

AMENDED SECTION
RULE 1.4 DEFINITIONS

When used in regulations of the Olympic Region Clean Air Agency, the following definitions shall apply, unless defined otherwise in individual Regulations:

“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 rule.

- (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year, at which the emission unit actually emitted the pollutant during a two-year period which precedes the particular date and which is representative of normal source operation. The Agency shall allow the use of a different time period upon determination that it is more representative of normal source rates, and types of materials processed, stored, or combusted during the selected time operation. Actual emissions shall be calculated using the emissions unit’s actual operating hours, production period.
- (b) The Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.
- (c) For an emissions unit that has not begun normal operations on the particular date, actual emissions shall equal the potential to emit of the emissions unit on that date.

“Agency” shall mean the same as “Authority.”

“Agricultural Operation” means the growing of crops, the raising of fowl or animals as gainful occupation.

“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.”

“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, property, or which unreasonably interferes with enjoyment of life and property. For the purpose of these Regulations, 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.

“Air Pollution Episode” means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in chapter 173-435 WAC.

“Allowable Emissions” means the emission rate of a source calculated using the maximum rated capacity of the source (unless the source is subject to federally

enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:

- (a) The applicable standards as set forth in 40 CFR part 60, 61, or 63;
- (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 future compliance date.

“Alteration” means the act of altering, which means to change or make different and includes any addition to or enlargement or replacement; or change of the design, capacity, process or arrangement; or any increase in the connected loading of equipment or control facility; or any change in fuels, method of operation or hours of operation not previously approved by the Agency through a Notice of Construction Approval, which would increase or adversely affect the kind or amount of air contaminant emitted by a stationary source.

“Ambient Air” means the surrounding outside air.

“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.

“Ancillary” for the purpose of defining “stationary source” or “source,” means “related.”

“Approval Order” is defined in “order of approval.”

“Attainment Area” means a geographic area designated by EPA at 40 CFR Part 81 as having attained the National Ambient Air Quality Standard for a given criteria pollutant.

“Authority” means the Olympic Region Clean Air Agency. “Agency” shall mean the same as “Authority.”

“Authorized Permitting Agent” means either the county, county fire marshal, fire districts, or county conservation district, provided an agreement has been signed with the local air pollution control agency or Department of Ecology.

“Begin Actual Construction” means, in general, initiation of physical on-site construction activities on an emission unit, which are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities other than preparatory activities which mark the initiation of the change.

“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 agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary 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 such air pollutant. In no event shall application of the best available control technology result in emissions of any pollutants which would exceed the emissions allowed by any applicable standard under 40 CFR Part 60, Part 61, and Part 62. Emissions from any stationary 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 definition of BACT in the Federal Clean Air Act as it existed prior to enactment of the Clean Air Act Amendments of 1990.

“Board” means the Board of Directors of the Olympic Region Clean Air Agency.

“Bubble” means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in emissions from another emissions unit, pursuant to RCW 70.94.155 and Rule 6.1.12 of Regulation 6.

~~((“**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.~~

~~“**Class I Area**” means any area designated under section 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:~~

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

~~“**Combustible Refuse**” means any burnable waste material containing carbon in a free or combined stated other than liquid or gases.~~

~~“**Combustion and Incineration Units**” means units using combustion for waste disposal, steam production, chemical recovery or other process requirements; but excludes open burning.))~~

“Commenced” as applied to “Construction” means that the owner or operator has all the necessary pre-construction 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 canceled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the source to be completed within a reasonable time.

For the purpose of this definition, “necessary pre-construction approvals” means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the SIP.

“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.

“Control Apparatus” means any device that prevents or controls the emission of any air contaminant.

“Control Officer” means the Air Pollution Control Officer of the Olympic Region Clean Air Agency. “Executive Director” means the same as “Control Officer.”

“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.

“Criteria Pollutant” means a pollutant for which there is established a National Ambient Air Quality Standard at 40 CRF Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

“Daylight Hours” means the hours between official sunrise and official sunset.

~~(“**Director of Ecology**” means director of the Washington State Department of Ecology or duly authorized representative.)~~

~~**“Dispersion Technique”** means a method that attempts to affect the concentration of a pollutant in the ambient air other than by the use of pollution abatement equipment or integral process pollution controls.)~~

“Ecology” means the Washington State Department of Ecology.

“Emission” means a release of air contaminants into the ambient air.

“Emission Point” means the location (place in horizontal plant and vertical elevation) at which an emission enters the atmosphere.

“Emission reduction credit (ERC)” means a credit granted pursuant to chapter 173-400 WAC. This is a voluntary reduction in emissions.

“Emission Standard” and “Emission Limitation” means requirements established under the Federal Clean Air Act or chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment work practice, or operational standard adopted under the Federal Clean Air Act, chapter 70.94 RCW.

“Emission Unit” means any part of a stationary source or source which emits or would have a potential to emit any pollutant subject to regulation under the Federal Clean Air Act, chapter 70.94 or 70.98 RCW.

“EPA” means the United States Environmental Protection Agency (USEPA).

“Equipment” means any stationary or portable device, or any part thereof, capable of causing the emission of any air contaminant into the atmosphere.

“Excess Emission” means emissions of an air pollutant in excess of an applicable emission standard.

“Establishment” means the act of establishing, which means creating, setting up, or putting into practice any equipment, material, fuel, or operational change.

~~((“**Excess Stack Height**” means that portion of a stack that exceeds the greater of sixty-five meters or the calculated stack height described in WAC 173-400-200(2).))~~

“Facility” means all emission units in the same industrial grouping located on contiguous or adjacent properties and under common ownership and control.

~~((“**Federal Class I Area**” means any federal land that is classified or reclassified Class I. The following areas are federal Class I areas in Washington State:~~

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

“Federal Clean Air Act (FCAA)” means the Federal Clean Air Act, as 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.

“Federally Enforceable” means all limitations and conditions which are enforceable by EPA, including those requirements developed under 40 CFR Parts 60, 61, and 63, requirements within the Washington SIP, requirements within any permit established under 40 CFR 52.21 or order of approval under a SIP approved new source review regulation, or any voluntary limits on emissions pursuant to Rule 6.1.12 or WAC 173-400-091.

“Fee Eligible Generating Equipment” means, for the purposes of calculating Rule 3.1 fees, any equipment or process capable of generating or emitting air contaminants except for the equipment and processes listed in a through g below:

- (a) Gasoline or other fuel storage tanks located at dispensing facilities as defined in Rule 8.12.
- (b) Storage tanks and other equipment located at dry cleaning facilities.
- (c) Combustion units with less than 10 million BTUs per hour heat input.
- (d) Process equipment with less than 5,000 ACFM flow rate.
- (e) Paint spray booths and related paint spraying equipment.
- (f) Mobile sources.
- (g) Any other equipment or process determined appropriate for this exemption by the Agency.

