REGULATIONS
of the
OLYMPIC REGION CLEAN AIR AGENCY
Clallam, Grays Harbor, Jefferson, Mason, Pacific
and Thurston Counties
ADOPTED BY THE BOARD OF DIRECTORS
ON DECEMBER 3, 1969

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NOTICE

The regulations, rules, and emission standards of the Olympic Region Clean Air Agency (ORCAA), and as described on the following pages are the basic law for the geographical area covered and are the priority regulations for the same subject matter covered by other laws concerning air pollution control.

Other Reference in Law Concerning

AIR POLLUTION IN THE STATE OF WASHINGTON

(1) Chapter 70A.15 Revised Code of Washington, the State Clean Air Act: and related administrative codes of the State of Washington Department of Ecology, Title 173 WAC.

(2) United States Public Law 101-549, Clean Air amendments of 1990: and related regulations and standards of the U.S. Environmental Protection Agency as found in the Federal Register.

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REGULATION 1 – GENERAL PROVISION

RULE 1.1 POLICY

The Olympic Region Clean Air Agency (Agency), consisting of the counties of Clallam, Grays Harbor, Jefferson, Mason, Pacific and Thurston, having formed pursuant to chapter 70A.15 RCW, as amended, adopts the following Regulations to control the emission of air contaminants from sources within the jurisdiction of the Agency: to provide for the uniform administration and enforcement of these Regulations: and to administer the requirements and purposes of chapter 70A.15 RCW, as amended, and the Federal Clean Air Act.

It is hereby declared to be the public policy of the Olympic Region Clean Air Agency to secure and maintain such levels of air quality as will protect human health and safety; and, to the greatest degree practicable, prevent injury to plant and animal life and to property; and be consistent with the social, economic, and industrial well-being of the territory of the Agency.
[Adopted 08/17/06; Amended 02/26/22]

RULE 1.2 NAME OF AGENCY

The name of the multi-county air pollution control authority comprised of the activated or inactivated air pollution control authorities of Clallam County, Grays Harbor County, Jefferson County, Mason County, Pacific County, and Thurston County will be known and cited as the "Olympic Region Clean Air Agency."
[Adopted 08/17/06; Amended 02/26/22]

RULE 1.3 SHORT TITLE

These Regulations may be known and cited as "Regulations of the Olympic Region Clean Air Agency."
[Adopted 08/17/06]

RULE 1.4 DEFINITIONS

When used in regulations of the Olympic Region Clean Air Agency, the following definitions will 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 must 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 must 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 must 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 will equal the potential to emit of the emissions unit on that date.

"Agency" shall mean the same as "Authority."

"Agriculture or Agricultural" 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 these Regulations, air pollution does 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.

"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 must not be exceeded.

"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."

"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 70A.15 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 must 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 must 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 70A.15.2240 and Rule 6.1.12 of Regulation 6.

"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 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.

“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 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter, ozone (O_3), sulfur dioxide (SO_2), lead (Pb), and nitrogen dioxide (NO_2).

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

“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 plane 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 70A.15 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 70A.15 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 70A.15 or 70A.388 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.

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

“Excess Emission” means emissions of an air pollutant more than the applicable emission standard.

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

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

“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 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.

“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.

“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 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.

“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 the same as it is defined in WAC 173-400-810.

“Major Modification” as it applies to stationary sources subject to requirements for new sources in nonattainment areas means the same as it is defined in WAC 173-400-810.

“Major Stationary Source” (a) as it applies to stationary sources subject to requirements for new sources in **nonattainment areas** means the same as it is defined in WAC 173-400-810; or,
(b) As it applies to stationary sources subject to requirements for new sources in **attainment or unclassified areas** means the same as it is defined in WAC 173-400-710.

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

“Material 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 will 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 (O_3), sulfur dioxide (SO_2), lead (Pb), and nitrogen dioxide (NO_2).

“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” (a) as it applies to stationary sources subject to requirements for new sources in **nonattainment** areas means the same as it is defined in WAC 173-400-810; or,
(b) as it applies to stationary sources subject to requirements for new sources in **attainment or unclassified** areas means the same as it is defined in WAC 173-400-710.

“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.

"Olympic Air Pollution Control Authority (OAPCA)" is the former name of Olympic Region Clean Air Agency (ORCAA). Reference to "OAPCA" means the same as ORCAA.

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

“Order” means any order issued by ecology or a local air agency pursuant to chapter 70A.15 RCW, including, but not limited to RCW 70A.15.3011, 70A.15.2520, 70A.15.2210, 70A.15.2220, and 70A.15.2040(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 or 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 person, 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.

“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, Executive Director, 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.

“$PM_{2.5}$” means particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

“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.

“$PM_{2.5}$ Emissions” means finely divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal 2.5 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.

"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 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, will 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 173-400-700 to 173-400-750. Ecology is responsible for the PSD program for stationary sources in ORCAA's jurisdiction.

"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 performance, or manufacturing production.

"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 considering 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 will be adopted only after notice and opportunity for comment are afforded.

"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 70A.15 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 Executive Director of the Agency to represent them in an official and specific manner.

"Residential" means a two or single-family unit.

"Secondary Emissions" means emissions which would occur because 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 because of the construction or operation of the major stationary source or major modification.

"Significant" (a) as it applies to stationary sources subject to requirements for new sources in **nonattainment areas** means the same as it is defined in WAC 173-400-810; or,
(b) as it applies to stationary sources subject to requirements for new sources in **attainment or unclassified areas** means the same as it is defined in WAC 173-400-710.

"Source" means all the emissions units, 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 will 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.

"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 20ºC (68ºF) 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 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 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.

"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 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 (TSP)" means particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.

"Toxic Air Pollutant (TAP)" means any toxic air pollutant listed in WAC 173-460-150. 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. 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 based on the 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)" will be referred to as EPA.

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

"Volatile Organic Compound (VOC)" means the same as it is defined in WAC 173-400-030.
[Adopted 08/17/06; Amended 05/22/10; 03/18/11; 05/13/12; 02/26/22]

RULE 1.5 EXECUTIVE DIRECTOR – POWERS AND DUTIES

(a) The Executive Director shall observe and enforce the provisions of state law and all orders, ordinances, resolutions or rules and regulations of the Agency pertaining to control and prevention of air pollution in accordance with the policies of the Board of Directors.

(b) At least thirty days prior to the commencement of any formal enforcement action under RCW 70A.15.3150 or 70A.15.3160, whenever the Executive Director has reason to believe that any provision of state law or any regulation relating to the control or prevention of air pollution has been violated, the Executive Director may cause written notice to be served upon the alleged violator or violators. The notice must specify the provision of state law or the regulation alleged to be violated and the facts alleged to constitute a violation there of and may include an order that necessary corrective action be taken within a specified time. In lieu of an order, the Executive Director may require that the alleged violator or violators appear before the Board for a hearing, at a time and place specified in the notice, given at least twenty (20) days prior to such hearing, and answer the charges.

(c) The Executive Director and/or a qualified designated agent may make any investigation or study which is necessary for enforcing these Regulations or any amendment thereto of controlling or reducing the amount or kind of air contaminant.

(d) The Executive Director and/or a qualified designated agent may obtain from any person, subject to the jurisdiction of the Agency, such information or analysis as will disclose the nature, extent, quantity, or degree of air contaminants which are, or may be, discharged by such source and type or nature of control equipment in use.

(e) To investigate conditions specific to the control, recovery, or release of air contaminants into the atmosphere, the Executive Director or a duly authorized representative has the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person may refuse entry or access to the Executive Director, or a duly authorized representative, who request entry for an inspection, and who presents appropriate credentials; nor obstruct, hamper, or interfere with any such inspection.

(f) If during the course of an inspection, the Executive Director or a duly authorized representative desires to obtain a sample of air contaminant, fuel, or process material or other material which affects or may affect the emission of air contaminants, the Executive Director or a designated agent shall notify the owner or operator of the time and place of obtaining a sample so the owner or operator has the opportunity to take a similar sample at the same time and place; and the Executive Director or a duly authorized representative shall give a receipt to the owner or operator for the sample obtained.

(g) The Executive Director may engage, at the Agency's expense and with Board approval, qualified individuals, or firms to make independent studies and reports as to the nature, extent, quantity, or degree of any air contaminants which are or may be discharged from any source.

(h) The Executive Director is empowered to sign official complaints or issue citations or initiate court suits or use other means to enforce the provisions of the Regulations.

(i) To demonstrate compliance with emission standards, the Executive Director has the authority to require a source to be tested, either by the Agency personnel or by the owner, using source test procedures approved by the Agency. The owner must be given reasonable advance notice of the requirement of the test.

(j) For Agency personnel to perform a source test, the Executive Director has the authority to require the owner of the source to provide an appropriate platform and sampling ports. The owner must have the opportunity to observe the sampling and, if there is adequate space to conduct the tests safely and efficiently, to obtain sample at the same time.

[Adopted 08/17/06; Amended 02/26/22]

RULE 1.6 CONFIDENTIAL INFORMATION

Whenever any record or other information, other than ambient air quality data or emissions data, furnished to or obtained by the Agency, pursuant to any sections in chapter 70A.15 RCW, relate to processes or production unique to the owner or operator or are likely to affect adversely the competitive position of such owner or operator if released to the public or to the competitor, and the owner or operator of such processes or production so certifies, such records or information will only be for the confidential use of the Agency.

Nothing herein will be construed to prevent the use of records or information by the Agency in compiling or publishing analysis or summaries relating to the general condition of the outdoor atmosphere: Provided, that such analysis or summaries do not reveal any information otherwise confidential under the provisions of this rule: Provided further, that emission data furnished to or obtained by the Agency will be correlated with applicable emission limitations and other control measures and will be available for public inspection during normal business hours at offices of the Agency.

[Adopted 08/17/06; Amended 02/26/22]

RULE 1.7 APPOINTMENT OF HEARING OFFICER

(a) In all instances where the Board is permitted or required to hold hearings under the provisions of chapter 70A.15 RCW, such hearings must be held before the Board; or the Board may appoint a hearing officer, who will be the Executive Director of the Agency or his/her designee to hold such hearings.

(b) A duly appointed hearing officer has all the powers, rights and duties of the Board relating to the hearings.

[Adopted 08/17/06; Amended 02/26/22]

RULE 1.8 APPEALS FROM BOARD ORDERS

(a) Any order issued by the Agency becomes final unless such order is appealed to the Hearings Board as provided in chapter 43.21B RCW. The sole basis for appeal of a fee assessed by the Executive Director or Board will be that the assessment contains an arithmetic or clerical error.

(b) Any order issued by the Agency may be appealed to the Pollution Control Hearings Board if the appeal is filed with the Hearings Board and served on the Agency within thirty (30) days after receipt of the order in accordance with chapter 371-08 WAC. This is the exclusive means of appeal of such an order.

(c) The Agency in its discretion may stay the effectiveness of an order during the pendency of such an appeal.

(d) At any time during the pendency of such an appeal of such an order to the Pollution Control Hearings Board, the appellant or other affected parties may

apply to the Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC for a stay of the order or the removal thereof.

[Adopted 08/17/06; Amended 02/26/22]

RULE 1.9 SEVERABILITY

If any phrase, clause, or rule of these Regulations is declared unconstitutional or invalid by any court of competent jurisdiction, it will be conclusively presumed that the Board of Directors would have enacted these Regulations without the phrase, clause, or rule so held unconstitutional or invalid; and the remainder of the Regulations will not be affected because of said part being held unconstitutional or invalid.

[Adopted 08/17/06; Amended 02/26/22]

RULE 1.10 SERVICE OF NOTICE

(a) Service of any written notice required by ORCAA Regulations must 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 group concerned, or with an officer, registered agent or managing agent of the corporation.

(b) Service of any written notice required by ORCAA Regulations must 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

RULE 1.11 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in ORCAA's rules, the effective date is July 1, 2024.

[Adopted 08/17/06; Amended 10/29/16; 10/16/17; 03/23/19; 01/04/2020; 11/22/2020; 10/17/2021; 02/26/2022; 10/31/2022; Amended 10/28/2023; Amended 09/09/2024]

RULE 1.12 STATE REGULATIONS REFERENCE DATE

Whenever state regulations are referenced in ORCAA's rules, the effective date is July 1, 2024.

[Adopted 02/26/2022; Amended 10/31/2022; Amended 10/28/2023; Amended 09/09/2024]

REGULATION 2 – ENFORCEMENT PROCEDURES AND PENALTIES

RULE 2.1 VOLUNTARY COMPLIANCE

Nothing in this Regulation prevents the Agency from making efforts to obtain voluntary compliance through warning, conference, or any other appropriate means.
[Adopted 08/17/06; Amended 02/26/22]

RULE 2.3 VARIANCES

Any person who owns or is in control of any plant, building, structure, establishment, process, or equipment may apply to the Agency or the Board for a variance to exceed a specific maximum emission standard of these Regulations for a limited period, except for any federally enforceable standard, provided that a variance to state standard is also approved by the Department of Ecology. The application must be accompanied by such information and data as the Agency or Board requires. The Board may grant such variance but only after approval by the Department of Ecology and public hearing or due notice and in accordance with the provisions set forth in RCW 70A.15.2310, as now or hereafter amended. Any hearing held pursuant to this rule must be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100, as now or hereafter amended. A variance will be charged fees per the Agency's Notice of Construction Fee Schedule.
[Adopted 08/17/06; Amended 04/26/15; 02/26/22]

RULE 2.4 NOTICES OF VIOLATIONS

At least 30 days prior to the commencement of any formal enforcement action under RCW 70A.15.3150 or 70A.15.3160, the Board or Executive Director will serve written notice upon the alleged violator or violators. The notice must specify the provisions of chapter 70A.15 RCW or the orders, rules, or regulations adopted pursuant thereto, alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order directing that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Executive Director may require the alleged violator or violators appear before the Board for a hearing. Every notice of violation will offer the alleged violator an opportunity to meet with the Agency prior to the commencement of enforcement action.

(a) Each act of commission or omission which procures, aids, or abets in the violation is a violation and is subject to the same penalty.

(b) In case of a continuing violation, whether knowingly committed, each day's continuance is a separate and distinct violation.

[Adopted 08/17/06; Amended 02/26/22]

RULE 2.5 REGULATORY ACTIONS AND PENALTIES

The Executive Director may take any of the following regulatory actions to enforce the provisions of chapter 70A.15 RCW or any of the rules or regulations in force pursuant thereto, which are incorporated by reference.

(a) Civil Penalties

(1) Any person who violates any of the provisions of chapter 70A.15 RCW or any of the rules or regulations in force pursuant thereto may incur a civil penalty in an amount not to exceed $14,915.00 per day for each violation.

(2) Any person who fails to act as specified by an Order issued pursuant to chapter 70A.15 RCW or Regulations of ORCAA is liable for a civil penalty of not more than $14,915.00 for each day of continued noncompliance.

(3) Within 30 days after receipt of Notice of Civil Penalty, the person incurring the penalty may apply in writing to the Executive Director for the remission or mitigation of the penalty. Any such request must contain the following:

- **(i)** The name, mailing address, and telephone number of the appealing party;
- **(ii)** A copy of the Notice of Civil Penalty appealed from;
- **(iii)** A short and plain statement showing the grounds upon which the appealing party considers such Order to be unjust or unlawful;
- **(iv)** A clear and concise statement of facts upon which the appealing party relies to sustain their grounds for appeal;
- **(v)** The relief sought, including the specific nature and extent; and
- **(vi)** A statement that the appealing party has read the notice of appeal and believes the contents to be true followed by the party's signature.

Upon receipt of the application, the Executive Director may remit or mitigate the penalty only upon a demonstration by the requestor of extraordinary circumstances such as the presence of information or factors not considered in setting the original penalty.

(4) Any civil penalty may also be appealed to the Pollution Control Hearings Board pursuant to chapter 43.21B RCW and chapter 371-08 WAC if the appeal is filed with the Hearings Board and served on the Agency within 30 days after receipt by the person penalized of the notice imposing the penalty or 30 days after receipt of the notice of disposition of the application for relief from penalty.

(5) A civil penalty becomes due and payable on the later of:

- **(i)** 30 days after receipt of the notice imposing the penalty;
- **(ii)** 30 days after receipt of the notice of disposition on application for the relief from penalty, if such application is made; or
- **(iii)** 30 days after receipt of the notice of decision of the Hearings Board if the penalty is appealed.

(6) If the amount of the civil penalty is not paid to the Agency within the time allowed, the Agency may use any available methods, including Superior Court, to recover the penalty. In all actions brought in the Superior Court for recovery of penalties hereunder, the procedure and rules of evidence are the same as in ordinary civil action.

(7) To secure the penalty incurred under this rule, this Agency may secure a lien on any vessel used or operated in violation of these Regulations, which will be enforced as provided in RCW 60.36.050.

(b) Criminal Penalties

(1) Any person who knowingly violates any of the provisions of chapter 70A.15 RCW or any rules or regulations in force pursuant thereto, is guilty of a crime and upon conviction thereof, may be punished by fine of not more than $10,000.00, or by imprisonment in the county jail for not more than 1 year, or by both for each separate violation.

(2) Any person who negligently releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with terms of an applicable permit or emission limit, and who at the time negligently places another person in imminent danger of death or substantial bodily harm is guilty of a crime and may, upon conviction, be punished by a fine of not more than $10,000.00, or by imprisonment for not more than 1 year, or both.

(3) Any person who knowingly releases into the ambient air any substance listed by the Department of Ecology as a hazardous air pollutant, other than in compliance with the terms of an applicable permit or emission limit, and who knows at the time that they have thereby placed another person in imminent danger of death or substantial bodily harm is guilty of a crime and may, upon conviction, be punished by a fine of not less than $50,000.00, or by imprisonment for not more than 5 year, or both.

(c) Additional Enforcement

(1) Notwithstanding the existence or use of any other remedy, 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 chapter 70A.15 RCW, or any order, rule or regulation issued by the Board of Executive Director or a duly authorized agent, the Board, 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.

(2) As an additional means of enforcement, the Board or Executive Director may accept an assurance of discontinuance of any act or practice deemed in violation of chapter 70A.15 RCW or of any order, rule, or regulation adopted pursuant thereto, from any person engaging in, or who has engaged in, such act or practice. Any such assurance must specify a time limit during which such discontinuance is to be accomplished. Failure to perform the terms of any such assurance constitutes prima facie proof of a violation of this chapter or the orders, rules or regulations issued pursuant thereto, which make the alleged act or practice unlawful for securing any injunction or other relief from Superior Court in the county wherein the violation is alleged to be occurring or to have occurred.

