of 1.1 to 1, if such increase exceeds either 40 tons per year or 290 pounds per day.

(iii) New major sources within a moderate carbon monoxide nonattainment area shall:

(A) Offset the new carbon monoxide emissions at a ratio of 1 to 1, if the carbon monoxide emissions exceed either 100 tons per year or 700 pounds per day.

(iv) Sources within a moderate carbon monoxide nonattainment area undergoing major modifications shall:

(A) Offset the entire carbon monoxide emissions increase at a ratio of 1 to 1, if such increase exceeds either 100 tons per year or 700 pounds day.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under SWAPCA 400-131 may be used to satisfy some or all of the offset requirements of this subsection.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in the EPA-approved Washington State Implementation Plan.

(8) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in SWAPCA 400-141 it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

(9) If the proposed new source or modification will emit any toxic air pollutants regulated under SWAPCA 460, the source meets all applicable requirements of that Chapter.

(10) If the proposed new source is a major stationary source or the proposed modification is a major modification, the Authority has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (h), as in effect on August 1, 1996, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in SWAPCA 400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either Ecology or the Authority) processing the Notice of Construction application.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-113 REQUIREMENTS FOR NEW SOURCES IN ATTAINMENT OR NONCLASSIFIABLE AREAS

Any person proposing to install, construct or operate a new source or emission unit or modification

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 61

to an existing source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review provisions of SWAPCA 400-110. Confidential information shall be identified as set forth in SWAPCA 400-270. A Notice of Construction application to establish a new source or make a modification to a source in an area that is in attainment or unclassifiable for any air contaminant the proposed new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_x, shall result in the issuance of an Order of Approval or other regulatory order. Such order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this section, if it is determined that the proposed project satisfies all of the following requirements:

- (1) The proposed new source or modification will comply with all applicable New Source Performance Standards, National Emission Standards for Hazardous Air Pollutants, emission standards adopted under Chapter 70.94 RCW and the applicable emission standards of the Authority.
- (2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.
- (3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment or unclassifiable nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

| <u>Pollutant</u> | <u>Average</u> | <u>Average</u> | <u>Average</u> | <u>Average</u> | <u>Average</u> |
|------------------|-----------------------|---------------------|----------------|----------------------|----------------------|
| CO | - | - | 0.5 mg/m | - | 2 mg/m ³ |
| SO ₂ | 1.0 µg/m ³ | 5 µg/m ³ | - | 25 µg/m ³ | 30 µg/m ³ |
| PM ₁₀ | 1.0 µg/m ³ | 5 µg/m ³ | - | - | - |
| NO ₂ | 1.0 µg/m ³ | - | - | - | - |

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

- (4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in SWAPCA 400-141, it meets all applicable requirements of that section.
- (5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under SWAPCA 460, the source meets all applicable requirements of that Program.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

(7) If, within the meaning of the PSD program described in SWAPCA 400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, the source would not cause an adverse impact upon visibility.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-114 REQUIREMENTS FOR REPLACEMENT OR SUBSTANTIAL ALTERATION OF EMISSION CONTROL TECHNOLOGY AT AN EXISTING STATIONARY SOURCE

(1) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source or emission unit shall file a Notice of Construction application with the Authority and shall be subject to the New Source Review process of SWAPCA 400-110. If the replacement or substantial alteration meets the definition of "new source" or "modification" then the new source emissions standards of SWAPCA 400-111, 400-112 or SWAPCA 400-113 shall apply. If the replacement or substantial alteration does not meet the definition of "new source" or "modification" then RACT or other requirements shall apply. Replacement or substantial alteration of control technology does not include routine maintenance, repair or parts replacement.

(2) For projects not otherwise reviewable under SWAPCA 400-110, the Authority may:

- (a) Require that the owner or operator employ RACT for the affected emission unit;
- (b) Prescribe reasonable operation and maintenance conditions for the control equipment; and
- (c) Prescribe other requirements authorized by Chapter 70.94 RCW.

(3) Within thirty calendar days of receipt of a Notice of Construction application under this section the Authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary to complete the application. Within thirty calendar days of receipt of a complete Notice of Construction application under this section the Authority shall either issue an Order of Approval or a proposed RACT determination for the proposed project.

(4) Construction shall not commence, as defined in SWAPCA 400-030(16), on a project subject to review under this section until the Authority issues a final Order of Approval. However, any

Notice of Construction application filed under this section shall be deemed to be approved without conditions if the Authority takes no action within thirty days of receipt of a complete Notice of Construction application. The Authority may request clarification of information submitted in support of the application after the application has been determined to be complete.

(5) An Order of Approval to replace or substantially alter emission control technology shall become invalid if construction is not commenced within eighteen months from the date of issuance of an Order of Approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Authority may extend the eighteen month period upon a satisfactory demonstration that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date. The Authority may specify an earlier date for commencement of construction in an Order of Approval.

(6) Noncompliance with any emission limit, test requirement, reporting requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-116 MAINTENANCE OF EQUIPMENT

(1) Any equipment, including features, machines, and devices constituting parts of or called for by plans, specifications, or other information submitted for approval or required as part of an approval shall be maintained and operate in good working order. Defective or malfunctioning equipment that emit air pollutants shall be repaired immediately or shall be taken out of service.

(2) Any equipment that serves as air contaminant control or capture equipment shall be maintained and operate in good working order at all times in accordance with good operations and maintenance practices and in accordance with Authority approval conditions. Defective or malfunctioning equipment shall be repaired immediately or shall be taken out of service.

(3) SWAPCA shall have the authority to require that an Operations and Maintenance (O&M) plan be developed and implemented for each emission unit or piece of control or capture equipment in order to assure continuous compliance with approval conditions. A copy of the plan shall be available for site inspections. The plan shall reflect good industrial practice and shall include periodic inspection of all equipment and control apparatus, monitoring and recording of equipment and control apparatus performance, prompt repair of any defective equipment or control apparatus, procedures for start up, shut down and normal operation, and a record of all actions required by the plan. The plan shall be reviewed by the source or owner at least annually and updated to reflect any changes in good industrial practices. The O&M plan shall be available at or near the equipment it applies to so as to assist operations and maintenance personnel in assuring good operations and maintenance practices as well as the ability to log and record equipment

performance parameters. As a minimum, the O&M plan shall contain each of the parameters required to be monitored, logged or recorded as provided in an Order of Approval.

(4) Noncompliance with any emission limit, test requirement, reporting or record keeping requirement or other requirement identified in a regulatory order issued pursuant to this section shall be considered a violation of this section.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-151 RETROFIT REQUIREMENTS FOR VISIBILITY PROTECTION

(1) **Determination of best available retrofit technology (BART).** The Authority shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.

(2) **Initially defined BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.

(3) **Future definitions of BART.** The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:

- (a) The source emits more than 250 tons per year of the contaminant; and,
- (b) The controls representing BART have not previously been required in this section.

(4) **Appeal.** Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA Administrator for an exception from that requirement pursuant to 40 CFR 51.303.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-161 COMPLIANCE SCHEDULES

(1) **Issuance.** Whenever a source is found to be in violation of an emission standard or other provision of this regulation the Authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation of emission control technology, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (SWAPCA 400-171) must be met.

(2) Federal action. A source shall be considered to be in compliance with this regulation if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the State Implementation Plan.

(3) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-171 PUBLIC INVOLVEMENT

(1) Applicability. The Authority shall provide public notice for a preliminary determination of a regulatory order prior to issuance of the final approval or denial of any of the following types of applications or other actions:

- (a)** Notice of Construction application for any new or modified source or emissions unit that results in a significant increase in emissions (actual or potential to emit) of any pollutant regulated by state or federal law (significant as defined in SWAPCA 400- 030). Furthermore, public notice for each regulatory order for a non-significant increase may be provided at the discretion of the Control Officer; or
- (b)** Any application or other proposed action for which a public hearing is required by PSD rules; or
- (c)** Any order to determine RACT; or
- (d)** Any order to establish a compliance schedule or a variance; or
- (e)** The establishment, disestablishment or redesignation of a nonattainment area, or the changing of the boundaries thereof; or
- (f)** Any order to demonstrate the creditable height of a stack which exceeds the 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; or
- (g)** Any order to authorize a bubble; or
- (h)** An order issued under SWAPCA 400-091 which establishes limitations on a source's potential to emit for the purpose of opting out of the Title V Air Operating Permit program SWAPCA 401 or

(i) Any Notice of Construction application or other proposed action made pursuant to this regulation in which there is a substantial public interest according to the discretion of the Control Officer; except:

(j) Any Notice of Construction application or other proposed action which results in a reduction of emissions from a previously established emission limit in an order issued by the Authority that has previously been subjected to public notice, or other permitting authority, may not require public notice in accordance with this section. This exemption does not apply to those sources opting out of the Title V Air Operating Permit program SWAPCA 401.

(k) Any Notice of Construction application or other proposed action which does not result in a net emissions increase (actual or potential to emit) unless otherwise required by the Authority.

(2) Public notice. Public notice shall be made only after all information required by the Authority has been submitted and after applicable preliminary determinations, if any, have been made. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to the Authority;

(iv) Advising that a public hearing may be held if the Authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice shall be sent to the EPA Regional Administrator.

(d) Public participation procedures for Notice of Construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in SWAPCA 401.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Authority may, at the discretion of the Control Officer, hold a public hearing if it determines significant public interest exists. Any such hearing(s) shall be held upon such notice and at a time(s) and place(s) as the Authority deems reasonable.

(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of Notices of Construction, regulatory orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at the Authority.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-190 REQUIREMENTS FOR NONATTAINMENT AREAS

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per SWAPCA 400-171. Requirements for new or modified sources in nonattainment areas are found in SWAPCA 400-110 and SWAPCA 400-112.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 400-200 CREDITABLE STACK HEIGHT AND DISPERSION TECHNIQUES

(1) Applicability. These provisions shall apply to all sources except:

- (a)** Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;

(b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;

(c) Flares;

(d) Open burning for agricultural or silvicultural purposes as covered under the Smoke Management Plan;

(e) Residential wood combustion and open burning for which episodic restrictions apply. These provisions shall not be construed to limit the actual stack height.

(2) **Prohibitions.** No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters (213.25 feet), measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$ where:

H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the provisions below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall apply only to the emission limitation for the pollutant affected by such change in operation.

(c) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) **Exception.** The Authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the *EPA Guideline for Determination of Good Engineering Practice Height* (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do result in excessive concentrations of any air pollutant as a result of atmospheric down wash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the State

Implementation Plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-205 ADJUSTMENT FOR ATMOSPHERIC CONDITIONS

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations as specified at SWAPCA 400-230(5).

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-210 EMISSION REQUIREMENTS OF PRIOR JURISDICTIONS

Any emissions unit that was under the jurisdiction of the Authority and now is under the jurisdiction of Ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this regulation or the specific regulation relating to that source.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-220 REQUIREMENTS FOR BOARD MEMBERS

(1) Public interest. A majority of the members of the Authority's Board of Directors shall represent the public interest. A majority of the members of the Board, shall not derive any significant portion of their income from persons subject to enforcement orders pursuant to the State and Federal Clean Air Acts. An elected public official and the Board shall be presumed to represent the public interest. In the event that a member derives a significant portion of his/her income from persons subject to enforcement orders, he/she shall delegate sole responsibility for administration of any part of the program which involves these persons to an assistant.

(2) Disclosure. Each member of the Authority's Board of Directors shall adequately disclose any potential conflict of interest in any matter prior to any action or consideration thereon, and the member shall remove themselves from participation as a Board member in any action or voting on such matter.

(3) Define significant income. For the purposes of this section, "significant portion of income" shall mean twenty percent of gross personal income for a calendar year. In the case of a retired person, "significant portion of income" shall mean fifty percent of income in the form of pension or retirement benefits from a single source other than Social Security. Income derived from

employment with local or state government shall not be considered in the determination of "significant portion of income".

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-230 REGULATORY ACTIONS & CIVIL PENALTIES

(1) The Authority shall have the power to issue such orders as necessary to effectuate the purpose of RCW 70.94 as provided in, including but not limited to: RCW 70.94.141, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.332. The Authority may issue orders for establishing limits and controls for sources of emissions to the ambient air or otherwise controlling activities that may violate any ambient air quality regulations, including but not limited to the following:

(a) Order of Approval. An Order of Approval may be issued by the Authority to provide approval for a Notice of Construction application. An Order of Approval shall contain the following, as appropriate: reference to applicable regulations, emissions limitations, control and process equipment operating conditions and limits, testing requirements, monitoring and reporting requirements, and other conditions considered necessary by the Authority. An Order of Approval which constitutes the final determination of the Authority, shall be issued within sixty (60) calendar days of a complete application or for those projects subject to public notice, as promptly as possible after the 30 calendar day public notice requirements have been satisfied. An Order of Approval may not identify all applicable regulations. All Orders of Approval may be subject to the public notice and comment procedures set forth in SWAPCA 400-171(2), (3), and (4).

(b) Order of Denial. An Order of Denial may be issued by the Authority in response to a Notice of Construction application that is incomplete, not feasible, proposes inadequate control technology, or otherwise would result in violation of any ambient air quality regulation, control technology requirement, or emission standards in the area in which the equipment would be located and operated. All Orders of Denial shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171(2), (3), and (4).

(c) Order of Violation. An Order of Violation may be issued by the Authority to document specific regulation(s) alleged to be violated and establish the facts surrounding a violation. An Order of Violation may be prepared by the Authority only after formal written notice has been served on the source as provided in (2) below. The Order of Violation shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(d) Order of Prevention. An Order of Prevention may be issued by the Authority to a source to prevent installation or construction of an emission unit, performance of an activity, or actions that may otherwise endanger public health that are on site, in the process of being installed, or have been installed, constructed or operated without prior Authority

review and approval or actions are being conducted in addition to a previous Authority approval without prior approval. An Order of Prevention shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(e) Consent Order. A Consent Order may be issued by the Authority to establish emission limits, operation and maintenance limits or controls, monitoring or reporting requirements, testing requirements, or other limits or controls as necessary that are determined by the Authority to be necessary. Actions identified in a Consent Order may be necessary to demonstrate compliance with applicable regulations, provide measures whereby a source may take the necessary steps to achieve compliance, establish a schedule for activities, or provide other information that the Control Officer deems appropriate. The Consent Order shall be agreed to and signed by an appropriate officer of the company or source for which the Consent Order is prepared and the Control Officer, or designee, of the Authority. Installation, construction, modification or operation of a source shall be subject to the New Source Review requirements of SWAPCA 400-110. A Consent Order shall not be subject to the public notice and comment period set forth in SWAPCA 400-171 at the discretion of the Control Officer.

(f) Compliance Schedule Order. A Compliance Schedule Order may be issued by the Authority to a source to identify specific actions that must be implemented to establish, maintain, and/or demonstrate compliance with applicable regulations and identify the schedule by which these actions must be completed. All Compliance Schedule Orders shall be subject to the public notice and comment period set forth in SWAPCA 400-171(2), (3), and (4). Refer to SWAPCA 400-161 for further guidance.

(g) Order of Discontinuance. The Authority may issue an Order of Discontinuance for any source that has discontinued operations and/or has not maintained their source registration for emission units. (Refer to SWAPCA 400-100(2)(d)). An Order of Discontinuance may also be issued to a source that continues to operate in violation of applicable regulations and requirements. Such issuance may require that the source cease operations that result in emissions to the ambient air that are in violation of applicable regulatory orders, requirements and regulations.

(i) Any source that fails to maintain registration fees (i.e., payment of registration fees by June 30 of each year), may be issued an Order of Discontinuance. The Order of Discontinuance shall identify the source location and emission units and identify the most current registration activity.

(ii) The Order of Discontinuance shall provide for discontinuance of operations at that source or facility and all previous authorizations, orders, agreements or stipulations shall be superseded, directly or indirectly, by the Order of Discontinuance without specific identification in the Order of Discontinuance.

(iii) The Order of Discontinuance shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171(2), (3), and (4).

(iv) For sources that have ceased doing business in SWAPCA jurisdiction, or the state of Washington, the Authority shall make a reasonable effort to establish contact with the source. If the Authority is unable to establish contact with the source, the Authority shall issue an Order of Discontinuance via certified mail, return receipt requested, to the last known address. Lack of response by the source or return of the notification by the US Postal Service shall be considered de facto evidence that the source has discontinued operations.

(v) The source shall have 30 calendar days from the date of the final regulatory order after public notice in which to pay past due and current registration fees. If the source fails to pay current registration fees, the source or facility shall be considered discontinued and shall be required to submit a Notice of Construction application under the New Source Review procedures of SWAPCA 400-110 prior to resuming or restarting operations.

(vi) Facilities that terminate operations and discontinue paying registration fees, and are later sold with the intent of restart, in whole or in part, shall be subject to the New Source Review requirements of SWAPCA 400-110.

(vii) Sources that continue to operate in violation of established regulatory orders and regulations, the Authority may issue an Order of Discontinuance that is effective immediately.

(h) Corrective Action Order. The Authority may issue a Corrective Action Order to any source within its jurisdiction, including an unregistered source, to provide measures to correct or rectify a situation that has immediate or eminent threat to person(s) or the public or that may be in violation or have the potential of being in violation of federal, state and local regulations or may pose a threat to the public health, welfare or enjoyment of personal or public property. The Corrective Action Order may specify specific actions that must be implemented to demonstrate compliance with applicable regulations and identify dates by which these actions must be completed. All actions and dates identified in the Corrective Action Order shall be fully enforceable. Corrective Action Orders shall be issued to correct immediate problems. Corrective Action Orders shall not be subject to the public notice and comment period set forth in SWAPCA 400-171.

(i) Administrative Order. An Administrative Order may be issued to a source by the Authority to provide for implementation of items not addressed above, that are identified by the Control Officer. An Administrative Order may contain emission limits, operating

and maintenance limitations and actions, schedules, resolutions by the Board of Directors, provide for establishing attainment or nonattainment boundaries, establish working relationships with other regulatory agencies, establish authority for enforcement of identified actions, and other activities identified by the Authority. All Administrative Orders shall be subject to the public notice and comment procedures set forth in SWAPCA 400-171(2), (3), and (4).

(j) Resolutions. A Resolution may be issued by the Authority as a means to document or record a Board of Directors decision, authorize or approve budget transactions, establish policies, or other actions as determined by the Authority. Resolutions shall not be subject to the public notice and comment procedures set forth in SWAPCA 400-171.

(2) The Authority may take any of the following regulatory actions to enforce its regulations to meet the provisions of RCW 43.21B.300 which is incorporated herein by reference.

(a) Enforcement Actions by the Authority--Notice of Violation. At least thirty days prior to the commencement of any formal enforcement action under RCW 70.94.430 and 70.94.431, the Authority shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of this regulation, or the rule, regulation, regulatory order or permit requirement alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Authority may require that the alleged violator or violators appear before it for the purpose of providing the Authority information pertaining to the violation or the charges complained of. Every Notice of Violation shall offer to the alleged violator an opportunity to meet with the Authority prior to the commencement of enforcement action. Enforcement action may be commenced by the Authority by issuance of a regulatory order as provided in SWAPCA 400-230(1).

(b) Civil Penalties.

(i) In addition to or as an alternate to any other penalty provided by law, any person who violates any of the provisions of Chapter 70.94 or 70.120 RCW, or Any of the rules in force under such chapters may incur a civil penalty in an amount as set forth in RCW 70.94.431. Each such violation shall be a separate and distinct offense, and in case of a continuing violation, each day's continuance shall be a separate and distinct violation. Any person who fails to take action as specified by an order issued pursuant to this regulation shall be liable for a civil penalty as set forth by RCW 70.94.431 for each day of continued noncompliance.

(ii) Penalties incurred but not paid shall accrue interest, beginning on the ninety-first day following the date that the penalty becomes due and payable, at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and

payable. If violations or penalties are appealed, interest shall not begin to accrue until the thirty-first day following final resolution of the appeal. The maximum penalty amounts established in RCW 70.94.431 may be increased annually to account for inflation as determined by the State Office of the Economic and Revenue Forecast Council.

(iii) Each act of commission or omission which procures, aids, or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21B.300. Section 113(e)(2) of the 1990 Clean Air Act Amendments provides that the number of "days of violation" is to be counted beginning on the first proven day of violation and continuing every day until the violator demonstrates that it achieved continuous compliance, unless the violator can prove by preponderance of the evidence that there were intervening days on which no violation occurred. This definition applies to all civil and administrative penalties.

(iv) All penalties recovered under this section by the Authority, shall be paid into the treasury of the Authority and credited to its funds.

(v) To secure the penalty incurred under this section, the Authority shall have a lien on any equipment used or operated in violation of its regulations which shall be enforced as provided in RCW 60.36.050. The Authority shall also be authorized to utilize a collection agency for nonpayment of penalties and fees.

(vi) In addition to other penalties provided by this regulation, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than ninety days late with such payments may be subject to a penalty equal to three times the amount of the original fee owed.

(3) Assurance of Discontinuance. The Control Officer may accept an assurance of discontinuance as provided in RCW 70.94.435 of any act or practice deemed in violation of this regulation as written and certified to by the source. Any such assurance shall specify a time limit during which discontinuance or corrective action is to be accomplished. Failure to perform the terms of any such assurance shall constitute prima facie proof of a violation of its regulations or any order issued thereunder which make the alleged act or practice unlawful for the purpose of securing an injunction or other relief from the Superior Court.

(4) Restraining Orders & Injunctions. Whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of its regulations, the Control Officer, after notice to such person and an opportunity to comply, may

petition the superior court of the county wherein the violation is alleged to be occurring or to have occurred for a restraining order or a temporary or permanent injunction or another appropriate order.

(5) Emergency Episodes. The Authority may issue such orders as authorized by SWAPCA 435 via Chapter 70.94 RCW, whenever an air pollution episode forecast is declared.

(6) Compliance Orders. The Authority may issue a compliance order in conjunction with a Notice of Violation or when the Control Officer has reason to believe a regulation is being violated, or may be violated. The order shall require the recipient of the Notice of Violation either to take necessary corrective action or to submit a plan for corrective action and a date when such action will be initiated and completed.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-240 Criminal Penalties

Persons in violation of the Authority's regulations or Title 173 WAC may be subject to the provisions of RCW 70.94.430.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-250 APPEALS

(1) Any decision or regulatory order issued by the Authority may be appealed to the Board of Directors as provided herein or appealed directly to the Pollution Control Hearings Board as provided by RCW 43.21B and WAC 371-08. In addition, Orders of Approval and permits issued in accordance with the PSD program may be appealed to the EPA Environmental Appeals Board, to the extent authorized in 40 CFR 124. If appealed to the Board of Directors, the procedure shall be as follows:

(a) The decision, Notice of Violation, or Order issued by the Control Officer shall become final unless, not later than 15 calendar days after the date the Order is served upon the owner or applicant, the owner or applicant petitions the Control Officer for reconsideration, with reasons for the reconsideration. If the Control Officer refuses to reconsider, the Control Officer shall so notify the owner or applicant in writing, giving reasons for the decision. Such ruling on the petition shall become final unless not later than 15 calendar days after such notice of refusal is served, the owner or applicant appeals to the Board setting forth the reasons for the appeal.

(b) The Control Officer may reverse or modify the Order and issue such an Order in replacement thereof as deemed proper. Such Order also may be appealed to the Board of Directors as in (a) above.

(c) Any failure of the Control Officer to act upon a petition for reconsideration 15 calendar days after the petition is delivered to the Authority, shall be considered as a refusal to reconsider.

(d) In lieu of a petition for reconsideration, the owner or applicant may appeal directly to the Board of Directors within the time specified in (a) above.

(2) The Board shall promptly hear and consider all appeals after providing reasonable notice to the appellant. The Board shall, within 30 calendar days of the hearing sustain, reverse or modify the Order of the Control Officer as it deems proper. Such ruling of the Board shall be communicated to the appellant in writing and the appellant if aggrieved, may appeal de novo to the Pollution Control Hearings Board as provided in RCW 43.21B.120 and WAC 371-08.

(3) It is the intent of the Board in establishing this regulation concerning appeals to provide for a method of resolving issues at the Authority level. Consequently, Decisions and Orders of the Control Officer on compliance, new source review, or any other matter regulated herein except violations shall not be considered as commencing any appeal period for appeals to the Pollution Control Hearings Board. Such appeal period shall commence only when the final Order is issued by the Board of Directors and served upon the person aggrieved as provided in RCW 43.21B.120.

(4) Nothing contained herein shall be construed as denying the exclusive jurisdiction of the Pollution Control Hearings Board on violations as provided by RCW 43.21B120.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-260 CONFLICT OF INTEREST

All board members and officials acting or voting on decisions affecting air pollution sources, must comply with the Federal Clean Air Act, as it pertains to conflict of interest, and 40 CFR 103(d) which is incorporated by reference.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-270 CONFIDENTIALITY OF RECORDS AND INFORMATION

(1) The owner or operator (or person submitting the information) is responsible for clearly identifying the information that is considered proprietary and confidential prior to submittal to the Authority. Information submitted to the Authority that has not been identified as confidential at the time of submittal may not be classified as confidential at a later date.

(2) Confidential information submitted to the Authority by an owner or operator shall be stamped or clearly marked in red ink at the time of submittal. Such information considered to be confidential or proprietary by the owner or operator will be handled as such, and will be maintained by the Authority, to the extent that release of such information may provide unfair economic advantage or compromise processes, products, or formulations to competitors as

provided under RCW 70.94.205. Requests for such information under the Freedom of Information Act shall be released only after:

- (a) Legal opinion by the Authority's legal counsel, and
 - (b) Notice to the source of the intent to either release or deny the release of information.
- (3) Records or other information, other than ambient air quality data or emission data, furnished to or obtained by the Authority, related to processes or production unique to the owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority as provided in RCW 70.94.205.
- (4) Emissions data furnished to or obtained by the Authority shall be correlated with applicable emission limitations and other control measures and shall be available for public inspection during normal business hours at the office of the Authority.

State effective: 9/21/95; EPA effective: 4/28/97

SWAPCA 400-280 POWERS OF AUTHORITY

In addition to any other powers vested in the Authority, consistent with RCW 70.94.141, the Authority shall have the power to:

- (1) Adopt, amend, and repeal its own rules and regulations, implementing RCW 70.94 and consistent with it, after consideration at a public hearing held in accordance with RCW 42.30. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW 34.05.320, those provisions of RCW 34.05.325 that are not in conflict with RCW 42.30, and with the procedures of RCW 34.05.340, 34.05.355 through 34.05.380, and with RCW 34.08, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by the Authority shall be in accordance with Part V of RCW 34.05.
- (2) Hold hearings relating to any aspect of or matter in the administration of RCW 70.94 not prohibited by the provisions of Chapter 62, Laws of 1970 ex.sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.
- (3) Issue such orders as may be necessary to effectuate RCW 70.94 and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in Chapter 62, Laws of 1970 ex.sess.
- (4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

- (5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract, or otherwise.
- (6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within the jurisdiction of the Authority.
- (7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of RCW 70.94.
- (8) Encourage and conduct studies, investigations and research relating to air pollution and its causes, effects, prevention, abatement and control.
- (9) Collect and disseminate information and conduct educational and training programs relating to air pollution.
- (10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or inter-local agencies, and the United States government, and with interested persons or groups.
- (11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with RCW 70.94, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.
- (12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of RCW 70.94.

State effective: 9/21/95; EPA effective: 4/28/97

Emission Standards and Controls for Sources Emitting Volatile Organic Compounds

SWAPCA 490-010 POLICY AND PURPOSE

(1) It is the policy of the Southwest Air Pollution Control Authority (SWAPCA) under the authority vested in it by Chapter 43.21A, 70.94.141, 70.94.152, and 70.94.331 RCW to provide for the systematic control of air pollution from air contaminant sources within Clark, Cowlitz, Lewis,

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 80

Skamania, and Wahkiakum Counties.

(2) The purpose of this regulation is to establish technically feasible and reasonably attainable emission standards for sources emitting volatile organic compounds (VOCs).