“Fee Eligible Stack” means, for the purposes of calculating fees pursuant to Rule 3.1, any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct, except for the following:

- (a) Emission points associated with gasoline or fuel dispensing stations.
- (b) Emission points associated with dry cleaning facilities.
- (c) Pipes or ducts equal to or less than six (6) inches in diameter.
- (d) Any other emission point determined appropriate for this exemption by the Agency.

~~(**“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.)~~

“Fuel Burning Equipment” means any equipment, device or contrivance used for the burning of any fuel, and all appurtenances thereto, including ducts, breechings, control equipment, fuel feeding equipment, ash removal equipment, combustion controls, stacks, chimneys, etc., used for indirect heating in which the material being heated is not contacted by and adds no substances to the products of combustion.

“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.

“Fugitive Emission” means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.

“Garbage” means refuse, animal or vegetable matter as from a kitchen, restaurant or store.

~~((“**General Process Unit**” means an emissions unit using a procedure or combination of procedures for the purpose of causing a change in material by either chemical or physical means, excluding combustion.))~~

“Generating Equipment” means any equipment, device, process or system that creates any air contaminant(s) or toxic air pollutant(s).

“Good Engineering Practice (GEP)” refers to a calculated stack height based on the equation specified in WAC 173-400-200(2)(a)(ii).

“Hogged-fuel” means wood slabs, edging, trimmings, etc., which have been put through a “hog” to reduce them to a uniform small size, and also includes shavings from planing mills, sawdust from saw-kerfs, bits of bark, chips and other small recovered products from the manufacture of wood products or any combination thereof.

~~((“**Identical Units**” means units installed and operated in a similar manner on the same premises provided the materials handled, processed, or burned are substantially the same in composition and quantity and their design, mode of operation, connected devices and types and quantities of discharge are substantially the same.~~

“Impaired Air Quality” means a condition declared by the department or a local air agency in accordance with the following criteria:

- ~~(a) — Meteorological conditions are conducive to accumulation of air contamination concurrent with:
 - ~~(1) — Particulate that is ten micron and smaller in diameter (PM₁₀) at or above an ambient level of sixty (60) micrograms per cubic meter measured on a twenty four (24) hour average; or~~
 - ~~(2) — Carbon monoxide at an ambient level of eight parts of contaminant per million parts of air by volume (ppm) measured on an eight hour average.~~~~
- ~~(b) — Air Quality that threatens to exceed other limits established by the department or a local air agency.)~~

“Incinerator” means a furnace used primarily for the thermal destruction of waste.

“In Operation” means engaged in activity related to the primary design function of the source.

“Installation” means the act of installing, which means placing, assembling or constructing equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

“Light Detection and Ranging (LIDAR)” means the EPA alternate method 1 determination of the opacity of emissions from stationary sources remotely by LIDAR.

“Lowest Achievable Emission Rate (LAER)” means for any stationary 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 stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or
- (b) The most stringent emission limitation that is achieved in practice by such class or category of stationary source.

In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable new source performance standards.

“Major Modification” is defined depending on the attainment status of the area in which the project is located, or planned to be located, as follows:

- (a) Nonattainment Areas. “Major Modification” as it applies in nonattainment areas means any physical change or change in 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.
 - (1) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.
 - (2) A physical change or change in method of operation shall not include:
 - (i) Routine maintenance, repair and replacement;
 - (ii) Use of an alternative fuel or raw material by reason of an order under section 2(a) and (b) of the Energy Supply and Environmental Coordination Act of 1974 (or any superseding

- legislation) or by reason of a natural gas curtailment plan pursuant to the Federal Power Act;
- (iii)** Use of an alternative fuel by reason of an order or rule under section 125 of the Federal Clean Air Act;
 - (iv)** Use of an alternative fuel at a steam generating unit to the extent that the fuel is generated from municipal solid waste;
 - (v)** Use of an alternative fuel or raw material by a stationary source which: The stationary source was capable of accommodating before December 21, 1976, unless such change would be prohibited under any federally enforceable permit or approval order condition which was established after December 12, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or the stationary source is approved to use under any major new source review permit or approval order issued under Rule 6.1.4(b) or WAC 173-400-112;
 - (vi)** An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit or approval order condition which was established after December 21, 1976, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.
 - (vii)** Any change in ownership at a stationary source.
 - (viii)** The addition, replacement, or use of a pollution control project (as defined in 40 CFR 51.165(a)(1)(xxv), in effect on July 1, 2001) at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
 - (A)** When the permitting agency has reason to believe that the pollution control project would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose title I of the Federal Clean Air Act, if any; and
 - (B)** The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.
 - (ix)** The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with:

- (A)** The SIP; and
- (B)** Other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

(b) Attainment or unclassified areas. "Major Modification" as it applies in attainment or unclassified areas 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.

(1) Any net emissions increase that is considered significant for volatile organic compounds or nitrogen oxides shall be considered significant for ozone.

(2) A physical change or change in the method of operation shall not include:

(i) Routine maintenance, repair and replacement;

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

(iii) Use of an alternative fuel by reason of an order or rule section 125 of the Federal Clean Air Act;

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

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

(A) The stationary source was capable of accommodating before January 6, 1975, unless such change would be prohibited under any federally enforceable permit condition or approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation; or

(B) The stationary source is approved to use under any PSD permit;

(vi) An increase in the hours of operation or in the production rate, unless such change is prohibited under any federally enforceable permit condition or an approval order which was established after January 6, 1975, pursuant to 40 CFR 52.21 or a SIP approved new source review regulation.

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

- (viii) The addition, replacement, or use of pollution control project at an existing electric utility steam generating unit, unless the permitting agency determines that such addition, replacement, or use renders the unit less environmentally beneficial, or except:
 - (A) When the permitting agency has reason to believe that the pollution control project (as defined in 40 CFR 51.166, in effect on July 1, 2001) would result in a significant net emissions increase in representative actual annual emissions of any criteria pollutant over levels used for that stationary source in the most recent air quality impact analysis in the area conducted for the purpose of title I of the Federal Clean Air Act, if any; and
 - (B) The permitting agency determines that the increase will cause or contribute to a violation of any National Ambient Air Quality Standard or PSD increment, or visibility limitation.

- (ix) The installation, operation, cessation, or removal of a temporary clean coal technology demonstration project, provided that the project complies with the SIP, and other requirements necessary to attain and maintain the National Ambient Air Quality Standard during the project and after it is terminated.