[Adopted 08/17/06; Amended 02/12/07; 02/26/22]

RULE 2.6 COMPLIANCE SCHEDULES

(a) Issuance. Whenever a source is found to be in violation of an emission standard or other provision of ORCAA's Regulations or chapter 70A.15 RCW or title 173 WAC or any applicable federal regulation the Agency may issue a regulatory order requiring that the source be brought into compliance within a specified time. The order must contain a schedule for installation, with intermediate benchmark dates and a completion date, which constitutes a compliance schedule.

(b) The source, including any person who owns or is in control of any plant, building, structure, establishment, process, or equipment, which is in violation of an emission standard or other provision of ORCAA's Regulations or chapter 70A.15 RCW or title 173 WAC may submit a proposed Compliance Schedule to the Board for approval. The proposed Compliance Schedule must meet the requirements of this rule and must be accompanied by such information and data as the Executive Director or the Board may require.

(c) Public Noticing. Compliance Schedules must meet the requirements for public involvement in accordance with chapter 70A.15 RCW as now or hereafter amended. Any hearing held pursuant to this rule must be conducted in accordance with the Rules of Evidence as set forth in Chapter 34.04 RCW, as now or hereafter amended.

(d) Federal Action. A source will be considered in compliance with this rule if all the provisions of its individual compliance schedule, including those stated by 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.

(e) 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. In addition, failure at any phase to make progress towards compliance pursuant to any Compliance Schedule accepted by the Board may be deemed an unreasonable delay and in violation of the terms of said Compliance Schedule and the Board or Executive Director may require that the responsible person appear before the Board to explain the delay and show cause why abatement action should not be started, enforcement action taken, and/or the Compliance Schedule revoked.

(f) Fee for Compliance Schedule. The Agency will not commence processing a compliance schedule request until it has received a filing fee as determined by Rule 3.3.

[Adopted 08/17/06; Amended 02/26/22]

REGULATION 3 – FEES

The Board will establish Fee Schedules by Resolution. The Fee Schedules will be reviewed periodically to determine if the fee revenue collected is sufficient to recover program costs. Any proposed fee revision must include opportunity for public review and comment. Accordingly, the Agency must account for program costs, including direct and indirect employee costs and overhead. If it is determined that the total program fee revenue is either significantly excessive or deficient for this purpose, the Board may choose to amend the fee schedules to recover program costs more accurately.
[Adopted 08/17/06; Amended 02/26/22]

RULE 3.1 ANNUAL REGISTRATION FEES

(a) The Agency will charge Initial and Annual registration fees pursuant to RCW 70A.15.2200. Annual registration fees will be assessed per the annual fee schedules set forth in Rule 3.1(b) below. Initial registration fees will be assessed upon initial registration of a source and will equal the annual registration fee based on projected emissions and prorated for the remaining months in the fiscal year. Initial and Annual registration fees provide revenue to fund the Agency's ongoing Registration Program.

(b) All sources requiring registration will be assessed an annual registration fee; the fees required by this rule will be based on process rates, equipment specifications, and emissions data from the previous calendar year on file with the Agency, if this information is not on file with the Agency, the Agency may base the annual fee on the enforceable emissions limitations for the source and maximum capacities and production rates. In assessing annual registration fees, the Agency will consider updates and revisions to any source's file received prior to July 1 of the current year. The fees will be assessed per items (1) and (2) of this rule. Sources assessed annual operating permit fees under Rule 3.2 will not be assessed annual fees under this rule.

(1) An Emissions Fee as specified in the Registration Fee Schedule per ton of each air contaminant listed in Table 3.1 that is emitted by the source. The emissions fee will be based on actual emissions from the source, for the last calendar year when available, or as specified in the file or permit. Only non-VOC TAPs will be subject to the emission fee; and

(2) A Registration Classification Fee as specified in the Registration Fee Schedule.

(c) The Agency sends annual registration invoices out on or after August 1 of each year to cover the cost of administering the program for the current fiscal year commencing July 1 and ending June 30. The agency assesses annual registration fees based on the most recent information on file with the Agency including any updates to the source's file received prior to July 1 of that year.

(d) Upon assessment by the Agency, annual registration fees are due and payable and will be deemed delinquent if not fully paid on or before the due date on the invoice. However, sources classified as RC1, RC2, or RC3 have the option to pay their annual fee in quarterly installments. RC1, RC2, and RC3 sources choosing to pay quarterly installments may indicate so on the first invoice

received and remit payment of the first installment to the Agency along with the duplicate copy of the invoice. Quarterly installments are equal to 25% of the total annual registration fee and are due on or before the due date on the invoice.

(e) Any source which fails to pay, in full, their annual registration fee or annual registration installment by the due date, as stated on the invoice, may be assessed a late penalty in the amount of 25% of their annual registration fee. This late penalty is in addition to the annual registration fee.

(f) Annual registration fees may be appealed per the procedure specified in Rule 1.8.

(g) Failure to pay annual registration fees is a violation of these Regulations and will result in the issuance of a Notice of Violation and prescribed penalties.

(h) On a periodic basis, the Agency conducts a workload analysis to determine the adequacy of annual registration fees in funding the Agency's Registration Program. The workload analysis is based on the Agency's historical record of time and resource expenditures associated with the registration program. The workload analysis will be presented to the Board periodically. Any proposed revisions to the annual registration fee schedule must be presented to the Board for adoption after public noticing pursuant to these Regulations public noticing requirements and opportunity for a public hearing.

(i) All registered sources needing to be re-inspected, due to verified conditions or actions caused by the source, will be charged an additional amount as specified in the Registration Fee Schedule.

(j) The Agency's Registration fees must cover the direct and indirect cost of the Registration program as specified in RCW 70A.15.2200.

(k) The applicable fees are established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

Table 3.1: Pollutants Considered For Fees

Total Suspended Particulates (TSP)
Carbon Monoxide (CO)
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Toxic Air Pollutants (TAP)

[Adopted 08/17/06; Amended 05/17/07; 05/13/12; 04/26/15; 02/26/22]

RULE 3.2 OPERATING PERMIT FEES

(a) Fee Applicability. Any source or area source in the Agency's jurisdiction subject to the requirement to obtain an Operating Permit pursuant to 40 CFR Part 70 or RCW 70A.15.2260 (Title V sources), except those Title V sources for which air emissions are regulated by the Washington State Department of Ecology or Energy Facility Site Evaluation Council (EFSEC), must pay annual fees to the Agency per the provisions in this rule.

(b) Operating Permit Program Account. The Agency must maintain a dedicated account for the Air Operating Permit Program. The account will be funded exclusively by fee revenue from annual fees collected from Title V sources within the jurisdiction of the Agency. All fee revenue collected under Rule 3.2 must be deposited in the Air Operating Permit account.

(c) Operating Permit Program Funding. The sum of fees assessed by the Agency under Rule 3.2 covers all direct and indirect costs of developing and administering the Agency's Operating Permit Program including Ecology's cost for development and oversight of the Agency's Operating Permit Program, as provided in RCW 70A.15.2270.

(d) Ecology Development and Oversight Fees. The Agency assesses an annual Ecology Development and Oversight Fee to all Title V sources within the jurisdiction of the Agency. The total amount of Ecology Development and Oversight Fees assessed annually by the Agency equals Ecology's annual cost of development and oversight of the Agency's Operating Permit Program, as provided in RCW 70A.15.2270.

(e) Annual Fees, Existing Title V Sources. The Agency assesses an Annual Fee to all existing Title V sources. The total amount of Annual Fees assessed by the Agency to existing Title V sources must equal the projected net annual cost to administer the Agency's Operating Permit Program during the current fiscal year.

(f) Net Annual Cost Projections. Projected net annual cost to administer the Agency's Operating Permit Program will be determined annually and must equal the projected annual cost to administer the program minus any balance of funds in the Operating Permit Program account at the end of the previous fiscal year. Projected annual costs include all direct and indirect costs to administer the Agency's Operating Permit Program and is based on a workload analysis conducted by staff. Net annual cost projections including the workload analysis must be included in the Agency's annual budget and approved by resolution of the Agency's Board of Directors in a public hearing.

(g) Workload Analysis. Only fee eligible activities as specified below, as provided in RCW 70A.15.2270, are considered in the workload analysis conducted annually by staff. Fee eligible activities will include:

(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 cost of developing an applicable requirement as part of the processing of a permit, permit revision or renewal, preparing a draft permit and fact sheet, preparing a proposed permit, and preparing a final permit;

(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 the 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 cost 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 the 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 cost 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) Provisions of assistance to small business under jurisdiction of the Agency 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.

(h) Allocation of Fees. The Annual Fee for a Title V source will be calculated using the following three-part fee allocation equation:

Table 3.2a: Operating Permit Fee Formulas

Annual Fee = Facility Fee + Equipment Fee + Emissions Fee
WHERE: Facility Fee = (Annual Net Cost ÷ 3) ÷ n Equipment Fee = [(Annual Net Cost ÷ 3) ÷ U_{total}] x U_{source} Emissions Fee = [(Annual Net Cost ÷ 3) ÷ E_{total}] x E_{source} Annual Net Cost = Projected net annual cost as approved by the Agency's Board of Directors. n = Total number of Title V sources in the Agency's jurisdiction. Note, each area source category requiring a Title V permit will be counted as one source in determining "n." However, the facility fee for an area source category will be divided equally among all individual area sources within the area source category. U_{total} = Total number of emission units located at Title V sources in the Agency's jurisdiction. U_{source} = Number of emission units at the specific Title V source. For area source categories requiring a Title V permit, "U_{source}" is the number of individual area sources within the area source category that have been identified within the Agency's jurisdiction. However, the emission unit fee for an area source category will be divided equally among all individual area sources within the area source category. E_{total} = Total actual annual emissions of the air pollutants subject to fees from Title V sources based on the Agency's most recent emissions inventory. E_{source} = Total actual annual emissions of the air pollutants subject to fees, from the specific Title V source for the most recent calendar year. For area source categories requiring a Title V permit, "E_{source}" is the total actual annual emissions from the area source category. However, the Emissions Fee for an area source category will be divided equally among all individual area sources within the area source category. Air pollutants subject to fees = Total Particulates (TSP) Sulfur Oxides (SOx) Nitrogen Oxides (NOx) Volatile Organic Compounds (VOC) Toxic Air Pollutants

(i) Initial Fees. New Title V sources will be assessed an Initial Fee after commencement of operation to cover the Agency's cost of administering the program for the new Title V source for the remainder of the current fiscal year. The Initial Fee for a new Title V source will equal the Annual Fee based on Rule 3.2(h), which would otherwise be assessed if the Title V source commenced operation on or prior to the beginning of the current fiscal year, prorated by multiplying by the number of months remaining in the current fiscal year divided by 12.

(j) Fee Assessment and Payment Schedule. The Agency sends Annual Fee invoices on or after August 1 of each year to cover the cost of administering the

program for the current fiscal year commencing on July 1 and ending on June 30. Annual Fees are due and payable and will be deemed delinquent if not fully paid on or before the due date on the invoice. However, option will be given to pay Annual Fees in quarterly installments. Owners or operators may choose to pay their Annual fees in quarterly installments by signing the invoice payment addendum received and remit it with payment of the first quarterly installment to the Agency on or before the due date on the invoice. After initial payment, the remaining installments must be received on or before October 1, January 1, and April 1 Quarterly installments are equal to twenty-five percent (25%) of the total fee.

(k) Late Payment. Any Title V source which does not pay the Annual Fee or installment by the Invoice Due date will be assessed a late penalty equal to twenty-five percent (25%) of the balance due. Any penalty is in addition to the fee.

(l) Appeal of Annual Fees. Annual Fees may be appealed per the procedure specified in Rule 1.8. The basis for such appeals is limited to arithmetic or clerical errors.

(m) Exemption from Rule 3.1 fees. Title V sources assessed annual fees under Rule 3.2 are not subject to annual Registration Program Fees under Rule 3.1 of Regulation 3.

(n) Transfer of Ownership. Transfer of ownership of a Title V source does not affect any obligation to pay fees required by Rule 3.2. Any liability for fee payment, including payment of delinquent fees and other penalties survives any transfer of ownership of a Title V source.

(o) Accountability. The sum of the fees assessed by the Agency to all Title V sources within the Agency's jurisdiction will not exceed the cost of developing and administering the program. The Agency keeps record of all direct and indirect costs to develop and administer the Operating Permit Program as specified in 40 CFR Part 70. This information is used by the Agency in determining the net annual cost projections required by Rule 3.2(f) above. Provided, however, the information obtained from tracking revenues, time, and expenditures will not provide a basis for challenge to the amount of an individual source's fee.

[Adopted 08/17/06; Amended 04/26/15; 02/26/22]

RULE 3.3 NOTICE OF CONSTRUCTION FEES

(a) Fees for processing a Notice of Construction (NOC) application must include Filing Fees per Rule 3.3(b) and any applicable Additional NOC Processing Fees per Rule 3.3(c). Other cost to the agency of work performed outside of the agency in conjunction with approving an NOC application must be directly reimbursed to the agency per Rule 3.3(d).

(b) Filing Fees. A Filing Fee per the Notice of Construction Fee Schedule must be paid for each proposed piece of equipment or process, or for groups of identical equipment or processes that, if considered individually would be subject to an NOC. Filing Fees will be assessed and paid as follows:

(1) An NOC application may not be deemed complete unless initial Filing Fees have been paid in full.

(2) Equipment or processes may be considered identical and subject to a single filing fee provided:

(i) They are identical in size and capacity;
(ii) Employ identical air pollution control technology;
(iii) Use the same fuel types;
(iv) Are subject to the same performance standards and air regulatory determinations; and,
(v) May be considered as a single emission point for determining ambient air quality impacts.

(3) Payment of NOC Filing Fees is due on or before the Invoice Due Date unless the Executive Director has approved an alternative payment plan.

(c) Additional NOC Processing Fees. Additional NOC Processing Fees must be paid at a rate as specified in the Notice of Construction Fee Schedule for direct time expended by agency staff working on any of the items or actions described in Table 3.3. If required, additional NOC Processing Fees will be determined and paid as follows:

(1) Additional NOC Fees may be assessed periodically as work to complete the items in Table 3.3 incurs, but not more frequently than monthly.
(2) All Additional NOC Processing Fees must be assessed and paid prior to issuing any Final Determination on an NOC application unless the Executive Director has approved an alternative payment plan.
(3) Payment of any Additional NOC Processing Fee is due on or before the Invoice Due date unless the Executive Director has approved an alternative payment plan.
(4) The Executive Director may approve an alternative payment plan if a request is submitted in writing by the applicant.
(5) In computing fees based on hourly rates, only hours attributed directly to completing tasks listed in Table 3.3 will be used in computing fees.
(6) The total hours used in computing fees will be based on the agency's official time accounting records.

(d) **Other Costs.** The following other costs must be borne by the applicant and paid prior to issuing any Final Determination on an NOC application unless an alternative payment plan has been approved by the Executive Director:

(1) The cost of publishing any required notice
(2) Consulting cost incurred by the agency in conjunction with approving an NOC application.

(e) Late Payment Penalties. Failure to pay, in full, any assessed NOC fee on or before the due date as stated on the invoice, may incur a late payment penalty in the amount of 25% of the total amount due.
(f) The Agency's NOC fees cover the direct and indirect cost of processing an NOC application and will be determined through a workload-driven process as allowed under RCW 70A.15.2210.

(g) On a periodic basis, the Agency reviews the Notice of Construction Fee Schedule based on a workload-driven process and determines if the total actual fee revenue is sufficient to recover program costs as allowed in RCW 70A.15.2210. Any proposed fee revision must be Board approved and includes opportunity for public review and comment.

(h) The Applicable fee(s) will be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

Table 3.3: Additional NOC Processing Fees

Fee-Eligible Item	Description
NOC Application Assistance	Direct technical assistance completing an NOC application, including, but not limited to calculating emissions, filling out standard forms, determining applicable requirements, completing a BACT analysis, performing an air toxics screening analysis pursuant to chapter 173-460 WAC, or selecting monitoring equipment. An NOC Application Assistance fee may only be assessed if the fee rate is disclosed to the applicant and applicant requests such assistance in writing.
Work Exceeding Base-Fee Hours	Direct work attributed to processing an NOC application more than the sum of applicable base-fee hours stated in the Notice of construction Fee Schedule for each piece of equipment or process subject to an NOC.
State Environmental Policy Act (SEPA)	SEPA-related work such as reviewing Environmental Checklists, making threshold determinations, preparing Determinations of Nonsignificance (DNS) and other SEPA-related reports.
Public Noticing	Work directly associated with issuing public notice pursuant to WAC 173-400-171 and Rule 6.1.3 of ORCAA's Regulations. Associated work includes issuing a press release if warranted, copying, and posting the written Preliminary Determination for public viewing, and reviewing and responding to comments.
Public Hearing	Work associated with conducting a public hearing including, but not limited to, preparation of summary materials, copying, issuing hearing notice, conducting the hearing, and responding to comments

[Adopted 08/17/06; Amended 05/17/07; 04/26/15; 02/26/22]

RULE 3.4 OUTDOOR BURNING PERMIT FEES

The applicable fee(s) for the following Permits will be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(a) The fee for an Agricultural Burn Permit is specified in the Outdoor Burning Fee Schedule.

(b) The fee for a Land Clearing Burn Permit is specified in the Outdoor Burning Fee Schedule. The fees must cover the direct and indirect cost of the Land Clearing Burn Permit program and will be determined through a workload-driven process.

[Adopted 08/17/06; Amended 02/12/07; 05/10/08; 04/26/15; 10/11/15; 02/26/22]

RULE 3.5 ASBESTOS FEES

The applicable fee(s) for Asbestos and Demolition Notifications will be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

The fees must cover the direct and indirect cost of the asbestos program and will be determined through a workload-driven process.
[Adopted 08/17/06; Amended 09/19/08; 04/26/15; 01/15/17; 02/26/22]

RULE 3.6 NOTICE OF INTENT TO OPERATE FEES

(a) The submittal of a Notice of Intent to Operate (NOI) must be accompanied by the appropriate fees as specified in the Notice of Intent Fee Schedule.

(b) The applicable fee(s) will be established in the current fee schedule adopted by Resolution of the Board of Directors of ORCAA.

(c) The Agency's fees must cover the direct and indirect costs of the NOI application process and will be determined through a workload-driven process.