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-020 - DEFINITIONS

The definitions of terms contained in SWAPCA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

- (1) “Bottom loading” means the filling of a tank through a line entering the bottom of the tank.
- (2) “Bulk gasoline plant” means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.
- (3) “Class II hardboard paneling finish” means finishes which meet the specifications of Voluntary Product Standard PS-59-73 as approved by the American National Standards Institute.
- (4) “Closed refinery system” means a system that will process or dispose of those VOCs collected from another system. The mass quantity of collected VOCs emitted to the ambient air from the closed refinery system shall not exceed that required for a disposal system.
- (5) “Condensate” means hydrocarbon liquid separated from a gas stream which condenses due to changes in the temperature or pressure and remains liquid at standard conditions.
- (6) “Condenser” means a device for cooling a gas stream to a temperature where specific VOCs become liquid and are removed.
- (7) “Control system” means one or more control devices, including condensers, that are designed and operated to reduce the quantity of VOCs emitted to the atmosphere.
- (8) “Crude oil” means a naturally occurring mixture which consists of hydrocarbons and sulfur, nitrogen or oxygen derivatives of hydrocarbons which is a liquid at standard conditions.
- (9) “Cutback asphalt” means an asphalt that has been blended with petroleum distillates to reduce the viscosity for ease of handling and lower application temperature. An inverted emulsified asphalt shall be considered a cutback asphalt when the continuous phase of the emulsion is a cutback asphalt.

- (10) “Disposal system” means a process or device that reduces the mass quantity of the VOC that would have been emitted to the ambient air by at least ninety percent prior to their actual emission.
- (11) “Dry cleaning facility” means a facility engaged in the cleaning of fabrics in an essentially nonaqueous solvent by means of one or more washes in solvent, extraction of excess solvent by spinning, and drying by tumbling in an airstream. The facility includes, but is not limited to, any washer, dryer, filter and purification system(s), waste disposal system(s), holding tank(s), pump(s) and attendant piping and valve(s).
- (12) “External floating roof” means a storage vessel cover in an open top tank consisting of a double deck or pontoon single deck which rests upon and is supported by the liquid being contained and is equipped with a closure seal or seals to close the space between the roof edge and tank wall.
- (13) “Flexographic printing” means the application of words, designs and pictures to a substrate by means of a roll printing technique in which the pattern to be applied is raised above the printing roll and the image carrier is made of rubber or other elastomeric materials.
- (14) “Gasoline” means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than 200 mm of Hg (4 psia) at 20°C, and is used as a fuel for internal combustion engines.
- (15) “Gasoline dispensing facility” means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks.
- (16) “Gasoline loading terminal” means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.
- (17) “Hardboard” means a panel manufactured primarily from interfelted lignocellulosic fibers which are consolidated under heat and pressure in a hot press.
- (18) “Hardwood plywood” means plywood whose surface layer is a veneer of hardwood.
- (19) “Lease custody transfer” means the transfer of produced crude oil or condensate, after processing or treating in the producing operations, from storage tanks or automatic transfer facilities to pipelines or any other forms of transportation.
- (20) “Liquid-mounted seal” means a primary seal mounted in continuous contact with the liquid between the tank wall and the floating roof.

- (21) “Liquid service” means equipment that processes, transfers or contains a VOC or VOCs in the liquid phase.
- (22) “Low organic solvent coating” refers to coatings which contain less organic solvent than the conventional coatings used by the industry. Low organic solvent coatings include waterborne, higher solids, electrodeposition and powder coatings.
- (23) “Natural finish hardwood plywood panels” means panels whose original grain pattern is enhanced by essentially transparent finishes frequently supplemented by fillers and toners.
- (24) “Packaging rotogravure printing” means rotogravure printing upon paper, paper board, metal foil, plastic film, and other substrates, which are, in subsequent operations, formed into pack-aging products and labels for articles to be sold.
- (25) “Petroleum liquids” means crude oil, condensate, and any finished or intermediate products manufactured or extracted in a petroleum refinery.
- (26) “Petroleum refinery” means a facility engaged in producing gasoline, aromatics, kerosene, distillate fuel oils, residual fuel oils, lubricants, asphalt, or other products by distilling crude oils or redistilling, cracking, extracting or reforming unfinished petroleum derivatives. Not included are facilities re-refining used motor oils or waste chemicals, processing finished petroleum products, separating blended products, or air blowing asphalt.
- (27) “Prime coat” means the first of two or more films of coating applied in an operation.
- (28) “Printed interior panels” means panels whose grain or natural surface is obscured by fillers and basecoats upon which a simulated grain or decorative pattern is printed.
- (29) “Proper attachment fittings” means hardware for the attachment of gasoline transfer or vapor collection lines that meet or exceed industrial standards or specifications and the standards of other agencies or institutions responsible for safety and health.
- (30) “Publication rotogravure printing” means rotogravure printing upon paper which is subsequently formed into books, magazines, catalogues, brochures, directories, newspaper supplements, and other types of printed materials.
- (31) “Refinery unit” means a set of components that are a part of a basic process operation, such as distillation, hydrotreating, cracking or reforming of hydrocarbons.
- (32) “Roll printing” means the application of words, designs, and pictures to a substrate usually by means of a series of hard rubber or steel rolls each with only partial coverage.

(33) “Rotogravure printing” means the application of words, designs, and pictures to a substrate by means of a roll printing technique which involves intaglio or recessed image areas in the form of cells.

(34) “Single coat” means only one film of coating is applied to the metal substrate.

(35) “Submerged fill line” means a pipe, tube, fitting or other hardware for loading liquids into a tank with either a discharge opening flush with the tank bottom; or with a discharge opening below the lowest normal operating drawoff level or that level determined by a liquid depth two and one half times the fill line diameter when measured in the main portion of the tank, but not in sumps or similar protrusions.

(36) “Submerged loading” means the filling of a tank with a submerged fill line descending nearly to the bottom.

(37) “Suitable closure or cover” means a door, hatch, cover, lid, pipe cap, pipe blind, valve or similar device that prevents the accidental spilling or emitting of VOC. Pressure relief valves, aspirator vents or other devices specifically required for safety and fire protection are not included.

(38) “Thin particle board” means a manufactured board one-quarter inch or less in thickness made of individual wood particles which have been coated with a binder and formed into flat sheets by pressure.

(39) “Tileboard” means paneling that has a colored waterproof surface coating.

(40) “Topcoat” means the final film or series of films of coating applied in a two-coat (or more) operation.

(41) “Transport tank” means a container used for shipping gasoline on land.

(42) “True vapor pressure” means the equilibrium partial pressure of a petroleum liquid as determined with methods described in American Petroleum Institute Bulletin 2517, 1980.

(43) “Unit turnaround” means the procedure of shutting down, repairing, inspecting, and restarting a unit.

(44) “Valves not externally regulated” means valves that have no external controls, such as in-line check valves.

(45) “Vapor collection system” means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.

(46) “Vapor control system” means a system designed and operated to reduce or limit the emission of VOCs, or to recover the VOCs to prevent their emission into the ambient air.

(47) “Vapor-mounted seal” means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.

(48) “Volatile organic compound (VOC)” means any organic compound which participates in atmospheric photochemical reactions; that is, any organic compound other than those which the administrator designates as having negligible photochemical reactivity. VOC may be measured by a reference method, an equivalent method, an alternative method or by procedures specified under 40 CFR Part 60. A reference method, an equivalent method, or an alternative method, however, may also measure nonreactive organic compounds. In such cases, an owner or operator may exclude the nonreactive organic compounds when determining compliance with a standard.

(49) “Waxy, heavy pour crude oil” means a crude oil with a pour point of 50°F or higher as determined by the American Society for Testing and Materials Standard D97-66, “Test for Pour Point of Petroleum Oils.”

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-025 GENERAL APPLICABILITY

In addition to the general applicability of SWAPCA 400 to all emission sources, specific emission standards listed in this regulation will take precedence over the general emission standards of SWAPCA 400.

(1) This regulation shall apply to the specified emission sources of VOCs located in or operating within designated ozone nonattainment areas and areas covered by a maintenance plan within the jurisdiction of SWAPCA.

(2) This regulation does not apply to those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC).

(3) A source of VOC emissions not belonging to any of the categories listed in SWAPCA 490-030 nor specifically identified in any section, but which is located on the same or adjacent property and owned or operated by the same person as a regulated emission source, shall not be required to comply with this regulation.

(4) Sources of VOC emissions may be exempted, by the director, from any or all requirements to control or reduce the emissions of VOCs when:

(a) The source is a development operation and the equipment is used exclusively for research, laboratory analysis or determination of product quality and commercial acceptance, provided emissions of VOCs from such operations do not exceed 300 kg (660 lbs) per month; or

(b) The source has emissions of VOCs which do not exceed 18 kg (40 lbs) per month and registration is not required under SWAPCA 490-030; or

(c) The source is a spray booth which is used solely for maintenance and utility activities and whose emissions do not exceed 18 kg (40 lbs) per month.

(5) Sources of VOCs may be granted exemptions from emissions standards for a period not to exceed thirty days if the source is a newly permitted source which is to replace a similar permitted source and the new source is intended to utilize the existing emission control system. This provision is intended to apply to a break-in period prior to the shutdown and removal of the existing source.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-030 REGISTRATION AND REPORTING

(1) The owner or operator of a stationary emission source of VOCs in the following source categories and located in a designated ozone nonattainment area or area covered by a maintenance plan shall register the source with SWAPCA unless registration is required by the Energy Facility Site Evaluation Council (EFSEC) as provided under RCW 80.50.

- (a) Petroleum refineries
- (b) Petroleum liquid storage tanks
- (c) Gasoline loading terminals
- (d) Bulk gasoline plants
- (e) Gasoline dispensing facilities
- (f) Surface coaters
- (g) Open top vapor degreasers
- (h) Conveyorized degreasers
- (i) Gasoline transport tanks
- (j) Vapor collection systems
- (k) Perchloroethylene dry cleaning systems
- (l) Graphic arts systems
- (m) Surface coaters of miscellaneous metal parts and products
- (n) Synthesized pharmaceutical manufacturing facilities
- (o) Flatwood panel manufacturers and surface finishing facilities.

(2) A new emission source of VOCs that must comply with any requirements in SWAPCA 490-040, 490-200, 490-201, 490-202, 490-203, 490-204, 490-205, 490-206 and 490-207, shall comply with the requirements of SWAPCA 400-100 and shall register with SWAPCA prior to operation of the new source, and shall submit sufficient information to demonstrate that the new source is capable of complying with the requirements in this regulation. An opportunity shall be provided for an inspection of the new source by SWAPCA inspectors prior to its operation.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-040 REQUIREMENTS

To demonstrate compliance with this regulation, refer to SWAPCA 400-105.

(1) **Petroleum refineries.** This regulation shall apply to all petroleum refineries with a crude oil or feed stock capacity greater than one million four hundred thirty thousand liters (1,430,000 liters or 9,000 bbl) per day.

(a) Vacuum producing system.

(i) Noncondensable VOC from vacuum producing systems shall be piped to an appropriate firebox, incinerator or to a closed refinery system.

(ii) Hot wells associated with contact condensers shall be tightly covered and the collected VOC introduced into a closed refinery system.

(b) Wastewater separator.

(i) Wastewater separator forebays shall incorporate a floating pontoon or fixed solid cover with all openings sealed, totally enclosing the compartmented liquid contents, or a floating pontoon or a double deck-type cover equipped with closure seals between the cover edge and compartment wall.

(ii) Accesses for gauging and sampling shall be designed to minimize VOC emissions during actual use. All access points shall be closed with suitable covers when not in use.

(c) Process unit turnaround.

(i) The VOC contained in a process unit to be depressurized for turnaround shall be introduced to a closed refinery system, combusted by a flare, or vented to a disposal system

(ii) The pressure in a process unit following depressurization for turnaround

shall be less than five (5) psig before venting to the ambient air.

(iii) Venting or depressurization to the ambient air of a process unit for turnaround at a pressure greater than five (5) psig shall be allowed if the owner demonstrates the actual emission of VOC to the ambient air is less than permitted by SWAPCA 490-040 (1)(c)(ii).

(d) Maintenance and operation of emission control equipment. Equipment for the reduction, collection or disposal of VOC shall be maintained and operated in a manner consistent with the level of maintenance and housekeeping of the overall plant.

(2) Petroleum liquid storage tanks.

(a) All fixed-roof tanks (except as noted in subparagraph (d) of this subsection) storing volatile organic petroleum liquids with a true vapor pressure as stored greater than 78 mm of Hg (1.5 psi) at actual monthly average storage temperatures and having a capacity greater than one hundred fifty thousand liters (40,000 gallons) shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K); or

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in SWAPCA 490-040 (2)(a)(i) or its equivalent; or

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's specifications in effect when installed.

(b) All seals used in SWAPCA 490-040 (2)(a)(ii) and (iii) are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in SWAPCA 490-040 (4)(b) shall be exempt from the requirements of SWAPCA 490-040(2).

(3) Gasoline loading terminals.

(a) This regulation shall apply to all gasoline loading terminals with an average annual daily gasoline throughput greater than seventy-five thousand liters (75,000 liters or 20,000 gallons).

(b) Loading facilities. Facilities for the purpose of loading gasoline into any transport tank shall be equipped with a vapor recovery system (VRS) as described in SWAPCA 490-040 (3)(c) and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VRS shall be connected to the transport tank being loaded and shall operate during the entire loading of every transport tank loaded at the facility.

(iii) The loading of all transport tanks shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released to the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically upon disconnect. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor recovery system (VRS). The VRS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VRS shall prevent at least ninety percent by weight of the gasoline vapors displaced during loading of each transport tank from entering the ambient air and in no case shall the gasoline vapors emitted to the ambient air exceed eighty milligrams per liter of gasoline loaded.

(ii) The VRS shall be equipped with a signal device to alert personnel when the system is not operating or unintentionally shuts down.

(iii) The back pressure in the VRS collection lines shall not exceed the transport tank's pressure relief settings.

(d) Alternative loading facility. The loading of transport tanks by other means and using other vapor control systems shall require the facility owner to demonstrate that the emission of gasoline vapors to the ambient air is less than eighty milligrams per liter (80 mg/l) of gasoline loaded.

(4) Bulk gasoline plants.

(a) This regulation shall apply to all bulk gasoline plants with an annual average daily gasoline throughput greater than fifteen thousand liters (15,000 liters or 4,000 gallons).

(b) Storage tanks. All storage tanks with a capacity greater than two thousand one hundred liters (2,100 liters or 550 gallons) and used for the storage of gasoline shall comply with the following conditions:

(i) Each storage tank shall be equipped with a submerged fill line.

(ii) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(iii) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iv) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Transport tanks. All transport tanks, except those meeting the conditions in SWAPCA 490-040 (4)(d), transferring gasoline with storage tanks in a bulk gasoline plant shall comply with the following conditions:

(i) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(ii) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically upon planned or unintentional disconnect.

(iii) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(d) Transport tanks used for gasoline and meeting all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines:

(i) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of SWAPCA 490-

040(5); and

(ii) The transport tank has a total capacity less than fifteen thousand liters (15,000liters or 4,000 gallons) and is of a compartmented design and construction requiring the installation of four or more separate vapor balance fittings.

(e) Gasoline transfer operations. No owner or operator of a bulk gasoline plant or transport tank shall allow the transfer of gasoline between a transport tank and a storage tank except under the following conditions:

(i) All tanks shall be submerged filled or bottom loaded.

(ii) The loading of all tanks, except those exempted under SWAPCA 490-040 (4)(d) shall be performed such that ninety percent by weight of the gasoline vapors displaced during filling are prevented from being released into the ambient air. Emissions from pressure relief valves shall not be included in the controlled emissions.

(f) Equipment or system failures. Failures or leaks in the vapor balance system shall be limited by the following conditions:

(i) During the months of April, May, June, July, August, September and October, failures of the vapor balance system to comply with this regulation shall require that gasoline transfer operations stop for the failed part of the system. Other transfer points that can operate in compliance may be used.

(ii) Loading or unloading of the transport tank connected to the failed part of the vapor balance system may be completed.

(iii) Breakdowns and upset conditions during all months of the year shall also comply with the provisions of SWAPCA 400-105(5).

(g) The owner or operator of a bulk gasoline plant or transport tank shall take all reasonable necessary measures to prevent the spilling, discarding in sewers, storing in open containers or handling of gasoline in a manner on the plant site that will result in evaporation to the ambient air.

(5) Gasoline dispensing facilities (Stage I).

(a) This regulation shall apply to all gasoline dispensing facilities with a total annual gasoline throughput greater than 200,000 gallons (16,670 gallons per month) and total gasoline storage capacity greater than 10,000 gallons.

(b) All gasoline storage tanks of the facilities defined in SWAPCA 490-040 (5)(a) shall be equipped with submerged or bottom fill lines and fittings for vapor balancing gasoline vapors with the delivery transport tank.

(c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of SWAPCA 490-040 (5)(b) if installed prior to January 1, 1979.

(d) The vapor balance system (for the purpose of measuring compliance with the emission control efficiency) shall consist of the transport tank, gasoline vapor transfer lines, storage tank and all tank vents. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built and operated according to accepted industrial practices will satisfy this requirement.

(e) The owner or operator of a gasoline dispensing facility shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(6) **Surface coaters.** The operation of a coater and dryer, that may serve one or more process lines, shall comply with the following emission limits if the potential uncontrolled emissions of VOC from the coater, flashoff areas, and dryer would be greater than 18 kg (40 pounds) in any given twenty-four hour period. The emission limits and uncontrolled emission quantity shall include the additional quantity of emissions from the dryer during the twelve hour period after application of the coating.

| VOC LIMITATION (excluding water) | | |
|---|----------------|--------------------|
| Process | g/l of Coating | lb/gal. of Coating |
| Can Coating_ | | |
| Sheet base coat and overvarnish; two-piece can exterior | 340 | 2.8 |
| Two and three piece can interior body spray, two piece can exterior end | 510 | 4.2 |
| Side-seam spray | 660 | 5.5 |
| End sealing compound | 440 | 3.7 |
| Coil Coating | 310 | 2.6 |
| Fabric Coating_ | 350 | 2.9 |
| Vinyl Coating | 450 | 3.8 |

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| | | |
|---|-----|-----|
| Paper Coating | 350 | 2.9 |
| Auto and light duty truck coating_ | | |
| Prime | 230 | 1.9 |
| Topcoat | 340 | 2.8 |
| Repair | 580 | 4.8 |
| Metal furniture coating | 360 | 3.0 |
| Magnet Wire Coating | 200 | 1.7 |
| Large Appliance Coating | 340 | 2.8 |

(7) Open top vapor degreasers.

(a) All open top vapor degreasers shall:

(i) Have a cover that may be readily opened and closed. When a degreaser is equipped with a lip exhaust, the cover shall be located below the lip exhaust. When a degreaser has a freeboard ratio equal to or greater than 0.75 and the opening is greater than one square meter (10 square feet) the cover shall be power operated.

(ii) Have one of the following:

(A) A freeboard ratio equal to or greater than 0.75; or

(B) A freeboard chiller; or

(C) A closed design such that the cover opens only when the part enters or exits the degreaser.

(iii) Be equipped with at least the following three safety switches:

(A) Condenser-flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively; and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(iv) Post a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Do not degrease porous or absorbent materials such as cloth, leather, wood or rope.

(B) The cover of the degreaser should be closed at all times except when processing workloads.

(C) When the cover is open the lip of the degreaser should not be exposed to steady drafts greater than 15.3 meters per minute (50 feet per minute).

(D) Rack parts so as to facilitate solvent drainage from the parts.

(E) Workloads should not occupy more than one-half of the vapor-air inter-face area.

(F) When using a powered hoist, the vertical speed of parts in and out of the vapor zone should be less than 3.35 meters per minute (11 feet per minute).

(G) Degrease the workload in the vapor zone until condensation ceases.

(H) Spraying operations should be done within the vapor layer.

(I) Hold parts in the degreaser until visually dry.

(J) When equipped with a lip exhaust, the fan should be turned off when the cover is closed.

(K) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(L) Water shall not be visible in the solvent stream from the water separator.

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(8) ConveyORIZED degreasers.

(a) The owner or operator of conveyORIZED cold cleaners and conveyORIZED vapor degreasers shall comply with the following operating requirements:

(i) Exhaust ventilation shall not exceed twenty cubic meters per minute per square meter (65 cfm per ft²) of degreaser opening, unless necessary to meet OSHA requirements.

(ii) Post in the immediate work area a permanent and conspicuous pictograph or instructions clearly explaining the following work practices:

(A) Rack parts for best drainage.

(B) Maintain vertical speed of conveyed parts to less than 3.35 meters per minute (11 feet per minute).

(C) The condenser water shall be turned on before the sump heater when starting up a cold vapor degreaser. The sump heater shall be turned off and the solvent vapor layer allowed to collapse before closing the condenser water when shutting down a hot vapor degreaser.

(D) Water shall not be visible in the solvent stream from the water separator.

(iii) Vapor degreasers shall be equipped with at least the following three safety switches:

(A) Condenser flow switch and thermostat (shuts off sump heat if coolant is either not circulating or too warm); and

(B) Spray safety switch (shuts off spray pump if the vapor level drops excessively); and

(C) Vapor level control thermostat (shuts off sump heat when vapor level rises too high).

(b) A routine inspection and maintenance program shall be implemented for the purpose of preventing and correcting solvent losses. For example, leaks from drain taps, cracked gaskets, and malfunctioning equipment must be repaired immediately.

(c) Sump drainage and transfer of hot or warm solvent shall be carried out using threaded or other leakproof couplings.

(d) Still and sump bottoms shall be kept in closed containers.

(e) Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(f) All conveyORIZED cold cleaners and conveyORIZED vapor degreasers with air/vapor interfaces of 2.0 m² or greater shall have a carbon adsorption system, exhausting less than 25 ppm of solvent averaged over a complete adsorption cycle (based on exhaust ventilation of 15 m³ per min per m² of air/vapor area, when downtime covers are open), or a system with control effectiveness equal to or better than a carbon adsorption system.

(9) Cutback asphalt paving.

(a) All paving applications of cutback asphalts are prohibited during the months of April, May, June, July, August, September and October, except as provided for in SWAPCA 490-040 (9)(b).

(b) The following paving uses and applications of cutback asphalts are permitted during all months of the year.

(i) As a penetrating prime coat on aggregate bases prior to paving.

(ii) The manufacture of patching mixes used exclusively for pavement maintenance and needed to be stockpiled for times longer than one month.

(iii) All paving uses when the temperature during application is below 10°C (50°F). Any person using cutback asphalt for paving shall demonstrate that the ambient air temperature at 8 a.m. (PST) is below 50°F. The paving application of cutback asphalt when the ambient air temperature is 50°F or higher is in violation of this regulation.

(10) Cold cleaners.

(a) The owners or operators of all cold cleaners shall comply with the following equipment specifications:

- (i)** Be equipped with a cover that is readily opened and closed.
- (ii)** Be equipped with a drain rack that returns the drained solvent to the solvent bath.
- (iii)** Have a freeboard ratio of at least 0.5.
- (iv)** Have a visible fill line.

(b) An owner or operator of a cold cleaner shall be responsible for following the required operating parameters and work practices. The owner shall post and maintain in the work area of each cold cleaner a pictograph or instructions clearly explaining the following work practices:

- (i)** The solvent level shall not be above the fill line.
- (ii)** The spraying of parts to be cleaned shall be performed only within the confines of the cold cleaner.
- (iii)** The cover of the cold cleaner shall be closed when not in use or when parts are being soaked or cleaned by solvent agitation.
- (iv)** Solvent-cleaned parts shall be rotated to drain cavities or blind holes and then set to drain until dripping has stopped.
- (v)** Waste solvent shall be stored in covered containers and returned to the supplier or to a firm which processes solvents for disposal.

(c) The owner or operator shall maintain cold cleaners in good working condition and free of solvent leaks.

(d) If the solvent has a vapor pressure greater than 2.0 kPa (0.3 psi) measured at 38°C (100°F), or if the solvent is agitated or heated, then the cover must be designed so that it can be easily operated with one hand.

(e) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), then the drainage facility must be internal, so that parts are enclosed under the cover while draining. The drainage facility may be external for applications where an

internal type cannot fit into the cleaning system.

(f) If the solvent has a vapor pressure greater than 4.3 kPa (0.6 psi) measured at 38°C (100°F), or if the solvent is heated above 50°C (120°F), one of the following solvent vapor control systems must be used:

(i) The freeboard ratio must be equal to or greater than 0.70; or

(ii) Water must be kept over the solvent. The solvent must be more dense and insoluble in water.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-080 EXCEPTIONS AND ALTERNATIVE METHODS

(1) Other emission reduction methods may be used if the source operator demonstrates to SWAPCA that they are at least as effective as the required methods; and

(2) The operation of a natural gas-fired incinerator and associated capture system installed for the purpose of complying with this regulation shall be required only during the months of April, May, June, July, August, September and October, unless the operation of such devices is required for purposes of occupational health or safety, or for the control of toxic substances, malodors, or other regulated pollutants.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-090 - NEW SOURCE REVIEW

The provisions of SWAPCA 400-110 shall apply to all new sources and emissions units to which this regulation is applicable.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-200 PETROLEUM REFINERY EQUIPMENT LEAKS

(1) Specific applicability. This section shall apply to all petroleum refineries as qualified in SWAPCA 490-025.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a petroleum refinery shall:

(i) Develop and conduct a monitoring program consistent with the provisions in

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AIR AGENCY (SWCAA) JURISDICTION -- page -- 98

SWAPCA 490-200(3), 490-200(4), 490-200(5), and 400-105;

(ii) Record all leaking components which have a VOC concentration greater than 10,000 ppm when tested according to the provisions in SWAPCA 490-200(3) and place an identification tag on each component consistent with the provisions of SWAPCA 490-200 (4)(c);

(iii) Correct and retest the leaking component, as defined in SWAPCA 490-200 (2)(a)(ii), as soon as practicable, but not later than fifteen days after the leak is recorded. If a leak continues after all reasonable corrective actions have been taken, then the component shall be repaired or replaced on the next scheduled turnaround.

(iv) Identify all leaking components, as defined in SWAPCA 490-200 (2)(a)(ii), that cannot be corrected until the refinery unit is shut down for turnaround.

(b) The owner or operator of a petroleum refinery shall not install or operate a valve at the end of a pipe or line containing VOC unless the pipe or line is sealed with a second suitable closure. Exceptions to this requirement are the ends of a pipe or line connected to pressure relief valves, aspirator vents or other devices specifically required to be open for safety protection. The sealing device may be removed only when a sample is being taken or during maintenance operations.

(3) Testing procedures. To demonstrate compliance with this regulation, refer to SWAPCA 400-105(5).

(4) Monitoring.

(a) The owner or operator of a petroleum refinery shall conduct a monitoring program consistent with the following provisions:

(i) Monitor yearly by the methods referenced in SWAPCA 490-200(3) all pump seals, pipeline valves in liquid service and process drains;

(ii) Monitor quarterly by the methods referenced in SWAPCA 490-200(3) all compressor seals, pipeline valves in gaseous service and pressure relief valves in gaseous service;

(iii) Monitor weekly by visual methods all pump seals;

(iv) Monitor immediately any pump seal from which liquids are observed leaking;

(v) Monitor any relief valve within twenty-four hours after it has vented to the

atmosphere; and

(vi) After a leaking component is repaired, monitor for leaks prior to return to service.

(b) Pressure relief devices that are connected to an operating flare header, vapor recovery device, inaccessible valves, storage tank valves, and valves that are not externally regulated are exempt from the monitoring requirements in SWAPCA 490-200 (4)(a).

(c) The owner or operator of a petroleum refinery, upon the detection of a leaking component, as defined in SWAPCA 490-200 (2)(a)(ii), shall affix a weatherproof and readily visible tag, bearing an identification number and the date the leak is located, to the leaking component. This tag shall remain in place until the leak is corrected.

(5) Recordkeeping.

(a) The owner or operator of a petroleum refinery shall maintain a leaking component's monitoring log as specified in SWAPCA 490-200 (2)(a)(ii) that shall contain, at a minimum, the following data:

(i) The name of the process unit where the component is located.

(ii) The type of component (e.g., valve, seal).

(iii) The tag number of the component.

(iv) The date on which a leaking component is discovered.

(v) The date on which a leaking component is repaired.

(vi) The date and instrument reading of the recheck procedure after a leaking component is repaired.

(vii) A record of the calibration of the monitoring instrument.

(viii) Those leaks that cannot be repaired until turnaround.

(ix) The total number of components checked and the total number of components found leaking.

(b) Copies of the monitoring log shall be retained by the owner or operator for a minimum of two years after the date on which the record was made or the report prepared.