“Major Stationary Source” is defined depending on the attainment status of the area in which the stationary source is located, or planned to be located as follows:

- (a) Nonattainment areas. “Major Stationary Source” as it applies in nonattainment areas means:
 - (1) Any stationary source of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act, except that lower emissions thresholds shall apply as follows:
 - (i) 70 tons per year of PM₁₀ in any “serious” nonattainment area for PM₁₀.
 - (ii) 50 tons per year of carbon monoxide in any “serious” nonattainment area for carbon monoxide where stationary sources contribute significantly to carbon monoxide levels in the area.

- (2) Any physical change that would occur at a stationary source not qualifying under (b)(1) of this rule as a major stationary source, if the change would constitute a major stationary source by itself.
- (3) A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.
- (4) The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this paragraph whether it is a major stationary source, unless the stationary source belongs to one of the following categories of stationary sources or the stationary source is a major stationary source due to (b)(1)(i) or (b)(1)(ii) of this rule:

- (i) Coal cleaning plants (with thermal dryers);
- (ii) Kraft pulp mills;
- (iii) Portland cement 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 50 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 250 million British thermal units per hour heat input;
- (xxii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
- (xxiii) Taconite ore processing plants;
- (xxiv) Glass fiber processing plants;
- (xxv) Charcoal production plants;
- (xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input; and
- (xxvii) Any other stationary source category, which, as of August 7, 1980, is being regulated under section 111 of 113 of the Federal Clean Air Act.

- (5) 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 person 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, as amended.
- (b) Attainment or unclassified areas. “Major Stationary Source” as it applies in attainment or unclassified areas means:
- (1) Any of the following stationary sources of air pollutants which emits, or has the potential to emit, 100 tons per year or more of any pollutant subject to regulation under the Federal Clean Air Act:
- (i) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;
 - (ii) Coal cleaning plants (with thermal dryers);
 - (iii) Kraft pulp mills;
 - (iv) Portland cement plants;
 - (v) Primary zinc smelters;
 - (vi) Iron and steel mill plants;
 - (vii) Primary aluminum ore reduction plants;
 - (viii) Primary copper smelters;
 - (ix) Municipal incinerators capable of charging more than 50 tons of refuse per day;
 - (x) Hydrofluoric, sulfuric, and nitric acid plants;
 - (xi) Petroleum refineries;
 - (xii) Lime plants;
 - (xiii) Phosphate rock processing plants;
 - (xiv) Coke oven batteries;
 - (xv) Sulfur recovery plants;
 - (xvi) Carbon black plants (furnace process);
 - (xvii) Primary lead smelters;
 - (xviii) Fuel conversion plants;
 - (xix) Sintering Plants;
 - (xx) Secondary metal production plants;
 - (xxi) Chemical process plants;
 - (xxii) Fossil fuel boilers (or combinations thereof) totaling more than 250 million British thermal units per hour heat input;
 - (xxiii) Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiv) Taconite ore processing plants;

- (xxv)** Glass fiber processing plants; and
- (xxvi)** Charcoal production plants.

- (2)** Regardless of the stationary source size specified in (b)(1) of this rule, any stationary source which emits, or has the potential to emit, 250 tons per year or more of any air pollutant subject to regulation under the Federal Clean Air Act; or
- (3)** Any physical change that would occur at a stationary source not otherwise qualifying under (b)(1) or (b)(2) of this rule, as a major stationary source if the change would constitute a major stationary source by itself.
- (4)** A major stationary source that is major for volatile organic compounds or NO_x shall be considered major for ozone.
- (5)** The fugitive emissions of a stationary source shall not be included in determining for any of the purposes of this rule whether it is a major stationary source, unless the source belongs to one of the following categories of stationary sources:
 - (i)** Coal cleaning plants (with thermal dryers);
 - (ii)** Kraft pulp mills;
 - (iii)** Portland cement 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 50 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 250 million British thermal units per hour heat input;
 - (xxii)** Petroleum storage and transfer units with a total storage capacity exceeding 300,000 barrels;
 - (xxiii)** Taconite ore processing plants;
 - (xxiv)** Glass fiber processing plants;
 - (xxv)** Charcoal production plants;

- (xxvi) Fossil fuel fired steam electric plants of more than 250 million British thermal units per hour heat input;
- (xxvii) Any other stationary source category, which, as of August 7, 1980, is being, regulated under section 111 or 112 of the Federal Clean Air Act.

- (6) 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.

“**Masking**” means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.

“**Materials Handling**” means the handling, transporting, loading, unloading, storage, and transfer of material with no significant chemical or physical alteration.

“**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 stationary source or that result 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.

“**National Ambient Air Quality Standards (NAAQS)**” means an ambient air quality standard set by EPA at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O₃), sulfur dioxide (SO₂), lead (Pb), and nitrogen dioxide (NO₂).

“**National Emission Standards for Hazardous Air Pollutants (NESHAP)**” means the federal rules in 40 CFR Part 61.

“**National Emission Standards for Hazardous Air Pollutants For Source Categories**” means the federal rules in 40 CFR Part 63.

“**Net Emissions Increase**” is defined depending on the attainment status of the area in which the new stationary source or modification is located, or planned to be located, as follows:

- (a) Nonattainment areas. "Net Emissions Increase" as it applies in nonattainment areas means:
- (1) The amount by which the sum of the following exceeds zero:
 - (i) Any increase in actual emissions from a particular physical change or change in method of operation at a stationary source; and
 - (ii) Any other increases and decreases in actual emissions at the stationary source that are contemporaneous with the particular change and are otherwise creditable.
 - (2) An increase or decrease in actual emissions is contemporaneous with the increase from the particular change only if it occurs before the date that the increase from the particular change occurs.
 - (3) 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 (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 permitting agency has not relied on it in issuing any permit or order of approval for the stationary source under this rule or a previous SIP approved nonattainment area new source review regulation, which order or permit is in effect when the increase in actual emissions from the particular change occurs.
 - (4) An increase in actual emissions is creditable only to the extent that the new level of actual emissions exceeds the old level.
 - (5) 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 to the increase from the particular change; and
 - (iv) The permitting agency has not relied on it in issuing any permit or order of approval under this rule or a SIP approved nonattainment area new source review regulation; or the permitting agency has not relied on it in demonstrating attainment or reasonable further progress.

- (iii) It has approximately the same qualitative significance for public health and welfare as that attributed to the increase from the particular change.
- (7) An increase that results from a physical change at a stationary source occurs when the emissions unit on which construction occurred becomes operational and begins to emit a particular pollutant. Any replacement unit that requires shakedown becomes operationally only after a reasonable shakedown period, not to exceed one hundred eighty (180) days.

“New Source” means:

- (a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted; and
- (b) Any other project that constitutes a new stationary source under the Federal Clean Air Act.