[Adopted 08/17/06; Amended 04/26/15; 02/26/22]

REGULATION 4 – REGISTRATION

RULE 4.1 REGISTRATION REQUIRED

(a) All stationary sources within the jurisdiction of the Agency, except for any stationary sources required to obtain an air operating permit under chapter 173-401 WAC, must be registered with the Agency. Notwithstanding the exemptions provided in Rule 4.1(b), the following stationary sources must be registered with the Agency:

(1) Any stationary source subject to a standard under New Source Performance Standards, 40 CFR Part 60, except; New Residential Wood Heaters (Subpart AAA); Kraft Pulp Mills (Subpart BB); and Primary Aluminum Reduction Plants (Subpart S);

(2) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants, 40 CFR Part 61, except for asbestos demolition and renovation projects subject to 40 CFR Part 61 Subpart M;

(3) Any stationary source subject to a performance standard under National Emission Standards for Hazardous Air Pollutants for Source Categories, 40 CFR Part 63;

(4) Any stationary source that includes equipment or control equipment subject to an Approval Order issued by the Agency.

(b) The following stationary sources are exempt from registration requirements under Regulation 4. All stationary sources exempt from registration under Regulation 4 are still required to comply with other applicable air pollution requirements.

Maintenance/construction:

(1) Cleaning and sweeping of streets and paved surfaces;

(2) Concrete application, and installation;

(3) Dredging wet spoils handling and placement;

(4) Paving application and maintenance, excluding asphalt plants;

(5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine housekeeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);

(6) Plumbing installation and plumbing protective coating application associated with plant maintenance activities;

(7) Roofing application;

(8) Insulation application and maintenance, excluding products for resale;

(9) Janitorial services and consumer use of janitorial products;

(10) Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage);

(11) Blast cleaning equipment that uses a suspension of abrasives in liquid water;

(12) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

Storage tanks:

(13) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;

(14) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(15) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;

(16) Process and white-water storage tanks;

(17) Storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cu ft);

(18) Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);

(19) Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);

(20) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;

(21) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;

(22) Storage tanks used exclusively for storage of diesel fuel;

(23) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.

Combustion:

(24) Fuel burning equipment (not including incinerators) that:

- **(i)** is used solely for a private dwelling serving five families or less; or
- **(ii)** has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or
- **(iii)** has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or
- **(iv)** has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70A.15.4510; or
- **(v)** has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

(25) All stationary gas turbines with a rated heat input less than 10 million Btu per hour.

(26) Stationary internal combustion engines having rated capacity:

- **(i)** less than 50 horsepower output; or

(ii) less than 500 horsepower and used only for standby emergency power generation.

(27) Nonroad engines.

Material handling:

(28) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is less than 10%;

(29) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallons, material with initial atmospheric boiling point not less than 150ºC or vapor pressure not more than 5 mm Hg @21ºC, with lids or other appropriate closure.

Water treatment:

(30) Septic sewer systems, not including active wastewater treatment facilities;

(31) NPDES permitted ponds and lagoons used solely for settling suspended solids and skimming of oil and grease;

(32) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(33) Process water filtration system and demineralizer vents;

(34) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

(35) Demineralizer tanks;

(36) Alum tanks;

(37) Clean water condensate tanks;

(38) Oil/water separators, except those at petroleum refineries;

(39) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes;

(40) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, if they do not use anaerobic digesters, chlorine disinfections or sewer sludge incinerators.

Environmental chambers and laboratory equipment:

(41) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(42) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(43) Laboratory fume hoods;

(44) Laboratory calibration and maintenance equipment.

Monitoring/quality assurance/testing:

(45) Equipment and instrumentation used for quality control/assurance or inspection purpose;

(46) Hydraulic and hydrostatic testing equipment;

(47) Sample gathering, preparation and management;

(48) Vents from continuous emission monitors and other analyzers.

Miscellaneous:

(49) Single-family residences and duplexes;

(50) Plastic pipe welding;

(51) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(52) Insecticide, pesticide, or fertilizer spray equipment;

(53) Comfort air conditioning;

(54) Flares used to indicate danger to the public;

(55) Natural and forced air vents and stacks for bathroom/toilet activities;

(56) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;

(57) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;

(58) Tobacco smoking rooms and areas;

(59) Noncommercial smokehouses;

(60) Blacksmith forges for single forges;

(61) Vehicle maintenance activities, not including vehicle surface coating;

(62) Vehicle or equipment washing;

(63) Wax application;

(64) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;

(65) Ozone generators and ozonation equipment;

(66) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;

(67) Electrical circuit breakers, transformers, or switching equipment installation or operation;

(68) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;

(69) Firefighting and similar safety equipment and equipment used to train fire fighters;

(70) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;

(71) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;

(72) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm HG @21ºC, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);

(73) Surface coating, aqueous solution or suspension containing less than 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;

(74) Cleaning and stripping activities and equipment using solutions having less than 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;

(75) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC;

(76) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;

(77) Residential composting facilities;

(78) Restaurants and other retail food preparing establishments;

(79) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics;
(80) Steam cleaning equipment used exclusively for office or residential housekeeping;
(81) Vacuum cleaning systems used exclusively for office or residential housekeeping;
(82) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source;
(83) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or
(ii) Safety valves.

(84) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process;
(85) Welding, brazing or soldering equipment;
(86) Coffee roaster with a design capacity less than 10 pounds per batch;
(87) Bark and soil screening operations;
(88) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour;
(89) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour;
(90) Any portable stationary source approved by the Agency for temporary operation at a single location.
(91) Gasoline dispensing facilities who adequately demonstrate that gasoline throughput from the last three consecutive years was less than 50,000 gallons each year. The demonstration must be submitted in writing to the Executive Director with a request to be removed from ORCAA's registration program. Once granted, this exemption will continue to apply provided gasoline throughput remains below 50,000 gallons a year.

[Adopted 08/17/06; Amended 02/26/22; Amended 6/14/2024]

RULE 4.2 REGISTRATION PROGRAM

(a) Program purpose. As authorized by RCW 70A.15.2200, the Agency's registration program is a program to develop and maintain a current and accurate record of stationary sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify stationary source compliance with applicable air pollution requirements.
(b) Program components. The components of the Agency's registration program include:

(1) Initial notification and annual or other periodic reports from owners of stationary sources providing the information described in Rule 4.3.

(2) On-site inspections necessary to verify compliance with applicable air pollution control requirements and/or to supplement information provided by owners of stationary sources pursuant to the requirements of Rule 4.3.

(3) Maintenance of computers and software used to compile and retrieve information provided by owners of stationary sources relating to air contaminant emissions and compliance with air pollution control requirements.

(4) Compilation of emission inventory reports and computation of emission reduction credits from information provided by owners of stationary sources pursuant to the requirements of Rule 4.3.

(5) Staff review, including engineering analysis for accuracy and correctness, of information provided by owners of stationary sources pursuant to the requirements of Rule 4.3.

(6) Clerical and other office support provided by the Agency in direct support of the registration program.

(7) Administrative support provided in directly carrying out the registration program.

(8) Assessment and collection of annual registration fees from all stationary sources requiring registration in accordance with Rule 3.1.

[Adopted 08/17/06; Amended 02/26/22]

RULE 4.3 REQUIREMENTS FOR STATIONARY SOURCES SUBJECT TO REGISTRATION

(a) The owner or operator of any stationary source subject to registration under Rule 4.1 must register the stationary source by submitting an initial notification to the Agency of its existence within 30 days from:

(1) Commencement of operation of any new or recommissioned stationary source including those sources subject to prior approval by the Agency through a Notice of Construction under Rule 6.1; or,

(2) Change in ownership of an existing registered stationary source.

(b) Initial notification must include the following information:

(1) Owner name, address, and phone number;

(2) Source location;

(3) Name, address, and phone number of on-site contact person;

(4) Identification and brief description in terms of type, location and size or capacity, of each stationary source subject to registration;

(5) Date each stationary source was constructed, installed, or established;

(6) Date each stationary source commenced operation;

(7) If subject to pre-construction review and approval by the Agency, the date of the approval and Notice of Construction application number.

(c) Owners or operators of any stationary source subject to registration must, upon request by the Agency, make annual and/or periodic reports to the Agency regarding emission sources, types and amounts of raw materials and fuels used, types, amounts and concentrations of air contaminants emitted, data on emissions units and control devices, data on emission points, and any other

information directly related to the registration program as requested by the Agency.

(d) Annual and periodic reports as required by the Agency pursuant to Rule 4.3(c) must be made by the owner or lessee of the stationary source, or an agent, on forms provided by the Agency or in an Agency approved format. The owner of the stationary source is responsible for completion and submittal of the annual or periodic report within thirty (30) days of receipt of the request and forms provided by the Agency. The owner of the stationary source is responsible for the completeness and correctness of the information submitted.

(e) The owner or operator must notify the Agency of any changes in the following administrative information within 30 days from the change taking place:

(1) Owner name, address, and phone number;

(2) Name, address, and phone number of on-site contact person;

(3) Process or equipment changes resulting in an increase in emissions. Changes requiring prior approval by the Agency through a Notice of Construction (NOC) or requiring submittal of a Notice of Intent to Operate (NOI) application must also comply with the requirements of Rule 6.1 and 6.4 respectively; and,

(4) Any permanent shut down or decommissioning of a stationary source.

(f) Each notification or report required under this rule must be signed by the owner or operator of the stationary source, or by the agent appointed by the owner.

(g) The Agency may require the owner or operator of a stationary source develop and implement an Operations and Maintenance (O&M) plant to assure compliance with the applicable air regulations and standards. When required, a copy of the plan must be retained at the facility where the stationary source is located and must be available to the Agency for inspection.

(h) Owners or operators of stationary sources subject to registration will be classified per Rule 4.4 and must pay annual registration fees pursuant to Rule 3.1.

[Adopted 08/17/06; Amended 02/26/22]

RULE 4.4 CLASSIFICATION OF SOURCES REQUIRED TO REGISTER WITH AGENCY

All sources requiring registration pursuant to Rule 4.1 will be classified in one of the registration classifications listed in Table 4.4b. A source will be placed in the most appropriate classification as determined by the Agency. To determine classification, the pollutants listed in Table 4.4a will be considered.

Table 4.4a: Pollutants

Total Suspended Particulates (TSP)
Sulfur Oxides (SOx)
Nitrogen Oxides (NOx)
Volatile Organic Compounds (VOC)
Carbon Monoxide (CO)

Toxic Air Pollutants (TAP)

Table 4.4b: Registration Classification (RC)

CLASSIFICATION RC1 - Any source that has an effective Synthetic Minor Order issued pursuant to WAC 173-400-091.

CLASSIFICATION RC2 - Any source with a potential to emit 30 tons or more per year of any combination of pollutants listed in Table 4.4a.

CLASSIFICATION RC3 - Any source with a potential to emit 10 tons or more per year of any combination of pollutants listed in Table 4.4a.

CLASSIFICATION RC4 - Any source, with a potential to emit 5 tons or more per year of any combination of pollutants listed in Table 4.4a.

CLASSIFICATION RC5 - Any source with a potential to emit less than 5 tons per year of any combination of pollutants listed in Table 4.4a.

[Adopted 08/17/06; Amended 05/13/12; 02/26/22]

REGULATION 5 – OPERATING PERMIT PROGRAM

RULE 5.1 OPERATING PERMIT PROGRAM

(a) Purpose. The purpose of this rule is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the Federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70A.15.2260 and its implementing regulation chapter 173-401 WAC.

(b) Commitment to administer the program. The Agency, provided full or partial delegation by the US Environmental Protection Agency (EPA) and the Washington Department of Ecology (ECY), will administer an air operating permit program for the Agency's jurisdiction in accordance with Title V of the Federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70A.15.2260 and its implementing regulation chapter 173-401 WAC.

(c) Applicability. The provisions of this rule apply to all sources subject to the requirements of chapter 173-401 WAC.

(d) Compliance. It is unlawful for any person to cause or allow the operation of any source subject to the requirements of chapter 173-401 WAC without complying with the provisions of chapter 173-401 WAC and any permit issued under its authority.

[Adopted 08/17/06; Amended 02/26/22]

RULE 5.2 (RESERVED)

RULE 5.3 RESTRICTING THE POTENTIAL TO EMIT

A service-based fee, in addition to annual registration or operating permit fees, will be assessed to those sources applying to the Agency for approval of enforceable conditions that restrict the sources' potential to emit, making the source a minor source and not subject to an operating permit. Fees for restricting a sources' potential to emit will be assessed per Regulation 3, Rule 3.3. The Agency assesses the fee based on only those emissions units affected by the enforceable condition as proposed by the applicant.

[Adopted 08/17/06; Amended 02/26/22]

REGULATION 6 – REQUIRED PERMITS AND NOTIFICATIONS

RULE 6.1 NOTICE OF CONSTRUCTION REQUIRED

(a) Approval of a Notice of Construction (NOC) Application required. It is unlawful for any person to cause or allow the following actions unless a Notice of Construction application has been filed with and approved by the Agency, except for those actions involving stationary sources excluded under Rule 6.1(b) and (c):

(1) Construction, installation, or establishment of any stationary source;
(2) Modification to any existing stationary source; or,
(3) Replacement or substantial alteration of emission control technology installed on an existing stationary source.

(b) Exemption provided Notice of Intent to Operate (NOI). An NOC application and approval by the Agency is not required prior to construction, installation, establishment, or modification of the stationary sources listed in Rule 6.4 if a complete Notice of Intent to Operate is filed with the Agency per that section.

(c) Categorical Exemptions. An NOC application and prior approval by the Agency is not required prior to construction, installation, establishment, or modification of stationary sources in the following stationary source categories, if sufficient records are kept documenting the exemption:

Maintenance/construction:

(1) Cleaning and sweeping of streets and paved surfaces;
(2) Concrete application, and installation;
(3) Dredging wet spoils handling and placement;
(4) Paving application and maintenance, excluding asphalt plants;
(5) Plant maintenance and upkeep activities (grounds keeping, general repairs, routine housekeeping, routine plant painting, welding, cutting, brazing, soldering, plumbing, retarring roofs, etc.);
(6) Plumbing installation and plumbing protective coating application associated with plant maintenance activities;
(7) Roofing application;
(8) Insulation application and maintenance, excluding products for resale;
(9) Janitorial services and consumer use of janitorial products;
(10) Asphalt laying equipment including asphalt-roofing operations (not including manufacturing or storage);
(11) Blast cleaning equipment that uses a suspension of abrasive in liquid water;
(12) Spray painting or blasting equipment used at temporary locations to clean or paint bridges, water towers, buildings, or similar structures.

Storage Tanks:

(13) Lubricating oil storage tanks except those facilities that are wholesale or retail distributors of lubricating oils;
(14) Polymer tanks and storage devices and associated pumping and handling equipment, used for solids dewatering and flocculation;

(15) Storage tanks, reservoirs, pumping and handling equipment of any size containing soaps, vegetable oil, grease, animal fat, and nonvolatile aqueous salt solutions;
(16) Process and white-water storage tanks;
(17) Storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cu ft);
(18) Gasoline storage tanks less than 2,000 gallons storage capacity;
(19) Gasoline dispensing facilities with a cumulative gasoline storage capacity of less than 10,000 gallons;
(20) Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, and for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);
(21) Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for the storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);
(22) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;
(23) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids.
(24) Storage tanks used exclusively for storage of diesel fuel;
(25) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.

Combustion:
(26) Fuel burning equipment (not including incinerators) that:

- **(i)** is used solely for a private dwelling serving five families or less; or
- **(ii)** has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or
- **(iii)** has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or
- **(iv)** has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70A.15.4510; or
- **(v)** has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.

(27) All stationary gas turbines with a rated heat input less than 10 million Btu per hour.
(28) Stationary internal combustion engines having rated capacity:

- **(i)** less than 50 horsepower output; or
- **(ii)** less than 500 horsepower and used only for standby emergency power generation.

(29) Nonroad engines.

Material handling:

(30) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is less than 10%;

(31) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallons, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @ 21°C, with lids or other appropriate closure.

Water treatment:

(32) Septic sewer systems, not including active wastewater treatment facilities;

(33) NPDES permitted ponds and lagoons used solely for settling and suspended solids and skimming of oil and grease;

(34) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

(35) Process water filtration system and demineralizer vents;

(36) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems (does not include engines);

(37) Demineralizer tanks;

(38) Alum tanks;

(39) Clean water condensate tanks;

(40) Oil/water separators, except those at petroleum refineries;

(41) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

(42) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less.

Environmental chambers and laboratory equipment:

(43) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

(44) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;

(45) Installation or modification of a single laboratory fume hood;

(46) Laboratory calibration and maintenance equipment.

Monitoring/quality assurance/testing:

(47) Equipment and instrumentation used for quality control/assurance or inspection purposes;

(48) Hydraulic and hydrostatic testing equipment;

(49) Sample gathering, preparation and management;

(50) Vents from continuous emission monitors and other analyzers.

Miscellaneous:

(51) Single-family residences and duplexes;

(52) Plastic pipe welding;

(53) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;

(54) Insecticide, pesticide, or fertilizer spray equipment;
(55) Comfort air conditioning;
(56) Flares used to indicate danger to the public;
(57) Natural and forced air vents and stacks for bathroom/toilet activities;
(58) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;
(59) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
(60) Tobacco smoking rooms and areas;
(61) Noncommercial smokehouses;
(62) Blacksmith forges for single forges;
(63) Vehicle maintenance activities, not including vehicle surface coating;
(64) Vehicle or equipment washing;
(65) Wax application;
(66) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
(67) Ozone generators and ozonation equipment;
(68) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
(69) Electrical circuit breakers, transformers, or switching equipment installation or operation;
(70) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;
(71) Fire fighting and similar safety equipment and equipment used to train fire fighters;
(72) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
(73) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
(74) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg @21°C, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);
(75) Surface coating, aqueous solution or suspension containing less than 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
(76) Cleaning and stripping activities and equipment using solutions having less than 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
(77) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.
(78) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;
(79) Residential composting facilities;
(80) Restaurants and other retail food preparing establishments;
(81) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather. or ceramics;
(82) Steam cleaning equipment used exclusively for that purpose;
(83) Vacuum cleaning systems used exclusively for office or residential housekeeping;

(84) Vacuum producing devices used in laboratory operations and vacuum producing devices that no not remove or convey air contaminants from or to another source;

(85) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves

(86) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(87) Welding, brazing, or soldering equipment;

(88) Coffee roasters with a design capacity less than 10 pounds per batch;

(89) Bark and soil screening operations;

(90) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 150 tons per hour;

(91) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all initial crushers less than or equal to 25 tons per hour.