- (c) Copies of the monitoring log shall immediately be made available to SWAPCA, upon verbal or written request, at any reasonable time.
- (6) Reporting. The owner or operator of a petroleum refinery shall notify SWAPCA in writing within forty-five days following each quarterly or annual inspection for component leaks when:
 - (a) The number of discovered leaks has increased by more than ten percent above the number recorded during the last inspection of the same components;
 - (b) The number of leaking components has increased for two consecutive quarterly or annual inspections;
 - (c) The number of leaks not corrected within fifteen days exceeds five percent of the leaks detected;
 - (d) The next scheduled process unit turnaround needed to repair an uncorrectable leak is more than twelve months away.
- (7) Petition for alternative monitoring.
 - (a) After two complete liquid service inspections and five complete gaseous service inspections, the owner or operator of a petroleum refinery may petition the director for alternative monitoring procedures or a reduction in monitoring frequency.
 - (b) A petition for alternative monitoring procedures shall contain:
 - (i) The name and address of the company and the name and telephone number of the responsible person over whose signature the petition is submitted;
 - (ii) A detailed description of the problems encountered under SWAPCA 490-200(4); and
 - (iii) A detailed description of the alternative monitoring procedures and how this alternative procedure will solve or reduce the problems encountered under SWAPCA 490-200(4).
 - (c) A petition for a reduction in monitoring frequency shall contain:
 - (i) The information requested in SWAPCA 490-200 (7)(b)(i);
 - (ii) A detailed description of the proposed component-monitoring schedule;

(iii) A demonstration by the owner or operator that the facility is currently operating with a low level of component leaks and is committed to a maintenance program that will assure a frequency and severity of component leaks as good as that attainable under SWAPCA 490-200(2).

(d) An approved petition for a reduction in monitoring frequency shall begin with the next quarterly inspection and shall be valid for a period of twelve quarters (three years). At the time of the last inspection in the twelve quarters, a new submittal of the information required in SWAPCA 490-200 (7)(c) shall be made if the reduced frequency of monitoring is to continue.

(e) SWAPCA may approve a part or all of a petition for alternative monitoring requested under SWAPCA 490-200 (7)(b) or (c). Approval or disapproval will be in writing and within forty-five calendar days of receipt of the petition by SWAPCA. A failure to approve or disapprove a new petition or petition for renewal within the stated time limit shall be taken as an approval.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-201 PETROLEUM LIQUID STORAGE IN EXTERNAL FLOATING ROOF TANKS

(1) Specific applicability.

(a) This section shall apply to all petroleum liquid storage vessels equipped with external floating roofs, having capacities greater than 150,000 liters (40,000 gallons), and as qualified in SWAPCA 490-025.

(b) This section does not apply to petroleum liquid storage vessels that:

(i) Are used to store waxy, heavy pour crude oil; or

(ii) Have capacities less than 1,600,000 liters (420,000 gallons) and are used to store produced crude oil and condensate prior to lease custody transfer; or

(iii) Contain a petroleum liquid with a true vapor pressure of less than 10.5 kPa (1.5 psia); or

(iv) Contain a petroleum liquid with a true vapor pressure less than 27.6 kPa (4.0 psia); are of welded construction; and presently possess a metallic-type shoe seal, a liquid-mounted foam seal, a liquid-mounted liquid filled type seal, or other closure

device of demonstrated equivalence approved by SWAPCA; or

(v) Are of welded construction, equipped with a metallic-type shoe primary seal and have secondary seal from the top of the shoe seal to the tank wall (shoe-mounted secondary seal).

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a petroleum liquid storage vessel shall store a petroleum liquid in that vessel unless:

(i) The vessel has been fitted with:

(A) A continuous secondary seal extending from the floating roof to the tank wall (rim-mounted secondary seal); or

(B) A closure or other device which controls VOC emissions with an effectiveness equal to or greater than a seal required under SWAPCA 490-201 (2)(a)(i)(A) and approved by SWAPCA.

(ii) All seal closure devices meet the following requirements:

(A) There are no visible holes, tears, or other openings in the seal or seal fabric;

(B) The seal is intact and uniformly in place around the circumference of the floating roof between the floating roof and the tank wall; and

(C) For vapor mounted primary seals, the accumulated area of gaps exceeding 0.32 cm (1/8 inch) in width between the secondary seal and the tank wall shall not exceed 21.2 cm² per meter of tank diameter (1.0 in² per foot of tank diameter), as determined by the method in SWAPCA 490-201(3).

(iii) All openings in the external floating roof, except for automatic bleeder vents, rim space vents, and leg sleeves, are:

(A) Equipped with covers, seals, or lids in the closed position except when the openings are in actual use; and

(B) Equipped with projections into the tank which remain below the liquid surface at all times.

(iv) Automatic bleeder vents are closed at all times except when the roof is floated off or landed on the roof leg supports;

(v) Rim vents are set to open when the roof is being floated off the leg supports or at the manufacturer's recommended setting; and

(vi) Emergency roof drains are provided with slotted membrane fabric covers or equivalent covers which cover at least ninety percent of the area of the opening.

(b) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof subject to this regulation shall:

(i) Perform routine inspections annually in order to ensure compliance with SWAPCA 490-201 (2)(a) and the inspection shall include a visual inspection of the secondary seal gap;

(ii) Measure the secondary seal gap annually in accordance with SWAPCA 490-201(3) when the floating roof is equipped with a vapor-mounted primary seal; and

(iii) Maintain records of the types of volatile petroleum liquids stored, the maximum true vapor pressure of the liquid as stored, and the results of the inspections performed in SWAPCA 490-201 (2)(b)(i) and (ii).

(c) The owner(s) or operator(s) of a petroleum liquid storage vessel with an external floating roof exempted from this regulation by SWAPCA 490-201 (1)(b)(iii), but containing a petroleum liquid with a true vapor pressure greater than 7.0 kPa (1.0 psi), shall maintain records of the average monthly storage temperature, the type of liquid, and the maximum true vapor pressure for all petroleum liquids with a true vapor pressure greater than 7.0 kPa.

(d) Copies of all records under SWAPCA 490-201 (2)(b) and (c) shall be retained by the owner(s) or operator(s) for a minimum of two years after the date on which the record was made.

(e) Copies of all records required under SWAPCA 490-201 shall immediately be made available to the director, upon verbal or written request, at any reasonable time.

(3) Testing and monitoring.

(a) The owner or operator of a storage vessel covered under SWAPCA 490-201 shall demonstrate compliance by the methods of this subsection or an alternative method

approved by SWAPCA.

(b) A person proposing to measure the seal fit of a storage vessel in order to comply with this section shall notify SWAPCA of the intent to measure not less than five working days before the measurement so the director or a representative may observe the measurement if desired.

(c) Compliance with SWAPCA 490-201 (2)(a)(ii)(C) shall be determined by physically measuring the length and width of all gaps around the circumference of the secondary seal in each place where a 0.32 cm (1/8 in.) diameter probe passes freely (without forcing or binding against the seal) between the seal and the tank wall and summing the area of the individual gaps.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-202 LEAKS FROM GASOLINE TRANSPORT TANKS AND VAPOR COLLECTION SYSTEMS

(1) Specific applicability.

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, bulk gasoline plants and gasoline dispensing facilities as qualified in SWAPCA 490-025 and 490-040.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a gasoline loading or unloading facility shall only allow the transfer of gasoline between the facility and a transport tank when a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle.

(b) The owner(s) or operator(s) of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank:

(i) Is tested annually according to the schedule in SWAPCA 490-202 (3)(b) and the test procedure referenced in SWAPCA 490-202 (3)(c);

(ii) Sustains a pressure change of no more than 0.75 kilopascals (3 inches of water) in five minutes when pressurized to a gauge pressure of 4.5 kilopascals (460 mm H₂O or 18 inches of water) or evacuated to a gauge pressure of 1.5 kilopascals (150 mm H₂O or 6 inches of water) during the testing required in SWAPCA 490-202 (2)(b)(i). Effective

December 15, 1997, certification and allowable pressures shall be as provided below in accordance with 40 CFR 63.420 et seq. (Subpart R);

| Tank or Compartment Capacity liters (gallons) | Certification Pressure mm H₂O (in. H₂O) | Pressure Change Any Time mm H₂O (in. H₂O) |
|--|--|--|
| 9464 or more (2500 or more) | 25 (1.0) | 64 (2.5) |
| 9463 to 5676 (2499 to 1500) | 38 (1.5) | 76 (3.0) |
| 5679 to 3785 (1499 to 1000) | 51 (2.0) | 89 (3.5) |
| 3782 or less (999 or less) | 64 (2.5) | 102 (4.0) |

(iii) Is repaired by the owner(s) or operator(s) and retested within fifteen days of testing if it does not meet the criteria of SWAPCA 490-202 (2)(b)(ii);

(iv) All transport tanks transferring gasoline at bulk plants and stationary tanks (including dispensing facilities) shall use gasoline vapor recovery equipment as provided in SWAPCA 491-040 (3).

(c) The owner(s) or operator(s) of a transport tank shall:

(i) Have a current leak test certification for the transport tank on file with each gasoline loading or unloading facility where gasoline is transferred; or

(ii) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in SWAPCA 490-202 (2)(b)(i) and (ii);

(B) Shows the identification number of the gasoline tank truck tank;

(C) Shows the certification number of the tanker; and

(D) Shows the expiration date.

(d) The owner(s) or operator(s) of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) A gauge reading of tank pressure will not exceed 4.5 kilopascals (18 inches of water) or vacuum 1.5 kilopascals (6 inches of water);

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of 2.5 cm (1 inch) from potential leak sources when measured by the method in SWAPCA 490-202(3); and

(C) There are no visible liquid leaks.

(ii) Repair and retest a vapor collection system that exceeds the limits of SWAPCA 490-202 (2)(d)(i) within fifteen days.

(e) SWAPCA may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in SWAPCA 490-202(3)(d) to confirm continuing compliance with SWAPCA 490-202 (2)(b) or (d).

(f) SWAPCA may, at any time, require that a cargo tank be tested for leak detection, pressure decay, or vapor tightness using the procedures identified in 40 CFR 63.425(f),(g), and (h). The allowable pressure change for testing under 40 CFR 425 (g) and (h) shall be as provided in column three of the table in 2(b) of this section.

(3) Testing and monitoring.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with SWAPCA 490-202 (2)(a) and (b), respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests. Persons or companies performing the testing shall be approved by SWAPCA. Persons or companies performing testing shall submit a copy of their test procedures and test equipment calibration procedures to SWAPCA for review and approval for initial qualification. SWAPCA may request calibration and test procedures as necessary to assure continued proper test protocol.

(b) Certification testing shall be performed annually and the certification sticker shall be replaced annually. Certification testing shall be performed no later than the expiration date on the sticker and no sooner than 30 days prior to the expiration date. Renewals shall be made for a period of one year from the previous expiration date. Expiration dates shall initially be established by SWAPCA based on a successful certification test. The expiration date may be requested to be adjusted by an owner or operator but, if adjusted, shall not exceed one year from the date of the last valid certification test.

(c) Compliance shall be demonstrated for each required test by the following methods:

TEST TYPE**METHOD**

| | |
|--|----------------------|
| Annual certification (40 CFR 63.425(e)) | EPA Method 27 |
| Leak detection test (40 CFR 63.425(f)) | EPA Method 21 |
| Nitrogen pressure decay field test (40 CFR 63.425(g)) | See 40 CFR 63.425(g) |
| Continuous performance pressure decay (40 CFR 63.425(h)) | EPA Method 27 |

(d) Monitoring to confirm the continuing existence of leak tight conditions shall be consistent with the procedures in SWAPCA 490-202 (3)(c).

(4) Record keeping.

(a) The owner(s) or operator(s) of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by SWAPCA 490-202 (4)(a) shall, as a minimum, contain:

- (i)** The transport tank identification number and tank capacity;
- (ii)** The initial test pressure and the time of the reading;
- (iii)** The final test pressure and the time of the reading;
- (iv)** The initial test vacuum and the time of the reading;
- (v)** The final test vacuum and the time of the reading;
- (vi)** At the top of each report page, the company name, date and location of the tests on that page; and
- (vii)** Name, signature, and title of the person conducting the test.

(c) The owner(s) or operator(s) of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Each owner or operator of a gasoline transport tank shall pay a fee and register annually for each gasoline transport tank as provided in SWAPCA 400-100 (3). The registration fee is due at the time of initial certification and subsequently at the time of annual certification renewal.

(e) Copies of all records required under SWAPCA 490-202 shall immediately be made available to SWAPCA, upon written request, at any reasonable time.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-203 PERCHLOROETHYLENE DRY CLEANING SYSTEMS

(1) Specific applicability. This section shall apply to all dry cleaning systems using perchloroethylene cleaning solvent and as qualified in SWAPCA 490-203 (1)(a) and (b) and 490-025.

(a) The following dry cleaning systems are exempt from the requirements of SWAPCA 490-203 (2)(a)(i) and (ii):

(i) Coin-operated systems;

(ii) Systems located in a facility with inadequate space to accommodate an adsorber;

(iii) Systems with insufficient steam capacity to desorb adsorbers.

(b) An exemption for the conditions stated in SWAPCA 490-203 (2)(a)(i) and (ii) may be granted by SWAPCA when sufficient evidence is submitted by the owner(s) or operator(s) of the dry cleaning system to justify the exemption.

(c) A material balance will be used to determine VOC losses.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a perchloroethylene dry cleaning facility subject to this regulation shall:

(i) Vent the entire dryer exhaust through a properly functioning carbon adsorption system or equally effective control device;

(ii) Emit no more than 100 ppmv when demonstrated in accordance with SWAPCA 490-203 (3)(c)(i), of VOCs from the dryer control device before dilution;

(iii) Immediately repair all components found to be leaking liquid VOCs;

(iv) Cook or treat all diatomaceous earth filters so that the residue contains 25 kg or less of VOCs per 100 kg of wet waste material;

(v) Reduce the VOCs from all solvent stills to 60 kg or less per 100 kg of wet waste

material;

(vi) Drain all filtration cartridges, in the filter housing or other enclosed container, for at least twenty-four hours before discarding the cartridges; and

(vii) When possible, dry all drained cartridges without emitting VOCs to the atmosphere.

(3) Testing and monitoring.

(a) Compliance with SWAPCA 490-203 (2)(a)(i), (vi), and (vii) shall be determined by means of visual inspection.

(b) Compliance with SWAPCA 490-203 (2)(a)(iii) shall be determined by means of visual inspection of the following components:

(i) Hose connections, unions, couplings and valves;

(ii) Machine door gaskets and seatings;

(iii) Filter head gasket and seating;

(iv) Pumps;

(v) Base tanks and storage containers;

(vi) Water separators;

(vii) Filter sludge recovery;

(viii) Distillation unit;

(ix) Diverter valves;

(x) Saturated lint from lint basket; and

(xi) Cartridge filters.

(c) Compliance with SWAPCA 490-203 (2)(a)(ii) shall be demonstrated by:

(i) A test consistent with the procedures on file with and approved by SWAPCA; or

(ii) The proper installation, operation, and maintenance of equipment that has been demonstrated by the owner(s) or operator(s) to adequately meet the emission limits in SWAPCA 490-203 (2)(a)(ii).

(d) Compliance with SWAPCA 490-203 (2)(a)(iv) and (v) shall be demonstrated by tests consistent with the procedures on file with and approved by SWAPCA.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-204 GRAPHIC ARTS SYSTEMS

(1) Specific applicability.

(a) This section shall apply to all packaging rotogravure, publication rotogravure, specialty printing operations, and flexographic printing facilities that use more than 90 megagrams (100 tons) per year of VOCs as a component of ink, for the thinning of ink, cleaning of presses, press components and equipment; and are covered by SWAPCA 490-025.

(b) Machines that have both coating units (apply a uniform layer of material across the entire width of a web) and printing units (forming words, designs, and pictures) shall be included under SWAPCA 490-204 rather than SWAPCA 490-040(6), Surface Coaters.

(2) Provisions for specific processes.

(a) No owner(s) or operator(s) of a packaging rotogravure, publication rotogravure or flexographic printing subject to this regulation and employing solvent containing ink may operate, cause, allow or permit the operation of the facility unless:

(i) The volatile fraction of ink, as it is applied to the substrate, contains twenty-five percent by volume or less of organic solvent and seventy-five percent by volume or more of water;

(ii) The ink as it is applied to the substrate, less water, contains sixty percent by volume or more nonvolatile material; or

(iii) The owner(s) or operator(s) installs and operates a system that captures at least ninety percent by weight and;

(A) A carbon adsorption system which reduces the volatile organic emissions from the capture system by at least ninety percent by weight;

(B) An incineration system which oxidizes at least ninety percent of the nonmethane VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(C) An alternative VOC emission reduction system demonstrated to have at least a ninety percent reduction efficiency, measured across the control system, and has been approved by SWAPCA.

(b) A collection system shall be used with the emission controls of SWAPCA 490-204 (2)(a)(iii). The design and operation of the collection system shall be consistent with good engineering practice, and shall provide an overall reduction in the emission of VOCs of at least:

(i) Seventy-five percent where a publication rotogravure process is used; or

(ii) Sixty-five percent where a packaging rotogravure process is used; or

(iii) Sixty percent where a flexographic process is used.

(3) Testing and monitoring.

(a) To demonstrate compliance with this regulation, refer to SWAPCA 400-105.

(b) When add-on control equipment is used, continuous monitors of the following parameters shall be installed, periodically calibrated, and operated at all times that the associated control equipment is operating:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed;

(iii) Breakthrough of VOC on a carbon adsorption unit; and

(iv) Any other continuous monitoring or recording device required by SWAPCA.

(c) The owner or operator of a facility shall be responsible for all expenses of monitoring required by SWAPCA 490-204 (3)(b).

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-205 SURFACE COATING OF MISCELLANEOUS METAL PARTS AND PRODUCTS

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 112

(1) Specific applicability. This section shall apply to surface coating of miscellaneous metal parts and products in the following industries, if the potential uncontrolled emissions of VOC is greater than 10 tons per year and as qualified in SWAPCA 490-205 (1)(b), (c), and (d), and 490-025.

(a) Miscellaneous metal parts and products shall include:

(i) Large farm machinery (harvesting, fertilizing and planting machines, tractors, combines, etc.);

(ii) Small farm machinery (lawn and garden tractors, lawn mowers, rototillers, etc.);

(iii) Small appliances (fans, mixers, blenders, crock pots, dehumidifiers, vacuum cleaners, etc.);

(iv) Commercial machinery (office equipment, computers and auxiliary equipment, typewriters, calculators, vending machines, etc.);

(v) Industrial machinery (pumps, compressors, conveyor components, fans, blowers, transformers, etc.);

(vi) Fabricated metal products (metal covered doors, frames, etc.); and

(vii) Any other industrial category which coats metal parts or products under the Standard Industrial Classification Code of Major Group 33 (primary metal industries), Major Group 34 (fabricated metal products), Major Group 35 (non-electric machinery), Major Group 36 (electrical machinery), Major Group 37 (transportation equipment), Major Group 38 (miscellaneous instruments), Major Group 39 (miscellaneous manufacturing industries), Major Group 40 (railroad transportation), and Major Group 41 (transit passenger transportation).

(b) This section is not applicable to the surface coating of the following metal parts and products:

(i) Automobiles and light-duty trucks;

(ii) Metal cans;

(iii) Flat metal sheets and strips in the form of rolls or coils;

(iv) Magnet wire for use in electrical machinery;

(v) Metal furniture;

- (vi) Large appliances;
- (vii) Airplanes;
- (viii) Automobile refinishing;
- (ix) Customized top coating of automobiles and trucks, if production is less than thirty-five vehicles per day; and
- (x) Exterior of marine vessels.

(c) This regulation applies to the application area, flashoff area, air and forced air drier, and oven used in the surface coating of the metal parts and products in SWAPCA 490-205(1)(a). This regulation also applies to prime coat, top coat, and single coat operations.

(d) The application of coatings whose formulations are controlled by federal specifications and the use of which is required by federal agencies shall be exempt from the emission limits in SWAPCA 490-205 (2)(a).

(e) A case-by-case determination of the emission controls best representing RACT may be substituted for the requirements of SWAPCA 490-205(2). Such a determination shall be approved by SWAPCA.

(2) Provisions for specific processes.

(a) The owner or operator of a coating application system shall not emit a quantity of VOCs greater than those listed by specific coating, excluding water and as delivered to the application system:

| | | |
|-----------------------------------|----------------|------------------|
| (i) Clear coatings | 0.52 kg/liter | (4.3 lb/ gallon) |
| (ii) Extreme performance coatings | 0.42 kg/liter | (3.5 lb/ gallon) |
| (iii) Air dried coatings | 0.42 kg/ liter | (3.5 lb/ gallon) |
| (iv) All others | 0.36 kg/ liter | (3.0 lb/ gallon) |
| (v) Powder coatings | 0.05 kg/ liter | (0.4 lb/ gallon) |

(b) When more than one emission limitation listed in SWAPCA 490-205 (2)(a) applies to a specific coating, the least stringent will apply.

(c) All VOC emissions from solvent washings shall be considered in the emission limitations TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 114

in SWAPCA 490-205 (2)(a), unless the solvent is directed into containers that prevent evaporation into the atmosphere.

(d) The emission limits set forth in SWAPCA 490-205 (2)(a) shall be achieved by:

(i) The application of low solvent coating technology; or

(ii) An incineration system that oxidizes at least ninety percent of the VOCs (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC reduction certified by the owner(s) or operator(s) and approved by SWAPCA.

(e) A collection system shall be used together with the incinerator of SWAPCA 490-205 (2)(d)(ii). The design and operation of the collection system shall be consistent with good engineering practice and provide for an overall VOC emission reduction necessary to comply with the emission limits of SWAPCA 490-205 (2)(a). The required VOC emission reduction shall be calculated on a unit volume of uncured solids basis.

(3) Testing and monitoring

(a) SWAPCA may require the owner(s) or operator(s) of a source to demonstrate at his/her own expense, compliance by the methods of SWAPCA 490-205(3)(c).

(b) The owner(s) or operator(s) of a source shall notify SWAPCA at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation, refer to SWAPCA 400-105.

(d) SWAPCA may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-207 Surface Coating of Flatwood Paneling

(1) Specific applicability.

(a) This section shall apply to all flatwood panel manufacturers and surface finishing facilities as qualified in SWAPCA 490-207 (1)(b) and (c) and 490-025.

(b) These regulations shall apply to all operations and equipment that is used to apply, convey and dry (including flashoff areas) a surface pattern or coating on the following products:

(i) Printed interior panels made of hardwood plywood and thin particleboard;

(ii) Natural finish hardwood plywood panels; or

(iii) Hardboard paneling with Class II finishes.

(c) These regulations do not apply to the manufacture of exterior siding, tile board, or particleboard used as a furniture component.

(2) Provisions for specific processes.

(a) The owner(s) or operator(s) of a facility shall not emit VOCs from a coating application system in excess of:

(i) 2.9 kg per 100 square meters of coated finished product (6.0 lb/1,000 square feet) from printed interior panels, regardless of the number of coats applied;

(ii) 5.9 kg per 100 square meters of coated finished product (12.0 lb/1,000 square feet) from natural finish hardwood plywood panels, regardless of the number of coats applied; and

(iii) 4.9 kg per 100 square meters of coated finished product (10.0 lb/1,000 square feet) from Class II finishes on hardboard panels, regardless of the number of coats applied.

(b) The emission limits in SWAPCA 490-207 (2)(a) shall be achieved by:

(i) The application of low solvent content coating technology; or

(ii) An incineration system which oxidizes at least ninety percent of the nonmethane VOCs entering the incinerator (VOC measured as total combustible carbon) to carbon dioxide and water; or

(iii) An equivalent means of VOC removal. The equivalent means must be certified by the owner(s) or operator(s) and approved by SWAPCA.

(c) A capture system shall be used in conjunction with the emission control systems in SWAPCA 490-207 (2)(b)(ii) and (iii). The design and operation of the capture system must be consistent with good engineering practice and shall be required to provide for an overall emission reduction sufficient to meet the emission limitation in SWAPCA 490-207 (2)(a).

(3) Testing and monitoring.

(a) SWAPCA may require the owner or operator of a facility to demonstrate at his/ her own expense compliance by the methods of WAC 173-490-207 (3)(c).

(b) The owner(s) or operator(s) of a facility shall notify SWAPCA at least ten days before a proposed emission certification test so the director or a representative may observe the test.

(c) To demonstrate compliance with this regulation, refer to SWAPCA 400-105.

(d) SWAPCA may require monitoring of the following parameters:

(i) Exhaust gas temperature of all incinerators;

(ii) Temperature rise across a catalytic incinerator bed; and

(iii) Breakthrough of VOC on a carbon adsorption unit.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 490-208 AEROSPACE ASSEMBLY AND COMPONENT COATING OPERATIONS

(1) Specific applicability. This section shall apply to all aerospace component coating facilities that emit an annual average of eighteen kilograms (forty pounds) or more of VOCs per operating day and as qualified in SWAPCA 490-025.

(2) It shall be unlawful for any person to cause or allow:

(a) The application of any primer or topcoat to aerospace components which contains in excess of:

(i) 650 grams of VOC per liter of primer, less water, as applied.

(ii) 600 grams of VOC per liter of topcoat, less water, as applied.

- (b) The application of any temporary protective coating to aerospace components that contains more than 250 grams of VOC per liter of material, less water, as applied.
 - (c) The use of VOCs of composite vapor pressure of 10.4 kPa (1.5 psia) or greater at a temperature of 21.1°C (70°F) for surface preparation or cleanup, excluding paint removal.
 - (d) The use of VOCs for the cleanup of spray equipment used in aerospace component coating operations unless 85 percent of the VOCs by weight, are collected and dis-posed so that they are not emitted to the atmosphere.
 - (e) The use of a stripper which contains more than 400 grams of VOC per liter or has a composite vapor pressure of VOCs more than 1.3 kPa (0.19 psia) at 21.1°C (70°F).
- (3) The emission limits of paragraph (2) shall be achieved by:
- (a) The application of reasonably available low solvent coating technology;
 - (b) A vapor collection and disposal system; or
 - (c) An equivalent method of VOC reduction certified by the owner(s) or operator(s) and approved by SWAPCA.
- (4) The provisions of SWAPCA 490-208 (2)(a) and (2)(b) shall not apply to the following materials:
- (a) Coatings for masking in chemical etching operations,
 - (b) Adhesive bonding primer,
 - (c) Flight test coatings,
 - (d) Space vehicle coatings, or
 - (e) Fuel tank coatings.
- (5) Upon the submission of an alternative coating evaluation, SWAPCA may determine that a reasonably available low solvent coating does exist for a given application and may exempt the coating from requirements of SWAPCA 490-208. All alternative coating evaluations shall contain, as a minimum:
- (a) Types of products to be coated,

- (b) Types of coatings evaluated,
- (c) Results of performance tests,
- (d) Status of research into development of low VOC coatings for the application,
- (e) Feasibility of installing control equipment,
- (f) Mitigating measures that could be implemented to reduce VOC emissions.

State effective: 11/21/96; EPA effective: 6/18/97

Emissions Standards and Controls for Sources Emitting Gasoline Vapors

SWAPCA 491-010 POLICY AND PURPOSE

(1) It is the policy of the Southwest Air Pollution Control Authority (SWAPCA) under the authority provided in Chapter 70.94.141, 70.94.152 and 70.94.331 RCW to provide for the systematic control of air pollution from air contaminant sources within the jurisdiction of SWAPCA.

(2) It is the purpose of this regulation to establish standards for the control of air contaminants emitted from gasoline marketing and dispensing sources within the jurisdiction of SWAPCA including Clark, Cowlitz, Lewis, Skamania, and Wahkiakum Counties.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-015 APPLICABILITY

This regulation applies to gasoline marketing operations within SWAPCA jurisdiction, including the storage, transport, and transfer of gasoline, transfer from storage tanks into transport tanks, and transfer from storage tanks into motor vehicles. This regulation applies to facilities with above ground and underground storage tanks.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-020 DEFINITIONS

The definitions of terms contained in SWAPCA 400 are by this reference incorporated into this regulation. Unless a different meaning is clearly required by context, the following words and phrases, as used in this regulation, shall have the following meanings:

- (1) "Bottom loading" means the filling of a tank through a line entering the bottom of the tank.