“New Source Performance Standards (NSPS)” means the federal rules set forth in 40 CFR Part 60.

“Nonattainment Area” means a geographic area designated by EPA at 40 CFR Part 81 as exceeding a national ambient air quality standard (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.

“Nonroad Engine” means:

- (a) Except as discussed in (b) of this rule, a nonroad engine is any internal combustion engine:
 - (1) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers); or
 - (2) In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
 - (3) That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Indicia of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
- (b) An internal combustion engine is not a nonroad engine if:

- (1) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is subject to standards promulgated under section 202 of the Federal Clean Air Act; or
- (2) The engine is regulated by a New Source Performance Standard promulgated under section 111 or 112 of the Federal Clean Air Act; or
- (3) The engine otherwise included in (a)(3) of this rule remains or will remain at a location for more than twelve consecutive months or a shorter period of time for an engine located at a seasonal source. A location is a single site at a building, structure, facility, or installation. Any engine (or engines) that replaces an engine at a location and that is intended to perform the same or similar function as the engine replaced will be included in calculating consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that operates at a single location approximately three months (or more) each year. The paragraph does not apply to an engine after the engine is removed from the location.

“Notice of Construction Application” means a written application to permit construction, installation or establishment of a new stationary source, modification of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source.

“Nuisance” means an emission that unreasonably interferes with the use and enjoyment of property.

“Olympic Air Pollution Control Authority (OAPCA)” is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to “OAPCA” shall mean ORCAA.

“Opacity” means the degree to which an object seen through a plume is obscured, stated as a percentage.

“~~(Open)~~Outdoor Burning” means the combustion of material in an open fire or in an open 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.~~)

“Open Fire” means a fire where any material is burned in the open or in a receptacle other than a furnace, incinerator or kiln.

“Order” means any order issued by ecology or a local air agency pursuant to chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.211, 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.

“Order of Approval” or **“Approval Order”** means a regulatory order issued by Ecology of the Agency 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.

“Owner” means ~~((and includes the)) person, ((who owns, leases, supervises or operates the)) agent, lessor, lessee, possessor, manager, supervisor, operator, or other responsible party of real property or other assets which includes~~ equipment or control apparatus.

“Ozone Depleting Substance” means any substance listed in Appendices A and B to Subpart A of 40 CFR part 82.

“Particulate Matter” or **“Particulates”** means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than 100 micrometers.

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

“Parts Per Million (ppm)” means parts of a contaminant per million parts of gas, by volume, exclusive of water or particulates.

“Permit” means a written warrant or license granted by the Board, Control Officer, or duly authorized Representative or Agent.

“Permitting Agency” means ecology or the local air pollution control agency with jurisdiction over the source.

“Person” means an individual, firm, public or private corporation, association, partnership, political subdivision, municipality or government agency.

“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.

“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 SIP.

“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 stationary 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 source.

“Prevention of Significant Deterioration (PSD)” means the program in WAC 173-400-141. Ecology is responsible for the PSD program for stationary sources in ORCAA’s jurisdiction. Contact Ecology at (360) 407-6800 for more information.

“Process” means any equipment, device apparatus, chemical, natural element, procedure, effort, or any combination thereof which performs a service, function, use, or method, leading to an end of a particular performance, or manufacturing production.

~~(**“Projected Width”** means the 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.)~~

“Reasonably Available Control Technology (RACT)” means the lowest emission limit that a particular stationary source or stationary 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 stationary source or stationary source category taking into account the impact of the stationary 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 stationary source or stationary source category shall be adopted only after notice and opportunity for comment are afforded.

“Recreational Fire” means barbecues and campfires, using charcoal, natural gas, propane, or natural wood, which occur in designated areas, or on private property. Fires used for debris disposal purposes are not considered recreational fires.

“Refuse” means waste as defined in Rule 1.4 of this Regulation.

“Regulation” means any regulation, or any subsequently adopted additions or amendments thereto, of the Olympic Region Clean Air Agency.

“Regulatory Order” means an order issued by Ecology or an Agency to an air contaminant source that applies to that source, any applicable provision of chapter 70.94 RCW, or the rules adopted there under, or, for sources regulated by a local air agency, the regulations of that agency.

“**Representative**” or “**Agent**” means any person authorized by the Control Officer of the Agency to represent him in an official and specific manner.

“**Residential**” means a two or single-family unit.

“**Secondary Emissions**” means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the stationary source or modification that causes the secondary emissions. Secondary emissions may include, but are not limited to:

- (a) Emissions from ships or trains located at the new modified stationary source; and,
- (b) Emissions from any off-site support facility which would not otherwise be constructed or increase its emissions as a result of the construction or operation of the major stationary source or major modification.

“**Significant**” is defined depending on the attainment status of the area:

- (a) Nonattainment areas. “Significant” as it applies in nonattainment areas means, in reference to a net emissions increase or the stationary source’s potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate	
Carbon monoxide:	100 tons per year (tpy)
Nitrogen oxides:	40 tpy
Sulfur dioxide:	40 tpy
Volatile organic compounds:	40 tpy
Lead:	0.6 tpy
PM-10:	15 tpy

- (b) Attainment or unclassified areas. “Significant” as it applies in attainment or unclassified areas means:
 - (1) In reference to a net emissions increase or the stationary source’s potential to emit any of the following pollutants, a rate of emissions that would equal or exceed any of the following rates:

Pollutant and Emissions Rate

Carbon monoxide	100 tons per year (tpy)
Nitrogen oxides	40 tpy
Sulfur dioxide	40 tpy
Particulate matter (PM)	25 tpy of PM emissions 15 tpy of PM-10 emissions
Volatile organic compounds	40 tpy
Fluorides	3 tpy
Lead	0.6 tpy
Sulfuric acid mist	7 tpy
Hydrogen sulfide (H ₂ S)	10 tpy
Total reduced sulfur (including H ₂ S)	10 tpy
Reduced sulfur compounds (including H ₂ S)	10 tpy
Municipal waste combustor organics (measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans)	3.2 grams per year (0.112 oz. per year or 49 grains per year)
Municipal waste combustor metals (measured as particulate matter)	14 megagrams per year (15 tpy)
Municipal waste combustor acid gases (measured as sulfur dioxide and hydrogen chloride)	36 megagrams per year (40 tpy)
Municipal solid waste landfill emissions (measured as nonmethane organic compounds)	45 megagrams per year (50 tpy)
Ozone-depleting substances (in effect on July 1, 2000)	100 tpy

- (2) In reference to a new emissions increase or the stationary source's potential to emit a pollutant subject to regulation under the Federal Clean Air Act that the definition in (b)(1) of this rule does not list, any emissions rate. However, for purposes of the applicability of this rule, the hazardous air pollutants listed under section 112(b) of the Federal Clean Air Act, including the hazardous air pollutants that may have been added to the list, are not considered subject to regulation.
- (3) Regardless of the definition in (b)(1) of this rule, significant means any emissions rate or any net emissions increase associated with a major stationary source or major modification which would construct within 10 kilometers of a Class I area, and have an impact

on such area equal to or great than 1 microgram per cubic meter (twenty four hour average).