[Adopted 08/17/06; Amended 10/29/16; 08/17/19; 02/26/22]

Rule 6.1.1 (Reserved)

Rule 6.1.2 Application Processing

(a) Application certification. All NOC applications must 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 an NOC application, the Agency will 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 must 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), for 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 173-400-700 through 750 and WAC 173-400-800 through 860;

(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 will 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) will be made as promptly as possible after close of the public comment period. Final Determination on all other applications will be made within sixty (60) days of receipt of a complete NOC application.

(e) Approval. A final determination to approve an NOC application and an "Order of Approval," setting forth the conditions of approval, will be issued, and served 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 an NOC application does not meet the applicable approval requirements in Rule 6.1.3, then a final determination to deny approval and an Order to Deny Construction will be issued and served as provided for in these Regulations. Any Order to Deny Construction must:

(1) Be in writing;
(2) Set forth the objections in detail regarding the specific law or rule or rules of these Regulations that will not be met by the proposed project; and,
(3) Must 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 is limited to the emission unit proposed to be modified,

and the air contaminants whose emissions would increase because 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 70A.15.2260 and the NOC application required by this rule. An NOC application designated for integrated review will be processed in accordance with operating permit program procedures and deadlines in chapter 173-401 WAC. Applications submitted under WAC 173-400-700 through 750 and WAC 173-400-800 through 860 must also comply with public involvement requirements of Rule 6.1.3 and WAC 173-400-171.

(i) Professional Engineer review and sign-off. Every final determination on an NOC application must be reviewed and signed prior to issuance by a professional engineer, or staff under the direct supervision of a professional engineer.

(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, does 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 will:

(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.

(l) 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 an NOC application.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 6.1.3 Public Involvement

The public will be afforded an opportunity to express interest in any Notice of Construction (NOC) application prior to approval or denial by the Agency.

(a) Public Notice.

(1) A public interest fact sheet must be published on the Agency's website announcing the receipt of permit applications and other proposed actions that do not automatically require a public comment period pursuant to Rule 6.1.3(b). Fact sheets must be published on the Agency's webpage

for a minimum of fifteen (15) days. If publication to the Agency's website is not possible, the fact sheet will be published in a newspaper of general circulation in the area of the proposed action. When published in a newspaper, fact sheets will be published for a minimum of one (1) day.

(2) The public must be afforded a minimum of fifteen (15) days from initial publishing of a fact sheet to express an interest in a permit application or proposed decision by responding to the Agency in writing via letter, fax, or email.

(3) Public interest fact sheets must include:

(i) The name of the applicant;
(ii) Location of the proposed project;
(iii) A brief project description;
(iv) Agency contact information;
(v) Procedures for submitting comments and the date by which public comments are due;
(vi) A statement that a public comment period will be provided if requested by any person, government agency, group, or the applicant.

(4) Requests for a public comment period must be submitted to the Agency in writing via letter, fax, or electronic mail. A public comment period must be provided pursuant to Rule 6.1.3(c) for any permit application or proposed action that receives such a request. Any application or proposed action for which a public comment period is not requested may be processed without further public involvement.

(5) The Agency must consider comments submitted in accordance with Rule 6.1.3(a)(2) provided they are received prior to close of the comment period specified in the public interest fact sheet.

(b) Mandatory public comment period. A public comment period in accordance with Rule 6.1.3(c) must be required prior to approval or denial of any NOC application if:

(1) The proposed project would cause a significant net increase in emissions of any air contaminant listed in the following table:

Table 6.1a: Significant Emissions Increase

AIR CONTAMINANT	POTENTIAL TONS/YEAR
Carbon Monoxide (CO)	100.0
Volatile Organic Compounds (VOC)	40.0
Sulfur Dioxide (SO_2)	40.0
Nitrogen Oxides (NO_x)	40.0
Particulate Matter (PM)	25.0
Fine Particulate Matter (PM_{10})	15.0
Lead	0.6
Fluorides	3.0
Sulfuric Acid Mist	7.0

Hydrogen Sulfide (H_2S)	10.0
Total Reduced Sulfur (including H_2S)	10.0
Total Toxic Air Pollutants (total TAPs) (TAPs as listed in chapter 173-460 WAC)	25.0
Any single Toxic Air Pollutant (TAP)	10.0
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)	15.0
Municipal waste combustor acid gases (measured as SO_2 and hydrogen chloride)	40.0

(2) The applicant requests a limit on the potential to emit under Rule 6.1.12;
(3) The applicant requests to bank emission reduction credits;
(4) The proposed project involves refuse burning equipment;
(5) The Executive Director determines that there may be substantial public interest in the proposal;
(6) The proposed action is to extend the deadline to begin construction of a major stationary source or major modification in a nonattainment area;
(7) A modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51 (in effect on June 1, 2003) was used as part of review under Rule 6.1.4;
(8) The action involves an order to determine a category wide RACT;
(9) The action involves establishing a compliance schedule or variance;
(10) The order is to demonstrate the credible height of a stack which exceeds the GEP formula height and sixty-five (65) meters, by means of a fluid model or a field study, or purposes of establishing an emission limitation;
(11) The action includes an order to authorize a bubble; or,
(12) A public comment period is requested by any person, interested governmental agency, group, or the applicant in accordance with requirements for under Rule 6.1.3(a).

(c) Public Comment period. If required, a public comment period must be initiated through posting on the Agency's website for the duration of the public comment period. The Agency may supplement this method of notification by publication of a legal notice in a newspaper of daily circulation in the area of proposed action or by other methods appropriate to notify the local community. The public comment period can only be initiated after all information required by the Agency has been submitted and after a Preliminary Determination has been made. The cost of any supplemental noticing must be borne by the applicant per provisions in Rule 3.3. Public notice of any NOC application requiring a public comment period must include the following:

(1) Availability of the NOC application and any written Preliminary Determination of the Agency in at least one location near the proposed project site or on the Agency's website, excluding any confidential information as provided in Rule 1.6. The Agency's written Preliminary Determination must include the conclusions, determinations, and pertinent

supporting information from the Agency's analysis of the effect of the proposed project on air quality.

(2) Publication of a legal notice in a newspaper of general circulation in the area of the proposed project which provides:

(i) A brief description of the project;
(ii) Location of the project and location of documents made available for public inspection;
(iii) The deadline for submitting written comments;
(iv) A statement that any person, interested governmental agency, group, or the applicant may request a public hearing; and,
(v) A statement that a public hearing may be held if the Agency determines within a 30-day period that significant public interest exists; and,
(vi) The date of the close of the public comment period in the event of a public hearing; and,
(vii) For projects subject to Special protection requirements for federal Class I areas in WAC 173-400-117(5)(c), the legal notice must explain the permitting agency's decision or state that an explanation of the decision appears in the fact sheet for the proposed PSD permit.

(3) Notice to the US Environmental Protection Agency Region 10 Regional Administrator.

(d) Extent of public comment period. Unless a public hearing is held, the public comment period must be a minimum of thirty days. If a public hearing is held, the public comment period must extend through the hearing date and thereafter for such period, if an, as the notice of public hearing may specify.

(e) Public hearings. The applicant, any interested governmental entity, any group, or any person may request a public hearing within the comment period specified in the public notice. Any such request must indicate, in writing, the interest of the entity filing it and why a hearing is warranted. The Agency may, in its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing will be held upon such notice and at a time and place as the Agency deems reasonable. The Agency must provide at least 30 days prior notice of any hearing.

(f) Consideration of public comments. No final decision on any NOC application can be made until all public comment periods have ended and any comments received in accordance with requirements for public comments under Rule 6.1.3 have been considered.

(g) Other requirements of law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this rule (e.g., SEPA). This rule does not apply to an application for a "major modification" or an application for a "major stationary source."

(h) Public information. In accordance with Rule 1.6, all information, except information protected from disclosure under any applicable law, including, but not limited to, RCW 70A.15.2510, must be available for public inspection at the

agency. This includes copies of notices of construction applications, orders, and modifications.

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.4 Requirements for Approval

(a) Attainment or Unclassified area requirements. The following requirements apply to any new stationary source or modification proposed in an attainment or unclassified area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70A.15 RCW and applicable emission standards in ORCAA's Regulations.

(2) The proposed new stationary source or modification will employ BACT for all air pollutants not previously emitted or whose emissions would increase because of the new stationary source or modification.

(3) Allowable emissions from the proposed new stationary 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 met if the projected impact of the allowable emissions from the proposed new stationary 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 levels listed in the following table for the pollutants for which the area has been designated nonattainment:

Table 6.1.b Insignificant Impact Thresholds

Pollutant	Annual Average	24-hour Average	8-hour Average	3-hour Average	1-hour Average
CO	-	-	0.5 mg/m^3	-	2.0 mg/m^3
SO_2	1.0 µg/m^3	5.0 µg/m^3	-	25.0 µg/m^3	30.0 µg/m^3
PM_{10}	1.0 µg/m^3	5.0 µg/m^3	-	-	-
$PM_{2.5}$	0.3 µg/m^3	1.2 µg/m^3	-	-	-
NO_2	1.0 µg/m^3	-	-	-	-

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

(4) If the proposed project is subject to WAC 173-400-700 through 750 or WAC 173-400-800 through 860, Ecology has issued a final permit under those programs.

(5) If the proposed new stationary source or the proposed modification will emit any toxic air pollutants regulated under chapter 173-460 WAC, the stationary source meets all applicable requirements of that program.

(b) Nonattainment area requirements. The following requirements apply to any new stationary source or modification proposed in a nonattainment area:

(1) The proposed new stationary source or modification will comply with all applicable new source performance standards, national emission standards for hazardous air pollutants, national emission standards for hazardous air pollutants for source categories, emission standards adopted under chapter 70A.15 RCW and applicable emission standards in ORCAA's Regulations.

(2) The proposed new stationary source or modification will employ BACT for all air contaminants, except that if the new stationary source is a major stationary source or the proposed modification is a major modification it will achieve LAER for the air contaminants for which the area has been designated nonattainment and for which the proposed new stationary source or modification is major.

(3) The proposed new stationary source or modification will not cause any ambient air quality standard to be exceeded, will not violate the requirements for reasonable further progress established by the Standard Operating Procedures and will comply with Rule 6.1.4(a)(3) for all air contaminants for which the area has not been designated nonattainment.

(4) If the proposed new stationary source is a major stationary source or the proposed modification is a major modification, the Agency 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 because of its location, construction, or modification.

(5) If the proposed new stationary source or the proposed modification is major for the air contaminant for which the area is designated nonattainment, allowable emissions from the proposed new stationary source or modification of that air 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 stationary source will be less than total actual emissions from existing sources (before submitting the application) so as to represent (when considered together with the nonattainment provisions of section 172 of the Federal Clean Air Act) reasonable further progress. All offsetting emission reductions must satisfy the following requirements:

(i) The proposed new level of allowable emissions of the source or emissions 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 that 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 required by the Federal Clean Air Act, including the SIP, cannot be credited.

(ii) The emission reductions must provide for a net air quality benefit. For marginal ozone nonattainment areas, the total emission 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 stationary source or modification 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 (in effect on July 1, 2000).

(iii) If the offsets are provided by another source, the reductions in emissions from that source must be federally enforceable by the time the order of approval for the new or modified stationary source is effective. An emission reduction credit issued under WAC 173-400-131 may be used to satisfy some, or all, of the offset requirements of this rule.

(6) If the proposed new stationary 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 persons) 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 in the SIP.

(7) If the proposed new stationary source or modification is subject to WAC 173-400-700 through 750 and WAC 173-400-800 through 860, Ecology has issued a final permit under these programs.

(8) If the proposed new stationary 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 stationary source is a major stationary source within the meaning of WAC 173-400-710 or 810, or the proposed modification is a major modification within the meaning of WAC 173-400-710 or 810, the project meets the special protection requirements for federal Class I areas in WAC 173-400-117.

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.5 Notice of Completion – Order of Violation

(a) The owner or applicant must notify the Agency of the completion of construction, installation, establishment, or modification of a stationary source approved through an NOC application and, in the case of a new stationary source, the date upon which operation will commence. The Agency may inspect the new or modified stationary source and may issue an Order of Violation if it is found that it is not in accord with the approved NOC application or Order of Approval.

(b) Upon receipt of an Order of Violation, the owner may appeal the order in accordance with the provisions and procedures in Rule 1.8 and Rule 2.1 of these Regulations.

(c) The issuance of approval as provided by Rule 6.1.2(e) does not relieve the owner of the obligation to comply with the laws or regulations as adopted by this Agency or prevent the Board or Executive Director from issuing violation notices as provided by Rule 1.5(b).

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.6 Time Limit on Approval of Construction

Approval to construct or modify a stationary source becomes invalid if construction is not commenced within eighteen months after receipt of the approval, if construction is discontinued for a period of eighteen months or more, or if construction is not completed within a reasonable time. The Agency may extend the eighteen-month period upon a satisfactory showing that an extension is justified. An extension for a project operating under a PSD permit must also comply with public notice requirements in WAC 173-400-171. This provision does not apply to the 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.

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.7 (Reserved)

Rule 6.1.8 Conditions in Orders of Approval Enforceable

Failure to comply with any term or condition of an Order of Approval constitutes a violation of this rule and is subject to penalties pursuant to RCW 70A.15.3150 and RCW 70A.15.3160.

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.9 Work Done Without Approval

Where work, for which a Notice of Construction is required, is commenced, or performed prior to making application and receiving approval, the Executive Director or an authorized agent may investigate as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Rule 3.3 may be assessed in an amount up to 3 times the fees required of Rule 3.3. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.10 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source

(a) Any person proposing to replace or substantially alter the emission control technology installed on an existing stationary source must file a Notice of Construction (NOC) application with the Agency. Replacement or substantial alteration of control technology does not include routine maintenance, repair, or similar parts replacement.

(b) For projects not otherwise reviewable under Rule 6.1(a)(1) or Rule 6.1(a)(2), the Agency may:

(1) Require that the owner or operator employ RACT on the affected stationary source;
(2) Prescribe reasonable operation and maintenance conditions for the control equipment; and,
(3) Prescribe other requirements as authorized by chapter 70A.15 RCW.

(c) Within 30 days of receipt of a Notice of Construction application under this rule the Agency will 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 days of receipt of a complete NOC application under this rule the Agency will issue an order of approval or a proposed RACT determination for the proposed project.

(d) Construction must not commence on a project subject to review under this rule until the Agency issues a final order of approval. However, any NOC application filed under this rule will be deemed to be approved without conditions if the Agency takes no action within 30 days of receipt of a complete NOC application.

(e) Approval to replace or substantially alter emission control technology will become invalid if construction is not commenced within 18 months after receipt of such approval, if construction is discontinued for a period of 18 months or more, or if construction is not completed within a reasonable time. The Agency may extend the 18-month period upon satisfactory showing that an extension is justified. This provision does not apply to the period between construction of the approved phases of a phased construction project; each phase must commence construction within 18 months of the projected and approved commencement date.

[Adopted 08/17/06; Amended 08/17/19; 02/26/22]

Rule 6.1.11 Change of Conditions

(a) The owner or operator of a stationary source may request, at any time, a change in conditions of an approval order issued by the Agency and the Agency may approve the request provided the Agency finds that:

(1) The change in conditions will not cause the source to exceed an emissions standard;
(2) No ambient air quality standard or PSD increment will be exceeded because of the change;
(3) The change will not adversely impact the ability of the Agency to determine compliance with an emissions standard;
(4) The revised order continues to require BACT, as defined at the time of the original approval, for each new stationary source approved by the order except where the Federal Clean Air Act requires LAER; and
(5) The revised order meets the requirements of Rule 6.1, as applicable.
(6) If the order was issued under WAC 173-400-700 through 750 or WAC 173-400-800 through 860, the revised order will meet any applicable requirements of those sections.

(b) Actions taken under this rule are subject to the public involvement provisions of Rule 6.1.3.

(c) Requests must be made on forms provided by the Agency and must follow the procedures and timelines for an NOC application as specified in Rule 6.1. The fee schedule found in Rule 3.3 also applies to these requests.

(d) Changes involving construction, installation or establishment of a stationary source or modification of an existing source require approval under Rule 6.1(a).

[Adopted 08/17/06; Amended 02/26/22]

Rule 6.1.12 Voluntary Limits on Emissions

(a) Upon request by the owner or operator of a source, the Agency will 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 the Agency.

(b) A condition contained in an order issued under this rule must be less than the source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70A.15 RCW and the FCAA, including Washington State Implementation Plan. The term "condition" refers to limits on production or other limitations, in addition to emissions limitation.

(c) Any order issued under this rule must include monitoring, record keeping and reporting requirements to ensure that the source complies with any condition established under this rule. Monitoring requirements must use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(d) Any order issued under this rule is subject to the notice and comment procedures under Rule 6.1.3.

(e) The terms and conditions of a regulatory order issued under this rule are federally enforceable upon approval of this rule as an element of the Washington State Implementation Plan. Any proposed deviation from a condition contained in an order issued under this rule requires revision or revocation of the order.

[Adopted 08/17/06; Amended 02/26/22]

RULE 6.2 OUTDOOR BURNING

To maintain air quality at desirable levels, it is the policy of ORCAA to minimize to the greatest extent reasonably possible the burning of outdoor fires. Consistent with this policy, the Board declares that such fires should be allowed only on a limited basis under strict regulation and close control. The Board also encourages the fostering and development of an alternate technology or method of disposing of natural vegetation, which is reasonably economical and less harmful to the environment.

[Adopted 08/17/06; Repealed/Replaced 03/18/11; Amended 02/26/22]

Rule 6.2.1 The provisions of this rule apply to:

(a) Agricultural burning
(b) Fire training fires
(c) Land clearing burning
(d) Native American ceremonial fires
(e) Recreational fires
(f) Residential burning
(g) Storm and flood debris burning
(h) Weed abatement fires

[Adopted 03/18/11]

Rule 6.2.2 Definitions

When used in this Rule the following definitions apply:

"Agricultural burning" means the burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70A.15.5090 or other authoritative source on agricultural practices. Propane flaming of vegetative debris is considered commercial agricultural burning.

"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.

"Burn ban" means an "air pollution episode", or a period of "impaired air quality" as defined in RCW 70A.15.3580.

"Extinguish" means to put out a fire completely. It must be cool to the touch and not smoldering or smoking.