- (2) "Bulk gasoline plant" means a gasoline storage and transfer facility that receives more than ninety percent of its annual gasoline throughput by transport tank, and reloads gasoline into transport tanks.
- (3) "Certified vapor recovery system" means a vapor recovery system which has been certified by the California Air Resources Board (CARB). Only Stage II vapor recovery systems with a single coaxial hose can be certified. SWAPCA may certify vapor recovery systems in addition to those certified by the California Air Resources Board as of the effective date of the regulation.
- (4) "Gasoline" means a petroleum distillate which is a liquid at standard conditions and has a true vapor pressure greater than four pounds per square inch absolute (4.0 psia) at twenty degrees C (20°C), and is used as a fuel for internal combustion engines. Also any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at twenty degrees C (20°C) shall be considered "gasoline" for purpose of this regulation.
- (5) "Gasoline dispensing facility" means any site dispensing gasoline into motor vehicle fuel tanks from stationary storage tanks (above ground or underground).
- (6) "Gasoline loading terminal" means a gasoline transfer facility that receives more than ten percent of its annual gasoline throughput solely or in combination by pipeline, ship or barge, and loads gasoline into transport tanks.
- (7) "Leak free" means a liquid leak or less than four drops per minute.
- (8) "SWAPCA" means the Southwest Air Pollution Control Authority.
- (9) "Stage I" means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.
- (10) "Stage II" means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.
- (11) "Submerged fill line" means any discharge pipe or nozzle which meets either of the following conditions:
- Where the tank is filled from the top, the end of the discharge pipe or nozzle must be totally submerged when the liquid level is six inches from the bottom of the tank, or;
 - Where the tank is filled from the side, the discharge pipe or nozzle must be totally submerged when the liquid level is eighteen inches from the bottom of the tank.

- (12) “Submerged loading” means the filling of a tank with a submerged fill line.
- (13) “Suitable cover” means a door, hatch, cover, lid, pipe cap, pipe blind, valve, or similar device that prevents the accidental spilling or emitting of gasoline. Pressure relief valves, aspirator vents, or other devices specifically required for safety and fire protection are not included.
- (14) “Throughput” means the amount of material passing through a facility.
- (15) “Top off” means to attempt to dispense gasoline to a motor vehicle fuel tank after a vapor recovery dispensing nozzle has shut off automatically.
- (16) “Transport tank” means a container used for shipping gasoline over roadways.
- (17) “True vapor pressure” means the equilibrium partial pressure of a petroleum liquid as determined by methods described in American Petroleum Institute (API) Bulletin 2517, 1980.
- (18) “Upgraded” means the modification of a gasoline storage tank, including tank installation or replacement, or piping to add cathodic protection, tank lining or spill and overfill protection that involved removal of ground or ground cover above a portion of the product piping.
- (19) “Vapor balance system” means a system consisting of the transport tank, gasoline vapor transfer lines, storage tank, and all tank vents designed to route displaced gasoline vapors from a tank being filled with liquid gasoline.
- (20) “Vapor collection system” means a closed system to conduct vapors displaced from a tank being filled into the tank being emptied, a vapor holding tank, or a vapor control system.
- (21) “Vapor control system” means a system designed and operated to reduce or limit the emission of gasoline vapors emission into the ambient air.
- (22) “Vapor-mounted seal” means a primary seal mounted so there is an annular vapor space underneath the seal. The annular vapor space is bounded by the bottom of the primary seal, the tank wall, the liquid surface, and the floating roof.
- (23) “Vapor tight” means a leak of less than one hundred percent of the lower explosive limit on a combustible gas detector measured at a distance of one inch from the source or no visible evidence of air entrainment in the sight glasses of liquid delivery hoses.
- (24) “WDOE” or “Ecology” means the Washington Department of Ecology.

(25) “Western Washington counties” means the following counties: Clallam, Clark, Cowlitz, Grays Harbor, Island, Jefferson, King, Kitsap, Lewis, Mason, Pacific, Pierce, San Juan, Skagit, Skamania, Snohomish, Thurston, Wahkiakum, and Whatcom.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-030 REGISTRATION

(1) The owner or operator of a gasoline loading terminal, bulk gasoline plant, or gasoline dispensing facility subject to the provisions of SWAPCA 491-040 (2) through (5) shall register annually the facility with SWAPCA. Annual registration shall be made by the owner or operator on a form provided by SWAPCA within sixty days of receipt of the form. Such registration form shall require information relevant to determining whether the facility is in compliance with this regulation and be accompanied by the following fee:

| | |
|--------------------------------|----------------------|
| Gasoline loading terminals | five hundred dollars |
| Bulk gasoline plants | two hundred dollars |
| Gasoline dispensing facilities | one hundred dollars |
| Gasoline transport tankers | fifty dollars |

This amount of the fees collected shall only be used to administer the registration program for facilities subject to this regulation.

(2) Administration of the registration program shall include:

- (a)** Initial registration and annual or other periodic reports from the source owner providing information directly related to air pollution.
- (b)** On-site inspections necessary to verify compliance with registration requirements.
- (c)** Data storage and retrieval systems necessary for support of the registration program.
- (d)** Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to registration.
- (e)** Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to registration program requirements.
- (f)** Clerical and other office support provided in direct furtherance of the registration program.
- (g)** Administrative support provided in directly carrying out the registration program.

(3) SWAPCA will provide a written verification of registration to owners or operators of facilities subject to the provisions of SWAPCA 491-040 (2) through (5). Such verification shall be available for inspection by SWAPCA personnel during normal business hours.

(4) The owner or operator of a gasoline loading terminal or a gasoline dispensing facility shall maintain total annual gasoline throughput records for the most recent two calendar years. Such records shall be available for inspection by SWAPCA personnel during normal business hours.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-040 GASOLINE VAPOR CONTROL REQUIREMENTS

(1) Fixed-roof gasoline storage tanks.

(a) All fixed-roof gasoline storage tanks having a nominal storage capacity greater than forty thousand gallons shall comply with one of the following:

(i) Meet the equipment specifications and maintenance requirements of the federal standards of performance for new stationary sources - Storage Vessels for Petroleum Liquids (40 CFR 60, subpart K).

(ii) Be retrofitted with a floating roof or internal floating cover using a metallic seal or a nonmetallic resilient seal at least meeting the equipment specifications of the federal standards referred to in (a)(i) of this subsection or its equivalent.

(iii) Be fitted with a floating roof or internal floating cover meeting the manufacturer's equipment specifications in effect when it was installed.

(b) All seals used in (a)(ii) and (iii) of this subsection are to be maintained in good operating condition and the seal fabric shall contain no visible holes, tears, or other openings.

(c) All openings not related to safety are to be sealed with suitable closures.

(d) Tanks used for the storage of gasoline in bulk gasoline plants and equipped with vapor balance systems as required in subsection (3)(b) of this section shall be exempt from the requirements of subsection (1) of this section.

(e) All fixed roof gasoline storage tanks subject to this section shall comply no later than December 31, 1993 or at the time that the throughput is exceeded.

(2) Gasoline loading terminals.

(a) This section shall apply to all gasoline loading terminals with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993 or when the throughput is exceeded.

(b) Loading facilities. Facilities loading gasoline into any transport tank shall be equipped with a vapor control system (VCS) as described in (c) of this subsection and comply with the following conditions:

(i) The loading facility shall employ submerged or bottom loading for all transport tanks.

(ii) The VCS shall be connected during the entire loading of all transport tanks.

(iii) The loading of all transport tanks shall be performed such that the transfer is at all times vapor tight. Emissions from pressure relief valves shall not be included in the controlled emissions when the back pressure in the VRS collection lines is lower than the relief pressure setting of the transport tank's relief valves.

(iv) All loading lines and vapor lines shall be equipped to close automatically when disconnected. The point of closure shall be on the tank side of any hose or intermediate connecting line.

(c) Vapor control system (VCS). The VCS shall be designed and built according to accepted industrial practices and meet the following conditions:

(i) The VCS shall not allow organic vapors emitted to the ambient air to exceed thirty-five milligrams per liter (three hundred twenty-two milligrams per gallon) of gasoline loaded.

(ii) The VCS shall be equipped with a device to monitor the system while the VCS is in operation.

(iii) The back pressure in the VCS collection lines shall not exceed the transport tank's pressure relief settings.

(3) Bulk gasoline plants and transport tanks.

(a) This section shall apply to all bulk gasoline plants with an average annual gasoline throughput greater than 7.2 million gallons on a calendar basis and shall comply no later than December 31, 1993, or when the throughput is exceeded, and gasoline transport tanks.

(b) Deliveries to bulk gasoline plant storage tanks.

(i) The owner or operator of a bulk gasoline plant shall not permit the loading of gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated properly. The vapor balance system shall prevent at least ninety percent of the displaced gasoline vapors from entering the ambient air. A vapor balance system that is designed, built, and operated according to accepted industrial practices will satisfy this requirement.

(ii) Storage tank requirements. All storage tanks with a nominal capacity greater than five hundred fifty gallons and used for the storage of gasoline shall comply with the following conditions:

(A) Each storage tank shall be equipped with a submerged fill line.

(B) Each storage tank shall be equipped for vapor balancing of gasoline vapors with transport tanks during gasoline transfer operations.

(C) The vapor line fittings on the storage tank side of break points with the transport tank vapor connection pipe or hose shall be equipped to close automatically when disconnected.

(D) The pressure relief valves on storage tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety but in no case greater than ninety percent of the tank's safe working pressure.

(iii) Transport tank requirements. All transport tanks transferring gasoline to storage tanks in a bulk gasoline plant shall comply with the following conditions:

(A) The transport tank shall be equipped with the proper attachment fittings to make vapor tight connections for vapor balancing with storage tanks.

(B) The vapor line fittings on the transport tank side of break points with the storage tank connection pipe or hose shall be equipped to close automatically when disconnected.

(C) The pressure relief valves on transport tanks shall be set at the highest possible pressure consistent with local and state codes for fire and safety.

(c) Gasoline transfer operations.

(i) No owner or operator of a bulk gasoline plant or transport tank shall allow the

transfer of gasoline between a stationary storage tank and a transport tank except when the following conditions exist:

- (A) The transport tanks are being submerged filled or bottom loaded.
- (B) The loading of all transport tanks, except those exempted under (c)(ii) of this subsection are being performed using a vapor balance system.
- (C) The transport tanks are equipped to balance vapors and maintained in a leak tight condition in accordance with SWAPCA 491-050.
- (D) The vapor return lines are connected between the transport tank and the stationary storage tank and the vapor balance system is operated properly.

(ii) Transport tanks used for gasoline that meet all of the following conditions shall be exempt from the requirement to be equipped with any attachment fitting for vapor balance lines if:

- (A) The transport tank is used exclusively for the delivery of gasoline into storage tanks of a facility exempt from the vapor balance requirements of subsection (4) of this section; and
- (B) The transport tank has a total nominal capacity less than four thousand gallons and is constructed so that it would require the installation of four or more separate vapor balance fittings.

(4) Gasoline dispensing facilities (Stage I).

- (a) This section shall apply to the delivery of gasoline to gasoline dispensing facilities with an annual gasoline throughput greater than three hundred sixty thousand gallons in Cowlitz, Lewis, Skamania and Wahkiakum Counties. For Clark County, this section applies to gasoline dispensing facilities with greater than 200,000 gallons annual throughput on a calendar year basis. All facilities subject to this section shall comply when the throughput is exceeded.
- (b) All gasoline storage tanks of the facilities defined in (a) of this subsection shall be equipped with submerged or bottom fill lines and fittings to vapor balance gasoline vapors with the delivery transport tank.
- (c) Gasoline storage tanks with offset fill lines shall be exempt from the requirement of (b) of this subsection if installed prior to January 1, 1979.
- (d) The owner or operator of a gasoline dispensing facility shall not permit the loading of

gasoline into a storage tank equipped with vapor balance fittings unless the vapor balance system is attached to the transport tank and operated satisfactorily.

(e) All gasoline dispensing facilities subject to this section shall be equipped with CARB or SWAPCA certified Stage I vapor recovery fittings or equipment.

(f) Only two point Stage I fittings shall be used with vacuum assist type Stage II systems. Coaxial Stage I fittings may continue to be used for balance type Stage II systems and systems without Stage II gasoline vapor recovery controls.

(g) All Stage I gasoline vapor recovery equipment shall be maintained in proper working order at all times. All Stage I gasoline vapor recovery equipment shall be maintained in accordance with the CARB Executive Order(s) certifying the equipment or system. Whenever a Stage I gasoline vapor recovery system or component is determined to be defective or not operating properly, the owner or operator shall immediately take the system out of service until repairs are made. Systems shall not be returned to service until the defective system is operating properly.

(h) Any alteration of the equipment, parts, design, or operation of the Stage I gasoline vapor recovery system as certified by CARB is prohibited, and shall not be performed without submittal of a Notice of Construction application and prior approval from SWAPCA.

(i) All new gasoline dispensing facilities shall have a tank tightness test performed at the time of installation to ensure proper connection and absence of leaks refer to WDOE publication 91-43 "Tank Owner/Operator's Guide to Tightness Testing"). Results of the testing shall be submitted to SWAPCA within 14 calendar days of testing.

(j) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

(5) Gasoline dispensing facilities (Stage II)

(a) This section shall apply to the refueling of motor vehicles for the general public from stationary tanks at all gasoline dispensing facilities located in Cowlitz, Lewis, and Wahkiakum Counties with an annual gasoline throughput greater than one million two hundred thousand gallons (1,200,000). For Clark County, this section shall apply to gasoline dispensing facilities with an annual gasoline throughput greater than six hundred thousand gallons (600,000); these facilities shall install Stage II controls by December 31, 1998 or at the time of a facility upgrade(see definition). Skamania County is exempt from Stage II requirements as provided in RCW 70.94.165.

(b) All gasoline dispensing facilities subject to this section shall be equipped with a CARB or SWAPCA certified Stage II vapor recovery system.

(c) The owner or operator of a gasoline dispensing facility subject to this section shall not transfer or allow the transfer of gasoline from stationary tanks into motor vehicle fuel tanks unless a certified Stage II vapor recovery system is used.

(d) All Stage II vapor recovery equipment shall be installed in accordance with the system's certification requirements and shall be maintained to be leak free, vapor tight, and in good working order.

(e) Whenever a Stage II vapor recovery system component is determined to be defective, the owner or operator shall take the system out of service until it has been repaired, replaced, or adjusted, as necessary.

(f) The owner or operator of each gasoline dispensing facility utilizing a Stage II system shall conspicuously post operating instructions for the system in the gasoline dispensing area. The instructions shall clearly describe how to fuel vehicles correctly using the vapor recovery nozzles and include a warning against topping off. Additionally, the instructions shall include a prominent display of SWAPCA's toll free telephone number (800-633-0709) for complaints regarding the operation and condition of the vapor recovery nozzles.

(g) Every retailer and wholesale purchaser-consumer (gasoline dispensing facility) handling over 10,000 gallons per month shall equip each pump from which gasoline or methanol is introduced into motor vehicles with a nozzle that dispenses fuel at a flowrate not to exceed 10 gallons per minute as provided in 40 CFR 80.22 Subpart B.

(h) All new or upgraded facilities with Stage II gasoline vapor recovery controls shall conduct a performance test upon installation prior to placing in service. For balance type systems, the owner/operator shall conduct and pass a back pressure/blockage test. For vacuum assist systems, the owner/operator shall conduct and pass performance testing in accordance with the applicable CARB Executive Order certifying the system. Results of all testing shall be submitted to SWAPCA within 14 calendar days of test completion.

(i) Pressure/vacuum valves shall be installed as required by the CARB Executive Order that certified the particular Stage I or Stage II vapor recovery system or equipment. Relief set points shall be as provided in the applicable CARB Executive Order and local fire ordinances.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-050 FAILURES, CERTIFICATION, TESTING AND RECORDKEEPING

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 128

This section shall apply to all gasoline transport tanks equipped for gasoline vapor collection and all vapor collection systems at gasoline loading terminals, and bulk gasoline plants as described in subsections (2) and (3) of SWAPCA 491-040.

(1) Failures. During the months of May, June, July, August, and September any failure of a vapor collection system at a bulk gasoline plant or gasoline loading terminal to comply with this section requires the immediate discontinuation of gasoline transfer operations for the failed part of the system. Other transfer points that can continue to operate in compliance may be used. The loading or unloading of the transport tank connected to the failed part of the vapor collection system may be completed during the other months of the year. Upon completion of loading or unloading of a transport tank connected at the time of the failure, gasoline transfer operations shall be discontinued for the failed part of the system.

(2) Certification.

(a) The owner or operator of a gasoline loading terminal or bulk gasoline plant shall only allow the transfer of gasoline between the facility and a transport tank if a current leak test certification for the transport tank is on file with the facility or a valid inspection sticker is displayed on the vehicle. Certification is required annually as provided in SWAPCA 490-202.

(b) The owner or operator of a transport tank shall not make any connection to the tank for the purpose of loading or unloading gasoline, except in the case of an emergency, unless the gasoline transport tank has successfully completed the annual certification testing requirements in (3) of this subsection, and such certification is confirmed either by:

(i) Having on file with each gasoline loading or unloading facility at which gasoline is transferred a current leak test certification for the transport tank; or

ii) Display a sticker near the Department of Transportation certification plate required by 49 CFR 178.340-10b which:

(A) Shows the date that the gasoline tank truck last passed the test required in (3) of this subsection;

(B) Shows the identification number of the gasoline tank truck tank; and

(C) Expires not more than one year from the date of the leak tight test.

(c) The owner or operator of a vapor collection system shall:

(i) Operate the vapor collection system and the gasoline loading equipment during all loadings and unloadings of transport tanks equipped for emission control such that:

(A) The tank pressure will not exceed a pressure of eighteen inches of water or a vacuum of six inches of water;

(B) The concentration of gasoline vapors is below the lower explosive limit (LEL, measured as propane) at all points a distance of one inch from potential leak sources; and

(C) There are no visible liquid leaks except for a liquid leak of less than four drops per minute at the product loading connection during delivery.

(D) Upon disconnecting transfer fittings, liquid leaks do not exceed ten milliliters (0.34 fluid ounces) per disconnect averaged over three disconnects.

(ii) Repair and retest a vapor collection system that exceeds the limits of (2)(c)(i) of this subsection within fifteen days.

(d) SWAPCA may, at any time, monitor a gasoline transport tank and vapor collection system during loading or unloading operations by the procedure in (3) of this subsection to confirm continuing compliance with this section.

(3) Testing and monitoring.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall, at his own expense, demonstrate compliance with (1) and (2) of this subsection, respectively. All tests shall be made by, or under the direction of, a person qualified to perform the tests and approved by WDOE or SWAPCA.

(b) Testing to determine compliance with this section shall use procedures approved by SWAPCA. See testing requirements in SWAPCA 490.

(c) Monitoring to confirm continuing leak tight conditions shall use procedures approved by SWAPCA.

(4) Recordkeeping.

(a) The owner or operator of a gasoline transport tank or vapor collection system shall maintain records of all certification tests and repairs for at least two years after the test or repair is completed.

(b) The records of certification tests required by this section shall, as a minimum, contain:

- (i) The transport tank identification number;
- (ii) The transport tank capacity;
- (iii) The initial test pressure and the time of the reading;
- (iv) The final test pressure and the time of the reading;
- (v) The initial test vacuum and the time of the reading;
- (vi) The final test vacuum and the time of the reading;
- (vii) At the top of each report page the company name, date, and location of the tests on that page; and
- (viii) Name and title of the person conducting the test.

(c) The owner or operator of a gasoline transport tank shall annually certify that the transport tank passed the required tests.

(d) Copies of all records required under this section shall immediately be made available to the department, upon written request, at any reasonable time.

(5) Preventing evaporation. All persons shall take reasonable measures to prevent the spilling, discarding in sewers, storing in open containers, or handling of gasoline in a manner that will result in evaporation to the ambient air.

State effective: 11/21/96; EPA effective: 6/18/97

SWAPCA 491-060 SEVERABILITY

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

State effective: 11/21/96; EPA effective: 6/18/97

Oxygenated Fuels

SWAPCA 492-010 POLICY AND PURPOSE

The purpose of this regulation is to reduce carbon monoxide emissions from gasoline powered

motor vehicles, through the wintertime use of oxygenated gasolines in areas that are either known or expected to exceed health-based air quality standards for carbon monoxide.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-020 APPLICABILITY

This regulation is only applicable to Clark County when the Carbon Monoxide Maintenance Plan Contingency Measure is triggered as a result of a confirmed violation of the carbon monoxide National Ambient Air Quality Standard (NAAQS) in the Vancouver air quality management area (AQMA). The Vancouver AQMA is described in the Carbon Monoxide Maintenance Plan. When triggered, this regulation shall apply to all gasoline offered for sale in the control area and over the control period defined in section SWAPCA 492-070. This regulation and the discontinuance of the oxygenated fuel requirements shall be effective upon EPA approval of the Vancouver Carbon Monoxide Maintenance Plan.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-030 DEFINITIONS

The following words and phrases shall have the following meanings:

- (1) “Authority” means the Southwest Air Pollution Control Authority.
- (2) “Blender” means a person who owns oxygenated gasoline which is sold or dispensed from an oxygenate blending facility for use in a control area during a control period.
- (3) “Control area” means an area in which only oxygenated gasoline under the oxygenated gasoline program may be sold or dispensed. Each control area is a county or group of counties administered by the Authority.
- (4) “Control period” means the period during which oxygenated gasoline must be sold or dispensed within the control area which is November 1 through February 29.
- (5) “Ecology, or WDOE” means the Washington State Department of Ecology.
- (6) “Gasoline” means any fuel sold for use in motor vehicles equipped with internal combustion engines, and commonly known or sold as gasoline. Blended and oxygenated fuels are considered gasoline.
- (7) “Large Volume Blender” means blenders that blend and offer for sale or sell one million gallons or more, but less than 15 million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(8) “Medium Volume Blender” means blenders that blend and offer for sale or sell 100 thousand gallons or more, but less than one million gallons, of oxygenated gasoline per month, on average, during a control period within a control area.

(9) “Oxygenate” means any substance which, when added to gasoline, increases the amount of oxygen in the gasoline blend. Lawful use of any combination of these substances requires that they be substantially similar under section 211(f)(1) of the Federal Clean Air Act (CAA), or be permitted under a waiver granted by the Administrator of the Environmental Protection Agency under the authority of section 211(f)(4) of the CAA.

(10) “Oxygenated gasoline” means gasoline which contains a measurable amount of oxygenate, generally an alcohol or ether.

(11) “Small Volume Blender” means blenders that blend and offer for sale or sell less than 100 thousand gallons of oxygenated gasoline per month, on average, during a control period within a control area.

(12) “Southwest Air Pollution Control Authority (SWAPCA)” means the regional agency empowered to enforce and implement the Federal Clean Air Act (42 U.S.C. 7410, et seq.) and the Clean Air Washington Act (RCW 70.94) in Clark, Cowlitz, Lewis, Skamania and Wahkiakum Counties of Washington State.

(13) “Very Large Volume Blender” means blenders that blend and offer for sale or sell 15 million gallons or more of oxygenated gasoline per month, on average, during a control period within a control area.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-040 COMPLIANCE REQUIREMENTS

(1) **Retail Sales.** No gasoline intended as a final product for fueling of motor vehicles within the control area and control period defined in SWAPCA 492-070 shall be offered for sale, sold or dispensed by any person unless the gasoline has at least 2.0% oxygen content by weight.

(2) **Average Blend Requirements.** Over each two-month interval during the control period, gasoline intended as a final product for fueling of motor vehicles within the Authority’s control area defined in SWAPCA 492-070 supplied by blenders to purchasers within the Authority’s control area defined in SWAPCA 492-070 shall average at least 2.7% oxygen by weight, and in no case be less than 2.0% oxygen content by weight.

(3) **Reports.** Blenders shall provide periodic reports, as stipulated in the blenders registration, to

the Authority summarizing how the requirements of SWAPCA 492-040 (2) were met. With prior approval from the Authority, a credit trading program may be used to comply with these requirements. Such reports shall be on forms provided by the Authority.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-050 REGISTRATION REQUIREMENTS

(a) Each blender who offers for sale, sells, or dispenses gasoline in the Authority’s control area shall register with the Authority each year. Each request for registration shall be on forms supplied by the Authority and shall be accompanied by a fee to compensate for the cost of administering the registration program, including on-site inspections necessary to verify compliance with these requirements. The location of each blender facility shall be included in the information provided by the blender at registration. The fee for a control area shall be based on the volume of oxygenated gasoline sold or offered for sale by the blender in that control area to comply with the provisions of SWAPCA 492-040. Applicable fees are required to be paid in full by October 1 of each year or within 30 days after becoming a blender, whichever occurs later. The following fee table shall apply to blenders:

| | |
|---------------------------|----------|
| Small Volume Blender | \$ 500 |
| Medium Volume Blender | \$ 1,000 |
| Large Volume Blender | \$10,000 |
| Very Large Volume Blender | \$25,000 |

(b) The total annual oxygenated fuel fees collected and retained by the Authority under this program shall not exceed \$40,000. When the total fees submitted by all blenders on October 1 of each year exceeds \$40,000, there shall be a refunding of the excess fees collected by the Authority. The refund provided to each blender shall be derived by prorating the excess fees based on that company’s ratio of its volume of oxygenate blended to the total volume of all oxygenate blended. Such refund shall be issued by the Authority by December 1 of each year and is applicable to all types of oxygenates.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-060 LABELING REQUIREMENTS

In addition to other labeling requirements, fuel dispensing systems delivering oxygenated gasoline shall be conspicuously labeled during the control period and in the control area stated in SWAPCA 492-070 as follows:

“The gasoline dispensed from this pump is oxygenated and will reduce carbon monoxide pollution from motor vehicles.”

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-070 CONTROL AREA AND CONTROL PERIOD

The oxygenated gasoline requirements of this regulation shall apply to the following control area during the minimum following control period. The control period may begin earlier if there is a violation of the ambient air quality standard outside of the control period:

| CONTROL AREA | COUNTIES | CONTROL PERIOD | |
|---------------------|-----------------|-----------------------|---------------|
| | | BEGINNING | ENDING |
| Southwest | Clark | November 1 | February 29 |

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-080 ENFORCEMENT AND COMPLIANCE

(1) Compliance with the requirements of this regulation shall be monitored and enforced by the Authority. Non-compliance shall be subject to the penalties and other remedies provided in 70.94.RCW.

(2) The Authority may designate any appropriate agency of the State to assist in the compliance monitoring of this regulation.

(3) Compliance with the standards set forth in this regulation shall be determined by use of testing methods approved by Ecology or the Authority. The maximum accuracy tolerance of this method shall be limited to +/-0.3% oxygen by weight, or an equivalent tolerance when measured by volume.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-090 UNPLANNED CONDITIONS

An unplanned condition, such as an unforeseen emergency or “act of God,” which may interfere with compliance to this regulation, shall be reported to the Authority as soon as possible. The responsible party shall also submit a full written report within ten days to the Authority, including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence. Compliance with the requirements of SWAPCA 492-090 does not relieve the responsible party from the responsibility to maintain continuous compliance with all the requirements of this regulation nor from the resulting liabilities for failure to comply. The Authority shall consider the circumstances of the unplanned condition, and may

use the circumstances when determining enforcement.

State effective: 11/21/96; EPA effective: 6/30/97

SWAPCA 492-100 SEVERABILITY

The provisions of this regulation are severable and if any provision is held invalid, the application of such provision to the other circumstances and the remainder of this regulation shall not be affected.

State effective: 11/21/96; EPA effective: 6/30/97

VOC Area Source Rules

SWAPCA 493-100 CONSUMER PRODUCTS

Reserved for adoption by reference of the U.S. Environmental Protection Agency's (EPA) equivalent rule. The EPA proposed rule was published in the federal register on Tuesday, April 2, 1996; Federal Register Vol. 61, No. 64, page 14531; 40 CFR 59, [AD-FRL-5451-7].

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-010 APPLICABILITY

(1) SWAPCA 493-200-010 through 493-200-060 apply to any manufacturer, distributor, retailer or commercial applicator of spray paint for sale or use in the Vancouver AQMA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-020 DEFINITIONS

As used in SWAPCA 493-200:

- (1) "Adhesive" means a product used to bond one surface to another.
- (2) "Anti-Static Spray" means a product used to prevent or inhibit the accumulation of static electricity.
- (3) "Art Fixative or Sealant" means a clear coating, including art varnish, workable art fixative, and ceramic coating, which is designed and labeled exclusively for application to paintings, pencil, chalk, or pastel drawings, ceramic art pieces, or other closely related art uses, to provide a final protective coating or to fix preliminary stages of art work while providing a workable surface for subsequent revisions.