“Silvicultural Burning” means burning on any land the Department of Natural Resources protects per RCW 70.94.030(13), 70.94.660, 70.94.690, and pursuant to chapter 76.04 RCW.

“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 describe in the Standard Industrial Classification Manual, 1972, as amended by the 1977 supplement.

“Source Category” means all sources of the same type of classification.

“Stack” means any point in a source designed to emit solids, liquids, or gases into the air, including a pipe or duct.

“Stack Height” means the height of an emission point measured from the ground-level elevation at the base of the stack.

“Standard Conditions” means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.

“Standard Cubic Foot of Gas” means that amount of the gas, which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

“State Act” means the Washington Clean Air Act, chapter 70.94 RCW, as amended.

“State Implementation Plan (SIP)” or the “Washington SIP” in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan and compliance schedules approved and promulgated by EPA, for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards.

“Stationary Source” means any building, structure, facility, or installation, which emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes or from a nonroad engine or nonroad vehicle as defined in section 216(11) of the Federal Clean Air Act.

~~(**“Sulfuric Acid Plant”** means any facility producing sulfuric acid by the contact process by burning elemental sulfur, alkylation acid, hydrogen sulfide, or acid sludge.))~~

“Synthetic Minor” means any stationary source that's potential to emit has been limited below applicable thresholds by means of a federally enforceable order, rule, or permit condition.

“Temporary” means a period of time not to exceed one (1) year.

“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.

“Total Suspended Particulate” means particulate matter as measured by the method described in 40CFR Part 50 Appendix B.

“Toxic Air Pollutant (TAP)” or **“Toxic Air Contaminant”** means any Class A or Class B toxic air pollutant listed in WAC 173-460-150 and WAC 173-460-160. The term toxic air pollutant may include particulate matter and volatile organic compounds if an individual substance or a group of substances within either of these classes is listed in WAC 173-460-150 and/or WAC 173-460-160. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes or compounds.

“True Vapor Pressure” means the equilibrium partial pressure exerted by the stored organic compound at:

- (a) The annual average temperature of the organic compound as stored; or
- (b) At the local annual average temperature as reported by the National Weather Service if stored at ambient temperature.

“Unclassifiable Area” means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard for the criteria pollutant that is listed by EPA at 40 CFR part 81.

“United States Environmental Protection Agency (USEPA)” shall be referred to as EPA.

“Urban Growth Area” means an area defined by RCW 36.70A.030.

“Vent” means any opening through which gaseous emissions are exhausted into the ambient air.

“Volatile Organic Compound (VOC)” means any carbon compound that participates in atmospheric photochemical reactions.

- (a) Exceptions. The following compounds are not a VOC:
- Acetone;
 - carbon monoxide;
 - carbon dioxide;
 - carbonic acid;
 - metallic carbides or carbonates;
 - ammonium carbonate;
 - methane;
 - ethane;
 - methylene chloride (dichloromethane);
 - 1,1,1-trichloroethane (methyl chloroform);
 - 1,1,2-trichloro 1,2,2-trifluoroethane (CFC-113);
 - trichlorofluoromethane (CFC-11);
 - dichlorodifluoromethane (CFC-12);
 - chlorodifluoromethane (HCFC-22);
 - trifluoromethane (HFC-23);
 - 1,2-dichloro 1,1,2,2-tetrafluoroethane (CFC-114);
 - chloropentafluoroethane (CFC-115);
 - 1,1,1-trifluoro 2,2-dichloroethane (HCFC-123);
 - 1,1,1,2-tetrafluoroethane (HCFC-134a);
 - 1,1-dichloro 1-fluoroethane (HCFC-141b);
 - 1-chloro 1,1-difluoroethane (HCFC-142b);
 - 2-chloro 1,1,1,2-tetrafluoroethane (HCFC-124);
 - pentafluoroethane (HFC-125);
 - 1,1,2,2-tetrafluoroethane (HFC-134);
 - 1,1,1-trifluoroethane (HFC-143a);
 - 1,1-difluoroethane (HFC-152a);
 - parachlorobenzotrifluoride (PCBTF);
 - cyclic, branched, or linear completely methylated siloxanes;
 - perchloroethylene (tetrachloroethylene);
 - 3,3-dichloro 1,1,1,2,2-pentafluoropropane (HCFC-225ca);
 - 1,3-dichloro-1,1,2,2,3-pentafluoropropane (HCFC-225cb);
 - 1,1,1,2,3,4,4,5,5,5-decafluoropentane (HFC 43-10mee);
 - difluoromethane (HFC-32);
 - ethyl fluoride (HFC-161);
 - 1,1,1,3,3,3-hexafluoropropane (HFC-236fa);
 - 1,1,2,2,3-pentafluoropropane (HFC-254ca);
 - 1,1,2,3,3-pentafluoropropane (HFC-245ea);
 - 1,1,1,2,3-pentafluoropropane (HFC-245eb);
 - 1,1,1,3,3-pentafluoropropane (HFC-245fa);
 - 1,1,1,2,3,3-hexafluoropropane (HFC-236ea);
 - 1,1,1,3,3-pentafluorobutane (HFC-365mfc);
 - chlorofluoromethane (HCFC-31);
 - 1-chloro-1-fluoroethane (HCFC-151a);
 - 1,2-dichloro-1,1,2-trifluoroethane (HCFC-123a);
 - 1,1,1,2,2,3,3,4,4-nonafluoro-4-methoxy-butane (C₄F₉OCH₃);

2-(difluoromethoxymethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂CF₂OCH₃);
1-ethoxy-1,1,2,2,3,3,4,4,4-nonafluorobutane (C₄F₉OC₂H₅);
2-(ethoxydifluoromethyl)-1,1,1,2,3,3,3-heptafluoropropane
(CF₃)₂(CF₂OC₂H₅);
methyl acetate 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;
 - (iii) Cyclic, branched, or linear completely fluorinated tertiary amines with no unsaturations; and
 - (iv) Sulfur containing perfluorocarbons with no unsaturations and with sulfur bonds only to carbon and fluorine.
- (b) For the purpose of determining compliance with emission limits, VOC will be measured by the appropriate methods in 40 CFR Part 60 Appendix A. Where the method also measures compounds with negligible photochemical reactivity, these negligibly reactive compounds may be excluded as VOC if the amount of the compounds is accurately quantified, and the exclusion is approved by ecology, the Agency, or EPA.
- (c) As a precondition to excluding these negligibly reactive compounds as VOC or at any time thereafter, ecology or the Agency may require an owner or operator to provide monitoring or testing methods and results demonstrating, to the satisfaction of the Agency, the amount of negligibly reactive compounds in the source's emissions.