"Firewood" means clean, dry, seasoned, untreated wood used as fuel in a Native American ceremonial fire or recreational fire.

"Land Clearing Burning" means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used differently, or left unused).

"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.

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

"Recreational Fire" means cooking fires or campfires using firewood which occur in designated areas on public lands, or on private property. Fires used for disposal are not recreational fires.

"Residential Burning" means the outdoor burning of leaves, clippings, prunings, and other yard and gardening refuse originating on the maintained area of residential property (i.e., lands immediately adjacent and near a human dwelling) and burned on such lands by the property owner and/or another responsible person.

"Urban Growth Area" (UGA) means land, generally including land associated with an incorporated city, designated by a county for urban growth under RCW 36.70A.110.

[Adopted 03/18/11; Amended 02/26/22]

Rule 6.2.3 No Burn Areas:

No residential or land clearing burning is allowed in the following cities and/or UGAs:

Clallam	Grays Harbor	Jefferson	Mason	Pacific	Thurston
Carlsborg Clallam Bay Forks Joyce Port Angeles Sekiu Sequim	Aberdeen Hoquiam	Port Townsend Irondale Port Hadlock	Allyn Belfair Shelton	Ilwaco Long Beach Raymond Seaview South Bend	Bucoda Grand Mound Lacey Olympia Rainier Tenino Tumwater Yelm

[Adopted 03/18/11; Amended 02/04/12; Amended 02/26/22]

Rule 6.2.4 Summer Burn Restrictions

No residential or land clearing burning is allowed in Thurston County from July 15th through September 30th.

[Adopted 03/18/11; Amended 08/12/16]

Rule 6.2.5 Prohibitions and restrictions

(a) It is unlawful for any person to cause or allow an outdoor fire containing prohibited materials which include but are not limited to garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper, cardboard, treated wood, processed wood, construction/ demolition debris, metal, or any substance which when burned releases toxic emissions, dense smoke, or obnoxious odors. A limited amount of paper may be used to start the fire. ORCAA may allow the limited burning of prohibited materials for fire training.

(b) It is illegal to burn vegetation originating in any area where burning is prohibited as listed in Rule 6.2.3.

(c) A person capable of extinguishing the fire must attend it at all times, and the fire must be extinguished before leaving it.

(d) Containers (not regulated under WAC 173-400-070(1)) used for outdoor burning, must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings not larger than one-half inch.

(e) The use of burn barrels is illegal.

(f) A fire protection agency, county, conservation district, or other governing body may enforce its own regulations that are stricter than those set forth in this rule.

(g) It is unlawful for any person to cause or allow an emission from outdoor burning that is detrimental to the health, safety, or welfare of any person, that causes damage to property or business, or that causes a nuisance.

[Adopted 03/18/11; Amended 02/26/22]

Rule 6.2.6 Curtailment

(a) No outdoor fire can be ignited in a geographical area where an impaired air quality or episode has been declared.

(b) The person responsible for an outdoor fire must extinguish the fire when a burn ban is declared.

(c) Three (3) hours after a burn ban is declared smoke visible from all types of outdoor burning, except land clearing burning, constitutes prima facie evidence of unlawful outdoor burning.

(d) Eight (8) hours after a burn ban is declared smoke visible from land clearing burning constitutes prima facie evidence of unlawful outdoor burning.

[Adopted 03/18/11; Amended 02/26/22]

Rule 6.2.7 Recreational Burning

The following burn practices must be used for recreational burning where allowed.

(a) Maximum pile size is three (3) feet in diameter and two (2) feet high.

(b) Only dry, seasoned firewood or charcoal and enough clean paper necessary to start a fire may be burned.

[Adopted 03/18/11; Amended 02/26/22; 03/06/23]

Rule 6.2.8 Permit Program

ORCAA may consult with fire protection authorities, conservation districts, or counties to determine if any of these agencies are capable and willing to serve as the permitting agency and/or enforcing agency for specific types of burning. Permitting agencies may use, as appropriate, a verbal, electronic, written, or general permit established by rule, for any type of burning that requires a permit.

(a) Permitting agencies may deny an application or revoke a previously issued permit if it is determined that the application contained inaccurate information, failed to contain pertinent information or the permitted activity has caused a nuisance.

(b) Failure to comply with any term or condition of a permit constitutes a violation of this rule and is subject to penalties pursuant to RCW 70A.15.3150 and RCW 70A.15.3160.

(c) Types of burning that require a written permit.

(1) Agricultural burning must abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(2) Fire training fires, except as provided in RCW 52.12.150, may be conducted provided all the following requirements are met:

(i) Fire training must not occur during a burn ban.

(ii) The fire must be for training.

(iii) The agency conducting the training fire must obtain any permits, licenses, or other approvals required by any entity for such training fires. All permits, licenses, and approvals must be kept on-site and available for inspection.

(3) Land Clearing Burning requires an approved written permit. Conditions of the written permit issued by ORCAA or another permitting agency are enforceable.

(4) Storm and flood debris resulting from a declared emergency by a governmental authority may be burned within two years of the event (storm). Burning must abide by Rule 6.2 and all conditions of the written permit issued by ORCAA or another permitting agency.

(5) Weed abatement fires.

(6) Residential fires in Thurston County.

The permit application for the above permits must be accompanied by the applicable fee, pursuant to Rule 3.4.

(d) Where residential burning is allowed and no written burn permits are issued, burning must abide by Rule 6.2 and the following:

(1) Maximum pile size is four (4) feet in diameter and three (3) feet high.

(2) Only one pile may be burned at a time, and each pile must be extinguished before lighting another.

(3) Only natural vegetation may be burned.

(4) No fires are to be within fifty (50) feet of structures or within five hundred (500) feet of forest slash.

(5) No tree stumps may be burned.

[Adopted 03/18/11; Amended 10/11/15; 02/26/22;03/06/23]

RULE 6.3 ASBESTOS

The Board of Directors of the ORCAA recognize asbestos is a serious health hazard. Any asbestos fibers released into the air can be inhaled and can cause lung cancer, pleural mesothelioma, peritoneal mesothelioma, or asbestosis. The Board has determined any asbestos emitted to the ambient air is air pollution. Because of the seriousness of the health hazard, the Board of Directors has adopted this regulation to control asbestos emissions from asbestos removal projects to protect public health. The Board adopted these regulations to coordinate with the EPA asbestos NESHAP, the OSHA asbestos regulation, the Washington Department of Labor and Industries asbestos regulations, the Washington Department of Ecology Dangerous Waste regulation, and the solid waste regulations of Clallam, Grays Harbor, Jefferson, Mason, Pacific, and Thurston counties.

[Adopted 08/17/06; Amended 09/19/08; 10/29/16; 02/26/22]

Rule 6.3.1 Definitions

When used in this Rule the following definitions apply:

Asbestos – The asbestiform varieties of serpentinite (chrysotile), riebeckite (crocidolite), cummingtonite-grunerite (amosite), anthophyllite, and actinolite-tremolite.

Asbestos-containing Materials (ACM) – Any material containing more than one percent (1%) asbestos as determined using the method specified in EPA *Method for the Determination of Asbestos in Building Materials* EPA/600/R-93/116, July 1993, or more

effective method as approved or required by EPA. This definition includes all loose vermiculite used as insulation.

Asbestos-containing Waste Material – Any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or HEPA filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.

Asbestos Hazard Emergency Response Act (AHERA) Building Inspector – A person who has successfully completed the training requirements for a building inspector established by EPA Asbestos Model Accreditation Plan (40 CFR Part 763, Appendix C to Subpart E.I.B.3) and whose certification is current.

Asbestos Hazard Emergency Response Act (AHERA) Project Designer – A person who has successfully completed the training requirements for an abatement project designer established by EPA regulations (40 CFR 763.90(g)) and whose certification is current.

Asbestos Project – Any activity involving the abatement, renovation, demolition, removal, salvage, clean up, or disposal of asbestos-containing materials, or any other action that disturbs or is likely to disturb any asbestos-containing materials. It includes the removal and disposal of stored asbestos-containing materials or asbestos-containing waste material. This term does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.

Asbestos Survey – A written report describing an inspection using the procedures contained in EPA regulations (40 CFR 763.86 and 40 CFR 763.87), or an alternate method that has received prior written approval from the Executive Director, or designee, to determine whether materials or buildings to be worked on, removed, disturbed, or demolished, contain asbestos.

Component – Any equipment, pipe, structural member, or other item covered or coated with, or manufactured from, asbestos-containing materials.

Demolition – Wrecking, razing, dismantling, burning via fire protection agency training, or removal of any load supporting structural member of a structure, including any related handling operations, making all or part of the structure permanently uninhabitable or unusable.

Friable Asbestos-containing Materials – Asbestos-containing materials that when dry can be crumbled, disintegrated, or reduced to powder by hand pressure or by the forces expected to act upon the materials during demolition, renovation, or disposal.

HEPA Filter – A High Efficiency Particulate Air filter found in some respirators and vacuum systems. HEPA filters must be capable of filtering 0.3 micrometer mean aerodynamic diameter particles with 99.97% efficiency.

Leak-Tight Container – A dust-tight and liquid-tight container that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.

Liquid Wetting Agent – Water in which a surfactant (detergent) has been added.

Non-friable Asbestos-containing Materials – Asbestos-containing materials that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand pressure or other forces expected to act on the materials during demolition, renovation, or disposal.

Renovation – To make changes or repairs, other than demolition, to a structure.

Single-Family Residence – Any structure containing space for use such as living, sleeping, food preparation and eating. This term includes houses, mobile homes, detached garages, houseboats, and houses with a “mother-in-law apartment” or “guest room”. This term does not include multiple-family units (such as apartments, duplexes, condominiums, etc.), nor does this term include any mixed-use building, structure, or installation that contains a residential unit.

Surfacing Material – Material sprayed or troweled on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing materials on structural members, or other materials on surfaces for decorative purposes.

Suspect Material – Material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (except 3-tab composite roofing), fire barriers, gaskets, flooring material, and cement or concrete siding.

Thermal System Insulation – Material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.

Visible Asbestos Emissions – Any asbestos-containing materials that are visually detectable without the aid of instruments.

Waste Generator – Any owner or operator of a facility whose act or process produces asbestos-containing waste material.

Waste Shipment Record – The shipping document required to be originated and signed by the owner or operator, used to track, and substantiate the disposition of asbestos-containing waste material.

[Adopted 08/17/06; Amended 09/19/08; 10/29/16; 02/26/22]

Rule 6.3.2 Asbestos Survey Requirements

(a) Renovation. An asbestos survey is required for any renovation involving 48 square feet, or more, of suspect asbestos material. The property owner or the owner's agent must determine whether there are suspect asbestos-containing materials (ACM) in the work area and obtain an asbestos survey by an Asbestos Hazard Emergency Response Act (AHERA) building inspector. An AHERA building inspector is not required for asbestos surveys associated with the renovation of a single-family residence. In lieu of a survey, the owner of the residence may collect samples to have analyzed by a National Voluntary Laboratory Accreditation Program (NVLAP) certified lab per 40 CFR 763.87.

(1) A summary of the results of the asbestos survey must be available at the work site and communicated to all persons who may encounter the material.
(2) If there are no suspect materials in the work area, this determination must be available at the work site and communicated to all persons involved in the renovation.
(3) It is not required that an AHERA building inspector sample any material presumed to be ACM.

(b) Demolition. It is unlawful for any person to cause or allow any demolition unless the property owner or the owner's agent obtains an asbestos survey, by an AHERA building inspector, of the structure.

(1) It is not required that an AHERA building inspector evaluate any material presumed to be ACM.
(2) Only an AHERA building inspector may determine that a suspect material does not contain asbestos.
(3) A summary of the results of the asbestos survey must be available at the work site and communicated to all persons who may encounter the material.

[Adopted 08/17/06; Amended 09/19/08; 04/26/15; 10/29/16; 02/26/22]

Rule 6.3.3 Controlled and Regulated Substances

(a) It is unlawful to cause or allow visible asbestos emissions, including emissions from asbestos waste materials:

(1) On public or private lands, on developed or undeveloped properties and on any open uncontrolled and non-designated disposal sites;
(2) During the collection, processing, handling, packaging, transporting, storage, and disposal of any asbestos-containing waste material; or
(3) From any fugitive source.

[Adopted 08/17/06; Amended 09/19/08; 10/29/16; 02/26/22]

Rule 6.3.4 Notification Requirements

(a) It is unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Executive Director, or designee, has

been submitted to the ORCAA on approved forms, in accordance with the notification period requirements contained in 6.3.4(c) Notification Period:

(1) Notification is required for all demolitions of structures with a footprint greater than 120 square feet, even if no ACM is present. All other demolition requirements remain in effect.

(2) Per Rule 3.5, the appropriate nonrefundable fee must accompany the notification.

(3) A copy of the notification, all amendments to the notification, the asbestos survey, and a work plan for an alternate means of compliance must be available for inspection at the asbestos project or demolition site.

(4) Notification for multiple asbestos projects or demolitions may be filed by a property owner or agent on one form if all the following criteria are met:

(i) The same contractor will perform the work continuously; and,

(ii) A work plan is submitted that includes: a map clearly identifying the structures involved in the project; the amount and type of ACM in each structure; and the schedule for performing asbestos project and demolition work; and,

(iii) The project must be bid as a group under the same contract; and

(iv) The structures must be on contiguous property.

(b) Exemptions from Notification

(1) Notification is not required for asbestos projects containing less than 10 linear feet on pipe or 48 square feet (per structure, per calendar year) of any ACM.

(2) Notification is not required for removal and disposal of non-friable caulking, window glazing and roofing.

(c) Notification Period

Project	Notification Period
Asbestos	10 days prior to commencement of work on project
Asbestos-NESHAP[1]	14 days prior to commencement of work on project
Asbestos Project Amendments	Prior Notice
Demolition	14 days prior to commencement of work on project
Emergency	Prior Notice

(1) The duration of an asbestos project must not exceed one year from date of submission of the original notification.

(2) The Executive Director, or designee, may waive the notification period, by written authorization, for disposal of unused and intact or abandoned (without the knowledge or consent of the property owner) ACM. All other asbestos project and demolition requirements remain in effect.

[Adopted 08/17/06; Amended 09/19/08; 10/29/16; 02/26/22]

[1] Projects subject to 40 CFR Part 61 Subpart M must comply with the 14-day notification period.

Rule 6.3.5 Annual Notification

(a) A property owner or agent may file one annual notification for asbestos projects on one or more structures, vessels, or buildings during each calendar year if all the following conditions are met:

(1) The annual notification must be filed with ORCAA before beginning work on any asbestos project included in the annual notification;
(2) The annual notification covers only those structures, vessels, or buildings from the same industrial grouping located on contiguous or adjacent properties and are under common ownership and control.
(3) The total amount of ACM removed is less than 260 linear feet on pipes or less than 160 square feet of any ACM; and
(4) The property owner or agent submits quarterly written reports to the Executive Director, or designee, on ORCAA-approved forms within 15 days after the end of each calendar quarter.

[Adopted 08/17/06; Amended 09/19/08; 10/29/16; 02/26/22]

Rule 6.3.6 Asbestos Project Amendments

(a) The original applicant will submit an amendment on or before the completion date on file to the Executive Director, or a designee, for the following changes in a project:

(1) Change in the quantity of asbestos to be removed; or
(2) Changes in the ACM that will be removed; or
(3) Change of contractor; or
(4) Changes in the start date, completion date, or work schedule, including hours of work.

[Adopted 10/29/16; Amended 02/26/22]

Rule 6.3.7 Emergencies—Exceptions to Advance Notification Period

(a) The Executive Director, or designee, may waive the advance notification period, if the property owner or agent submits a written request that demonstrates to the Executive Director, or designee, that an asbestos project or demolition must be conducted immediately because of any of the following:

(1) There was an event that resulted in a public health or safety hazard;
(2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
(3) ACM were encountered that were not identified during the asbestos survey; or,
(4) The project must proceed to avoid imposing an unreasonable burden.

[Adopted 10/29/16; Amended 02/26/22]

Rule 6.3.8 Asbestos Removal Requirements Prior to Renovation or Demolition

(a) Except as provided in Rule 6.3.8(b), it is unlawful for any person to cause or allow any demolition or renovation that may disturb ACM or damage a structure to preclude access to ACM for future removal, without first removing all ACM in accordance with the requirements of this regulation. ACM need not be removed from a component if the component can be removed, stored, or transported for reuse without disturbing or damaging the asbestos.

(b) Inaccessible Asbestos Removal Requirements. ACM may be removed during demolition, if the property owner demonstrates to the Executive Director, or designee, through a work plan, that the ACM is not accessible such as:

(1) Structures or buildings that are structurally unsound and in danger of imminent collapse;

(2) Conditions that are immediately dangerous to life and health;

(3) Unable to access all asbestos material prior to demolition.

(4) The owner must submit:

(i) written determination of the hazard by an authorized government official or a licensed structural engineer; and,

(ii) a work plan outlining the procedures that will be followed to control asbestos emissions during the demolition or renovation and disposal of the asbestos-containing waste material.

[Adopted 10/29/16; Amended 02/26/22]

Rule 6.3.9 Procedures for Asbestos Projects

(a) Training Requirements. It is unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety and Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certificate is current. This certification requirement does not apply to individuals who work on asbestos projects on their own single-family residence(s).

(b) Asbestos Work Practices. Except as provided in Rule 6.3.4(b)(2) of this Rule, it is unlawful for any person to cause or allow the removal of ACM unless all the following requirements are met:

(1) The asbestos project must be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area must be restricted to authorized personnel only.

(2) If a negative pressure enclosure is employed it must be equipped with transparent viewing ports, if feasible, and must be maintained in good working order. Emissions from the negative air exhaust must be controlled by a HEPA filter.

(3) Absorbent ACM, such as surfacing material and thermal system insulation, must be saturated with a liquid wetting agent prior to removal. Any unsaturated absorbent ACM exposed during removal must be immediately saturated with a liquid wetting agent. All absorbent asbestos-containing waste material must be kept saturated with a liquid wetting

agent until sealed in leak-tight containers. All asbestos-containing waste material must be sealed in leak-tight containers as soon as possible after removal but no later than the end of each work shift.

(4) Nonabsorbent ACM, such as cement asbestos board or vinyl asbestos tile, must be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent ACM exposed during removal must be immediately coated with a liquid wetting agent. All nonabsorbent asbestos-containing waste material must be kept coated with a liquid wetting agent until sealed in leak-tight containers.