- (4) "ASTM" means the American Society for Testing and Materials.
- (5) "Auto Body Primer" means an automotive primer or primer surface coating designed and labeled exclusively to be applied to a vehicle body substrate for the purpose of corrosion resistance and building a repair area which can be sanded to a smooth condition after drying.
- (6) "Automotive Bumper and Trim Product" means a product, including adhesion promoters and chip sealants, designed and labeled exclusively to repair and refinish automotive bumpers and plastic trim parts.
- (7) "Automotive Underbody Coating" means a flexible coating which contains asphalt or rubber and is labeled exclusively for use on the underbody of motor vehicles to resist rust, abrasion and vibration, and to deaden sound.
- (8) "Aviation Propeller Coating" means a coating designed and labeled exclusively to provide abrasion resistance and corrosion protection for aircraft propellers.
- (9) "Aviation or Marine Primer" means a coating designed and labeled exclusively to meet federal specification TT-P-1757.
- (10) "Belt Dressing" means a product applied on auto fan belts, water pump belting, power transmission belting, industrial equipment belting, or farm machinery belting to prevent slipping, and to extend belt life.
- (11) "Cleaner" means a product designed and labeled primarily to remove soil or other contaminants from surfaces.
- (12) "Clear Coating" means a coating which is colorless, containing resins but no pigments, except flattening agents, and is designed and labeled to form a transparent or translucent solid film.
- (13) "Coating Solids" means the nonvolatile portion of a spray paint, consisting of the film forming ingredients, including pigments and resins.
- (14) "Complying Spray Paint" means a spray paint which complies with the VOC content limits in SWAPCA 493-100-020.
- (15) "Consumer" means any person who purchases or acquires any spray paint for personal, family, or household use. Persons acquiring a spray paint product for resale are not considered consumers of that product.
- (16) "Commercial Applicator" means any person who purchases, acquires, applies, or contracts

for the application of spray paint for commercial, industrial or institutional uses, or any person who applies spray paint in the course of an activity from which compensation is derived.

(17) "Corrosion Resistant Brass, Bronze, or Copper Coating" means a clear coating formulated and labeled exclusively to prevent tarnish and corrosion of uncoated brass, bronze or copper metal surfaces.

(18) "Distributor" means any person who sells or supplies spray paint for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies spray paint products directly to a retail outlet. "Distributor" does not include consumers.

(19) "Dye" means a product containing no resins which is used to color a surface or object without building a film.

(20) "Electrical Coating" means a coating designed and labeled to be used exclusively to coat electrical components such as electric motor windings to provide electrical insulation or corrosion protection.

(21) "Enamel" means a coating which cures by chemical cross-linking of its base resin and is not resolvable in its original solvent.

(22) "Engine Paint" means a coating designed and labeled exclusively as such, which is used exclusively to coat engines and their components.

(23) "Environmental Protection Agency" or "EPA" means the United States Environmental Protection Agency.

(24) "Exact Match Finish, Automotive" means a topcoat which meets all of the following criteria:

- (a)** The product is designed and labeled exclusively to exactly match the color of an original, factory-applied automotive coating during the touch-up of automobile finishes;
- (b)** The product is labeled with the original equipment manufacturer's name for which it was formulated; and
- (c)** The product is labeled with one of the following:
 - (1)** The original equipment manufacturer's (OEM) color code;
 - (2)** The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(d) Notwithstanding subsections (a) through (c) of this section, automotive clear coatings designed and labeled exclusively for use over automotive exact match finishes to replicate the original factory applied finish shall be considered to be automotive exact match finishes.

(25) "Exact Match Finish, Engine Paint" means a coating which meets all of the following criteria:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied engine paint;

(b) the product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) the product is labeled with one of the following:

(1) The OEM color code;

(2) The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(26) "Exact Match Finish, Industrial" means a coating which meets all of the following criteria:

(a) The product is designed and labeled exclusively to exactly match the color of an original, factory-applied industrial coating during the touch-up of manufactured products;

(b) The product is labeled with the original equipment manufacturer's name for which it was formulated; and

(c) The product is labeled with one of the following:

(1) The OEM color code;

(2) The color name; or

(3) Other designation identifying the specific OEM color to the purchaser.

(27) "Exempt compounds" means compounds of carbon specifically excluded from the definition of VOC.

(28) "Flat Paint Product" means a coating which, when fully dry, registers specular gloss less than or equal to 15 on an 85° gloss meter, or less than or equal to 5 on a 60° gloss meter, or which is labeled as a flat coating.

(29) "Flatting Agent" means a compound added to a coating to reduce the gloss of the coating without adding color to the coating.

(30) "Floral Spray" means a coating designed and labeled exclusively for use on fresh flowers, dried flowers, or other items in a floral arrangement for the purpose of coloring, preserving or protecting their appearance.

(31) "Fluorescent Coating" means a coating labeled as such which converts absorbed incident light energy into emitted light of a different hue.

(32) "Glass Coating" means a coating designed and labeled exclusively to be applied to glass or other transparent material, to create a soft, translucent light effect, or to create a tinted or darkened color while retaining transparency.

(33) "Ground/Traffic Marking Coating" means a coating designed and labeled exclusively to be applied to dirt, gravel, grass, concrete, asphalt, warehouse floors, or parking lots. Such coatings must be in a container equipped with a valve and spray head designed to direct the spray downward when the can is held in an inverted position.

(34) "High Temperature Coating" means a coating, excluding engine paint, which is designed and labeled exclusively for use on substrates which will, in normal use, be subjected to temperatures in excess of 400 degrees Fahrenheit.

(35) "Hobby/Model/Craft Coating" means a coating which is designed and labeled exclusively for hobby applications and is sold in aerosol containers of 6 ounces in weight or less.

(36) "Ink" means a fluid or viscous substance used in the printing industry to produce letters, symbols or illustrations, but not to coat an entire surface.

(37) "Lacquer" means a thermoplastic film-forming finish dissolved in organic solvent, which dries primarily by solvent evaporation, and is resolvable in its original solvent.

(38) "Layout Fluid" or "Toolmaker's Ink" means a coating designed and labeled exclusively to be sprayed on metal, glass or plastic, to provide a glare-free surface on which to scribe designs, patterns or engineering guide lines prior to shaping the piece.

(39) "Leather Preservative" means a leather treatment material applied exclusively to clean,

condition or preserve leather.

(40) "Lubricant" means a substance such as oil, petroleum distillates, grease, graphite, silicone, lithium, etc., that is applied to surfaces to reduce friction, heat, or wear when applied between surfaces.

(41) "Manufacturer" means the company, firm or establishment which is listed on the product container or package. If the product container or package lists two companies, firms or establishments, the manufacturer is the party which the product was "manufactured for" or "distributed by", as noted on the product container or package.

(42) "Marine Spar Varnish" means a coating designed and labeled to be exclusively used as a protective sealant for marine wood products.

(43) "Maskant" means a coating applied directly to a component to protect surfaces during chemical milling, anodizing, aging, bonding, plating, etching, or other chemical operations.

(44) "Metallic Coating" means a topcoat which contains at least 0.5 percent by weight elemental metallic pigment in the formulation, including propellant, and is labeled as "metallic", or with the name of a specific metallic finish such as "gold", "silver", or "bronze".

(45) "Mold Release" means a coating applied to molds to prevent products from sticking to mold surfaces.

(46) "Multi-Component Kit" means a spray paint system which requires the application of more than one component, (e.g. foundation coat and top coat), where both components are sold together in one package.

(47) "Noncomplying spray paint" means a spray paint which does not comply with the VOC content limits in SWAPCA 493-200-030.

(48) "Non-Flat Paint Product" means a coating which, when fully dry, registers a specular gloss greater than 15 on an 85° gloss meter or greater than 5 on a 60° gloss meter.

(49) "Photograph Coating" means a coating designed and labeled exclusively to be applied to finished photographs to allow corrective retouching, protection of the image, changes in gloss level, or to cover fingerprints.

(50) "Pleasure Craft" means privately owned boats used for noncommercial purposes.

(51) "Pleasure Craft Finish Primer/Surface/Undercoat" means any coating designed and labeled

exclusively to be applied before the application of a pleasure craft topcoat for the purpose of corrosion resistance and adhesion of a topcoat, and which promotes a uniform surface by filling in surface imperfections.

(52) "Pleasure Craft Topcoat" means a coating designed and labeled exclusively to be applied to a pleasure craft as a final coat above the water line and above and below the water line when stored out of water. This category does not include clear coatings.

(53) "Primer" means a coating labeled as such, which is designed to be applied to a surface to promote a bond between that surface and subsequent coats.

(54) "Propellant" means a liquefied or compressed gas that is used in whole or in part, such as a cosolvent, to expel a liquid or other material from a container.

(55) "Retailer" means any person who sells, supplies, or offers spray paint for sale directly to consumers or commercial applicators.

(56) "Retail Outlet" means any establishment where spray paints are sold, supplied, or offered for sale directly to consumers or commercial applicators.

(57) "Rust Converter" means a product which is designed and labeled exclusively to convert rust to an inert material, and which has a minimum acid content of 0.5 percent by weight, and which has a maximum coating solids content of 0.5 percent by weight.

(58) "Shellac Sealer" means a clear or pigmented coating formulated solely with the resinous secretion of the lac beetle (*Laccifer lacca*), thinned with alcohol, and formulated to dry by evaporation without a chemical reaction.

(59) "Slip-Resistant Coating" means a coating designed and labeled exclusively as such which is formulated with synthetic grit, and used as a safety coating.

(60) "Spatter Coating/Multicolor Coating" means a coating labeled exclusively as such in which spots, globules, or spatters of contrasting colors appear on or within the surface of a contrasting or similar background.

(61) "Spray Paint" means a pressurized coating product containing pigments or resins that dispenses product ingredients by means of a propellant, and is packaged in a disposable can for hand-held application, or for use in specialized equipment for ground traffic/marketing applications.

(62) "Spray Paint Category" means the applicable category which best describes a spray paint listed in SWAPCA 493-200-030.

(63) "Stain" means a coating labeled as such which is designed and labeled to change the color of a surface without concealing the surface from view.

(64) "SWAPCA" means the Southwest Air Pollution Control Authority.

(65) "Topcoat" means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(66) "Vancouver Air Quality Maintenance Area" or "Vancouver AQMA" is the Vancouver portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.

(67) "Vinyl/Fabric/Polycarbonate Coating" means a coating designed and labeled exclusively to coat vinyl, fabric, or polycarbonate substrates.

(68) "Volatile Organic Compound" or "VOC" means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-200-060.

(69) "VOC Content" means the ratio of the weight of VOC to the total weight of the product contents expressed as follows:

$$\text{VOC Content} = \frac{W_{\text{VOC}}}{W_{\text{TOTAL}}} \times 100$$

Where:

W_{VOC} = the weight of volatile organic compounds; and

W_{TOTAL} = the total weight of the product's contents.

(70) "Webbing/Veiling Coating" means a spray product designed and labeled exclusively to produce a stranded or spider-webbed decorative effect.

(71) "Weld-Through Primer" means a coating designed and labeled exclusively to provide a bridging or conducting effect to provide corrosion protection following welding.

(72) "Wood Stain" means a coating which is formulated to change the color of a wood surface without concealing the surface from view.

(73) "Wood Touch-Up/Repair/Restoration Coatings" means coatings designed and labeled exclusively to provide an exact color or sheen match on finished wood products.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-030 SPRAY PAINT STANDARDS AND EXEMPTIONS

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 143

(1) General Requirements. Where required by SWAPCA 493-200-040, spray paint shall not exceed the VOC content limits in Table C, as modified by the special conditions and exemptions in SWAPCA 493-200-030(2) and SWAPCA 493-200-030(3).

Table C

SPRAY PAINT VOC CONTENT LIMITS

| Spray Paint Category | VOC Content Percent-by-weight |
|---|--|
| General Coatings | |
| Clear Coating | 67.0 |
| Flat Paint Products | 60.0 |
| Fluorescent Coatings | 75.0 |
| Lacquer Coating Products | 80.0 |
| Metallic Coating | 80.0 |
| Non-Flat Paint Products | 65.0 |
| Primer | 60.0 |
| Specialty Coatings | |
| Art Fixative or Sealant | 95.0 |
| Auto Body Primer | 80.0 |
| Automotive Bumper and Trim Products | 95.0 |
| Aviation or Marine Primer | 80.0 |
| Aviation Propeller Coating | 84.0 |
| Corrosion Resistant Brass, Bronze, or Copper Coatings | 92.0 |
| Exact Match Finish Engine Enamel | 80.0 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 144

| | |
|--|------|
| Automotive | 88.0 |
| Industrial | 88.0 |
| Floral Spray | 95.0 |
| Glass Coating | 95.0 |
| Ground Traffic Marking Coating | 66.0 |
| High Temperature Coating | 80.0 |
| Hobby/Model/Craft Coating Enamel | 80.0 |
| Lacquer | 88.0 |
| Clear or Metallic | 95.0 |
| Marine Spar Varnish | 85.0 |
| Photograph Coating | 95.0 |
| Pleasure Craft Finish Primer Surface or Undercoater | 75.0 |
| Pleasure Craft Topcoat | 80.0 |
| Shellac Sealer Clear | 88.0 |
| Pigmented | 75.0 |
| Slip-Resistant Coating | 80.0 |
| Spatter/Multicolor Coating | 80.0 |
| Vinyl/Fabric/Polycarbonate Coating | 95.0 |
| Webbing/Veil Coating | 90.0 |
| Weld-Through Primer | 75.0 |
| Wood Stains | 95.0 |
| Wood Touch-Up, Repair, or Restoration Coatings | 95.0 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 145

*The VOC limit for High Temperature Coatings shall be 88.0% until July 1, 1999, after which the 0.0% limit shall apply.

(2) Special Conditions. The following conditions shall apply to spray paint subject to VOC content limits under SWAPCA 493-200-030(1):

(a) The total weight of VOC contained in a multi-component kit shall not exceed the total weight of VOC that would be allowed in the multi-component kit had each component product met the applicable VOC standards.

(1) Except as provided in SWAPCA 493-200-030(2)(b)(B) if anywhere on the principal display panel of any spray paint or in any promotion of the product, any representation is made that the product may be used as, or is suitable for use as a spray paint for which a lower VOC standard is specified in SWAPCA 493-200-030(1), then the lower VOC standard shall apply.

(2) If a spray paint is subject to both a general coating limit and a specialty coating limit under SWAPCA 493-200-030(1), and the product meets all the criteria of the applicable specialty coating category as specified in SWAPCA 493-200-020, then the specialty coating limit shall apply instead of the general coating limit.

(3) Exemption. SWAPCA 493-200-030(1) shall not apply to aerosol lubricants, mold releases, automotive underbody coating, electrical coatings, cleaners, belt dressings, anti-static sprays, layout fluids and removers, adhesives, maskants, rust converters, dyes, inks, leather preservatives, or spray paint assembled by adding bulk paint to aerosol containers of propellant and solvent used for minor finish repairs during the original manufacture of products.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-040 REQUIREMENTS FOR MANUFACTURE, SALE AND USE OF SPRAY PAINT

(1) Manufacturers. Except as provided in SWAPCA 493-200-040(6), any person who manufactures spray paint after July 1, 1996 which is sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:

(a) Manufacture complying spray paint for spray paint marketed in the Vancouver AQMA;

(b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any

portion of the product container or packaging:

- (1) The maximum VOC content of the spray paint, expressed as a percentage by weight;
- (2) The spray paint category as defined in SWAPCA 493-200-020, or an abbreviation of the spray paint category; and
- (3) The date on which the product was manufactured, or a code indicating such date; and

(c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

(2) Distributors. Except as provided in SWAPCA 493-200-040(6), any distributor of spray paint manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:

- (a) Distribute to the Vancouver AQMA only spray paints are labeled as required under subsection SWAPCA 493-200-040(1)(b);
- (b) Distribute to the Vancouver AQMA only spray paints labeled with VOC contents that meet the VOC limits specified in SWAPCA 493-200-030; and
- (c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying spray paint has been supplied in violation of this rule.

(3) Retailers.

- (a) Except as provided in SWAPCA 493-200-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying spray paint manufactured after July 1, 1996.
- (b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying spray paint has been supplied, a retailer shall remove noncomplying spray paint from consumer-accessible areas of retail outlets within the Vancouver AQMA.

(4) Commercial Applicators. Except as provided in SWAPCA 493-200-040(6), no commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying spray paint manufactured after July 1, 1996.

(5) Label Alteration. No person shall remove, alter, conceal or deface the information required in SWAPCA 493-200-040(1)(b) prior to final sale of the product.

(6) Exception. For spray paint which has been granted a compliance extension under SWAPCA 493-500-020, SWAPCA 493-200-040 applies to spray paint manufactured after the date specified in the compliance extension.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-050 Recordkeeping and Reporting Requirements

(1) Recordkeeping. Manufacturers subject to SWAPCA 493-200-040 shall maintain the following records for at least 2 years after a product is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:

(a) VOC content records of spray paint based methods provided in SWAPCA 493-200-060;

(b) An explanation of any code indicating the date of manufacture of any spray paint; and

(c) Information used to substantiate an application for a compliance extension SWAPCA 493-500-020;

(2) Reporting. Following request and within a reasonable period of time, records specified in SWAPCA 493-200-050(1) shall be made available to SWAPCA.

(3) Exemption from disclosure. If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-200-060 INSPECTION AND TESTING REQUIREMENTS

(1) The owner or operator of a facility subject to SWAPCA 493-200-010 through 493-200-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.

(2) Upon request of SWAPCA, any person subject to SWAPCA 493-200-010 through 493-200-060 shall furnish samples of spray paint products selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-200-030.

(3) Except as provided in SWAPCA 493-200-060(5), testing to determine compliance with

SWAPCA 493-200-030 shall be performed using:

(a) VOC Content. The VOC content shall be determined by:

(1) The procedures set forth in Bay Area Air Quality Management District Manual of Procedures, Volume III, Laboratory Procedures, Method 35, "Determination of Volatile Organic Compounds (VOC) in Solvent Based Aerosol Paints," as amended January 19, 1994, and, for water-containing spray paints, by ASTM D5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992; or

(2) Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.

(b) Exempt Compounds. If a method specified in subsection (a) of this section to measure VOC also measures exempt compounds, the exempt compounds may be excluded from the VOC content if the amount of such compounds is accurately quantified. SWAPCA may require a manufacturer to provide methods and results demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the spray paint or the spray paint's emissions.

(4) Except as provided in Section (5) of this rule, testing to establish the spray paint category as defined in SWAPCA 493-200-020 shall be performed using:

(a) Metal Content. The metal content of metallic aerosol coating products shall be determined by South Coast Air Quality Management District Test Method 311 (SCAQMD "Laboratory Methods of Analysis for Enforcement Samples" manual), June 1, 1991, after removal of the propellant following the procedure in ASTM Method 5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.

(b) Specular Gloss. Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.

(c) Acid Content. The acid content of rust converters shall be determined by ASTM Method D-1613-85, "Standard Test Method for Acidity in Volatile Solvents and Chemical Intermediates used in Paint, Varnish, Lacquer, and Related Products", May 31, 1985, after removal of the propellant following the procedure in ASTM Method D-5325-92, "Standard Test Method for Determination of Weight Percent Volatile Content of Water-Borne Aerosol Paints", November 15, 1992.

(5) Alternative test methods which are shown to accurately determine the VOC content, exempt compounds, metal content, specular gloss, or acid content in a spray paint may also be used if approved in writing by EPA and SWAPCA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-010 Applicability

(1) SWAPCA 493-300 applies to any manufacturer, distributor, retailer, or commercial applicator of architectural coatings for sale or use in the Vancouver AQMA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-020 DEFINITIONS

As used in SWAPCA 493-300:

(1) "AAMA" means the American Architectural Manufacturers Association.

(2) "Alkali Resistant Primers" means high performance primers formulated to resist reaction with alkaline materials including, but not limited to, lime, cement, and soap.

(3) "Antenna Coatings" means coatings formulated and recommended for application to equipment and associated structural appurtenances that are used to receive or transmit electromagnetic signals.

(4) "Anti-Fouling Coatings" means high performance coatings formulated and recommended for application to submerged stationary structures and their appurtenances to prevent or reduce the attachment of marine or freshwater biological organisms, including, but not limited to, coatings registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC§ 136, et seq.) and nontoxic foul-release coatings.

(5) "Anti-Graffiti Coatings" means clear or opaque high performance coatings specifically labeled as anti-graffiti coatings and both formulated and recommended for application to graffiti-prone surfaces to deter adhesion of graffiti and to facilitate graffiti removal.

(6) "Appurtenance" means an accessory to a stationary structure, whether installed or detached at the proximate site of installation, including but not limited to: bathroom and kitchen fixtures; cabinets; concrete forms; doors; elevators; fences; hand railings; heating, air conditioning, or other fixed mechanical equipment or large stationary tools; lamp posts; partitions; piping systems; rain gutters and downspouts; stairways, fixed ladders, catwalks and fire escapes; and window screens.

(7) "Architectural Coatings" means coatings formulated and recommended for field application

to stationary structures and their appurtenances, to portable buildings, to pavements, or to curbs.

(8) "ASTM" means the American Society for Testing and Materials.

(9) "Below-Ground Wood Preservatives" means coatings formulated and recommended to protect below-ground wood from decay or insect attack which are registered with the U.S. EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, et seq.).

(10) "Bituminous Coatings and Mastics" means coatings and mastics formulated and recommended for roofing, pavement sealing, or waterproofing that incorporate bitumens as a principal component. Bitumens are black or brownish materials which are soluble in carbon disulfide, which consist mainly of hydrocarbons, and which are obtained from natural deposits or as residues from the distillation of crude petroleum or low grades of coal. Bitumens include asphalt, tar, pitch and asphaltite.

(11) "Bond Breakers" means coatings formulated and recommended for application to concrete to prevent the formation of a bond to a subsequently placed concrete layer.

(12) "Chalkboard Resurfacers" means coatings formulated and recommended for application to chalkboards to restore a suitable surface for writing with chalk.

(13) "Clear Coating" means a coating that when dry allows light to pass so the substrate may be distinctly seen.

(14) "Clear & Semitransparent Stains" means transparent or translucent coatings formulated and recommended for application to wood-based substrates to impart a desired color without completely concealing the surface or its natural texture or grain pattern.

(15) "Clear & Semitransparent Wood Preservatives" means coatings formulated and recommended to protect exposed wood from decay or insect attack, registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC § 136, et seq.), that may change the color of the substrate but do not completely conceal the substrate.

(16) "Clear Waterproofing Sealers & Treatments" means coatings which are formulated and recommended for application to porous substrates for the primary purpose of preventing the penetration of water and which do not alter the surface appearance or texture.

(17) "Coating Category" means the applicable category which best describes the coating as listed in this rule.

(18) "Colorant" means a concentrated pigment dispersion of water, solvent, or binder that is added to an architectural coating or tint base after the coating or tint base has been shipped from its

place of manufacture.

(19) "Commercial Applicator" means any person who purchases, hires, acquires, applies or contracts for the application of architectural coatings for commercial, industrial or institutional uses, or any person who applies architectural coatings for compensation.

(20) "Complying Architectural Coating" means a coating which complies with the VOC content limits of SWAPCA 493-300-030.

(21) "Concrete Curing Compounds" means coatings formulated and recommended for application to recently cast concrete to retard the evaporation of water.

(22) "Concrete Protective Coatings" means high build coatings formulated and recommended for application in a single coat over concrete, plaster, or other cementitious surface. These coatings are formulated to be primerless, one-coat systems which can be applied over form release compounds or uncured concrete. These coatings prevent spalling of concrete in freezing temperatures by providing long term protection from water and chloride ion intrusion.

(23) "Distributor" means any person who sells or supplies architectural coating for the purposes of resale or distribution in commerce. "Distributor" includes activities of a self-distributing retailer related to the distribution of products to individual retail outlets. "Distributor" does not include manufacturers except for a manufacturer who sells or supplies products directly to a retail outlet. "Distributor" does not include consumers.

(24) "Dry Fog Coatings" means coatings formulated and recommended only for circumstances in which overspray droplets are desired to dry before contacting incidental surfaces in the vicinity of a surface coating activity.

(25) "Environmental Protection Agency", or "EPA" means the United States Environmental Protection Agency.

(26) "Exempt compounds" means compounds of carbon excluded from the definition of VOC.

(27) "Exterior Coatings" means coatings formulated and recommended for use in conditions exposed to the weather.

(28) "Extreme High Durability Coatings" means air dry flouropolymer based coatings formulated and recommended for the protection of architectural subsections and which meet the weathering requirements of AAMA 605.2-1985 Section 7.9.

(29) "Fire-Retardant/Resistive Coatings" means clear or opaque coatings formulated and recommended to retard ignition and flame spread, or to delay melting or structural weakening due

to high heat, and which are fire-tested and rated by a certified laboratory for use in bringing buildings or construction materials into compliance with building code requirements applicable to the place of use.

(30) "Flat Coatings" means coatings which register gloss less than 15 on an 85 degree meter and less than 5 on a 60 degree meter according to ASTM Method D523, Standard Test Method for Specular Gloss.

(31) "Floor Coatings" means coatings formulated and recommended for application to flooring, including, but not limited to, decks, porches, and steps, and which have a high degree of abrasion resistance.

(32) "Flow Coatings" means coating materials formulated and recommended to maintain the protective coating systems present on utility transformers.

(33) "Form-Release Compounds" means coatings formulated and recommended for application to concrete forms to prevent formation of a bond between the form and concrete cast within.

(34) "Graphic Arts Coatings" or "Sign Paints" means coatings formulated and recommended for hand-application either on-site or in-shop by artists using brush or roller techniques to indoor or outdoor signs (excluding structural components) and murals, including lettering enamels, poster colors, and copy blockers.

(35) "Heat Reactive Coatings" means high performance phenolic based coatings requiring a minimum temperature of 191° Celsius (C) [375° Fahrenheit (F)] to 204° C (400° F) to obtain complete polymerization or cure. These coatings are formulated and recommended for commercial and industrial use to protect substrates from degradation and maintain product purity in which one or more of the following extreme conditions exist:

- (a)** Continuous or repeated immersion exposure to 90 to 98% sulfuric acid or oleum;
- (b)** Continuous or repeated immersion exposure to strong organic solvents;
- (c)** Continuous or repeated immersion exposure to petroleum processing at high temperatures and pressures; or,
- (d)** Continuous or repeated immersion exposure to food or pharmaceutical products which may or may not require high temperature sterilization.

(36) "High Temperature Coatings" means high performance coatings formulated and recommended for application to substrates exposed continuously or intermittently to temperatures above 201° C (394° F).

(37) "Impacted Immersion Coatings" means high performance maintenance coatings formulated and recommended for application to steel structures subject to immersion in turbulent, debris-laden water. These coatings are specifically resistant to high-energy impact damage caused by floating ice or debris.

(38) "Industrial Maintenance Coatings" means high performance architectural coatings including primers, sealers, undercoaters, intermediate coats, and topcoats formulated and recommended for application to substrates exposed to one or more of the following extreme environmental conditions:

- (a)** Immersion in water, wastewater or chemical solutions (aqueous and nonaqueous solutions), or chronic exposure of interior surfaces to moisture condensation;
- (b)** Acute or chronic exposure to corrosive, caustic, or acidic agents, or to chemicals, chemical fumes, chemical mixtures or solutions;
- (c)** Repeated exposure to temperatures above 120° C (248° F);
- (d)** Frequent heavy abrasion, including mechanical wear and frequent scrubbing with industrial solvents, cleansers, or scouring agents; or
- (e)** Exterior exposure of metal structures and structural components.

(39) "Interior Coatings" means coatings formulated and recommended for use in conditions not exposed to natural weathering.

(40) "Interior Clear Wood Sealers" means low viscosity coatings formulated and recommended for sealing and preparing porous wood by penetrating the wood and creating a uniform and smooth substrate for a finish coat of paint or varnish.

(41) "Lacquers" means clear or opaque wood finishes, including lacquer sanding sealers, formulated with cellulosic or synthetic resins to cure by evaporation without chemical reaction, and to provide a solid, protective film.

(42) "Lacquer Stains" means interior semitransparent stains formulated and recommended specifically for use in conjunction with clear lacquer finishes and lacquer sanding sealers.

(43) "Manufacturer" means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.