~~((“Waste wood Burner” means equipment or facility used solely for the combustion-disposal of waste wood without heat recovery. Such burners shall include, but not be limited to, a wigwam burning, a silo-type burning, or an air-curtain burner.~~

~~“Wigwam or Teepee Burner” see Waste wood Burner.))~~

NEW SECTION

RULE 1.10 SERVICE OF NOTICE

- (a) Service of any written notice required by ORCAA Regulations shall be made on the owner(s) as follows:
 - (1) Either by mailing the notice in a prepaid envelope directed to the owner at the address listed on their application, order, registration certificate, or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or
 - (2) By leaving the notice with the owner or if the owner is not an individual, with a member of the partnership or other group concerned, or with an officer, registered agent or managing agent of the corporation.

- (b) Service of any written notice required by ORCAA Regulations shall be made on the Agency, as follows:
 - (1) Either by mailing the notice in a prepaid envelope directly to the Agency at its office by United States Certified Mail, return receipt requested; or
 - (2) By leaving the notice at the Agency office with an employee of the Agency.

REPEALED SECTION

~~((RULE 2.2 SERVICE OF NOTICE~~

- ~~(a) — Service of any written notice required by this Regulation shall be made on the owner or operator of equipment, or their agent, as follows:
 - ~~(1) — Either by mailing the notice in a prepaid envelope directed to the owner or operator of the equipment, or their agent, at the address listed on their application or order, or registration certificate or at the address where the equipment is located, by United States Certified Mail, return receipt requested; or~~
 - ~~(2) — By leaving the notice with the owner or operator of the equipment, or their agent, or if the owner or operator is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.~~~~

- ~~(b) — Service of any written notice required by this Regulation shall be made on the Agency, as follows:
 - ~~(1) — Either by mailing the notice in a prepaid envelope direct to the Agency at its office by United States Certified Mail, return receipt requested; or~~
 - ~~(2) — By leaving the notice at the Agency office with an employee of the Agency.)~~~~

AMENDED SECTION

Rule 6.1.2 Application Processing

- (a) Application certification. All NOC applications shall be signed by the applicant or owner, who may be required to submit evidence of their authority.
- (b) Completeness determination. Within thirty (30) days after receiving a NOC application, the Agency 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. Complete applications shall include:
 - (1) Any standard NOC form of the Agency that is applicable to the proposed stationary source or modification;
 - (2) An Environmental Checklist consistent with requirements in WAC 197-11-315 of the State Environmental Policy Act (SEPA), or any one of the following:
 - (i) A Determination of Non-significance (DNS) in accordance with WAC 197-11-340;
 - (ii) A Mitigated Determination of Non-significance (MDNS) in accordance with WAC 197-11-350; or,
 - (iii) Written statement by the applicant claiming that the proposed stationary source or modification is categorically exempt from SEPA.
 - (3) When applicable, all information required for review under WAC 173-400-117 and WAC 173-400-141;
 - (4) NOC processing fees in accordance with Rule 3.3(b) and (c); and,
 - (5) Any additional information requested by the Agency that is necessary to make the determinations required under Rule 6.1.4.
- (c) Timeframe for Public Involvement:
 - (1) For NOC applications subject to a mandatory public comment period pursuant to Rule 6.1.3(b), the Agency shall issue a Preliminary Determination within 60 days from receipt of a complete application followed by a public comment period in accordance with Rule 6.1.3(c).
 - (2) For all other NOC applications, the Agency will post a public comment period in accordance with Rule 6.1.3(a) within 30 days from receipt of an application.

- (d) Final determination schedule. Final Determination on an application subject to a mandatory public comment period in accordance with Rule 6.1.3(b) shall be made as promptly as possible after close of the public comment period. Final Determination on all other applications shall be made within sixty (60) days of receipt of a complete NOC application.
- (e) Approval. A final determination to approve a NOC application and an "Order of Approval," setting forth the conditions of approval, shall be issued, and served (~~in accordance with Rule 2.2~~) as provided for in these Regulations, provided the following conditions are met:
- (1) A complete application in accordance with Rule 6.1.2(b) was received by the Agency;
 - (2) The application verifies to the Agency that the applicable new source review requirements in Rule 6.1.4 have been met;
 - (3) Application processing fees in accordance with Rule 3.3 have been paid;
 - (4) The application includes an environmental checklist and other documents that verify compliance with the State Environmental Policy Act;
 - (5) Applicable public involvement requirements in Rule 6.1.3 have been met; and,
 - (6) The NOC has been signed by the Executive Director of the Agency or an authorized representative.
- (f) Denial. If the Agency determines that a proposed project subject to approval of a NOC application does not meet the applicable approval requirements in Rule 6.1.4, then a final determination to deny approval and an Order to Deny Construction shall be issued and served (~~in accordance with Rule 2.2~~) as provided for in these Regulations. Any Order to Deny Construction shall:
- (1) Be in writing;
 - (2) Set forth the objections in detail with reference to the specific law or rule or rules of these Regulations that will not be met by the proposed project; and,
 - (3) Shall be signed by the Executive Director of the Agency or an authorized representative.
- (g) Scope of review of modifications. New source review of a modification to an existing stationary source shall be limited to the emission unit proposed to be modified, and the air contaminants whose emissions would increase as a result of the action; provided, however, that review of a major modification must also comply with applicable major new source review requirements under Rule 6.1.4(a) and/or Rule 6.1.4(b), as applicable.
- (h) Integration with Title V permitting requirements. A person seeking approval to construct or modify a stationary source subject to chapter 173-

401 WAC may elect to integrate review of the operating permit application or amendment required under RCW 70.94.161 and the NOC application required by this rule. A NOC application designated for integrated review shall be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. A PSD application under WAC 173-400-141, a NOC application for a major modification in a nonattainment area or a NOC application for a major stationary source in a nonattainment area must also comply with public involvement requirements of Rule 6.1.3 and WAC 173-400-171.