(5) Metal components (such as valves and fire doors) that have internal ACM are exempt from the requirements of 6.3.4 if all access to the ACM is welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the ACM from the environment.

(6) ACM that are being removed, have been removed, or may have fallen off components during an asbestos project must be carefully lowered to the ground or a lower floor, not dropped, thrown, slid, or otherwise damaged, unless enclosed inside a negative-pressure enclosure.

(7) The exterior of each leak-tight container must be free of all asbestos residue and permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.

(8) It is unlawful to allow visible asbestos emission from an asbestos project. Leak-tight containers must not be dropped, thrown, slid, or otherwise damaged.

(9) The asbestos-containing waste material must be stored in a controlled area until transported to an approved waste disposal site.

(10) It is unlawful for any person to create or allow a condition that results in the disturbance, or likely disturbance, of ACM. Such unlawful activity includes but is not limited to: Not removing all ACM in a structure scheduled for demolition; partially removing ACM and leaving remaining ACM in a state making it more susceptible to being disturbed; or, leaving it on the ground, outside and open to the environment.

[Adopted 10/29/16; Amended 02/26/22]

Rule 6.3.10 Disposal of Asbestos-Containing Waste Material

(a) Except as provided in 6.3.10(c) of this Regulation, ACM must be transferred offsite within 10 days of removal. The ACM may be transferred to an approved temporary storage site or to a waste disposal site operated in accordance with 40 CFR 61.154 or 40 CFR 61.155.

(b) Temporary Storage Site. A person may establish a facility for collecting and temporarily storing asbestos-containing waste material if the facility is approved by the Executive Director, or designee, and all the following conditions are met:

(1) Accumulated asbestos-containing waste material must be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons;

(2) All asbestos-containing waste material must be stored in leak-tight containers and the leak-tight containers must be maintained in good condition;

(3) The storage area must be locked except during transfer of asbestos-containing waste material; and

(4) Storage, transportation, disposal, and return of the waste shipment record to the waste generator must not exceed 90 days.

(c) Disposal of Asbestos Cement Pipe. Asbestos cement water pipe used on a public right-of-way or public easement is excluded from the disposal requirements of Rule 6.3.10 if the following conditions are met:

(1) Asbestos cement pipe may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered with at least three (3) feet or more of non-asbestos fill material and the state, county or city authorities are notified in writing of buried asbestos cement pipe; and

(2) All asbestos-containing waste material, including asbestos cement water pipe fragments that are one (1) linear foot or less, protective clothing, HEPA filters, or other asbestos contaminated material, debris, or containers, will be subject to the requirements of Rule 6.3.

[Adopted 10/29/16; Amended 02/26/22]

Rule 6.3.11 Compliance with other Rules

Other government agencies have adopted rules that may apply to asbestos projects regulated under these rules including, but not limited to, the United States Environmental Protection Agency (EPA), the Occupational Safety and Health Administration (OSHA), and the Department of Labor and Industries. Nothing in the Agency's rules excuse any person from complying with any other applicable local, state, or federal requirement.

[Adopted 10/29/16; Amended 02/26/22]

RULE 6.4 NOTICE OF INTENT TO OPERATE

(a) A Notice of Intent to Operate may be filed with the Agency in lieu of a Notice of Construction for the following sources:

(1) Temporary Portable Stationary Sources. Relocation of temporary portable stationary sources having a valid Order of Approval from Ecology or a local air pollution control agency in the State of Washington.

(2) Stationary Sources based on Potential to Emit. Any stationary source that will have a combined uncontrolled potential to emit from all emission units less than:

(i) 0.5 tons per year of any criteria pollutant; and,

(ii) 1.0 tons per year of total criteria pollutants and VOC combined; and,

(iii) 0.005 tons per year of lead; and,

(iv) The de minimis emission rate specified for each Toxic Air Pollutant listed in WAC 173-460-150; and,

(v) 1.0 tons per year of ozone depleting substances combined.

(3) Gasoline Dispensing Facilities (GDF). Construction or modification of a gasoline dispensing facility, or replacement or substantial alteration of vapor recovery systems, provided that:

(i) The installed equipment is in accordance with the current California Air Resources Board (CARB) Executive Orders as defined in Rule 8.12 listed on the GDF Notification form effective at the time of the filing;
(ii) The GDF is not part of a stationary source subject to the Air Operating Program (Rule 5);
(iii) The GDF is not subject to any of the Stage II requirements in WAC 173-491-040(5); and
(iv) The project does not involve the removal of a Stage II vapor recovery system.

(b) A Notice of Intent to Operate must be filed with the agency for nonroad engines (as defined in WAC 173-400-035) as required by WAC 173-400-035.

(c) A complete Notice of Intent to Operate (NOI) application must be filed at least 15 days prior to starting operation of the source.

(d) NOI applications will be made on standard forms of the Agency and will include:

(1) All information requested in the applicable standard forms;
(2) If submitting a NOI for a stationary source qualifying for the exemption based on potential to emit under Rule 6.4(a)(2), documentation verifying the stationary source's potential to emit;
(3) If submitting a NOI for a nonroad engine, the notice must include all the information required by WAC 173-400-035(4) or (5), as applicable;
(4) Any additional information requested by the Agency to verify that operation of the stationary source will comply with applicable air pollution control requirements; and,
(5) Applicable fee per Rule 3.6.

(e) Condition of operation. The Agency may establish enforceable conditions of operation, through issuance of a regulatory Order, as are necessary to assure compliance with applicable air pollution control requirements.

(f) Temporary Portable Stationary Sources - Requirements for Operation. Sources submitting a Notice of Intent per Rule 6.4(a)(1) must meet the following requirements:

(1) The operation must not cause a violation of ambient air quality standards;
(2) If the operation is in a nonattainment area, it must not interfere with the scheduled attainment of ambient standards;
(3) The temporary source must operate in compliance with all applicable air pollution rules and regulations;
(4) A temporary portable stationary source that is considered a major stationary source within the meaning of WAC 173-400-710 or WAC 173-400-810 must also comply with the requirements in WAC 173-400-700

through 750 and WAC 173-400-800 through 860 and Rule 6.1.3(b) as applicable;

(5) Any operating condition in an Order previously issued to a temporary source will remain in effect upon relocating the source within ORCAA's jurisdiction unless specifically superseded by condition in a subsequent Order.

(g) Where work, for which a Notice of Intent to Operate is required, is commenced prior to making application and receiving approval, the Executive Director, or an authorized agent, may investigate as part of the Notice of Intent review. In such a case, an investigation fee, in addition to fees of Rule 3.3, may be assessed in an amount up to 3 times the Notice of Intent fees of Rule 3.3. Payment of the fees does not relieve any person from the requirement to comply with the regulations nor from any penalties for failure to comply.

[Adopted 02/26/22]

REGULATION 7 – PROHIBITIONS

RULE 7.1 INTERFERENCE OR OBSTRUCTION

It is unlawful for any person to willfully interfere with or obstruct the Executive Director or any Agency employee in performing any lawful duty.
[Adopted 08/17/06; Amended 02/26/22]

RULE 7.2 FALSE OR MISLEADING STATEMENTS

It is unlawful for any person to willfully make a false or misleading statement to the Board or its representative as to any matter within the jurisdiction of the Board.
[Adopted 08/17/06; Amended 02/26/22]

RULE 7.3 UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

It is unlawful for any person to reproduce or alter, or cause to be reproduced or altered, any order, registration certificate or other paper issued by the Agency if the purpose of such reproduction or alteration is to evade or violate any provision of these Regulations or any other law.
[Adopted 08/17/06; Amended 02/26/22]

RULE 7.4 DISPLAY OF ORDERS AND CERTIFICATES: REMOVAL OR MUTILATION PROHIBITED

(a) Any order or registration certificate required to be obtained by these Regulations must be available on the premises designated on the order or certificate.

(b) If the Agency requires an order or registration certificate to be displayed, it must be posted.

(c) It is unlawful for any person to mutilate, obstruct or remove any order or registration certificate unless authorized to do so by the Board or the Executive Director.

[Adopted 08/17/06; Amended 02/26/22]

RULE 7.5 EMISSION OF AIR CONTAMINANT – CONCEALMENT AND MASKING

(a) It is unlawful for any person to cause or allow the installation or use of any device or use of any means, which conceals or masks an emission of air contaminant, which would otherwise violate any provisions of ORCAA's Regulations or chapter 173-400 WAC.

(b) It is unlawful for any person to cause or allow the installation or use of any device or use of any means designed to conceal or mask the emission of an air contaminant, which causes detriment to health, safety, or welfare of any person, or cause damage to property or business.

[Adopted 08/17/06; Amended 02/26/22]

RULE 7.6 EMISSIONS OF AIR CONTAMINANT OR WATER VAPOR: DETRIMENT TO PERSONS AND/OR PROPERTY

It is unlawful for any person to cause or allow the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by these

Regulations, if the air contaminant or water vapor causes detriment to the health, safety, or welfare of any person, or causes damage to property or business.
[Adopted 08/17/06; Amended 02/26/22]

REGULATION 8 – PERFORMANCE STANDARDS

RULE 8.1 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).
[Adopted 08/17/06; Amended 05/22/10]

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.

"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 is not 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" means the same as Stage 1 burn ban and is declared when meteorological conditions are predicted to cause fine particulate levels to exceed 35 micrograms per cubic meter measured on a 24-hour average, within 48 hours.

"Second Stage of Impaired Air Quality" means the same as Stage 2 burn ban and is declared when a first stage of impaired air quality has been in force and has not been sufficient to reduce the increasing fine particulate pollution trend. A second stage burn ban may be called without calling a first stage burn ban only when all the following occur:

(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 dried and contains 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 except those prohibited by Rule 8.1.3. This also includes devices used for aesthetic or a space heating purpose, which has heat input less than one million British thermal units per hour. A cook stove is specifically excluded from this definition.

“Treated Wood” mean 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 space heating and/or domestic water heating.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.2 General Emission Standards

(a) It is unlawful for any person to cause or allow an emission from a solid fuel burning device that unreasonably interferes with the use and enjoyment of property or workplace.

(b) It is unlawful for any person to cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent (20%) opacity as determined by EPA Method 9. The provision of this requirement will not apply during the starting of a new fire for a period not to exceed 20 minutes in any 4-hour period.

(c) Smoke visible from a chimney, flue, or exhaust duct, in excess of the opacity standard will 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.3 Prohibited Fuel Types

It is unlawful for any person to 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.4 Curtailment

(a) Whenever the Agency has declared a Stage 1 burn ban for a geographic area, a person within that geographic area with an adequate source of heat other than a solid fuel burning device must 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 Agency has declared a Stage 2 burn ban for a geographic area, a person within that geographical area with an adequate source of heat other than a solid fuel burning device must not operate any solid fuel burning device.

(c) The affected geographic area of a declared Impaired Air Quality will be determined by the 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 must 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 will 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 70A.15.3510(3), woodstoves meeting the standards set forth in RCW 70A.15.3530 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 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 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) will 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.5 Exemptions

Written exemptions granted by the Agency are 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 will 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 the Agency may issue a written solid fuel burning device emergency exemption. An emergency may 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.

(b) Inadequate heat source. Written exemptions may be issued by the 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.6 Penalties

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

[Adopted 08/17/06; Amended 05/22/10]

Rule 8.1.7 Sale and Installation of Uncertified Woodstoves

It is unlawful to install, sell, offer for sale, advertise for sale, or otherwise transfer an uncertified solid fuel burning device unless the device has been rendered permanently inoperable as a combustion device.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

Rule 8.1.8 Disposal of Uncertified Woodstoves

When an uncertified solid fuel burning device is to be permanently removed from its location it must be rendered inoperable as a solid fuel burning device. A removed uncertified solid fuel burning device must 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.

[Adopted 08/17/06; Amended 05/22/10; 02/26/22]

RULE 8.2 GENERAL STANDARDS FOR MAXIMUM VISUAL EMISSIONS

All facilities, sources and emissions units are required to meet the visual emission standards of this rule except when a visual emission standard is listed in another rule of these Regulations, or where a Notice of Construction lists a more stringent visual emission standard, or where an applicable State of Washington or Federal Regulation lists a visual emission standard that is more stringent, such standards will take precedent over a general emission standard listed in this rule.

(a) In equipment or facilities, including boilers using hogged fuel, regardless of their date of installation, it is unlawful for any person to cause or allow the emission to the outdoor atmosphere, for more than three (3) minutes in any one hour, of a gas stream containing air contaminants that are greater than 20% opacity.

(b) Observations must be made by trained and certified observers or by LIDAR instrumentation.

(c) The exceptions to Rule 8.2 are as follows:

(1) Emission occurring due to soot blowing or grate cleaning may be greater than 20% opacity; providing the operator can demonstrate that soot blowing, or grate cleaning will not exceed a total of 15 minutes in any 8 consecutive hours. This practice, except for testing and troubleshooting, is to be scheduled for the same approximate times each day and ORCAA must be advised of the schedule.

(2) 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 20%.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.3 GENERAL STANDARDS FOR MAXIMUM PARTICULATE MATTER

All sources and emission units are required to meet the emission standards of this rule, except when a standard is listed in another rule of these Regulations, or where a Notice of Construction Approval Order lists a more stringent standard, or where an applicable State of Washington or Federal Regulation lists a standard that is more stringent, such standards will take precedent over a general emission standard listed in this rule. Further, all existing emission 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 ORCAA Regulations. When current controls are determined to be less than RACT, ORCAA will, on a case-by-case basis, define RACT for each source or source category and issue a regulatory order to the source or source category for installation of RACT. Particulate test procedures, on file at the Authority, will be used to determine compliance. The Agency requires the inclusion of condensable particulate matter, for determining compliance with the particulate matter standards in this rule.

(a) In equipment or facilities, except boilers using hog fuel, it is unlawful for any person to 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 at 7% oxygen). Particulate test procedures, on file at the Agency, will be used to determine compliance.

(b) Hogged Fuel Boilers: It is unlawful for any person to cause or allow the emission of particulate matter to the outdoor atmosphere from any single source in excess of 0.20 grains per standard cubic foot of gas (calculated at 7% oxygen). Particulate test procedures, on file at the Agency, will be used to determine compliance.

(c) Fugitive particulate material. Reasonable and/or appropriate precautions must be taken to prevent fugitive particulate material from becoming airborne;

(1) When handling, loading, unloading, transporting, or storing particulate material; or,

(2) When constructing, altering, repairing, or demolishing a building; or its appurtenance; or a road; or,

(3) From an untreated open area.

For this rule, fugitive particulate means particulate material which is generated incidental to an operation, process or procedure and is emitted into the open air from points other than an opening designed for emissions such as stacks or vents.

(d) It is unlawful for any person to cause or allow any construction, alteration, repair, maintenance, or demolition work without taking precautions to prevent air pollution.

(e) Fallout. It is unlawful for any person to 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 which interferes unreasonably with the use and enjoyment of the property upon which the material is deposited.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.4 INCINERATION OPERATION

(a) It is unlawful for any person to cause or allow any incineration operation within the Agency's jurisdiction except in an incinerator provided with emission control apparatus found by the Executive Director, or a duly designated agent, in advance of such use, to be effective for air pollution control.

(b) Operating Hours. It is unlawful for any person to cause or allow an incineration operation at any time other than daylight hours of the same day, except with written approval of the Executive Director.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.5 ODOR CONTROL MEASURES

(a) Reasonably available control technology (RACT) must be installed and operated to mitigate odor-bearing gases emitted into the atmosphere to a minimum, or, so as not to create air pollution.

(b) The Board may establish requirements that the building or equipment be enclosed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the outdoor atmosphere.

(c) It is unlawful for any person to cause or allow the emission or generation of any odor from any source, which unreasonably interferes with another person's use, and enjoyment of their property.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.6 EMISSION OF TOXIC AIR POLLUTANTS

(a) Sources installed after June 18, 1991, must meet the requirements of chapter 173-460 WAC, New Sources of Toxic Air Pollutants. For sources installed after June 18, 1991, "Toxic Air Pollutant (TAP)" means any toxic air pollutant listed in WAC 173-460-150

(b) No person shall cause or allow the emission of formaldehyde into the ambient air beyond such person's property line, which will result in a concentration exceeding .05 ppm (parts per million) 1 hour average or 61 micrograms per cubic meter 1 hour average.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.7 REPORTING OF EXCESS EMISSIONS

(a) Excess emission must be reported to the Agency as soon as possible and within 24 hours unless the Agency has established alternative reporting timeline requirements for the source. Upon request by the Executive Director, the owner(s), or operator(s), of the source(s) must submit a full written report including the known causes, the corrective actions taken, and the preventative measures to be taken to minimize or eliminate the chance of recurrence.

(b) The owner or operator of a source has the burden of proving to the Agency that excess emissions were unavoidable.

(c) The following scenarios of excess emissions will be considered unavoidable:

(1) Excess emissions due to startup or shutdown conditions will be considered unavoidable provided the source reports as required under Rule 8.7(a) and adequately demonstrates 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.

(2) Excess emissions due to scheduled maintenance will be considered unavoidable if the source reports as required under Rule 8.7(a) and could not have been avoided through better design, scheduling for maintenance, or through better operation and maintenance practices.

(3) Excess emissions due to upsets will be considered unavoidable provided the source reports, as required under Rule 8.7(a), and demonstrates:

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

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

(iii) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during and after the event, 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.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.8 CONTROL EQUIPMENT – MAINTENANCE AND REPAIR

All air contaminant sources are required to keep any process and/or air pollution control equipment in good operating condition and repair.

[Adopted 08/17/06]

RULE 8.9 BURNING USED OIL IN LAND BASED FACILITIES

(RCW 70A.15.4510)

(a) Except as provided in Rule 8.9(b), a person may not burn used oil as fuel in a land-based facility or in state waters unless the used oil meets the following standards:

(1) Cadmium – 2 ppm maximum
(2) Chromium – 10 ppm maximum
(3) Lead – 100 ppm maximum
(4) Arsenic – 5 ppm maximum
(5) Total Halogens – 1000 ppm maximum
(6) Polychlorinated Biphenyls – 2 ppm maximum
(7) Ash - .1 percent maximum (0.1%)
(8) Sulfur – 1.0 percent maximum (1%)
(9) Flash point – 100 degrees Fahrenheit minimum (100ºF)

(b) This rule does not apply to:

(1) Used oil burned in space heaters if the space heater has a maximum heat output of not greater than 0.5 million BTUs per hour or used oil burned in facilities permitted by the Agency; or
(2) Ocean going vessels.