- (44) "Magnesite Cement Coatings" means coatings formulated and recommended for application to magnesite cement decking to protect against water erosion.
- (45) "Mastic Texture Coatings" means coatings formulated and recommended for concealing holes, minor cracks, or surface irregularities, and which are applied in a single coat of at least 10 mils (0.010 inches) dry film thickness.
- (46) "Metallic Pigmented Coatings" means non-bituminous coatings containing at least 0.4 pounds of metallic pigment per gallon (0.048 kilograms per liter) of coating, including but not limited to zinc pigment.
- (47) "Multi-Color Coatings" means coatings that exhibit more than one color when applied and which are packaged in a single container.
- (48) "Noncomplying Architectural Coating" means a coating which does not comply with the VOC content limits of SWAPCA 493-300-030.
- (49) "Nonferrous Metal Lacquers & Surface Protectants" means clear coatings formulated and recommended for application to ornamental architectural surfaces of bronze, stainless steel, copper, brass or anodized aluminum to prevent oxidation, corrosion, or surface degradation.
- (50) "Non-Flat Coatings" means coatings that register a gloss of 15 or greater on an 85 degree gloss meter, or 5 or greater on a 60 degree gloss meter.
- (51) "Not Otherwise Specified" or "N.O.S." means not otherwise specified as a coating category.
- (52) "Nuclear Power Plant Coatings" means any protective coating formulated and recommended to seal porous surfaces such as steel or concrete that otherwise would be subject to intrusion by radioactive materials. These coatings must be resistant to service-life cumulative radiation exposure as determined by ASTM D4082-83, relatively easy to decontaminate as determined by ASTM D4256-83, and resistant to various chemicals to which the coatings are likely to be exposed as determined by ASTM D3912-80. General protective requirements are outlined by the Department of Energy, formerly U.S. Atomic Energy Commission, Regulatory Guide 1.54).
- (53) "Opaque Coating" means a coating producing a dry film that does not allow light to pass, so the substrate is concealed from view.
- (54) "Opaque Stains" means coatings labeled as stains that are recommended to hide a surface but not conceal its texture.
- (55) "Opaque Waterproofing Sealers & Treatments" means coatings with pigments that are formulated and recommended for application to porous substrates for the primary purpose of

preventing the penetration of water and which alter the surface appearance and texture.

(56) "Opaque Wood Preservatives" means coatings formulated and recommended to protect wood from decay or insect attack, and that are not classified as clear, semitransparent, or below-ground wood preservatives, and are registered with the EPA under the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136 et seq.).

(57) "Other Surfaces" means paved parking areas (both publicly and privately owned), airport runways, airport taxiways, driveways, sidewalks, bikepaths and curbs.

(58) "Post-Consumer Coating" means a leftover architectural coating collected as a waste product from previous users that is employed as a raw material in the manufacture of a recycled coating product for reentry to the marketplace.

(59) "Pre-treatment Wash Primers" means primers which contain a minimum of 0.5 percent acid by weight, and that are applied directly to bare metal surfaces in thin films to provide corrosion resistance, and to promote adhesion of subsequent topcoats.

(60) "Primers" means coatings formulated and recommended for application directly to substrates to provide a firm bond between the substrate and subsequent coats.

(61) "Public Streets & Highways" means publicly owned surfaces used primarily for vehicular traffic such as streets, roads, and highways.

(62) "Quick-Dry Enamels" means non-flat coatings that:

(a) Are capable of being applied directly from the container under normal conditions, with ambient temperatures between 19° Celsius (C) [60° Fahrenheit (F)] and 27° C (80° F);and

(b) When tested in accordance with ASTM Method D1640, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature, are set to touch in two hours or less, are tack free in four hours or less, and dry hard in eight hours or less by the mechanical method.

(63) "Quick-Dry Primers, Sealers, and Undercoaters" means primers, sealers and undercoaters which are dry to touch in one-half hour, and can be recoated in two hours, when tested in accordance with ASTM D1640, Standard Test Methods for Drying, Curing, or Film Formation of Organic Coatings at Room Temperature.

(64) "Recycled Coating Product" means an architectural coating that contains post-consumer coating.

(65) "Repair and Maintenance Thermoplastic Coatings" means industrial maintenance coatings with a primary resin of vinyl or chlorinated rubber which are formulated and recommended solely for the repair of existing coatings that also have a primary resin of vinyl or chlorinated rubber without the full removal of the existing coating system.

(66) "Retailer" means any person who sells, supplies, or offers architectural coatings for sale directly to consumers or commercial applicators.

(67) "Retail Outlet" means any establishment where architectural coatings are sold, supplied, or offered for sale directly to consumers or commercial applicators.

(68) "Roof Coatings" means non-bituminous and non-thermoplastic rubber coatings formulated and recommended for application to exterior roofs for the primary purpose of preventing penetration of the substrate by water, or reflecting heat and reflecting ultraviolet radiation.

(69) "Rust Preventive Coatings" means coatings formulated and recommended for use in preventing the corrosion of ferrous metal surfaces.

(70) "Sanding Sealers" means clear wood coatings formulated and recommended for application to bare wood to seal the wood and to provide a coating that can be sanded to create a smooth surface.

(71) "Sealers" means coatings formulated and recommended for application to substrates for one or more of the following purposes: to prevent subsequent coatings from being absorbed by the substrate; to prevent harm to subsequent coatings from materials in the substrate; to block stains, odors, or efflorescence; to seal water, smoke or fire damage; or to condition chalky surfaces.

(72) "Shellacs" means a clear or pigmented coating formulated with natural resins soluble in alcohol (including but not limited to, the resinous secretions of the lac beetle, Laciffer, lacca). Shellacs dry by evaporation without chemical reaction and provide a quick-drying, solid protective film that may be used for blocking stains.

(73) "Solicit" means to require for use or to specify, by written or oral contract.

(74) "SWAPCA" means the Southwest Air Pollution Control Authority.

(75) "Swimming Pool Coatings" means coatings formulated and recommended to coat the interior of swimming pools and to resist swimming pool chemicals.

(76) "Thermoplastic Rubber Coatings & Mastics" means coatings and mastics formulated and recommended for application to roofing and other structural surfaces which incorporate no less

than 40% thermoplastic rubbers by weight of the total resin solids and may also contain other ingredients, including, but not limited to, fillers, pigments, and modifying resins.

(77) "Tint Base" means an architectural coating to which colorants are added after the coating has been shipped from its place of manufacture.

(78) "Topcoat" means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(79) "Traffic Marking Paints" means coatings formulated and recommended to be used for marking or striping streets, highways and other traffic surfaces including, but not limited to, curbs, berms, driveways, parking lots and airport runways.

(80) "Undercoaters" means coatings formulated and recommended to provide a smooth surface for subsequent coats.

(81) "Vancouver Air Quality Maintenance Area" or "Vancouver AQMA" is the Washington portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. (The Vancouver AQMA includes the southern portion of Clark County, Washington.)

(82) "Varnishes" means clear or semitransparent coatings which are not lacquers or shellacs, and which are formulated to provide a durable, solid protective film. Varnishes may contain small amounts of pigment to color a surface, or to control the final sheen or gloss of the finish.

(83) "Volatile Organic Compound" or "VOC" means compounds of carbon defined in SWAPCA 400-030(86). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-300-060.

(84) "VOC Content" means the weight of VOCs contained in a volume of architectural coating. For products listed in SWAPCA 493-300-030(1) Table D, VOC content shall be determined on a "VOC Per Liter - Less Water Basis" or "VOC Per Gallon - Less Water Basis".

(85) "VOC Per Liter or Gallon - Less Water Basis" means the weight of VOCs per combined volume of VOC and coating solids at the maximum thinning level recommended by the manufacturer, less water, less exempt compounds, and before the addition of colorants added to tint bases, and shall be calculated as follows:

$$\text{VOC Content} = W_{\text{VOC}} / (V_{\text{M}} - V_{\text{H}_2\text{O}} - V_{\text{EC}})$$

Where: W_{VOC} = weight of VOCs not consumed during curing, in grams or in pounds.

V_M = volume of material prior to curing, in liters or in gallons.

V_{H_2O} = volume of water not consumed during curing, in liters or in gallons.

V_{EC} = volume of exempt compounds not consumed during curing, in liters or in gallons.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-030 STANDARDS

(1) Where required by SWAPCA 493-300-040, architectural coatings shall not exceed the VOC content limits listed in Table D on a "VOC Per Liter or Gallon - Less Water Basis" as modified by the special conditions and exemptions in SWAPCA 493-300-030(2) and SWAPCA 493-300-030(3).

Table D

**ARCHITECTURAL COATING VOC CONTENT LIMITS
VOC PER LITER or GALLON - LESS WATER BASIS**

| <u>Coating Category</u> | VOC | |
|----------------------------------|--------------|-----------------|
| | <u>(g/l)</u> | <u>(lb/gal)</u> |
| Alkali Resistant Primers | 550 | 4.58 |
| Antenna Coatings | 500 | 4.16 |
| Anti-Fouling Coatings | 450 | 3.75 |
| Anti-Graffiti Coating | 600 | 5.00 |
| Bituminous Coatings and Mastics | 500 | 4.16 |
| Bond Breakers | 600 | 5.00 |
| Chalkboard Resurfacers | 450 | 3.75 |
| Concrete Curing Compounds | 350 | 2.91 |
| Concrete Protective Coatings | 400 | 3.33 |
| Dry Fog Coatings | 400 | 3.33 |
| Extreme High Durability Coatings | 800 | 6.66 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 159

| | | |
|--|-----|------|
| Fire-Retardant/Resistive Coatings | | |
| Clear | 850 | 7.08 |
| Opaque | 450 | 3.75 |
| Flat Coatings - N.O.S. | | |
| Exterior | 250 | 2.08 |
| Interior | 250 | 2.08 |
| Floor Coatings | 400 | 3.33 |
| Flow Coatings | 650 | 5.41 |
| Form-Release Compounds | 450 | 3.75 |
| Graphic Arts Coatings or Sign Paints | 500 | 4.16 |
| Heat Reactive Coatings | 420 | 3.5 |
| High Temperature Coatings | 650 | 5.41 |
| Impacted Immersion Coatings | 780 | 6.50 |
| Industrial Maintenance Coatings | 450 | 3.75 |
| Lacquers | 680 | 5.66 |
| Lacquer Stains | 780 | 6.50 |
| Magnesite Cement Coatings | 600 | 5.00 |
| Mastic Texture Coatings | 300 | 2.50 |
| Metallic Pigmented Coatings | 500 | 4.16 |
| Multi-Color Coatings | 580 | 4.83 |
| Nonferrous Metal Lacquers & Surface Protectants | 870 | 7.25 |
| Non-Flat Coatings - N.O.S: | | |
| Exterior | 380 | 3.16 |
| Interior | 380 | 3.16 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 160

| | | |
|---|------|------|
| Nuclear Power Plant Coatings | 450 | 3.75 |
| Pretreatment Wash Primers | 780 | 6.50 |
| Primers and Undercoaters - N.O.S. | 350 | 2.91 |
| Quick-Dry Coatings | | |
| Enamels | 450 | 3.75 |
| Primers, Sealers and Undercoaters | 450 | 3.75 |
| Repair and Maintenance Thermoplastic Coatings | 650 | 5.41 |
| Roof Coatings | 250 | 2.08 |
| Rust Preventive Coatings | 400 | 3.33 |
| Sanding Sealers - (other than lacquer) | 550 | 4.58 |
| Sealers - (including interior clear wood sealers) | 400 | 3.33 |
| Shellacs: | | |
| Clear | 650 | 5.41 |
| Opaque | 550 | 4.58 |
| Stains & Wood Preservatives | | |
| Below Ground Wood Preservatives | 550 | 4.58 |
| Clear & Semitransparent | 550 | 4.58 |
| Opaque | 350 | 2.91 |
| Swimming Pool Coatings | 850 | 7.08 |
| Thermoplastic Rubber Coatings & Mastics | 550 | 4.58 |
| Traffic Marking Paints | | |
| Public Streets & Highways | 150* | 1.25 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 161

| | | |
|-------------------------------------|-----|------|
| Other Surfaces | 250 | 2.08 |
| Varnishes | 450 | 3.75 |
| Waterproofing Sealers & Treatments: | | |
| Clear | 600 | 5.00 |
| Opaque | 400 | 3.33 |

*Prior to Jan. 1, 1997, a VOC content limit of 250 grams per liter (2.08 lbs/gallon) applies to Traffic Marking Paints for Public Streets & Highways.

(2) Special Conditions. The following conditions shall apply to architectural coatings subject to VOC content limits under SWAPCA 493-300-030(1):

(a) Notwithstanding the definition of coating category in SWAPCA 493-300-020, if anywhere on the coating container, or in any promotion of an architectural coating, any representation is made that the coating may be used as, or is suitable for use as a coating for which a lower VOC limit is specified in SWAPCA 493-300-030(1), then the lower VOC limit shall apply. This requirement shall not apply to:

- (1)** High-Temperature Coatings, which may be represented as metallic pigmented coatings for use consistent with the High Temperature Coating definition;
- (2)** Lacquer, which may be recommended for use as sanding sealers in conjunction with clear lacquer topcoats;
- (3)** Metallic Pigmented Coatings, which may be recommended for use as primers, sealers, undercoaters roof coatings, or industrial maintenance coatings;
- (4)** Shellacs;
- (5)** Fire Retardant/Resistive Coatings;
- (6)** Sanding sealers which may be represented as quick dry sealers; and,
- (7)** Varnish, which may be recommended for use as a floor coating.

(b) VOC Content of Recycled Coating Products.

- (1)** For coatings manufactured domestically containing post-consumer coating, compliance with the VOC limits of Table D of this rule shall be determined by the

adjusted VOC content at the maximum thinning recommended by the manufacturer using the following equation:

$$\text{VOC}_{\text{ADJUSTED}} = \text{VOC}_{\text{ACTUAL}} \times [1 - (\text{Recycled\%/100})]$$

Where:

$\text{VOC}_{\text{ADJUSTED}}$ = The adjusted VOC content of a recycled coating product expressed as grams VOC per liter or pounds per gallon, less water.

$\text{VOC}_{\text{ACTUAL}}$ = The VOC content of the recycled coating product as determined by procedures specified in SWAPCA 493-300-060(3) with the exception that VOCs in colorants of post-consumer coatings shall not be excluded from the VOC determination.

Recycled % = The volume percent of the recycled coating product that is post-consumer coating as determined by SWAPCA 493-300-030(2)(b)(B).

(2) The percent recycled shall be determined using the following equation:

$$\text{Recycled \%} = \text{VOL}_{\text{POST-CONS}} \times 100 / (\text{VOL}_{\text{POST-CONS}} + \text{VOL}_{\text{VIRGIN}})$$

Where:

$\text{VOL}_{\text{POST-CONS}}$ = The volume of post-consumer coating per gallon used in the production of a recycled coating product.

$\text{VOL}_{\text{VIRGIN}}$ = The volume of virgin coating materials used in the production of a recycled coating product.

(3) Exemptions. SWAPCA 493-300-030(1) shall not apply to:

(a) Colorants added to tint bases by a retailer or commercial applicator.

(b) Coatings that are sold in containers with a volume of not more than one quart (32 fluid ounce or 0.95 liter) or in non-refillable aerosol containers.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-040 REQUIREMENTS FOR MANUFACTURE, SALE AND USE OF ARCHITECTURAL COATING

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 163

(1) Manufacturers. Except as provided in SWAPCA 493-300-040(6), any person who manufactures architectural coatings after July 1, 1996 which are sold, offered for sale, supplied or distributed, directly or indirectly, to a retail outlet in the Vancouver AQMA shall:

(a) Manufacture complying architectural coatings for architectural coatings marketed in the Vancouver AQMA;

(b) Clearly display the following information on each product container such that it is readily observable upon hand-held inspection without removing or disassembling any portion of the product container or packaging:

(1) The date on which the product was manufactured, or a code indicating such date;

(2) The maximum VOC content of the coating, at the maximum thinning recommended by the manufacturer, expressed as grams of VOC per liter or pounds VOC per gallon of coating, less water and exempt compounds, or distinguishing markings that identify the product's VOC content as described above, through reference to printed information that accompanies the product through distribution and is displayed at the point of sale;

(3) A statement of the manufacturer's maximum recommended thinning with diluents other than water, and, if thinning of the coating prior to use under normal environmental and application conditions is not necessary, a statement indicating the product is not to be thinned under normal circumstances; and

(4) For containers of recycled coating products, the phrase "CONTAINS NOT LESS THAN ___ PERCENT POST-CONSUMER COATING" where the percent, by volume, of the recycled coating is inserted before the word "percent".

(c) Notify direct purchasers of products manufactured for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.

(2) Distributors. Except as provided in SWAPCA 493-300-040(6), any distributor of architectural coating manufactured after July 1, 1996 which is sold, offered for sale, supplied or distributed to a retail outlet within the Vancouver AQMA shall:

(a) Ensure that architectural coatings are labeled as required under subsection (1)(b) of SWAPCA 493-300-040;

(b) Ensure that the VOC content indicated under SWAPCA 493-300-040(1)(b)(B) does not exceed the VOC standard specified in SWAPCA 493-300-030; and

(c) Notify direct purchasers of products distributed for sale within the Vancouver AQMA upon determining that any noncomplying architectural coatings have been supplied in violation of SWAPCA 493-300-040.

(3) Retailers.

(a) Except as provided in SWAPCA 493-300-040(6), no retailer shall knowingly sell within the Vancouver AQMA any noncomplying architectural coating manufactured after July 1, 1996.

(b) Upon notification by SWAPCA, a manufacturer, or a distributor that any noncomplying architectural coating has been supplied, a retailer shall remove noncomplying architectural coatings from consumer-accessible areas of retail outlets within the Vancouver AQMA.

(4) Commercial Applicators. Except as provided in SWAPCA 493-300-040(6):

(a) No commercial applicator shall, within the Vancouver AQMA, knowingly use or contract for the use of any noncomplying architectural coating manufactured after July 1, 1996;

(b) No commercial applicator shall, within the Vancouver AQMA, knowingly use any noncomplying architectural coating manufactured after July 1, 1996 in a manner inconsistent with the coating category for which the product is formulated and recommended;

(c) All VOC-containing materials shall be stored in closed containers when not being accessed, filled, emptied, maintained, repaired or otherwise used

(d) It is recommended that architectural coatings be applied under the conditions and with the application techniques recommended by the coating's manufacturer.

(5) Label Alteration. No person shall remove, alter, conceal or deface the information required in SWAPCA 493-300-040(1)(b) prior to final sale of the product.

(6) Exceptions.

(a) Traffic marking paints seasonal requirements.

(1) Traffic marking paints which exceed the VOC content limits of SWAPCA 493-300-030(1) may be manufactured, distributed to retail outlets, offered for sale to commercial applicators, and sold to commercial applicators within the Vancouver AQMA if purchasers are provided with written information indicating that the product shall not be applied within the Vancouver AQMA during the period June 1 through August 31, and the labeling requirements of SWAPCA 493-300-040(1)(b)(A) and (B) are maintained.

(2) Traffic marking paints which exceed the VOC limits of SWAPCA 493-300-030(1) may be purchased by commercial applicators for use within the Vancouver AQMA provided they shall not be applied during the period June 1 through August 31.

(b) For architectural coatings which have been granted a compliance extension under SWAPCA 493-500-020, this rule applies to coatings manufactured after the date specified in the compliance extension.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-050 RECORDKEEPING AND REPORTING REQUIREMENTS

(1) Recordkeeping. Manufacturers subject to SWAPCA 493-300-040 shall maintain the following records for at least 2 years after an architectural coating is sold, offered for sale, supplied or distributed by the manufacturer, directly or indirectly, to a retail outlet in the Vancouver AQMA:

(a) VOC content records of architectural coatings based on methods provided in SWAPCA 493-300-060;

(b) An explanation of any code indicating the date of manufacture of any architectural coating; and

(c) Information used to substantiate an application for a compliance extension under SWAPCA 493-500-020.

(2) Reporting. Following request and within a reasonable period of time, records specified in SWAPCA 493-300-050(1) shall be made available to SWAPCA.

(3) Exemption from disclosure. If a person claims that any Records of Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-300-060 INSPECTION AND TESTING REQUIREMENTS

- (1)** The owner or operator of a facility subject to SWAPCA 493-300-010 through 493-300-060 shall, at any reasonable time, make the facility available for inspection by SWAPCA.
- (2)** Upon request of SWAPCA, any person subject to SWAPCA 493-300-010 through 493-300-060 shall furnish samples of architectural coatings selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-300-030.
- (3)** Except as provided in SWAPCA 493-300-060(4), testing to determine compliance with SWAPCA 493-300-030 shall be performed using:
 - (a)** VOC Content. The VOC content of an architectural coating shall be determined by:
 - (1)** Procedures set forth in EPA Test Method 24 (40 CFR 60, Appendix A, July 1, 1994); or
 - (2)** Calculation of VOC content from records of amounts of constituents used to manufacture the product and the chemical compositions of the individual product constituents.
 - (b)** Exempt Compounds. If the method specified in SWAPCA 493-300-060(3)(a)(A) also measures compounds excluded from the definition of VOCs, those compounds may be excluded from the VOC content if the amount of such compounds can be accurately quantified. SWAPCA may require a manufacturer to provide conclusive evidence (such as production records, formulation data and test results) demonstrating, to the satisfaction of SWAPCA, the amount of exempt compounds in the architectural coating or the coating's emissions.
 - (c)** Specular gloss of flat and non-flat coatings shall be determined by ASTM Method D523-89, March 31, 1989.

- (4)** Alternative test methods which are shown to accurately determine the VOC content of architectural coatings may also be used if approved in writing by EPA and SWAPCA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-010 - APPLICABILITY

SWAPCA 493-400 applies to any person:

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 167

(1) Who sells, offers for sale, distributes or manufactures motor vehicle refinishing coatings for sale in Vancouver AQMA, or

(2) Who owns, leases, operates or controls a motor vehicle refinishing facility in the Vancouver AQMA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-020 DEFINITIONS

As used in SWAPCA 493-400:

(1) "Aerosol Spray" coating means a pre-mixed coating supplied in pressurized containers of 16 ounces or less.

(2) "Anti-glare/Safety Coating" means a coating formulated to minimize light reflection to interior areas of a vehicle and which shows a reflectance of 25 or less on a 60 degree gloss meter.

(3) "Basecoat" means a pigmented topcoat which is the first topcoat applied as a part of a multistage topcoat system.

(4) "Basecoat/Clearcoat Topcoat System" means a topcoat system composed of a base coat portion and a clearcoat portion. The VOC content of a basecoat/clearcoat topcoat system shall be calculated according to the following formula:

$$\frac{\text{VOC}_{bc/cc}}{3} = \frac{\text{VOC}_{bc} + 2 \text{VOC}_{cc}}{3}$$

Where: $\text{VOC}_{bc/cc}$ = the composite VOC content, less water and less exempt compounds to be used for compliance determination under the basecoat/clearcoat topcoat system coating category.

VOC_{bc} = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

2VOC_{cc} = twice the VOC content of any given clearcoat as prepared for use, less water and less exempt compounds.

(5) "Bright Metal Trim Repair Coating" means a coating applied directly to chrome-plated metal surfaces for the purposes of appearance.

- (6) "Clearcoat" means a topcoat which contains no pigments or only transparent pigments and which is the final topcoat applied as a part of a multistage topcoat system.
- (7) "Elastomeric Materials" means coatings which are specifically formulated and applied over coated or uncoated flexible plastic substrates for the purpose of adhesion.
- (8) "Exempt compounds" means compounds of carbon excluded from the definition of VOC.
- (9) "Graphic Design Application" means the application of logos, letters, numbers, or artistic representations such as murals, landscapes, and portraits.
- (10) "High Volume, Low Pressure Spray", or "HVLP" means equipment used to apply coatings with a spray device which operates at a nozzle air pressure between 0.1 and 10 pounds per square inch gravity (psig).
- (11) "Impact Resistant Coating" means any coating applied to a rocker panel for the purpose of chip resistance to road debris.
- (12) "Manufacturer" means the company, firm or establishment which is listed on the coating container. If the container lists two companies, firms or establishments, the manufacturer is the party which the coating was "manufactured for" or "distributed by", as noted on the product.
- (13) "Midcoat" means a semi-transparent topcoat which is the middle topcoat applied as part of a three-stage topcoat system.
- (14) "Motor Vehicle" means any self-propelled vehicle required to be licensed pursuant to chapter 46.16 RCW.
- (15) "Motor Vehicle Refinishing" means the application of surface coating to on-road motor vehicles or non-road motor vehicles, or their existing parts and components, except Original Equipment Manufacturer (OEM) coatings applied at manufacturing plants.
- (16) "Motor Vehicle Refinishing Coating" means any coating designed for, or represented by the manufacturer as being suitable for motor vehicle refinishing.
- (17) "Motor Vehicle Refinishing Facility" means a location at which motor vehicle refinishing is performed.
- (18) "Multi-Color Coating" means a coating which is packaged in a single container that exhibits more than one color when applied, and is used to protect surfaces of vehicle cargo areas.
- (19) "Multistage Topcoat System" means any basecoat/clearcoat topcoat system or any three-

stage topcoat system manufactured as a system, and used as specified by the manufacturer.

(20) "Non-Road Motor Vehicle" means any motor vehicle other than an on-road motor vehicle. "Non-Road Motor Vehicle" includes, but is not limited to, fixed load vehicles, farm tractors, farm trailers, all-terrain vehicles, and golf carts.

(21) "On-Road Motor Vehicle" means any motor vehicle which is required to be registered under RCW 46.16 or exempt from registration under RCW 46.04. "On-Road Motor Vehicle" includes, but is not limited to: passenger cars, trucks, vans, motorcycles, mopeds, motor homes, truck tractors, buses, tow vehicles, trailers other than farm trailers, and camper shells.

(22) "Person" means the federal government, any state, individual, public or private corporation, political subdivision, governmental agency, municipality, partnership, association, firm, trust, estate, or any other legal entity whatsoever.

(23) "Portland-Vancouver Interstate AWMA" is the interstate nonattainment area for ozone as defined in the Washington and Oregon State Implementation Plans. The Interstate area includes, Clackamas, Washington and Multnomah counties in Oregon and southern portion of Clark County in Washington.

(24) "Precoat Coating" means a coating applied to bare metal primarily to deactivate the surface for corrosion resistance to a subsequent water-base primer.

(25) "Pretreatment Wash Primer" means a coating which contains at least 0.5% acid, by weight, which is used to provide surface etching and is applied directly to bare metal surfaces to promote corrosion resistance and adhesion.

(26) "Primer" means a coating applied for purposes of corrosion resistance or adhesion of subsequent coatings.

(27) "Primer Sealer" means a coating applied prior to the application of a topcoat for the purpose of color uniformity, or to promote the ability of a underlying coating to resist penetration by the topcoat.

(28) "Primer Surface" means a coating applied for the purpose of corrosion resistance or adhesion, and which promotes a uniform surface by filling in surface imperfections.

(29) "Public Highway" means every public way, road, street, thoroughfare and place, including bridges, viaducts and other structures open, used or intended for use of the general public for vehicles or vehicular traffic as a matter of right.

(30) "Rocker Panel" means the panel area of a motor vehicle which is no more than 10 inches

from the bottom of a door, quarter panel, of fender.

(31) "Rubberized Asphaltic Underbody Coating" means a coating applied to the wheel wells, the inside of door panels or fenders, the underside of a trunk or hood, of the underside of the motor vehicle itself for the purpose of sound deadening or protection.

(32) "Specialty Coating" means any of the following coatings when used in accordance with each coating's specialized design purpose: adhesion promoters, uniform finish blenders, elastomeric materials, impact-resistant coatings, anti-glare safety coatings, rubberized asphaltic underbody coatings, water hold-out coatings, weld-through coatings, bright metal trim repair coatings, and surface appearance additives.

(33) "Spot Repairs" means motor vehicle refinishing repairs in which the damaged area to be repaired is limited to only a portion of any given panel so that an entire panel need not be repaired.

(34) "Stencil Coating" means an ink or a pigmented coating which is rolled or brushed onto a template or a stamp in order to add identifying letters, symbols, or numbers to motor vehicles, mobile equipment, or their parts and components.

(35) "Surface Appearance Additive" means gloss control additives, fish-eye eliminators, retarders, and other additives designed to achieve the surface appearance of the original equipment specifications.

(36) "SWAPCA" means the Southwest Air Pollution Control Authority.

(37) "Three-Stage Coating System" means a topcoat system composed of a basecoat portion, a midcoat portion, and a transparent clearcoat portion. For compliance purposes, the VOC content of a three-stage coating system shall be calculated according to the following formula:

$$\frac{\text{VOC}_{3\text{-stage}}}{4} = \frac{\text{VOC}_{bc} + \text{VOC}_{mc} + 2 \text{VOC}_{cc}}{4}$$

Where:

$\text{VOC}_{3\text{-stage}}$ = the composite VOC content, less water and less exempt compounds in the three-stage coating system.

VOC_{bc} = the VOC content of any given basecoat as prepared for use, less water and less exempt compounds.

VOC_{mc} = the VOC content of any given midcoat as prepared for use, less water and less exempt compounds.

$2VOC_{cc}$ = twice the VOC content, as prepared for application, of any given clearcoat.