- (i) P.E. review and sign-off. Every final determination on a NOC 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 the Agency.
- (j) Appeals.
 - (1) Any order issued pursuant to this Rule may be appealed to the Pollution Control Hearings Board of the State of Washington, pursuant to Rule 1.8.
 - (2) Any order issued or the failure to issue such an order, shall not relieve any person from their obligation to comply with any emission control requirement or with any other provision of law.
- (k) Major NSR obligations of the Agency. If the new stationary source is a major stationary source, or the change is a major modification, the Agency shall:
 - (1) Submit any control technology determination included in a final order of approval to the RACT/BACT/LAER clearinghouse maintained by EPA; and
 - (2) Send a copy of the final approval order to EPA.

Deviations from approved plans. After approval to construct, install, establish or modify a stationary source or air pollution control device is granted, deviations from the approved plans, drawings, data and specifications that may result in changes to air pollutant emission rates, control efficiencies or impacts are not permissible without prior approval through a NOC application

REPEALED SECTION

~~((RULE 7.7 EMISSION AND OPERATING OF WASTE WOOD BURNERS~~

All waste wood burners within the jurisdiction of this Authority are required to meet the following:

~~(a) — Definitions:~~

- ~~(1) — Wigwam Burner — A simple structure consisting of nothing more than a sheet metal shell supported by structural steel members in a conical shape. Usually the base diameter is approximately equal to its height and the outlet diameter is approximately one third of its base diameter. They have limited control of primary air. The metal shell is cooled by peripheral air which flows upward and over the inside surface.~~
- ~~(2) — Silo Burner — Burner consists of cylindrical chamber constructed of high duty refractory material. Air is supplied by mechanically powered underfire and overfire air.~~

~~(b) — Visible Emissions:~~

- ~~(1) — Wigwam Burner — No person shall cause or allow the emission to the outdoor atmosphere for more than fifteen (15) minutes in any consecutive eight (8) hours of any contaminant greater than 20% opacity.~~
- ~~(2) — Other Burners (including Silo Burners) — No person shall cause or permit the emission for more than three (3) minutes, in any one hour, of an air contaminant which exceeds 20% opacity.~~

~~(c) — Particulate:~~

- ~~(1) — No person shall cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.10 grains per standard cubic foot of gas (calculated to 7% oxygen), as demonstrated by a source test approved by the Authority.~~
- ~~(2) — No person shall cause or permit the emission of particulate matter from a waste wood burner which then becomes deposited beyond the property directly controlled by the owner or operator of the waste wood burner in sufficient quantity to interfere unreasonably with using and enjoying the property where the material was deposited.~~

~~(d) — Construction and Operation Standards:~~

~~(1) — All new sources or major modifications of existing sources shall use Best Available Control Technology (BACT). After notice from the Authority, one or more of the following items of equipment shall be installed, and corrective measures shall be taken until compliance with ORCAA's Regulations is attained:~~

- ~~(i) — Refractory lining with the top of the chamber a smaller diameter than the base.~~
- ~~(ii) — Mechanically powered overfire and underfire combustion air system.~~
- ~~(iii) — A controlled and metered solids feeding system.~~
- ~~(iv) — Other modification determined necessary by the Authority.~~

Rule 7.7.1 Exceptions

~~Abnormal Conditions and Equipment Malfunction. Emissions in excess of established regulation limits as a direct result of equipment malfunction or breakdown, or to abnormal conditions beyond the control of the person or firm owning or operating such equipment shall not be deemed in violation of such regulations, if the Authority is advised of the circumstances of such malfunction within 24 hours and a corrective program is outlined which is acceptable to the Authority.~~

Rule 7.7.2 Prohibited Materials

~~Asphaltic materials, plastics, rubber products, dead animals, petroleum products, paints, paper (other than what is necessary to start a fire), cardboard, treated wood, processed wood, construction debris, metal, sanitary garbage, or materials which cause dense smoke or obnoxious odors shall not be burned or disposed of in waste wood burners.~~

Rule 7.7.3 Other Rules Not Applicable

- ~~(a) — This rule is a specific process emission restriction, and if any portion herein conflicts with any other rule or portion thereof, or other regulation of this Authority, the provisions herein shall apply.~~
- ~~(b) The effective date of these Regulations shall be on the date of the passage of this Resolution.)~~

AMENDED SECTION
RULE 8.1(~~RESIDENTIAL~~) WOOD HEATING

The provisions of this rule apply to solid fuel burning devices in all areas within the jurisdiction of Olympic Region Clean Air Agency (ORCAA).

Rule 8.1.1 Definitions

“Adequate Source of Heat” means a furnace or heating system, connected or disconnected from its energy source, designed with the ability to maintain seventy degrees Fahrenheit (70°F) at a point three (3) feet above the floor in all normally inhabited areas of a dwelling. Garages are specifically excluded.

“Certified” means that a woodstove meets emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by EPA in 40 CFR Part 60 Subpart AAA-Standards of Performance for Residential Wood Heaters as amended through July 1, 1990(~~or Oregon Department of Environmental Quality Phase 2 emission standards contained in Subsections (2) and (3) of Section 340-21-115, and Oregon Administrative Rules, chapter 340, Division 21—Woodstove Certification dated November 1984~~).

~~(“Commercial” means a location that is licensed by the State of Washington to conduct business within the State of Washington.)~~

“Cook Stove” means an appliance designed with the primary function of cooking food and containing an integrally built-in oven, with an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan, and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove.

“Fireplace” means a permanently installed masonry fireplace; or a factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.

“First Stage of Impaired Air Quality ((Stage-1))” means the same as Stage 1 burn ban and ((a condition)) is declared ((by the Control Officer)) when meteorological conditions are predicted to cause fine particulate ((10 microns and smaller in diameter, are at an ambient level of sixty (60))) levels to exceed 35 micrograms per cubic meter measured on a 24 hour average, within 48 hours. ((or when carbon monoxide is at an ambient level of eight parts of contaminant per million parts of air by volume measured on an eight hour average.))

“Second Stage of Impaired Air Quality ((Stage-2))” means the same as Stage 2 burn ban and ((a condition)) is declared ((by the Control Officer)) when ((particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24 hour average.)) a first stage of impaired air quality

has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend (RCW 70.94.473). A second stage burn ban may be called without calling a first stage burn ban only when all of the following occur (RCW 70.94.473(c)(ii):

- (a) Fine particulate levels have reached or exceeded 25 micrograms per cubic meter, measured on a 24 hour average;
- (b) Meteorological conditions have caused fine particulate levels to rise rapidly;
- (c) Meteorological conditions are predicted to cause fine particulate levels to exceed the 35 micrograms per cubic meter, measured on a 24 hour average, within 24 hours; and,
- (d) Meteorological conditions are highly likely to prevent sufficient dispersion of fine particulate.

“Nonaffected Pellet Stove” means that a pellet stove has an air-to-fuel ratio equal to or greater than 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A-Measurement of Air to Fuel Ratio and minimum achievable burn rates for wood fired appliances as amended through July 1, 1990.