(c) This rule does not apply to persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

Test procedures for determining compliance for the above specifications must be approved by the Agency.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.10 FLUORIDES

(a) The following standards apply to forage:

(1) After sampling monthly, the yearly average fluoride content of the forage should not exceed 40 ppm Fluoride ion (ppm F), on a dry weight basis, or

exceed 60 ppm F for more than two (2) consecutive months or exceed 80 ppm F for more than one (1) month.

(2) In areas where cattle are not grazed continually but are fed cured forage, as hay, for part of the year, the fluoride content of this hay will be used as it is fed to establish the yearly average. Computation of the yearly average, must take into consideration, periods when cattle may have been grazed outside the area.

(3) Inasmuch as the standards set forth in paragraph (1) are intended to protect livestock, all forage samples analyzed to determine compliance with such standards must be representative of forage consumed by livestock in the area. Also, in determining compliance in particular cases, consideration will be given to the supplemental feed of the livestock involved.

(b) The following standards apply to the outdoor atmosphere:

Table 8.10a Maximum Allowable Fluoride

Maximum Allowable Fluoride* Ground-level Concentrations	
Concentration**	Averaging Time
4.5 ppb	12 consecutive hours
3.5 ppb	24 consecutive hours
2.0 ppb	1 calendar year
1.0 ppb	1 calendar month
* as gaseous fluorides calculated as HF ** parts per billion by volume	

Because the standards set forth in Table 8.10 are intended to protect vegetation, the outdoor atmosphere analyzed to determine compliance with such standards must be from the area of the vegetation to be protected.

(c) Forage or air quality levels higher than those specified in paragraph (1) and Table 8.10 will be permitted to exist in an area where justified by local conditions and where such higher levels do not or will not be expected to result in significant adverse effects. Similarly, levels lower than those specified in paragraph (1) and Table 8.10 will be maintained in cases where significant adverse effects have occurred or can be expected to occur at the specified levels.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.11 RECORD KEEPING AND REPORTING

This rule requires owners or operators of stationary sources of air contaminants to maintain records of, and periodically report to the Olympic Region Clean Air Agency information on the nature and amounts of emissions and other information as may be necessary to determine whether such sources are in compliance with applicable emission limitations and other control measures.

This rule also provides for public availability of emission data reported to the Olympic Region Clean Air Agency by stationary source owners or operators or otherwise obtained by the Agency, as correlated with applicable emission limitations.

(a) The owner or operator of any stationary source in the geographical area of the Authority must, upon notification by the Executive Director, maintain records of the nature and amounts of emissions from such source and/or provide other information deemed necessary by the Control Officer to determine whether such source is in compliance with the applicable emission limitations and other control measures.

(b) When requested by the Agency, the information pursuant to Rule 8.11(a) must be reported on forms supplied by the Agency.

[Adopted 08/17/06; Amended 02/26/22]

RULE 8.12 GASOLINE DISPENSING FACILITIES

This regulation applies to all gasoline dispensing facilities.
[Adopted 08/17/06; Amended 08/17/19]

Rule 8.12.1 Definitions

Unless a different meaning is clearly required by context, the following words and phrases, as used in this Rule, will have the following meanings:

"CARB" means California Air Resources Board.

"CARB Certified" means a vapor recovery system, equipment, or any component thereof, for which the California Air Resources Board (CARB) has evaluated its performance and issued an Executive Order.

"CARB Executive Order" means a document issued by the Executive Officer of the California Air Resources Board that specified the requirements for specific vapor control equipment and the procedures used in installing, maintaining, inspecting, or testing vapor recovery systems.

"Enhanced Vapor Recovery (EVR)" means performance standards and specifications set forth in the CARB CP 201 (Certification Procedure for Vapor Recovery Systems at gasoline dispensing facilities) Sections 3 through 9.

"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 at 20°C and is used as a fuel for internal combustion engines. Any liquid sold as a vehicle fuel with a true vapor pressure greater than four pounds per square inch absolute at 20°C is considered 'gasoline' in this regulation.

"Gasoline Dispensing Facility" means any site dispensing gasoline from stationary storage tanks including facilities dispensing gasoline for automotive, aviation, and marine uses.

“Stage I” means gasoline vapor recovery during all gasoline marketing transfer operations except motor vehicle refueling.

“Stage II” means gasoline vapor recovery during motor vehicle refueling operations from stationary tanks.

“Submerged Fill Line” means any discharge pipe or nozzle designed to be within six (6) inches of the bottom of the tank and submerged at all times.

“Throughput” means the amount of gasoline passing through a facility.

“Vapor Recovery System” means equipment that reduces the emissions of volatile organic compounds to the ambient air.

[Adopted 08/17/06; Amended 08/17/19; 02/26/22]

Rule 8.12.2 General Requirements

(a) All gasoline dispensing facilities with gasoline storage tanks, regardless of size must:

(1) Not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measures to be taken include, but are not limited to, the following:
(i) Minimize gasoline spills;
(ii) Clean up spills as soon as practicable;
(iii) Cover all open gasoline containers and all gasoline storage tank fill-pipes with a gasketed seal when not in use; and
(iv) Minimize gasoline sent to open waste collection systems that collect and transport gasoline to reclamation and recycling devises, such as oil/water separators.

(b) Gasoline storage tanks with a capacity of 2,000 gallons or more must be equipped with submerged fill lines.

(c) Gasoline dispensing facilities may be subject to registration per Rule 4.1.

(d) Gasoline dispensing facilities may be subject to Notice of Construction requirements per Rule 6.1.

[Adopted 08/17/06; Amended 08/17/19; 02/26/22]

Rule 8.12.3 Vapor Recovery Requirements

(a) CARB Certified Stage I Enhanced Vapor Recovery (EVR), or equivalent equipment as approved by the Agency, is required for any new or upgraded gasoline storage tank with a storage capacity of 2,000 gallons or more and located at a gasoline dispensing facility with a cumulative gasoline storage capacity of 10,000 gallons or more. Upgrading means replacing a gasoline storage tank, or substantially altering any component of the Stage I vapor recovery system. Prior to commencing construction, modifications, or upgrades, gasoline dispensing facilities must comply with the applicable requirements in Rule 6.1.

(b) Nothing in Rule 8.12 precludes the Agency from requiring installation of a Stage II vapor recovery system in conjunction with approval of a Notice of Constructing application if Stage II vapor recovery is necessary to assure compliance with applicable air regulations and standards.

[Adopted 08/17/06; Amended 08/17/19]

Rule 8.12.4 Testing Requirements

(a) The owner or operator of a gasoline dispensing facility with a cumulative storage capacity of 10,000 gallons or more and equipped with Stage I EVR must conduct the following performance tests:

(1) Initial performance testing must be completed, for all performance tests listed in Table 1, after initial installation and prior to the facility dispensing fuel commercially; and,

(2) Subsequent testing must be conducted according to the schedule in Table 1.

(b) The owner or operator of a gasoline dispensing facility with a cumulative gasoline storage capacity of 10,000 gallons or more that is equipped with Stage I, but not equipped with Stage I EVR, must conduct the appropriate Static Pressure Performance of Vapor Recovery Systems test in Table 1 at least once every 13 months.

(c) Tests must be conducted in accordance with the CARB test procedure specified, or CARB-approved equivalent test procedures.

(d) Tests must be performed by a third-party independent testing company trained in the testing methods.

(e) In the event of a failed performance test, the owner or operator must correct the cause of the failure in accordance with Rule 8.12.5(c) and retest within 30 days of the date of the failed test.

(f) The owner or operator must report to the Agency the results of all required performance testing within 30 days of the test date.

Table 1: Performance Testing

A	**An owner/operator of a facility with underground storage tanks must conduct the following tests…**	**After the initial testing, the owner/operator must conduct the subsequent tests…**
	A1. TP-201.3 – Static Pressure Performance of Vapor Recovery Systems	at least once every 13 months
	A2. TP-201.1E – Leak Rate and Cracking Pressure of P/V Vent Valves	at least once every 37 months
	A3. TP-201.3C – Determination of Vapor Piping Connection to Underground Gasoline Storage Tanks (Tie-Tank Test)	
	A4. TP-201.1B – Static Torque of Rotatable Stage I Adaptors	at least once every 13 months
	A5. TP-201.1C or **TP-201.1D**[1] – Leak Rate of Drop Tube/Drain Valve Assembly or Leak Rate of Drop Tube/Overfill Prevention Device	at least once every 13 months
B	**An owner/operator with aboveground storage tanks must conduct the following tests…**	**After the initial testing, the owner/operator must conduct the subsequent tests…**
	B1. TP-206.3 or TP-201.3B[2]– Static Pressure Performance of Vapor Recovery Systems	at least once every 13 months
	B2. TP-201.1B – Static Torque of Rotatable Stage I Adaptors[3]	at least once every 13 months
	B3. TP-201.1E – Leak Rate and Cracking Pressure of P/V Vent Valves	at least once every 37 months

[Adopted 08/17/06; Amended 08/17/19; 02/26/22]

[1] TP-201.1C has no overfill prevention device and TP-201.1D is required for drop tubes with overfill prevention
[2] TP-206.3 is required for aboveground storage tanks equipped with Stage I EVR
[3] TP-201.1B only required for aboveground storage tanks equipped with Rotatable Stage I Adaptors

Rule 8.12.5 Self-Inspection Requirements

(a) The owner or operator of a gasoline dispensing facility must complete self-inspections of the vapor recovery system. The inspection must occur at least once a week, or after each gasoline delivery, whichever is less frequent. At a minimum, the following items must be inspected:

(1) All adaptors must be equipped with vapor-tight caps;
(2) All fill and vapor recovery wells or boxes must be free of liquid gasoline;
(3) All gasoline storage tank fill-pipes must have gasketed seals in good working condition;
(4) All caps must have gasketed seals in good working condition; and,
(5) Vapor recovery adaptors on the storage tanks must seal upon disconnect.

(b) The dates and results of the self-inspections must be recorded.

(c) No later than 15 days after discovery, the owner or operator must take corrective actions to repair, replace, or adjust defective equipment found during any of the following events:

(1) Performance tests;
(2) Routine maintenance checks;
(3) Self-inspections; or,
(4) Agency compliance inspections.

[Adopted 08/17/06; Amended 08/17/19; 02/26/22]

Rule 8.12.6 Recordkeeping Requirements

(a) The following records must be maintained on site for no less than five years from origination, and copies made available to the Agency upon request:

(1) Records of all maintenance and repair activities;
(2) Records of all self-inspections conducted per Rule 8.12.5;
(3) Records of all performance tests required by Rule 8.12.4; and,
(4) Monthly gasoline throughput records.

(b) The following records must be maintained on site for the life of the gasoline dispensing facility or the associated equipment, whichever is earlier:
(1) Any determinations issued by the Agency per Rule 6.1;
(2) Any GDF Notice of Intent to Operate submitted to the Agency per Rule 6.1(b)(3).

[Adopted 08/17/19; Amended 02/26/22]

RULE 8.13 (RESERVED)

RULE 8.14 ADOPTION OF FEDERAL NEW SOURCE PERFORMANCE STANDARDS (NSPS)

(a) The NSPS in 40 CFR Part 60 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsection (4). A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.

(1) The term “Administrator” in 40 CFR Part 60 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 60 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 CRF Part 60 are not adopted:

- **(i)** Subpart B – Adoption and Submittal of State Plans for Designated Facilities;
- **(ii)** Subpart C – Emission Guidelines and Compliance Times;
- **(iii)** Subpart Cb – Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (Emission Guidelines and Compliance Times);
- **(iv)** Subpart Cc – Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times);
- **(v)** Subpart Cd – Sulfuric Acid Production Units (Emission Guidelines and Compliance Times);
- **(vi)** Subpart Ce – Hospital/Medical/Infectious Waste Incinerators (Emission Guidelines and Compliance Times);
- **(vii)** Subpart S – Primary Aluminum Reduction Plants;
- **(viii)** Subpart BB – Kraft Paper Mills;
- **(ix)** Subpart AAA – New Residential Wood Heaters – as it applies to non-Title V sources;
- **(x)** Subpart BBBB - Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (Emission Guidelines and Compliance Times);
- **(xi)** Subpart DDDD - Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (Emission Guidelines and Compliance Times);
- **(xii)** Subpart FFFF - Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction on or before December 9, 2004;
- **(xiii)** Subpart IIII – Standards of Performance for Stationary Compression Ignition Internal Combustion Engines - as it applies to non-Title V sources;
- **(xiv)** Subpart JJJJ – Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - as it applies to non-Title V sources;
- **(xv)** Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units;
- **(xvi)** Subpart QQQQ – Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces - as it applies to non-Title V sources;

(xvii) Subpart UUUU - Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units; and,

(xviii) Appendix G - Provisions for an Alternative Method of Demonstrating Compliance with 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company.

[Adopted 08/17/06; Amended 10/29/16; 02/26/22]

RULE 8.15 ADOPTION OF NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAP)

(a) The NESHAP in 40 CFR Part 61 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsection (4). A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.

(1) The term "Administrator" in 40 CFR Part 61 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 61 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 CFR Part 61 are not adopted:

(i) Subpart B - Radon from Underground Uranium Mines;

(ii) Subpart H - Radionuclide other than Radon from Dept. of Energy Facilities;

(iii) Subpart I - Radionuclide from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H;

(iv) Subpart K - Radionuclide from Elemental Phosphorus Plants;

(v) Subpart Q - Radon from Dept. of Energy Facilities;

(vi) Subpart R - Radon from Phosphogypsum Stacks;

(vii) Subpart T - Radon from Disposal Uranium Mill Tailings; and,

(viii) Subpart W - Radon from Operating Mill Tailings.

[Adopted 08/17/06; Amended 10/29/16; 02/26/22]

RULE 8.17 ADOPTION OF NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

(a) The NESHAP for Source Categories in 40 CFR Part 63 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsection (4). A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.

(1) The term "Administrator" in 40 CFR Part 63 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 63 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 CFR Part 63, as they apply to non-Title V sources, are not adopted:

(i) Subpart M - National Perchloroethylene Emission Standards for Dry Cleaning Facilities;

(ii) Subpart LL - National Emission Standard for Hazardous Air Pollutants for Primary Aluminum Reduction Plants;

(iii) Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production;

(iv) Subpart ZZZZ - Stationary Reciprocating Internal Combustion Engines;

(v) Subpart - BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities;

(vi) Subpart HHHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources; and,

(vii) Subpart XXXXXX - Area Source Standards for Nine Metal Fabrication and Finishing Source Categories.

[Adopted 10/29/16; Amended 02/26/22]

RULE 8.18 ADOPTION OF FEDERAL CONSOLIDATED REQUIREMENTS FOR THE SYNTHETIC ORGANIC CHEMICAL MANUFACTURING INDUSTRY

The Consolidated Requirements for the Synthetic Organic Chemical Manufacturing Industry in Section 2.18 of 40 CFR Part 65 in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference.

[Adopted 10/29/16]

APPENDIX A - ADOPTED FEDERAL REGULATIONS AND STANDARDS

40 CFR Part 60 - Standards of Performance for New Stationary Sources

Subpart A	General Provisions
Subpart D	Fossil-Fuel-Fired Steam Generators for which Construction is Commenced after August 17, 1971
Subpart Da	Electric Utility Steam Generating Units for which Construction is Commenced after September 18, 1978
Subpart Db	Industrial-Commercial-Institutional Steam Generating Units
Subpart Dc	Small Industrial-Commercial-Institutional Steam Generating Units
Subpart E	Incinerators
Subpart Ea	Municipal Waste Combustors for which Construction is Commenced after December 20, 1989 and on or before September 20, 1994
Subpart Eb	Large Municipal Waste Combustors
Subpart Ec	Hospital/Medical/Infectious Waste Incinerators
Subpart F	Portland Cement Plants
Subpart G	Nitric Acid Plants
Subpart Ga	Nitric Acid Plants for which Construction, Reconstruction, or Modification Commenced after October 14, 2011
Subpart H	Sulfuric Acid Plants
Subpart I	Hot Mix Asphalt Facilities
Subpart J	Petroleum Refineries
Subpart Ja	Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After May 14, 2007
Subpart K	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after June 11, 1973 and prior to May 19, 1978
Subpart Ka	Storage Vessels for Petroleum Liquids for which Construction, Reconstruction, or Modification Commenced after May 18, 1978 and prior to July 23, 1984
Subpart Kb	VOC Liquid Storage Vessels (including Petroleum Liquid Storage Vessels) for which Construction, Reconstruction, or Modification Commenced after July 23, 1984
Subpart L	Secondary Lead Smelters
Subpart M	Secondary Brass and Bronze Production Plants
Subpart N	Primary Emissions from Basic Oxygen Process Furnaces for which Construction is Commenced after June 11, 1973
Subpart Na	Secondary Emissions from Basic Oxygen Process Steel-making Facilities for which Construction is Commenced after January 20, 1983
Subpart O	Sewage Treatment Plants
Subpart P	Primary Copper Smelters
Subpart Q	Primary Zinc Smelters
Subpart R	Primary Lead Smelters
Subpart T	Phosphate Fertilizer Industry: Wet Process Phosphoric Acid Plants

Subpart U	Phosphate Fertilizer Industry: Superphosphoric Acid Plants
Subpart V	Phosphate Fertilizer Industry: Diammonium Phosphate Plants
Subpart W	Phosphate Fertilizer Industry: Triple Superphosphate Plants
Subpart X	Phosphate Fertilizer Industry: Granular Triple Superphosphate Storage Facilities
Subpart Y	Coal Preparation Plants
Subpart Z	Ferroalloy Production Facilities
Subpart AA	Steel Plants: Electric Arc Furnaces Constructed after October 21, 1974 and on or before August 17, 1983
Subpart AAa	Steel Plants: Electric Arc Furnaces and Argon-Oxygen Decarburization Vessels Constructed after August 7, 1983
Subpart CC	Glass Manufacturing Plants
Subpart DD	Grain Elevators
Subpart EE	Surface Coating of Metal Furniture
Subpart GG	Stationary Gas Turbines
Subpart HH	Lime Manufacturing Plants
Subpart KK	Lead-Acid Battery Manufacturing Plants
Subpart LL	Metallic Mineral Processing Plants
Subpart MM	Automobile and Light Duty Truck Surface Coating Operations
Subpart NN	Phosphate Rock Plants
Subpart PP	Ammonium Sulfate Manufacture
Subpart QQ	Graphic Arts Industry: Publication Rotogravure Printing
Subpart RR	Pressure Sensitive Tape and Label Surface Coating Standards
Subpart SS	Industrial Surface Coating: Large Appliances
Subpart TT	Metal Coil Surface Coating
Subpart UU	Asphalt Processing and Asphalt Roof Manufacture
Subpart VV	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry
Subpart VVa	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry for which Construction, Reconstruction, or Modification Commenced After November 7, 2006
Subpart WW	Beverage Can Surface Coating Industry
Subpart XX	Bulk Gasoline Terminals
Subpart AAA	New Residential Wood Heaters – Title V sources only
Subpart BBB	Rubber Tire Manufacturing Industry
Subpart DDD	VOC Emissions from Polymer Manufacturing Industry
Subpart FFF	Flexible Vinyl and Urethane Coating and Printing
Subpart GGG	Equipment Leaks of VOC in Petroleum Refineries
Subpart GGGa	Equipment Leaks of VOC in Petroleum Refineries for which Construction, Reconstruction, or Modification Commenced After January 4, 1983, And On Or Before November 7, 2006