(38) "Topcoat" means a coating applied over any coating, for the purpose of appearance, identification, or protection.

(39) "Touch-up Coating" means a coating applied by brush or non-refillable aerosol can to cover minor surface damage and dispensed in containers of no more than 8 ounces.

(40) "Uniform Finish Blender" means a coating which is applied in spot repairs for the purpose of blending a paint overspray area of a repaired topcoat to match the appearance of an adjacent existing topcoat.

(41) "Vancouver Air Quality Maintenance Area" or "Vancouver AQMA" is the Washington portion of the Portland-Vancouver Interstate Nonattainment Area for Ozone as defined in the Washington State Implementation Plan. The Vancouver AQMA includes the southern portion of Clark County, Washington.

(42) "Vehicle" means any device in, upon or by which any person or property is or may be transported or drawn upon a public highway and includes vehicles that are propelled or powered by any means.

(43) "Volatile Organic Compound" or "VOC" means those compounds of carbon defined in SWAPCA 400-030(89). For purposes of determining compliance with VOC content limits, VOC shall be measured by an applicable method identified in SWAPCA 493-400-060.

(44) "Water Hold-Out Coating" means a coating applied to the interior cavity areas of doors, quarter panels, and rocker panels for the purpose of corrosion resistance to prolonged water exposure.

(45) "Weld-Through Coating" means a coating applied to metal immediately prior to welding to provide corrosion resistance.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-030 COATING STANDARDS AND EXEMPTIONS

(1) Where required by SWAPCA 493-400-040 and 493-400-050, motor vehicle refinishing coatings shall not exceed the VOC content limitations in Table E when prepared in accordance with the manufacturer's instructions, except as provided in SWAPCA 493-400-030(2).

Table E

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 172

VOC Content Limits of Motor Vehicle Refinishing Coatings

| <u>Coating Type</u> | <u>VOC Content Limits*</u> <u>(lbs/gal)</u> |
|-----------------------------------|--|
| Pretreatment Wash Primer | 6.5 |
| Precoat | 6.5 |
| Primer | 4.8 |
| Primer Surface | 4.8 |
| Primer Sealer | 4.6 |
| Topcoat | 5.0 |
| Basecoat/Clearcoat Topcoat System | 5.0 |
| Three-Stage Coating System | 5.2 |
| Multi-Color Coating | 5.7 |
| Specialty Coating | 7.0 |

VOC content is determined as prepared for use in accordance with manufacturer's instructions, and shall be calculated by the following equation:

$$\text{Pounds of VOC per gallon} = \frac{W_{\text{voc}}}{V_m - V_w - V_{\text{ec}}}$$

Where:

W_{voc} = Weight of VOC in pounds, or the weight of all volatile compounds less the weight of water, less the weight of exempt compounds;

V_m = Volume of material in gallons;

V_w = Volume of water in gallons;

V_{ec} = Volume of exempt compounds, in gallons.

[Note: * VOC emission limits are expressed as pounds of VOC per gallon of coating excluding the

volume of water and exempt compounds.]

(2) Exemptions. The VOC content limits in SWAPCA 493-400-030(1) shall not apply to:

- (a) Coatings supplied in aerosol spray cans;
- (b) Touch-up coatings;
- (c) Stencil coatings;
- (d) Coatings used for graphic design applications.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-040 Requirements for Manufacture and Sale of Coatings

(1) **Manufacture.** Any person who manufactures motor vehicle refinishing coatings for sale within Clark County, Washington after July 1, 1996 shall:

- (a) Provide written instructions for preparation of the product; and
- (b) Designate in writing the VOC content of these products as prepared for use in accordance with the manufacturer's instructions.

(2) **Shipment to the Vancouver AQMA.** Except as provided in SWAPCA 493-400-040(4), no person shall knowingly sell, ship or provide a motor vehicle refinishing coating after July 1, 1996 for use within the Vancouver AQMA unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.

(3) **Sale within Clark County, Washington.** Except as provided in SWAPCA 493-400-040(4), no person shall sell motor vehicle refinishing coatings after July 1, 1996 within Clark County, Washington unless the VOC content of the product as designated by the manufacturer complies with the VOC content limits in SWAPCA 493-400-030 when prepared in accordance with the manufacturer's instructions.

(4) **Sale for use outside the Portland-Vancouver Interstate AQMA.** Motor vehicle refinishing coatings which do not comply with the VOC limitations of SWAPCA 493-400-030 may be sold for shipment to the Vancouver AQMA, or sold within Clark County, Washington if:

- (a) The product is to be used outside the boundary of the Portland-Vancouver Interstate AQMA; and

(b) The purchaser provides written certification to the seller in the manner described by SWAPCA 493-400-040(5) that the product is to be used outside of the Portland-Vancouver Interstate AQMA.

(5) **Purchase Certifications.** When required by SWAPCA 493-400-040(4), certifications of intended use shall at a minimum contain the following information:

- (a) Purchaser's name and address;
- (b) Date of Purchase;
- (c) Name of coating or coating system purchased;
- (d) Type of coating;
- (e) Quantity of coating purchased;
- (f) Address of location where the coating will be used;
- (g) A statement certifying that the coating will not be used within the Portland-Vancouver Interstate AQMA to the best of the purchaser's knowledge; and
- (h) Purchaser's signature.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-050 Requirements for Motor Vehicle Refinishing in Vancouver AQMA

Except as provided in SWAPCA 493-400-050(3), persons performing motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall:

- (1) After July 1, 1996:
 - (a) Use motor vehicle refinishing coatings which are identified by the manufacturer as complying with the VOC limits established in SWAPCA 493-400-030; and
 - (b) Prepare and apply the coatings in accordance with the manufacturer's instructions; and
- (2) After June 1, 1997:
 - (a) Clean any spray equipment, including paint lines, in a device which:

- (1) Minimizes solvent evaporation during the cleaning, rinsing, and draining operations;
 - (2) Recirculates solvent during the cleaning operation so the solvent is reused; and
 - (3) Collects spent solvent to be available for proper disposal or recycling; and
- (b) Apply motor vehicle refinishing coatings by one of the following methods:
- (1) High Volume Low Pressure spray equipment, operated and maintained in accordance with the manufacturer's recommendations;
 - (2) Electrostatic application equipment, operated and maintained in accordance with the manufacturer's recommendations;
 - (3) Dip coat application;
 - (4) Flow coat application;
 - (5) Brush coat application;
 - (6) Roll coat application;
 - (7) Hand-held aerosol cans; or
 - (8) Any other coating application method which can be demonstrated to effectively control VOC emissions, and which has been approved in writing by SWAPCA.

(3) This rule shall not apply to any person who performs motor vehicle refinishing without compensation, and who performs refinishing on two or fewer on-road motor vehicles, or portions thereof, in any calendar year.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-060 RECORDKEEPING AND REPORTING REQUIREMENTS

(1) Recordkeeping.

- (a) Manufacturers of motor vehicle refinishing coatings sold in Vancouver AQMA shall maintain records which demonstrate that the VOC content designated under SWAPCA 493-400-040(1) is true and accurate. These records shall be maintained for at least two (2)

years after a manufacturer's sale of a product for use in Vancouver AQMA, and may include, but are not limited to, product formulation data and test results using test methods specified in SWAPCA 493-400-060.

(b) Persons who sell motor vehicle refinishing coatings within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow a determination of compliance with SWAPCA 493-400-040 (3) and (4). These records shall include, but are not limited to, purchase certifications and sales information specifying the coating identification, quantity sold, and date of sale.

(c) Persons who perform motor vehicle refinishing of on-road motor vehicles within the Vancouver AQMA shall maintain records for at least 2 years which are sufficient to allow determination of compliance with SWAPCA 493-400-050. These records shall include, but are not limited to, manufacturers' instructions for preparation of coatings used and purchase information specifying the coating identification, quantity purchased and date of purchase.

(2) Reporting. Following request and within a reasonable period of time, records specified in SWAPCA 493-400-060(1) shall be made available to SWAPCA.

(3) Exemption from disclosure. If a person claims that any Records or Information, as defined in RCW 70.94.205 "Confidentiality of records and information", is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the procedures specified in SWAPCA 493-500-030.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-400-070 INSPECTION AND TESTING REQUIREMENTS

(1) The owner or operator of any facility subject to SWAPCA 493-400 shall, at any reasonable time, make the facility available for inspection by SWAPCA.

(2) Upon request of SWAPCA, any person subject to SWAPCA 493-400 shall furnish samples of motor vehicle refinishing coatings selected by SWAPCA from available stock for testing by SWAPCA to determine compliance with SWAPCA 493-400-030.

(3) Testing conducted under this rule shall be in accordance with EPA Method 24 or Method 25 as described in CFR Title 40 Part 60 (July 1, 1994), or by other methods approved by SWAPCA and EPA.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-500-010 APPLICABILITY

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SWAPCA 493-500 applies to all sections of SWAPCA 493-100 through SWAPCA 493-400.
State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-500-030 EXEMPTION FROM DISCLOSURE TO THE PUBLIC

(1) If a person claims that any records or information, as defined in RCW 70.94.205, is confidential or otherwise exempt from disclosure, in whole or in part, the person shall comply with the following procedures:

(a) The records or information shall be clearly marked with a request for exemption from disclosure. For a multi-page writing, each page shall be so marked.

(b) For records or information that contains both exempt and non-exempt material, the proposed exempt material shall be clearly distinguishable from the non-exempt material. If possible, the exempt material shall be arranged so that it is placed on separate pages from the non-exempt material.

(2) For records or information to be considered exempt from disclosure as a "trade secret," it shall meet all of the following criteria:

(a) The information shall not be patented;

(b) It shall be known only to a limited number of individuals within a commercial concern who have made efforts to maintain the secrecy of the information;

(c) It shall be information which derives actual or potential economic value from not being disclosed to other persons; and

(d) It shall give its users the chance to obtain a business advantage over competitors not having the information.

State effective: 5/26/96; EPA effective: 6/18/97

SWAPCA 493-500-040 FUTURE REVIEW

Within a reasonable period of time following adoption by the United States Environmental Protection Agency of regulations intended to reduce VOC emissions from one or more products subject to SWAPCA 493-100 through SWAPCA 493-400, SWAPCA shall provide the following information to the SWAPCA Board of Directors:

(1) A comparison of the federal regulation with SWAPCA 493-100 through 493-400;

(2) An estimate of the change in emissions which would occur from repeal of provisions in SWAPCA 493-100 through 493-400 applicable to such product or products;

(3) An assessment of the effect of eliminating or modifying the provisions of SWAPCA 493-100 through 493-400 on the State Implementation Plan adopted for Redesignation/Ozone Maintenance Plan, including any need for substitute measures; and

(4) A recommendation regarding amendment to eliminate such provisions and, if applicable, a schedule for amendment.

State effective: 5/26/96; EPA effective: 6/18/97

Washington Department of Ecology Regulations

WAC 173-400 -- GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

173-400-010 Policy and Purpose.

- (1) It is the policy of the Department of Ecology (Ecology) under the authority vested in it by chapter 43.21A RCW to provide for the systematic control of air pollution from air contaminant sources and for the proper development of the state's natural resources.
- (2) It is the purpose of this chapter to establish technically feasible and reasonably attainable standards and to establish rules generally applicable to the control and/or prevention of the emission of air contaminants.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-020 Applicability.

- (1) The provisions of this chapter shall apply state-wide.
- (2) An authority may enforce this chapter and may also adopt standards or requirements. These standards or requirements may not be less stringent than the current state air quality rules and may be more stringent than the current regulations. Unless properly delegated by ecology, authorities do not have jurisdiction over the following sources:
 - (a) Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction.
 - (b) Automobiles, trucks, aircraft.
 - (c) Those sources under the jurisdiction of the energy facility site evaluation council.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-030 Definitions.

Except as provided elsewhere in this chapter, the following definitions 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" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of the visitor's visual experience of the Federal Class I area. This determination must be made on a case-by-case basis taking into account the geographic extent, intensity, duration, frequency, and time of visibility impairment, and how these factors correlate with (a) times of visitor use of the Federal Class I area, and (b) the frequency and timing of natural conditions that reduce visibility. This term does not include effects on integral vistas.

(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 stationary source calculated using the maximum rated capacity of the stationary source (unless the stationary 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 set forth in 40 CFR Part 60 or 61;

- (b) Any applicable state implementation plan emissions limitation including those with a future compliance date; or
- (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
- (6) "Ambient air" means the surrounding outside air.
- (7) "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) "Authority" means any air pollution control agency whose jurisdictional boundaries are coextensive with the boundaries of one or more counties.
- (9) "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 CFR Part 60 and Part 61, as they exist on May 7, 1993, or their later enactments as adopted by reference by the director by rule. 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.
- (10) "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.
- (11) "Bubble" means a set of emission limits which allows an increase in emissions from a given emissions unit(s) in exchange for a decrease in emissions from another emissions unit(s), pursuant to RCW 70.94.155 and WAC 173-400-120.

(12) "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.

(13) "Class I area" means any area designated pursuant to §§ 162 or 164 of the Federal Clean Air Act as a Class I area. The following areas are the Class I areas in Washington state:

Alpine Lakes Wilderness;
Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness;
Spokane Indian Reservation.

(14) "Combustion and incineration sources" means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.

(15) "Commenced construction" means that the owner or operator has all the necessary preconstruction approvals or permits and either has:

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

(b) Entered into binding agreements or contractual obligations, which cannot be cancelled 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.

(16) "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.

(17) "Director" means director of the Washington state department of ecology or duly authorized representative.

(18) "Dispersion technique" means a method which 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.

- (19) "Ecology" means the Washington state department of ecology.
- (20) "Emission" means a release of air contaminants into the ambient air.
- (21) "Emission reduction credit (ERC)" means a credit granted pursuant to WAC 173-400-131. This is a voluntary reduction in emissions.
- (22) "Emission standard" and "emission limitation" means a requirement established under the FCAA 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 promulgated under the FCAA or chapter 70.94 RCW.
- (23) "Emissions 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 FCAA, chapter 70.94 or 70.98 RCW.
- (24) "Excess emissions" means emissions of an air pollutant in excess of any applicable emission standard.
- (25) "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).
- (26) "Existing stationary facility" means a stationary source of air pollutants which has the potential to emit two hundred fifty tons per year or more of any air pollutant. In determining potential to emit, fugitive emissions, to the extent quantifiable, must be counted. For purposes of determining whether a stationary source is an existing stationary facility the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.
- (27) "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.
- (28) "Federal land manager" means, with respect to any lands in the United States, the Secretary of the department with authority over such lands.

- (29) "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.
- (30) "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.
- (31) "Fugitive emissions" means emissions which do not pass and which could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (32) "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.
- (33) "Good engineering practice (GEP)" refers to a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).
- (34) "Incinerator" means a furnace used primarily for the thermal destruction of waste.
- (35) "In operation" means engaged in activity related to the primary design function of the source.
- (36) "Integral vista" means a view perceived from within a mandatory Class I federal area of a specific landmark or panorama located outside the boundary of the mandatory Class I federal area.
- (37) "Lowest achievable emission rate (LAER)" means for any source that rate of emissions which reflects the more stringent of:
- (a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of source, unless the owner or operator of the proposed new or modified source demonstrates that such limitations are not achievable; or
 - (b) The most stringent emission limitation which is achieved in practice by such class or category of source.

In no event shall the application of this term permit a proposed new or modified source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

- (38) "Mandatory Class I federal area" means any area defined in Section 162(a) of the FCAA. The mandatory Class I federal areas in Washington state are as follows:

Alpine Lakes Wilderness;

Glacier Peak Wilderness;
Goat Rocks Wilderness;
Mount Adams Wilderness;
Mount Rainier National Park;
North Cascades National Park;
Olympic National Park;
Pasayten Wilderness;

(39) "Major modification" means any physical change in or change in the method of operation of a major stationary source that would result in a significant net emissions increase of any pollutant subject to regulation under the FCAA. Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone. A physical change or change in the method of operation shall not include:

- (a) Routine maintenance, repair, and replacement;
- (b) Use of an alternative fuel or raw material by reason of an order under Sections 2(a) and (b) of the Energy Supply and Environmental Supply Coordination Act of 1974 (or any superseding legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (c) Use of an alternative fuel by reason of an order or rule under section 125 of the FCAA, 42 U.S.C. 7425;
- (d) Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
- (e) Use of an alternative fuel or raw material by a stationary source which:
 - (i) The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit condition which was established after December 12, 1976, in a prevention of significant deterioration permit or notice of construction approval; or
 - (ii) The stationary source is approved to use under any federally-enforceable notice of construction approval or a PSD permit issued by the environmental protection agency;
- (f) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition which was established after

December 21, 1976, in a prevention of significant deterioration permit or a notice of construction approval;

(g) Any change in ownership at a stationary source.

(40) "Major stationary source" means:

(a) Any stationary source which:

(i) Emits or has the potential to emit one hundred tons per year or more of any air contaminant regulated by the state or Federal Clean Air Acts; or

(ii) Is located in a "marginal" or "moderate" ozone nonattainment area and which emits or has the potential to emit one hundred tons per year or more of volatile organic compounds or oxides of nitrogen.

(b) Any stationary source (or group of stationary sources) which:

(i) Is located in a "serious" carbon monoxide nonattainment area where stationary sources contribute significantly to carbon monoxide levels and which emits or has the potential to emit fifty tons per year or more of carbon monoxide; or

(ii) Is located in a "serious" particulate matter (PM₁₀) nonattainment area and which emits or has the potential to emit seventy tons per year or more of PM₁₀ emissions.

(c) Any physical change that would occur at a stationary source not qualifying under (a) or (b) of this subsection as a major stationary source, if the change would constitute a major stationary source by itself;

(d) A major stationary source that is major for VOCs or NO_x shall be considered major for ozone;

(e) The fugitive emissions of a stationary source shall not be included in determining whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the source is a major stationary source due to (b) of this subsection:

(i) Coal cleaning plants (with thermal dryers);

(ii) Kraft pulp mills;

- (iii) Portland cements plants;
- (iv) Primary zinc smelters;
- (v) Iron and steel mills;
- (vi) Primary aluminum ore reduction plants;
- (vii) Primary copper smelters;
- (viii) Municipal incinerators capable of charging more than two hundred fifty tons of refuse per day;
- (ix) Hydrofluoric, sulfuric, or nitric acid plants;
- (x) Petroleum refineries;
- (xi) Lime plants;
- (xii) Phosphate rock processing plants;
- (xiii) Coke oven batteries;
- (xiv) Sulfur recovery plants;
- (xv) Carbon black plants (furnace process);
- (xvi) Primary lead smelters;
- (xvii) Fuel conversion plants;
- (xviii) Sintering plants;
- (xix) Secondary metal production plants;
- (xx) Chemical process plants;
- (xxi) Fossil-fuel boilers (or combination thereof) totaling more than two hundred fifty million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding three hundred thousand barrels;

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- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel-fired steam electric plants of more than two hundred fifty million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category which, as of August 7, 1980, was being regulated under sections 111 or 112 of the Federal Clean Air Act.

(f) For purposes of determining whether a stationary source is a major stationary source, the term "building, structure, facility, or installation" means all the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same industrial grouping if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

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

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

(43) "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 definitions of modification in Section 7411, Title 42, United States Code, and with rules implementing that section.

(44) "National Emission Standards for Hazardous Air Pollutants (NESHAPS)" means the federal regulations set forth in 40 CFR Part 61.

(45) "Natural conditions" means naturally occurring phenomena that reduce visibility as measured in terms of visual range, contrast, or coloration.

(46) "Net emissions increase" means:

- (a) The amount by which the sum of the following exceeds zero:

- (i) Any increase in actual emissions from a particular change or change in method of operation at a source; and
 - (ii) Any other increases and decreases in actual emissions at the source that are contemporaneous with the particular change and are otherwise creditable.
- (b) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs between the date ten years before construction on the particular change commences and the date that the increase from the particular change occurs.
- (c) An increase or decrease in actual emissions is creditable only if:
- (i) It occurred no more than one year prior to the date of submittal of a complete notice of construction application for the particular change, or it has been documented by an emission reduction credit, in which case the credit shall expire ten years after the date of original issue of the ERC. Any emissions increases occurring between the date of issuance of the ERC and the date when a particular change becomes operational shall be counted against the ERC.
 - (ii) Ecology or the authority has not relied on it in issuing any permit or order of approval for the source under regulations approved pursuant to 40 CFR 51 Subpart I or the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, which order or permit is in effect when the increase in actual emissions from the particular change occurs.
- (d) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
- (e) A decrease in actual emissions is creditable only to the extent that:
- (i) The old level of actual emissions or the old level of allowable emissions, whichever is lower, exceeds the new level of actual emissions;
 - (ii) It is federally enforceable at and after the time that actual construction on the particular change begins;
 - (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change; and
 - (iv) Ecology or the authority has not relied on it in issuing any permit or order of

approval under regulations approved pursuant to 40 CFR 51 Subpart I, the EPA has not relied on it in issuing a PSD permit pursuant to 40 CFR 52.21, or ecology or the authority has not relied on it in demonstrating attainment or reasonable further progress.

(f) An increase that results from a physical change at a source occurs when the emission unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operational only after a reasonable shakedown period, not to exceed one hundred eighty days.

(47) "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.

(48) "New source performance standards (NSPS)" means the federal regulations set forth in 40 CFR Part 60.

(49) "Nonattainment area" means a clearly delineated geographic area which has been designated by EPA promulgation as exceeding a national ambient air quality standard or standards for one or more of the criteria pollutants.

(50) "Notice of construction application" means a written application to permit construction of a new source, modification of an existing stationary source or replacement or substantial alteration of control technology at an existing stationary source.

(51) "Opacity" means the degree to which an object seen through a plume is obscured, stated as a percentage.

(52) "Open 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 disposal in wigwam burners is not considered open burning.

(53) "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, 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.

(54) "Order of approval" or "approval order" means a regulatory order issued by ecology or the

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.

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

(56) "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 40 CFR Part 60 or by a test method specified in the Washington state implementation plan.

(57) "Parts per million (ppm)" means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

(58) "Person" means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.

(59) "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 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(60) "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 CFR Part 51 or by a test method specified in the Washington state implementation plan.

(61) "Potential to emit" means the maximum capacity of a stationary 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 federally enforceable. Secondary emissions do not count in determining the potential to emit of a stationary source.

(62) "Prevention of significant deterioration (PSD)" means the program set forth in WAC 173-400-141.

(63) "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.

(64) "Reasonably attributable" means attributable by visual observation or any other technique the state deems appropriate.

(65) "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.

(66) "Regulatory order" means an order issued by ecology or an authority to an air contaminant source which applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted thereunder, or, for sources regulated by a local air authority, the regulations of that authority.

(67) "Significant" means, in reference to a net emissions increase or the potential of a source to emit any of the following pollutants, a rate of emission equal to or greater than any one of the following rates:

| Pollutant | Tons/Year |
|---|-----------|
| Carbon monoxide | 100 |
| Nitrogen oxides | 40 |
| Sulfur dioxide | 40 |
| Particulate matter (PM) | 25 |
| Fine particulate matter (PM ₁₀) | 15 |
| Volatile organic compounds (VOC) | 40 |
| Lead | 0.6 |
| Fluorides | 3 |
| Sulfuric acid mist | 7 |
| Hydrogen sulfide (H ₂ S) | 10 |
| Total reduced sulfur (including H ₂ S) | 10 |
| Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans) | 0.0000035 |
| Municipal waste combustor metals (measured as PM) | 15 |
| Municipal waste combustor acid gases | 40 |

TABLE 8 – ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION -- page -- 193

| | |
|---|--|
| (measured as SO ₂ and hydrogen chloride) | |
|---|--|

(68) "Significant visibility impairment" means visibility impairment which interferes with the management, protection, preservation, or enjoyment of visitor visual experience of the Class I area. The determination must be made on a case-by-case basis, taking into account the geographic extent, intensity, duration, frequency, and time of the visibility impairment, and how these factors correlate with the time of visitor use of the Class I area and frequency and timing of natural conditions that reduce visibility.

(69) "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. Activities shall be considered ancillary to the production of a single product or functionally related group of products if they belong to the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended by the 1977 Supplement.

(70) "Source category" means all sources of the same type or classification.

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

(72) "Stack height" means the height of an emission point measured from the ground-level elevation at the base of the stack.

(73) "Standard conditions" means a temperature of 20° (68° F) and a pressure of 760 mm (29.92 inches) of mercury.

(74) "Stationary source" means any building, structure, facility, or installation which emits or may emit any 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 of the FCAA.

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

(76) "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 or an approved equivalent method and expressed as hydrogen sulfide.

(77) "Total suspended particulate" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B as in effect on July 1, 1988.

(78) "United States Environmental Protection Agency (USEPA)" shall be referred to as EPA.

(79) "Visibility impairment" means any perceptible degradation in visibility (visual range, contrast, coloration) not caused by natural conditions.

(80) "Visibility impairment of Class I areas" means visibility impairment within the area and visibility impairment of any formally designated integral vista associated with the area.

(81) "Volatile organic compound (VOC)" means:

(a) Any compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate, which participates in atmospheric photochemical reactions. This includes any organic compound other than the following, which have negligible photochemical reactivity: Methane; ethane; methylene chloride (dichloromethane); 1,1,1-trichloroethane (methyl chloroform); 1,1,1-trichloro 2,2,2-trifluoroethane (CFC-113); trichlorofluoromethane (CFC-11); dichlorodifluoromethane (CFC-12); chlorodifluoromethane (CFC-22); trifluoromethane (FC-23); 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); and perfluorocarbon compounds which fall into these classes:

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

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

(iii) 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 CFR Part 60 Appendix A. Where such a method also measures compounds with negligible photochemical reactivity, these negligibly-reactive compounds may be excluded as VOC if the amount of such compounds is accurately quantified, and such exclusion is approved by ecology or the authority.

- (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 or the authority, the amount of negligibly-reactive compounds in the source's emissions.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-040 General Standards for Maximum Emissions.

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 will take precedent over a general emission standard listed in this chapter. 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. Further, 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, ecology or the authority shall, as provided in section 8, chapter 252, Laws of 1993, define RACT for each source or source category and issue a rule or regulatory order requiring the installation of RACT.

(1) Visible emissions. No person shall cause or permit 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:

(a) 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 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 ecology or the authority be advised of the schedule.

(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.

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

~~(d) When an alternate opacity limit has been established per RCW 70.94.331 (2)(c).~~

~~(2) Fallout. No person shall cause or permit the emission of particulate matter from any source to be deposited beyond the property under direct control of the owner(s) or operator(s) of the source in sufficient quantity to interfere unreasonably with the use and enjoyment of the property upon which the material is deposited.~~

(3) Fugitive emissions. The owner or operator of any emissions unit engaging in materials handling, construction, demolition or any 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, 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 contaminants for which nonattainment has been designated.

~~(4) Odors. Any person who shall cause or allow the generation of any odor from any source which may unreasonably interfere with any other property owner's use and enjoyment of his property must use recognized good practice and procedures to reduce these odors to a reasonable minimum.~~

(5) Emissions detrimental to persons or property. No person shall cause or permit 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.

(6) Sulfur dioxide.

No person shall cause or permit 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 ecology or the 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, ecology or the 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 ecology or the authority.~~

(7) Concealment and masking. No person shall cause or permit 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.

(8) Fugitive dust sources.

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

(b) The owner(s) or operator(s) of any existing source(s) of fugitive dust that has been identified as a significant contributor to a PM-10 nonattainment area shall be required to use reasonably available control technology to control emissions. Significance will be determined by the criteria found in WAC 173-400-113(3).

State effective: 9/20/93; EPA effective: 6/2/95

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 permit 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 wood derived fuels for the production of steam. No person shall allow or permit 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 EPA method 5 or approved procedures contained in "Source Test Manual - Procedures For Compliance Testing," state of Washington, department of ecology, as of July 12, 1990, on file at ecology.

(2) For any incinerator, no person shall cause or permit emissions in excess of one hundred ppm of total carbonyls as measured by applicable EPA methods or acceptable procedures contained in "Source Test Manual - Procedures for Compliance Testing," state of Washington, department of ecology, on file at ecology. Incinerators shall be operated only during daylight hours unless written permission to operate at other times is received from ecology or the authority.

(3) Measured concentrations for combustion and incineration sources shall be adjusted for volumes corrected to seven percent oxygen, ~~except when ecology or the authority determines that an alternate oxygen correction factor is more representative of normal operations.~~

State effective: 3/22/91; EPA effective: 6/2/95

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 permit 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. EPA test methods from 40 CFR Appendix A which are adopted by reference and any other approved test procedures which are contained in ecology's *"Source Test Manual - Procedures For Compliance Testing"* as of July 12, 1990, will be used to determine compliance.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-070 Emission Standards for Certain Source Categories.

