

AMENDATORY SECTION

RULE 6.1 NOTICE OF CONSTRUCTION REQUIRED

- (a) Approval of a Notice of Construction (NOC) Application required. It shall be unlawful for any person to cause or allow the following actions unless a ~~((“))~~Notice of Construction ~~((“NOC”))~~ 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; ~~((or))~~
 - (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 prior approval by the Agency is not required prior to construction, installation, establishment or modification of the ~~((following types of))~~ stationary sources listed below, ~~((provided that))~~ if a complete ~~((“))~~Notice of Intent to Operate ~~((“has been”))~~ is filed with the Agency, ~~((in accordance with))~~ Procedures for submitting an NOI are contained in Rule 6.1.1:
- (1) Temporary Portable Stationary Sources. Temporary portable stationary sources that have been previously approved by Ecology or a local air pollution control authority in the State of Washington through an NOC application.
 - (2) Stationary Sources based on Potential to Emit. Any stationary source that:
 - (i) ~~((Will not result in emission of any toxic air pollutants listed in WAC 173-460-150 (Class A Toxic Air Pollutants); and,~~
 - (ii) ~~((Will have a combined~~ uncontrolled ~~potential to emit from all emission units less than:~~
 - (A) 0.5 tons per year of any criteria pollutant; and,
 - (B) 1.0 tons per year of total criteria pollutants and VOC combined; and,
 - (C) 0.005 tons per year of lead; and,
 - (D) ~~((100 pounds per year of any))~~ The de minimis emission rate specified for each ~~((“))~~Toxic ~~((“a))~~Air ~~((“p))~~Pollutant listed in WAC 173-460-~~((160))~~150 ~~((Class B Toxic Air Pollutants))~~; and,
 - (E) 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 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.

(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, ~~((provided that))~~ if sufficient records are kept ~~((to))~~ 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 cft);
- (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;
- ~~((18))~~(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);
- ~~((19))~~(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);
- ~~((20))~~(22) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;
- ~~((21))~~(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.
- ~~((22))~~(24) Storage tanks used exclusively for storage of diesel fuel;
- ~~((23))~~(25) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.

Combustion:

- ~~((24))~~(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 70.94.610; 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))~~(27) All stationary gas turbines with a rated heat input <10 million Btu per hour.

~~((26))~~(28) Stationary internal combustion engines having rated capacity:

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

~~((27))~~(29) All nonroad engines subject to 40 CFR Part 89.

Material handling:

~~((28))~~(30) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is <10%;

~~((29))~~(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(~~(E))~~°C or vapor pressure not more than 5 mm Hg @ 21(~~(E))~~°C, with lids or other appropriate closure.

Water treatment:

~~((30))~~(32) Septic sewer systems, not including active wastewater treatment facilities;

~~((31))~~(33) NPDES permitted ponds and lagoons used solely for the purpose of settling and suspended solids and skimming of oil and grease;

~~((32))~~(34) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;

~~((33))~~(35) Process water filtration system and demineralizer vents;

~~((34))~~(36) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;

~~((35))~~(37) Demineralizer tanks;

~~((36))~~(38) Alum tanks;

~~((37))~~(39) Clean water condensate tanks;

~~((38))~~(40) Oil/water separators, except those at petroleum refineries;

~~((39))~~(41) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.

~~((40))~~(42) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, provided that they do not use anaerobic digesters, chlorine disinfections or sewage sludge incinerators.

Environmental chambers and laboratory equipment:

~~((41))~~(43) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;

- ~~((42))~~(44) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;
- ~~((43))~~(45) Installation or modification of a single laboratory fume hood;
- ~~((44))~~(46) Laboratory calibration and maintenance equipment.

Monitoring/quality assurance/testing:

- ~~((45))~~(47) Equipment and instrumentation used for quality control/assurance or inspection purposes;
- ~~((46))~~(48) Hydraulic and hydrostatic testing equipment;
- ~~((47))~~(49) Sample gathering, preparation and management;
- ~~((48))~~(50) Vents from continuous emission monitors and other analyzers.

Miscellaneous:

- ~~((49))~~(51) Single-family residences and duplexes;
- ~~((50))~~(52) Plastic pipe welding;
- ~~((51))~~(53) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
- ~~((52))~~(54) Insecticide, pesticide, or fertilizer spray equipment;
- ~~((53))~~(55) Comfort air conditioning;
- ~~((54))~~(56) Flares used to indicate danger to the public;
- ~~((55))~~(57) Natural and forced air vents and stacks for bathroom/toilet activities;
- ~~((56))~~(58) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;
- ~~((57))~~(59) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
- ~~((58))~~(60) Tobacco smoking rooms and areas;
- ~~((59))~~(61) Noncommercial smokehouses;
- ~~((60))~~(62) Blacksmith forges for single forges;
- ~~((61))~~(63) Vehicle maintenance activities, not including vehicle surface coating;
- ~~((62))~~(64) Vehicle or equipment washing;
- ~~((63))~~(65) Wax application;
- ~~((64))~~(66) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
- ~~((65))~~(67) Ozone generators and ozonation equipment;
- ~~((66))~~(68) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
- ~~((67))~~(69) Electrical circuit breakers, transformers, or switching equipment installation or operation;
- ~~((68))~~(70) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;

- ~~((69))~~(71) Fire fighting and similar safety equipment and equipment used to train fire fighters;
- ~~((70))~~(72) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- ~~((71))~~(73) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- ~~((72))~~(74) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm Hg(~~(G)~~) @21(~~(E)~~)°C, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);
- ~~((73))~~(75) Surface coating, aqueous solution or suspension containing <1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- ~~((74))~~(76) Cleaning and stripping activities and equipment using solutions having <1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- ~~((75))~~(77) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC.
- ~~((76))~~(78) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;
- ~~((77))~~(79) Residential composting facilities;
- ~~((78))~~(80) Restaurants and other retail food preparing establishments;
- ~~((79))~~(81) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics;
- ~~((80))~~(82) Steam cleaning equipment used exclusively for that purpose;
- ~~((81))~~(83) Vacuum cleaning systems used exclusively for office or residential housekeeping;
- ~~((82))~~(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;
- ~~((83))~~(85) Vents used exclusively for:
- (i) Sanitary or storm drainage systems; or
 - (ii) Safety valves
- ~~((84))~~(86) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.
- ~~((85))~~(87) Welding, brazing or soldering equipment;
- ~~((86))~~(88) Coffee roasters with a design capacity less than 10 pounds per batch;
- ~~((87))~~(89) Bark and soil screening operations;
- ~~((88))~~(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;

~~((89))~~(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.