Subpart HHH	Synthetic Fiber Production Facilities
Subpart III	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Air Oxidation Unit Processes
Subpart JJJ	Petroleum Dry Cleaners
Subpart KKK	Equipment Leaks of VOC from Onshore Natural Gas Processing Plants
Subpart LLL	Onshore Natural Gas Processing: SO2Emissions
Subpart NNN	VOC Emissions from Synthetic Organic Chemical Manufacturing Industry Distillation Operations
Subpart OOO	Nonmetallic Mineral Processing Plants
Subpart PPP	Wool Fiberglass Insulation Manufacturing Plants
Subpart QQQ	VOC Emissions from Petroleum Refinery Wastewater Systems
Subpart RRR	VOCs from Synthetic Organic Chemical Manufacturing Industry Reactor Processes
Subpart SSS	Magnetic Tape Coating Facilities
Subpart TTT	Industrial Surface Coating: Surface Coating of Plastic Parts for Business Machines
Subpart UUU	Calciners and Dryers in Mineral Industries
Subpart VVV	Polymeric Coating of Supporting Substrates Facilities
Subpart WWW	Municipal Solid Waste Landfills
Subpart AAAA	Small Municipal Waste Combustion Units for which Construction is Commenced after August 30, 1999 or for which Modification or Reconstruction is Commenced after June 6, 2001
Subpart CCCC	Commercial and Industrial Solid Waste Incineration Units for which Construction is Commenced after November 30, 1999 or for which Modification or Reconstruction is Commenced on or after June 1, 2001
Subpart EEEE	Standards of Performance for Other Solid Waste Incineration Units for Which Construction is Commenced After December 9, 2004, or for Which Modification or Reconstruction is Commenced on or After June 16, 2006
Subpart IIII	Standards of Performance for Stationary Compression Ignition Internal Combustion Engines – Title V sources only.
Subpart JJJJ	Standards of Performance for Stationary Spark Ignition Internal Combustion Engines – Title V sources only.
Subpart KKKK	Standards of Performance for Stationary Combustion Turbines
Subpart LLLL	Standards of Performance for New Sewage Sludge Incineration Units
Subpart OOOO	Standards of Performance for Crude Oil and Natural Gas Production, Transmission and Distribution
Subpart QQQQ	Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces – Title V sources only.
Subpart TTTT	Standards of Performance for Greenhouse Gas Emissions for Electric Generating Units

40 CFR Part 60	Appendix A
40 CFR Part 60	Appendix B
40 CFR Part 60	Appendix C
40 CFR Part 60	Appendix D
40 CFR Part 60	Appendix F
40 CFR Part 60	Appendix I

40 CFR Part 61 – National Emission Standards for Hazardous Air Pollutants

Subpart A	General Provisions
Subpart C	Beryllium
Subpart D	Beryllium Rocket Motor Firing
Subpart E	Mercury
Subpart F	Vinyl Chloride
Subpart J	Equipment Leaks of Benzene
Subpart L	Benzene from Coke By-Product Recovery Plants
Subpart M	Asbestos
Subpart N	Inorganic Arsenic from Glass Manufacturing Plants
Subpart O	Inorganic Arsenic from Primary Copper Smelters
Subpart P	Inorganic Arsenic emissions from Arsenic Trioxide and Metallic Arsenic Production Facilities
Subpart V	Equipment Leaks (Fugitive Sources)
Subpart Y	Benzene from Benzene Storage Vessels
Subpart BB	Benzene from Benzene Transfer Operations
Subpart FF	Benzene Waste Operations
40 CFR Part 61	Appendix A
40 CFR Part 61	Appendix B
40 CFR Part 61	Appendix C
40 CFR Part 61	Appendix D
40 CFR Part 61	Appendix E

40 CFR Part 63 – National Emission Standards for Hazardous Air Pollutants for Source Categories

Subpart A	General Provisions
Subpart B	Requirements for Control Technology Determinations for Major Sources in Accordance with Clean Air Act Sections, Sections 112(g) and 112(j)
Subpart C	List of Hazardous Air Pollutants, Petition Process, Lesser Quantity Designations, Source Category List
Subpart D	Regulations Governing Compliance Extensions for Early Reductions of Hazardous Air Pollutants
Subpart F	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry
Subpart G	National Emission Standards for Organic Hazardous Air Pollutants from the Synthetic Organic Chemical Manufacturing Industry Process Vents, Storage Vessels, Transfer Operations, and Wastewater

Subpart H	National Emission Standards for Organic Hazardous Air Pollutants for Equipment Leaks
Subpart I	National Emission Standards for Organic Hazardous Air Pollutants for Certain Processes Subject to the Negotiated Regulation for Equipment Leaks
Subpart J	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production
Subpart L	National Emission Standards for Coke Oven Batteries
Subpart M	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities – Title V sources only.
Subpart N	National Emission Standards for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks
Subpart O	Ethylene Oxide Emissions Standards for Sterilization Facilities
Subpart Q	National Emission Standards for Hazardous Air Pollutants for Industrial Process Cooling Towers
Subpart R	National Emission Standards for Gasoline Distribution Facilities (Bulk Gasoline Terminals and Pipeline Breakout Stations)
Subpart S	National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry
Subpart T	National Emission Standards for Halogenated Solvent Cleaning
Subpart U	National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins
Subpart W	National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production
Subpart X	National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting
Subpart Y	National Emission Standards for Marine Tank Vessel Loading Operations
Subpart AA	National Emission Standards for Hazardous Air Pollutants from Phosphoric Acid Manufacturing Plants
Subpart BB	National Emission Standards for Hazardous Air Pollutants from Phosphate Fertilizers Production Plants
Subpart CC	National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries
Subpart DD	National Emission Standards for Hazardous Air Pollutants from Off-Site Waste and Recovery Operations
Subpart EE	National Emission Standards for Magnetic Tape Manufacturing Operations
Subpart GG	National Emission Standards for Aerospace Manufacturing and Rework Facilities
Subpart HH	National Emission Standards for Hazardous Air Pollutants from Oil and Natural Gas Production Facilities

Subpart II	National Emission Standards for Shipbuilding and Ship Repair (Surface Coating)
Subpart JJ	National Emission Standards for Wood Furniture Manufacturing Operations
Subpart KK	National Emission Standard for the Printing and Publishing Industry
Subpart MM	National Emission Standard for Hazardous Air Pollutants for Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semichemical Pulp Mills
Subpart OO	National Emission Standards for Tanks -Level 1
Subpart PP	National Emission Standards for Containers
Subpart QQ	National Emission Standards for Surface Impoundments
Subpart RR	National Emission Standards for Individual Drain Systems
Subpart SS	National Emission Standards for Closed Vent Systems, Control Devices, Recovery Devices and Routing to a Fuel Gas System or a Process
Subpart TT	National Emission Standards for Equipment Leaks - Control Level 1
Subpart UU	National Emission Standards for Equipment Leaks - Control Level 2 Standards
Subpart VV	National Emission Standards for Oil-Water Separators and Organic-Water Separators
Subpart WW	National Emission Standards for Storage Vessels (Tanks) -Control Level 2
Subpart XX	National Emission Standards for Ethylene Manufacturing Process Units: Heat Exchange Systems and Waste Operations
Subpart YY	National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards
Subpart CCC	National Emission Standards for Hazardous Air Pollutants for Steel Pickling--HCl Process Facilities and Hydrochloric Acid Regeneration Plants
Subpart DDD	National Emission Standards for Hazardous Air Pollutants for Mineral Wool Production
Subpart EEE	National Emission Standard for Hazardous Air Pollutants from Hazardous Waste Combustors
Subpart GGG	National Emission Standards Pharmaceuticals Production
Subpart HHH	National Emission Standards for Hazardous Air Pollutants from Natural Gas Transmission and Storage Facilities
Subpart III	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production
Subpart JJJ	National Emission Standard for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins
Subpart LLL	National Emission Standards for Hazardous Air Pollutants from the Portland Cement Manufacturing Industry
Subpart MMM	National Emission Standards for Hazardous Air Pollutants for Pesticide Active Ingredient Production

Subpart NNN	National Emission Standards for Hazardous Air Pollutants for Wool Fiberglass Manufacturing
Subpart OOO	National Emission Standards for Hazardous Air Pollutants Emissions: Manufacture of Amino/Phenolic Resins
Subpart PPP	National Emission Standards for Hazardous Air Pollutants Emissions for Polyether Polyols Production
Subpart QQQ	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting
Subpart RRR	National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production – Title V sources only.
Subpart TTT	National Emission Standards for Hazardous Air Pollutants for Primary Lead Smelting
Subpart UUU	National Emission Standards for Hazardous Air Pollutants for Petroleum Refineries: Catalytic Cracking Units, Catalytic Reforming Units, and Sulfur Recovery Units.
Subpart VVV	National Emission Standard for Hazardous Air Pollutants: Publicly Owned Treatment Works
Subpart XXX	National Emission Standards for Hazardous Air Pollutants for Ferroalloys Production: Ferromanganese and Silicomanganese
Subpart AAAA	National Emission Standard for Hazardous Air Pollutants: Municipal Solid Waste Landfills
Subpart CCCC	National Emission Standard for Hazardous Air Pollutants: Manufacturing of Nutritional Yeast
Subpart DDDD	National Emission Standard for Hazardous Air Pollutants: Plywood and Composite Wood Products
Subpart EEEE	National Emission Standard for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
Subpart FFFF	National Emission Standard for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing
Subpart GGGG	National Emission Standard for Hazardous Air Pollutants: Solvent Extractions for Vegetable Oil Production
Subpart HHHH	National Emission Standard for Hazardous Air Pollutants for Wet-Formed Fiberglass Mat Production
Subpart IIII	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Automobiles and Light-Duty Trucks
Subpart JJJJ	National Emission Standard for Hazardous Air Pollutants: Paper and Other Web Coating
Subpart KKKK	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Metal Cans
Subpart MMMM	National Emission Standard for Hazardous Air Pollutants for Surface Coating of Miscellaneous Metal Parts and Products
Subpart NNNN	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Large Appliances

Subpart OOOO	National Emission Standard for Hazardous Air Pollutants: Printing, Coating, and Dyeing of Fabrics and Other Textiles
Subpart PPPP	National Emission Standards for Hazardous Air Pollutants for Surface Coating of Plastic Parts and Products
Subpart QQQQ	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Wood Building Products
Subpart RRRR	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Metal Furniture
Subpart SSSS	National Emission Standard for Hazardous Air Pollutants: Surface Coating of Metal Coil
Subpart TTTT	National Emission Standard for Hazardous Air Pollutants for Leather Finishing Operations
Subpart UUUU	National Emission Standard for Hazardous Air Pollutants for Cellulose Products Manufacturing
Subpart VVVV	National Emission Standard for Hazardous Air Pollutants for Boat Manufacturing
Subpart WWWW	National Emission Standard for Hazardous Air Pollutants: Reinforced Plastic Composites Production
Subpart XXXX	National Emission Standard for Hazardous Air Pollutants: Rubber Tire Manufacturing
Subpart YYYY	National Emission Standard for Hazardous Air Pollutants for Stationary Combustion Turbines
Subpart ZZZZ	National Emission Standard for Hazardous Air Pollutants for Stationary Reciprocating Internal Combustion Engines – Title V sources only.
Subpart AAAAA	National Emission Standard for Hazardous Air Pollutants for Lime Manufacturing Plants
Subpart BBBBB	National Emission Standard for Hazardous Air Pollutants for Semiconductor Manufacturing
Subpart CCCCC	National Emission Standard for Hazardous Air Pollutants for Coke Ovens: Pushing, Quenching, and Battery Stacks
Subpart DDDDD	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers and Process Heaters
Subpart EEEEE	National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries
Subpart FFFFF	National Emission Standard for Hazardous Air Pollutants for Integrated Iron and Steel Manufacturing Facilities
Subpart GGGGG	National Emission Standard for Hazardous Air Pollutants: Site Remediation
Subpart HHHHH	National Emission Standard for Hazardous Air Pollutants: Miscellaneous Coating Manufacturing
Subpart IIIII	National Emission Standard for Hazardous Air Pollutants: Mercury Emissions from Mercury Cell Chlor-Alkali Plants
Subpart JJJJJ	National Emission Standard for Hazardous Air Pollutants for Brick and Structural Clay Products Manufacturing

Subpart KKKKK	National Emission Standard for Hazardous Air Pollutants for Clay Ceramics Manufacturing
Subpart LLLLL	National Emission Standard for Hazardous Air Pollutants: Asphalt Processing and Asphalt Roofing Manufacturing
Subpart MMMMM	National Emission Standard for Hazardous Air Pollutants: Flexible Polyurethane Foam Fabrication Operations
Subpart NNNNN	National Emission Standard for Hazardous Air Pollutants: Hydrochloric Acid Production
Subpart PPPPP	National Emission Standard for Hazardous Air Pollutants for Engine Test Cells/Stands
Subpart QQQQQ	National Emission Standard for Hazardous Air Pollutants for Friction Materials Manufacturing Facilities
Subpart RRRRR	National Emission Standard for Hazardous Air Pollutants: Taconite Iron Ore Processing
Subpart SSSSSS	National Emission Standard for Hazardous Air Pollutants for Refractory Products Manufacturing
Subpart TTTTT	National Emission Standard for Hazardous Air Pollutants for Primary Magnesium Refining
Subpart UUUUU	National Emission Standards for Hazardous Air Pollutants: Coal- and Oil-Fired Electric Utility Steam Generating Units
Subpart WWWWW	National Emission Standards for Hospital Ethylene Oxide Sterilizers
Subpart YYYYY	National Emission Standard for Hazardous Air Pollutants for Area/Sources: Electric Arc Furnace Steelmaking Facilities
Subpart ZZZZZ	National Emission Standard for Hazardous Air Pollutants for Iron and Steel Foundries Area Sources
Subpart BBBBBB	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities – Title V sources only.
Subpart CCCCCC	National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Dispensing Facilities
Subpart DDDDDD	National Emission Standards for Hazardous Air Pollutants for Polyvinyl Chloride and Copolymers Production Area Sources
Subpart EEEEEE	National Emission Standards for Hazardous Air Pollutants for Primary Copper Smelting Area Sources
Subpart FFFFFF	National Emission Standards for Hazardous Air Pollutants for Secondary Copper Smelting Area Sources
Subpart GGGGGG	National Emission Standards for Hazardous Air Pollutants for Primary Nonferrous Metals Area Sources—Zinc, Cadmium, and Beryllium
Subpart HHHHHH	National Emission Standards for Hazardous Air Pollutants: Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources – Title V sources only.
Subpart JJJJJJ	National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers Area Sources

Subpart LLLLLL	National Emission Standards for Hazardous Air Pollutants for Acrylic and Modacrylic Fibers Production Area Sources
Subpart MMMMMM	National Emission Standards for Hazardous Air Pollutants for Carbon Black Production Area Sources
Subpart NNNNNN	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources: Chromium Compounds
Subpart OOOOOO	National Emission Standards for Hazardous Air Pollutants for Flexible Polyurethane Foam Production and Fabrication Area Sources
Subpart PPPPPP	National Emission Standards for Hazardous Air Pollutants for Lead Acid Battery Manufacturing Area Sources
Subpart QQQQQQ	National Emission Standards for Hazardous Air Pollutants for Wood Preserving Area Sources
Subpart RRRRRR	National Emission Standards for Hazardous Air Pollutants for Clay Ceramics Manufacturing Area Sources
Subpart SSSSSS	National Emission Standards for Hazardous Air Pollutants for Glass Manufacturing Area Sources
Subpart TTTTTT	National Emission Standards for Hazardous Air Pollutants for Secondary Nonferrous Metals Processing Area Sources
Subpart VVVVVV	National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources
Subpart WWWWWW	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Plating and Polishing Operations
Subpart XXXXXX	National Emission Standards for Hazardous Air Pollutants Area Source Standards for Nine Metal Fabrication and Finishing Source Categories – Title V sources only.
Subpart YYYYYY	National Emission Standards for Hazardous Air Pollutants for Area Sources: Ferroalloys Production Facilities
Subpart ZZZZZZ	National Emission Standards for Hazardous Air Pollutants Area Source Standards for Aluminum, Copper, and Other Nonferrous Foundries
Subpart AAAAAAA	National Emission Standards for Hazardous Air Pollutants for Area Sources: Asphalt Processing and Asphalt Roofing Manufacturing
Subpart BBBBBBB	National Emission Standards for Hazardous Air Pollutants for Area Sources: Chemical Preparations Industry
Subpart CCCCCCC	National Emission Standards for Hazardous Air Pollutants for Area Sources: Paints and Allied Products Manufacturing
Subpart DDDDDDD	National Emission Standards for Hazardous Air Pollutants: Area Source Standards for Prepared Feeds Manufacturing
Subpart EEEEEEE	National Emission Standards for Hazardous Air Pollutants: Gold Mine Ore Processing and Production Area Source Category

Subpart HHHHHHH	National Emission Standards for Hazardous Air Pollutant Emissions for Polyvinyl Chloride and Copolymers Production
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40 CFR Part 63	Appendix B
40 CFR Part 63	Appendix C
40 CFR Part 63	Appendix D
40 CFR Part 63	Appendix E
Section 2.18 of 40 CFR Part 65	Consolidated Requirements for the Synthetic Organic Chemical Manufacturing Industry.

[Adopted 10/29/16; Amended 01/04/20]