Ecology finds that the reasonable regulation of sources within certain categories requires separate standards applicable to such categories. The standards set forth in this section shall be the maximum allowable standards for emissions units within the categories listed. Except as specifically provided in this section, such emissions units shall not be required to meet the provisions of WAC 173-400-040, 173-400-050 and 173-400-060.

(1) Wigwam burners.

(a) All wigwam burners shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7).

(b) All wigwam burners shall use RACT. All emissions units shall be operated and maintained to minimize emissions. These requirements may include a controlled tangential vent overfire air system, an adequate underfire system, elimination of all unnecessary openings, a controlled feed and other modifications determined necessary by ecology or the authority.

(c) It shall be unlawful to install or increase the existing use of any burner that does not meet all requirements for new sources including those requirements specified in WAC 173-400-040 and 173-400-050, except operating hours.

(d) Ecology may establish additional requirements for wigwam burners located in sensitive areas as defined by chapter 173-440 WAC. These requirements may include but shall not be limited to:

(i) A requirement to meet all provisions of WAC 173-400-040 and 173-400-050.

Wigwam burners will be considered to be in compliance if they meet the requirements contained in WAC 173-400-040(1). An exception is made for a startup period not to exceed thirty minutes in any eight consecutive hours.

(ii) A requirement to apply BACT.

(iii) A requirement to reduce or eliminate emissions if ecology establishes that such emissions unreasonably interfere with the use and enjoyment of the property of others or are a cause of violation of ambient air standards.

(2) Hog fuel boilers.

(a) Hog fuel boilers shall meet all provisions of WAC 173-400-040 and 173-400-050(1), except that emissions may exceed twenty percent opacity for up to fifteen consecutive minutes once in any eight hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of these units. This practice is to be scheduled for the same specific times each day and ecology or the authority shall be notified of the schedule or any changes.

(b) All hog fuel boilers shall utilize RACT and shall be operated and maintained to minimize emissions.

(3) Orchard heating.

(a) Burning of rubber materials, asphaltic products, crankcase oil or petroleum wastes, plastic, or garbage is prohibited.

(b) It is unlawful to burn any material or operate any orchard-heating device that causes a visible emission exceeding twenty percent opacity, except during the first thirty minutes after such device or material is ignited.

(4) Grain elevators.

Any grain elevator which is primarily classified as a materials handling operation shall meet all the provisions of WAC 173-400-040 (2), (3), (4), and (5).

(5) Catalytic cracking units.

(a) All existing catalytic cracking units shall meet all provisions of WAC 173-400-040 (2), (3), (4), (5), (6), and (7) and:

(i) No person shall cause or permit the emission for more than three minutes, in any one hour, of an air contaminant from any catalytic cracking unit which at the

emission point, or within a reasonable distance of the emission point, exceeds forty percent opacity.

(ii) No person shall cause or permit the emission of particulate material in excess of 0.46 grams per dry cubic meter at standard conditions (0.20 grains/dscf) of exhaust gas.

(b) All new catalytic cracking units shall meet all provisions of WAC 173-400-115.

(6) Other wood waste burners.

(a) Wood waste burners not specifically provided for in this section shall meet all provisions of WAC 173-400-040.

(b) Such wood waste burners shall utilize RACT and shall be operated and maintained to minimize emissions.

~~(7) Sulfuric acid plants.~~

~~No person shall cause to be discharged into the atmosphere from a sulfuric acid plant, any gases which contain acid mist, expressed as H₂SO₄, in excess of 0.15 pounds per ton of acid produced. Sulfuric acid production shall be expressed as one hundred percent H₂SO₄.~~

State effective: 3/22/91; EPA effective: 6/2/95

173-400-081 Startup and Shutdown.

In promulgating technology-based emission standards and making control technology determinations (e.g., BACT, RACT, LAER, BART) ecology and the authorities shall consider any physical constraints on the ability of a source to comply with the applicable standard during startup or shutdown. Where ecology or the authority determines that the source or source category, operated and maintained in accordance with good air pollution control practice, is not capable of achieving continuous compliance with an emission standard during startup or shutdown, ecology or the authority shall include in the standard appropriate emission limitations, operating parameters, or other criteria to regulate the performance of the source during startup or shutdown conditions. In modeling the emissions of a source for purposes of demonstrating attainment or maintenance of national ambient air quality standards, ecology and the authorities shall take into account any incremental increase in allowable emissions under startup or shutdown conditions authorized by an emission limitation or other operating parameter adopted under this rule. Any emission limitation or other parameter adopted under this rule which increases allowable emissions during startup or shutdown conditions over levels authorized in an approved state implementation plan shall not take effect until approved by EPA as a SIP amendment.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-091 Voluntary Limits on Emissions.

- (1) Upon request by the owner or operator of a source, ecology or the authority with jurisdiction over the source shall issue a regulatory order that limits the source's potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and ecology or the authority with jurisdiction over the source.
- (2) A condition contained in an order issued under this section shall be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.
- (3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.
- (4) Any order issued under this section shall be subject to the notice and comment procedures under WAC 173-400-171.
- (5) The terms and conditions of a regulatory order issued under this section shall be federally enforceable, upon approval of this section as an element of the Washington state implementation plan. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-100 Registration.

- (1) Except as provided in subsection (4) of this section, the owner or operator of each source within the following source categories shall register the source with ecology or the authority.
 - (a) Agricultural drying and dehydrating operations;
 - (b) Asphalt plants;

- (c) Beverage can surface coating operations;
- (d) Bulk gasoline terminals;
- (e) Cattle feedlots with facilities for one thousand or more cattle;
- (f) Chemical plants;
- (g) Ferrous foundries;
- (h) Fertilizer plants
- (i) Flexible vinyl and urethane coating and printing operations;
- (j) Grain handling, seed processing, pea and lentil processing facilities;
- (k) Metallic mineral processing plants;
- (l) Mineralogical processing plants
- (m) Nonferrous foundries;
- (n) Other metallurgical processing plants;
- (o) Petroleum refineries;
- (p) Power boilers using coal, hog fuel, oil, or other solid or liquid fuel;
- (q) Pressure sensitive tape and label surface coating operations;
- (r) Rendering plants;
- (s) Scrap metal operations;
- (t) Synthetic organic chemical manufacturing industries;
- (u) Sulfuric acid plants;
- (v) Synthetic fiber production facilities;
- (w) Veneer dryers;

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- (x) Wood waste incinerators including wigwam burners;
 - (y) Other incinerators designed for a capacity of one hundred pounds per hour or more;
 - (z) Stationary internal combustion engines rated at five hundred horse power or more;
 - (aa) Sawmills, including processing for lumber, plywood, shake, shingle, pulpwood insulating board, or any combination thereof;
 - (bb) Any category of stationary sources subject to a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart AAA (Standards of Performance for New Residential Wood Heaters);
 - (cc) Any source which emits a contaminant subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS);
 - (dd) Any major stationary source.
- (2) Registration shall be on forms to be supplied by ecology or the authority within the time specified on the form.
- (3) A report of closure shall be filed with ecology or the authority within ninety days after operations producing emissions permanently cease at any source within the above categories.
- (4) Permit program sources, as defined in RCW 70.94.030(17), are not required to comply with the registration requirements of this section after the Environmental Protection Agency grants interim or final approval for the state operating permit program.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-105 Records, Monitoring and Reporting.

The owner or operator of a source shall 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) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory may include stack and fugitive emissions of particulate matter, PM₁₀, sulfur dioxide, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, and other contaminants, and shall be submitted

(when required) no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards.

(2) Monitoring. Ecology shall 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 have the power to enter at reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) Source testing. To demonstrate compliance, ecology or the authority may conduct or require that a test be conducted of the source using approved EPA methods from 40 CFR 60 Appendix A which are adopted by reference, or approved procedures contained in "*Source Test Manual - Procedures for Compliance Testing*," state of Washington, department of ecology, as of July 12, 1990, on file at ecology. 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 to obtain a sample from any emissions unit. 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 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 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 be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this chapter shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 CFR Part 51, Appendix P, Sections 3, 4 and 5, promulgated October 6, 1975, and amended November 7, 1986, which is adopted by reference.

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, 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 source which is:

(i) Subject to a new source performance standard. These sources will be governed by WAC 173-400-115.

(ii) Not subject to an applicable emission standard.

(h) Monitoring system malfunctions. A source may be temporarily exempted from the monitoring and reporting requirements of this chapter during periods of monitoring system malfunctions provided that the source owner(s) or operator(s) shows to the satisfaction of ecology or the authority that the malfunction was unavoidable and is being repaired as expeditiously as practicable.

(6) Change in raw materials or fuels for sources not subject to requirements of the operating permit program. Any change or series of changes in raw material or fuel which will result in a cumulative increase in emissions of sulfur dioxide of forty tons per year or more over that stated in the initial inventory required by subsection (1) of this section shall require the submittal of sufficient information to ecology or the authority to determine the effect of the increase upon ambient concentrations of sulfur dioxide. Ecology or the authority may issue regulatory orders requiring controls to reduce the effect of such increases. Cumulative changes in raw material or fuel of less than 0.5 percent increase in average annual sulfur content over the initial inventory shall not require such notice.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-107 Excess Emissions.

(1) The owner or operator of a source shall have the burden of proving to ecology or the authority or the decision-making authority in an enforcement action that excess emissions were unavoidable. This demonstration shall be a condition to obtaining relief under subsections (4), (5) and (6) of this section.

(2) Excess emissions determined to be unavoidable under the procedures and criteria in this section shall be excused and not subject to penalty.

(3) Excess emissions which represent a potential threat to human health or safety or which the owner or operator of the source believes to be unavoidable shall be reported to ecology or the authority as soon as possible. Other excess emissions shall be reported within thirty days after the end of the month during which the event occurred or as part of the routine emission monitoring reports. Upon request by ecology or the authority, the owner(s) or operator(s) of the source(s)

shall submit a full written report including the known causes, the corrective actions taken, and the preventive measures to be taken to minimize or eliminate the chance of recurrence.

(4) Excess emissions due to startup or shutdown conditions shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been prevented through careful planning and design and if a bypass of control equipment occurs, that such bypass is necessary to prevent loss of life, personal injury, or severe property damage.

(5) Maintenance. Excess emissions due to scheduled maintenance shall be considered unavoidable if the source reports as required under subsection (3) of this section and adequately demonstrates that the excess emissions could not have been avoided through reasonable design, better scheduling for maintenance or through better operation and maintenance practices.

(6) Excess emissions due to upsets shall be considered unavoidable provided the source reports as required under subsection (3) of this section and adequately demonstrates that:

(a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;

(b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and

(c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emission unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-110 New Source Review (NSR).

(1) Applicability:

(a) A notice of construction application must be filed by the owner or operator and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification which is listed in WAC 173-400-100 or required to obtain a permit under RCW 70.94.161.

(b) Ecology or the authority may require that a notice of construction application be filed by the owner or operator of a proposed new source or modification and an order of approval issued by ecology or an authority prior to the establishment of any new source or emission unit or modification, other than a single family or a duplex dwelling.

(c) New source review of a modification shall be limited to the emission unit or units proposed to be added to an existing source or modified and the air contaminants whose emissions would increase as a result of the modification.

(2) **Completeness Determination:** Within thirty days of receipt of a notice of construction application, ecology or the authority shall either notify the applicant in writing that the application is complete or notify the applicant in writing of all additional information necessary, based upon review of information already supplied, to complete the application. For a project subject to PSD review under WAC 173-400-141 a completeness determination includes a determination that the application provides all information required to conduct PSD review.

(3) **Final Determination:**

(a) Within sixty days of receipt of a complete application, ecology or the authority shall either issue a final decision on the application or, for those projects subject to public notice, initiate notice and comment procedures under WAC 173-400-171 on a proposed decision, followed as promptly as possible by a final decision. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the notice of construction application required by this section. A notice of construction designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines.

(b) Every final determination on a notice of construction application shall be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of ecology or the authority.

(c) If the new source is a major stationary source or the change is a major modification, ecology or the authority shall submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA.

(4) **Appeals:** An order of approval, any conditions contained in an order of approval, or the denial of a notice of construction application may be appealed to the pollution control hearings board as provided in chapter 43.21B RCW. Ecology or the authority shall promptly mail copies of each order approving or denying a notice of construction application to the applicant and to any other party who submitted timely comments on the application, along with a notice advising

parties of their rights of appeal to the Pollution Control Hearings Board and, where applicable, to the EPA Environmental Appeals Board.

(5) **Portable Sources:** For portable sources which located temporarily at particular sites, the owner(s) or operator(s) shall be allowed to operate at the temporary location without filing a notice of construction application, providing that the owner(s) or operator(s) notifies ecology or the authority of intent to operate at the new location at least thirty days prior to starting the operation, and supplies sufficient information to enable ecology or the authority to determine that the operation will comply with the emission standards for a new source, and will not a cause a violation of applicable ambient air quality standards and , if in a nonattainment area, will not interfere with scheduled attainment of ambient standards. The permission to operate shall be for a limited period of time (one year or less) and ecology or the authority may set specific conditions for operation during that period. A temporary source shall be required to comply with all applicable emission standards.

(6) Approval to construct or modify a stationary source shall become invalid if construction is not commenced within eighteen months after receipt of such approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. Ecology or the authority may extend the eighteen-month period upon a satisfactory showing that an extension is justified. This provision does not apply to the time period between construction of the approved phases of a phased construction project; each phase must commence construction within eighteen months of the projected and approved commencement date.

State effective: 9/20/93; EPA effective: 6/2/95

WAC 173-400-112 Requirements for New Sources in Nonattainment Areas.

Ecology or an authority reviewing an application to establish a new source or modification in a nonattainment area, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies each of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the applicable emission standards of that authority.

(2) The proposed new source will employ BACT for all air contaminants, except that if the new source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the contaminants for which the area has been designated nonattainment and for which the proposed new source or modification is major.

(3) The proposed new source will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the state implementation plan and will comply with WAC 173-400-113(3) for all contaminants for which the area has not been designated nonattainment.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has determined, based on review of an analysis performed by the source of alternative sites, sizes, production processes, and environmental control techniques, that the benefits of the project significantly outweigh the environmental and social costs imposed as a result of its location, construction, or modification.

(5) If the proposed new source or the proposed modification is major for the contaminant for which the area is designated nonattainment, allowable emissions from the proposed new source or modification of that contaminant are offset by reductions in actual emissions from existing sources in the nonattainment area. Emission offsets must be sufficient to ensure that total allowable emissions from existing major stationary sources in the nonattainment area, new or modified sources which are not major stationary sources, and the proposed new or modified source will be less than total actual emissions from existing sources (prior to submittal of the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the FCAA) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(a) The proposed new level of allowable emissions of the source or emission unit(s) providing the reduction must be less than the current level of actual emissions of that source or emissions unit(s). No emission reduction can be credited for actual emissions which exceed the current allowable emissions of the source or emissions unit(s) providing the reduction. Emission reductions imposed by local, state, or federal regulations, regulatory orders, or permits cannot be credited.

(b) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emissions of volatile organic compounds or total emissions of nitrogen oxides are reduced by a ratio of 1.1 to 1 for the area in which the new source is located. For any other nonattainment area, the emissions offsets must provide a positive net air quality benefit in the nonattainment area. Determinations on whether emissions offsets provide a positive net air quality benefit will be made in accordance with the guidelines contained in 40 CFR 51 Appendix S.

(c) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the new or modified source commences operation. The new source may not commence operation before the date such reductions are actually achieved. An emission reduction credit issued under WAC 173-400-131 may

be used to satisfy some or all of the offset requirements of this subsection.

(6) If the proposed new source is a major stationary source or the proposed modification is a major modification, the owner or operator has demonstrated that all major stationary sources owned or operated by such person (or by any entity controlling, controlled by, or under common control with such person) in Washington are subject to emission limitations and are in compliance, or on a schedule for compliance, with all applicable emission limitations and standards under the Federal Clean Air Act, including all rules contained in an EPA-approved state implementation plan.

(7) If the proposed new source is a major stationary source or the proposed modification is a major modification for the purposes of the PSD program described in WAC 173-400-141, it meets the requirements of that program for all contaminants for which the area has not been designated nonattainment.

~~(8) If the proposed new source or modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that chapter.~~

(9) If the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.28(c) through (e) except for (c)(4)(i), (g), and (h), as in effect on March 3, 1993, and determined that the project meets the criteria set forth in 40 CFR 52.28(g). For purposes of this subsection, definitions referenced in 40 CFR 52.28(b) are incorporated by reference, except that the term "visibility protection area" means any Class I area, and terms defined in WAC 173-400-030 shall have the meanings defined in that section. References in 40 CFR 52.28 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-113 Requirements for New Sources in Attainment or Unclassifiable Areas.

Ecology or an authority reviewing an application to establish a new source or modification in an area that is in attainment or unclassifiable for any air contaminant the new source would emit and that is in attainment or unclassifiable for ozone if the proposed new or modified source would emit VOCs or NO_x, shall issue an order of approval, which order shall contain such conditions as are reasonably necessary to assure the maintenance of compliance with this chapter, if they determine that the proposed project satisfies all of the following requirements:

(1) The proposed new source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, emission standards adopted under chapter 70.94 RCW and, for sources regulated by an authority, the

applicable emission standards of that authority.

(2) The proposed new source or modification will employ BACT for all pollutants not previously emitted or whose emissions would increase as a result of the new source or modification.

(3) Allowable emissions from the proposed new source or modification will not delay the attainment date for an area not in attainment nor cause or contribute to a violation of any ambient air quality standard. This requirement will be considered to be met if the projected impact of the allowable emissions from the proposed new source or the projected impact of the increase in allowable emissions from the proposed modification at any location within a nonattainment area does not exceed the following levels for the pollutant(s) for which the area has been designated nonattainment:

| Pollutant | Annual Average | 24-Hour Average | 8-Hour Average | 3-Hour Average | 1-Hour Average |
|------------------|-----------------------|-----------------------|----------------|----------------------|----------------------|
| CO- | - | 0.5 mg/m ³ | | 2 mg/m ³ | |
| SO ₂ | 1.0 ug/m ³ | 5 ug/m ³ | - | 25 ug/m ³ | 30 ug/m ³ |
| PM ₁₀ | 1.0 ug/m ³ | 5 ug/m ³ | - | - | - |
| NO ₂ | 1.0 ug/m ³ | - | - | - | - |

An offsetting emission reduction may be used to satisfy some or all of the requirements of this subsection.

(4) If the proposed new source is a major stationary source or the proposed modification is a major modification for purposes of the PSD program described in WAC 173-400-141, it meets all applicable requirements of that chapter.

~~(5) If the proposed new source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the source meets all applicable requirements of that program.~~

(6) If, within the meaning of the PSD program described in WAC 173-400-141, the proposed new source is a major stationary source or the proposed modification is a major modification, ecology or the authority has complied with the visibility protection review requirements of 40 CFR 52.27(d) through (f), as in effect on March 3, 1993, and has determined that the source would not cause an adverse impact upon visibility. References in 40 CFR 52.27 to "the Administrator" shall mean the agency (either ecology or the authority) processing the notice of construction application.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-151 Retrofit Requirements for Visibility Protection.

- (1) Determination of best available retrofit technology (BART). Ecology shall identify and analyze each source which may reasonably be anticipated to cause or contribute to impairment of visibility in any mandatory Class I area in Washington and any adjacent state and to determine BART for the contaminant of concern and those additional air pollution control technologies that are to be required to reduce impairment from the source.
- (2) Initially defined BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART for each contaminant contributing to visibility impairment that is emitted at more than 250 tons per year. Each source for which BART is required must install and operate BART as expeditiously as possible, but in no case later than five years after the conditions are included in a regulatory order.
- (3) Future definitions of BART. The owner(s) or operator(s) of any source(s) to which significant visibility impairment of a mandatory Class I area is reasonably attributable shall apply BART as new technology becomes available for a contaminant if:
 - (a) The source emits more than 250 tons per year of the contaminant; and,
 - (b) The controls representing BART have not previously been required in this section.
- (4) Appeal. Any source owner or operator required by this section to install, operate, and maintain BART, may apply to the EPA administrator for an exception from that requirement pursuant to 40 CFR 51.303.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-161 Compliance Schedules.

- (1) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of this chapter, ecology or the authority may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order shall contain a schedule for installation, with intermediate benchmark dates and a final completion date, and shall constitute a compliance schedule. Requirements for public involvement (WAC 173-400-171) must be met.
- (2) Federal action. A source shall be considered to be in compliance with this chapter if all the provisions of its individual compliance schedule included with a regulatory order are being met. Such compliance does not preclude federal enforcement action by the EPA until and unless the schedule is submitted and adopted as an amendment to the state implementation plan.

(3) Penalties for delayed compliance. Sources on a compliance schedule but not meeting emissions standards may be subject to penalties as provided in the Federal Clean Air Act.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-171 Public Involvement.

(1) Applicability.

Ecology or the authority shall provide public notice prior to the approval or denial of any of the following types of applications or other actions:

- (a) Notice of construction application for any new or modified source or emissions unit, if a significant net increase in emissions of any pollutant regulated by state or federal law would result; or
- (b) Any application or other proposed action for which a public hearing is required by PSD rules; or
- (c) Any order to determine RACT; or
- (d) An order to establish a compliance schedule or a variance; or
- (e) The establishment or disestablishment of a nonattainment area, or the changing of the boundaries thereof; or
- (f) An order to demonstrate the creditable height of a stack which exceeds the 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; or
- (g) An order to authorize a bubble; or
- (h) Notice of construction application or regulatory order used to establish a creditable emission reduction;
- (i) An order issued under WAC 173-400-090 which establishes limitations on a source's potential to emit; or
- (j) Any application or other proposed action made pursuant to this chapter in which there is a substantial public interest according to the discretion of ecology or the authority.

(2) Public notice. Public notice shall be made only after all information required by ecology or the authority has been submitted and after applicable preliminary determinations, if any, have been made. The cost of providing public notice shall be borne by the applicant or other initiator of the action. Public notice shall include:

(a) Availability for public inspection in at least one location near the proposed project, of the nonproprietary information submitted by the applicant and of any applicable preliminary determinations, including analyses of the effect(s) on air quality.

(b) Publication in a newspaper of general circulation in the area of the proposed project of notice:

(i) Giving a brief description of the proposal;

(ii) Advising of the location of the documents made available for public inspection;

(iii) Advising of a thirty-day period for submitting written comment to ecology or the authority;

(iv) Advising that a public hearing may be held if ecology or the authority determines within a thirty-day period that significant public interest exists.

(c) A copy of the notice will be sent to the EPA regional administrator.

Public participation procedures for notice of construction applications that are processed in coordination with an application to issue or modify an operating permit shall be conducted as provided in the state operating permit rule.

(3) Public comment. No final decision on any application or action of any of the types described in subsection (1) of this section, shall be made until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the thirty-day period for written comment published as provided above. If a public hearing is held the public comment period shall extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

(4) Public hearings. The applicant, any interested governmental entity, any group or any person may request a public hearing within the thirty-day period published as above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. Ecology or the authority may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time(s) and place(s) as ecology

or the authority deems reasonable.

(5) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, such procedures may be used in lieu of the provisions of this section.

(6) Public information. Copies of notices of construction, orders, and modifications thereof which are issued hereunder shall be available for public inspection on request at ecology or the authority.

State effective: 9/20/93; EPA effective: 6/2/95

173-400-190 Requirements for Nonattainment Areas.

The development of specific requirements for nonattainment areas shall include consultation with local government in the area and shall include public involvement per WAC 173-400-171.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-200 Creditable Stack Height & Dispersion Techniques.

(1) Applicability. These provisions shall apply to all sources except:

- (a) Stacks for which construction had commenced on or before December 31, 1970, except where pollutants are being emitted from such stacks used by sources which were constructed, or reconstructed, or for which major modifications were carried out after December 31, 1970;
- (b) Coal-fired steam electric generating units subject to the provisions of Section 118 of the Federal Clean Air Act, which commenced operation before July 1, 1957, and for whose stacks construction commenced before February 8, 1974;
- (c) Flares;
- (d) Open burning for agricultural or silvicultural purposes as covered under the smoke management plan;
- (e) Residential wood combustion and open burning for which episodic restrictions apply.

These provisions shall not be construed to limit the actual stack height.

(2) Prohibitions. No source may use dispersion techniques or excess stack height to meet ambient air quality standards or PSD increment limitations.

(a) Excess stack height. Excess stack height is that portion of a stack which exceeds the greater of:

(i) Sixty-five meters, measured from the ground level elevation at the base of the stack; or

(ii) $H_g = H + 1.5L$

where: H_g = "good engineering practice" (GEP) stack height, measured from the ground level elevation at the base of the stack,

H = height of nearby structure(s) measured from the ground level elevation at the base of the stack,

L = lesser dimension, height or projected width, of nearby structure(s), subject to the proviso below.

"Nearby," as used in this subsection for purposes of applying the GEP formula means that distance up to five times the lesser of the height or the width dimension of a structure, but not greater than 0.8 kilometer (1/2 mile).

(b) Dispersion techniques. Increasing final exhaust gas plume rise by manipulating source process parameters, exhaust gas parameters, stack parameters, or combining exhaust gases from several existing stacks into one stack; or other selective handling of exhaust gas streams so as to increase the exhaust gas plume rise. This does not include:

(i) The reheating of a gas stream, following the use of a pollution control system, for the purpose of returning the gas to the temperature at which it was originally discharged from the facility generating the gas stream;

(ii) The merging of gas streams where:

(A) The source was originally designed and constructed with such merged gas streams, as demonstrated by the source owner(s) or operator(s).

(B) Such merging is part of a change in operation at the facility that includes the installation of pollution controls and is accompanied by a net reduction in the allowable emissions of a pollutant. This exclusion shall

apply only to the emission limitation for the pollutant affected by such change in operation.

(C) Before July 8, 1985, such merging was part of a change in operation at the facility that included the installation of emissions control equipment or was carried out for sound economic or engineering reasons, and not primarily motivated by an intent to gain emissions credit for greater dispersion.

(3) Exception. EPA, ecology, or an authority may require the use of a field study or fluid model to verify the creditable stack height for the source. This also applies to a source seeking credit after the effective date of this rule for an increase in existing stack height up to that established by the GEP formula. A fluid model or field study shall be performed according to the procedures described in the EPA Guideline for Determination of Good Engineering Practice Height (Technical Support Document of the Stack Height Regulations). The creditable height demonstrated by a fluid model or field study shall ensure that the emissions from a stack do not result in excessive concentrations of any air pollutant as a result of atmospheric downwash, wakes, or eddy effects created by the source itself, nearby structures or nearby terrain features.

(a) "Nearby," as used in this subsection for conducting a field study or fluid model, means not greater than 0.8 km, except that the portion of a terrain feature may be considered to be nearby which falls within a distance of up to ten times the maximum height of the feature, not to exceed two miles if such feature achieves a height 0.8 km from the stack that is at least forty percent of the GEP stack height or twenty-six meters, whichever is greater, as measured from the ground-level elevation at the base of the stack. The height of the structure or terrain feature is measured from the ground-level elevation at the base of the stack.

(b) "Excessive concentration" is defined for the purpose of determining creditable stack height under this subsection and means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over an ambient air quality standard. For sources subject to PSD review (WAC 173-400-141 and 40 CFR 52.21) an excessive concentration alternatively means a maximum ground-level concentration owing to a significant downwash effect which contributes to excursion over a PSD increment. The emission rate used in this demonstration shall be the emission rate specified in the state implementation plan, or in the absence of such, the actual emission rate of the source. "Significant downwash effect" means a maximum ground-level concentration due to emissions from a stack due in whole or in part to downwash, wakes, and eddy effects produced by nearby structures or nearby terrain features which individually is at least forty percent in excess of the maximum concentration experienced in the absence of such downwash, wakes, or eddy effects.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-205 Adjustment for Atmospheric Conditions.

Varying the rate of emission of a pollutant according to atmospheric conditions or ambient concentrations of that pollutant is prohibited, except as directed according to air pollution episode regulations.

State effective: 3/22/91; EPA effective: 6/2/95

173-400-210 Emission Requirements of Prior Jurisdictions.

Any emissions unit that was under the jurisdiction of an authority and now is under the jurisdiction of ecology, shall meet all emission requirements that were applicable prior to transfer of jurisdiction if those standards are more stringent than the standards of this chapter or the specific chapter relating to that source.

State effective: 3/22/91; EPA effective: 6/2/95