“Salt Laden Wood” means any species of wood that has been soaked in salt water.

“Seasoned Wood” means clean, untreated wood of any species that has been sufficiently dried so as to contain twenty percent (20%) or less moisture by weight.

“Solid Fuel Burning Device” means a device that burns seasoned wood, coal, or any other nongaseous or nonliquid fuels (~~(, and includes any device burning any solid fuel)~~) except those prohibited by Rule 8.1.3. This also includes devices used for aesthetic or space heating purposes (~~(in a private residence or commercial establishment,)~~) which has a heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

“Treated Wood” means wood of any species that has been chemically impregnated, painted, or similarly modified to improve structural qualities or resistance to weathering or deterioration.

“Woodstove” means an enclosed solid fuel burning device capable of and intended for ~~((residential))~~ space heating and/or domestic water heating. ~~((Any combination of parts, typically consisting of, but not limited to: Doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.))~~

Rule 8.1.2 ((Opacity)) General Emission Standards

- (a) No person shall cause or allow an emission from a solid fuel burning device that unreasonably interferes with the use and enjoyment of property or workplace.
- (b) No person shall cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent (20%) opacity ~~((for six consecutive minutes in any one hour period))~~ as determined by EPA Method 9. The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4 hour period.
- (c) ~~((Enforcement:))~~ Smoke visible from a chimney, flue, or exhaust duct, in excess of the opacity standard shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. ~~((The provision of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty (20) minutes in any four hour period.))~~

Rule 8.1.3 Prohibited Fuel Types

- ~~(a) ((A solid fuel burning device shall only burn clean, dry, untreated, and seasoned wood. Paper is allowed only for starting the fire.))~~
- (b) A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:
 - (a) Garbage;
 - (b) Treated wood;
 - (c) Plastic products;
 - (d) Rubber products;
 - (e) Animals;
 - (f) Asphalt products;
 - (g) Petroleum products;
 - (h) Paints and chemicals;
 - (i) Salt laden wood; or
 - (j) Any substance that normally emits dense smoke or obnoxious odors.

Rule 8.1.4 Curtailment

- (a) Whenever the ~~((Authority))~~ Agency has declared a ~~((n Impaired Air Quality))~~ Stage 1 burn ban for a geographic area, a person ~~((in a residence or commercial establishment))~~ within that geographic area with an adequate source of heat other than a solid fuel burning device shall not

operate any solid fuel burning device, unless the solid fuel burning device is one of the following:

- (1) Certified; or
 - (2) A nonaffected pellet stove.
- (b) Whenever the ~~((Authority))~~ Agency has declared a ~~((n Impaired Air Quality))~~ Stage 2 burn ban for a geographic area, a person ~~((in a residence or commercial establishment))~~ within that geographical area with an adequate source of heat other than a solid fuel burning device shall not operate any solid fuel burning device.
- (c) The affected geographic area of a declared Impaired Air Quality shall be determined by the ~~((Control Officer))~~ Executive Director or their designee.
- (d) A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel for the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.
- (e) For the sole purpose of a contingency measure to meet the requirements of Section 172(c)(9) of the Federal Clean Air Act, the use of solid fuel burning devices, except fireplaces as defined in RCW 70.94.453(3), woodstoves meeting the standards set forth in RCW 70.94.457 or pellet stoves either certified or issued an exemption by the EPA in accordance with Title 40, Part 60 of the Code of Federal Regulations will be prohibited if the EPA, in consultation with Ecology and the ~~((Authority))~~ Agency, makes written findings that:
- (1) The area has failed to make reasonable further progress or attain or maintain a national ambient air quality standard; and,
 - (2) Emissions from solid fuel burning devices from a particular geographic area are a contributing factor to such failure to make reasonable further progress or attain or maintain a national ambient air quality standard.
 - (3) A prohibition issued under 8.1.4(e) shall not apply to a person that does not have an adequate source of heat without burning wood.
 - (4) The area is to consist of all areas within the city limits of Lacey, Olympia, and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.

~~((A prohibition issued under this rule shall not apply to a person in a residence or commercial establishment that does not have an adequate source of heat without burning wood.~~

- ~~(f) The nonattainment area is to consist of all areas within the city limits of Lacey, Olympia and Tumwater and unincorporated areas of Thurston County lying within or between the municipal boundaries.~~
- ~~(g) A person responsible for an applicable solid fuel burning device already in operation at the time Impaired Air Quality is declared shall withhold new solid fuel or the duration of the Impaired Air Quality. Smoke visible from a chimney, flue, or exhaust duct after three hours has elapsed from the declaration of the Impaired Air Quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by a solid fuel burning device.)~~

Rule 8.1.5 Exemptions

Written exemptions granted by the ~~((Authority))~~ Agency shall be valid for one (1) year from date of issue. Exemptions may be canceled at any time if the original request is found to be incorrect, inaccurate or fraudulent. Exemptions shall apply only to the use of solid fuel burning device during an Impaired Air Quality and not to the other rules of this regulation or other applicable regulations.

- (a) Emergency exemption. In an emergency situation the ~~((Authority))~~ Agency may issue a written solid fuel burning device emergency exemption. An emergency situation shall include, but is not limited to, a situation where a person demonstrates that their heating system, other than a solid fuel heating device, is inoperable for reasons other than their own actions or a situation where the heating system has been involuntarily disconnected by a utility company or other fuel supplier. ~~((An emergency exemption shall not exceed one year.))~~
- (b) Inadequate heat source. Written exemptions may be issued by the ~~((Authority))~~ Agency if a person can demonstrate that:
- (1) The structure was originally designed with a solid fuel burning device as the source of heat; or
 - (2) The existing heat source, fueled with other than solid fuel, will not provide adequate heat.

Rule 8.1.6 Penalties

A person in violation of this Rule 8.1 may be subject to the provisions of Rule 2.5.

Rule 8.1.7 Sale and Installation of Uncertified Woodstoves

It shall be unlawful to install, sell, offer for sale, advertise for sale, or otherwise transfer an uncertified solid fuel burning device, except cook stoves, to another

person or business to be operated in new or existing buildings or structures, unless the device has been rendered permanently inoperable. (~~Uncertified solid fuel burning devices installed after January 1, 1992, shall be in violation of this rule and shall be promptly removed from the structure.~~)

Rule 8.1.8 (~~Sale and~~) Disposal of Uncertified Woodstoves

At such time as an uncertified solid fuel burning device is to be permanently removed from its location it shall be rendered inoperable as a solid fuel burning device. A removed uncertified solid fuel burning device shall not be sold, bartered, traded, or given away for a purpose other than recycling of the materials to form something other than an uncertified solid fuel burning device.