

# **ARTICLE 6: NEW SOURCE REVIEW**

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## **SECTION 6.01 COMPONENTS OF NEW SOURCE REVIEW PROGRAM**

Adopted 03/25/04 (1024)

Revised 11/17/05 (1056), 03/23/06 (1063), 09/27/07 (1107), 09/24/09 (1172), 09/22/11 (1221), 03/28/13 (1270), 06/07/18 (1388), 07/23/20 (1414)

- (a) In addition to the provisions of this regulation, the Agency adopts by reference and enforces the following provisions of the new source review program established by the Washington State Department of Ecology:

WAC 173-400-030	Definitions. (effective 12/29/12)
WAC 173-400-081	Startup and shutdown. (effective 4/01/11)
WAC 173-400-110	New source review (NSR) for sources and portable sources. (effective 12/29/12) (1)(c)(i), (1)(d) and (1)(e)
WAC 173-400-111	Processing notice of construction applications for sources, stationary sources and portable sources. (effective 7/01/16)
WAC 173-400-112	Requirements for new sources in nonattainment areas. (effective 12/29/12)
WAC 173-400-113	Requirements for new sources in attainment or unclassifiable areas. (effective 12/29/12)
WAC 173-400-114	Requirements for replacement or substantial alteration of emission control technology at an existing stationary source. (effective 12/29/12)
WAC 173-400-117	Special protection requirements for federal Class I areas. (effective 12/29/12)
WAC 173-400-171	Public notice. (effective 7/01/16)
WAC 173-400-200	Creditable stack height and dispersion techniques. (effective 2/10/05)
WAC 173-400-560	General order of approval. (effective 12/29/12)
WAC 173-400-700	Review of major stationary sources of air pollution. (effective 4/01/11)
WAC 173-400-710	Definitions. (effective 7/01/16)
WAC 173-400-720	Prevention of significant deterioration (PSD). (effective 7/01/16)
WAC 173-400-730	Prevention of significant deterioration application processing procedures. (effective 7/01/16)
WAC 173-400-740	PSD permitting public involvement requirements. (effective 7/01/16)

WAC 173-400-750	Revisions to PSD permits. (effective 12/29/12)
WAC 173-400-800	Major stationary source and major modification in a nonattainment area. (effective 4/01/11)
WAC 173-400-810	Major stationary source and major modification definitions. (effective 7/01/16)
WAC 173-400-820	Determining if a new stationary source or modification to a stationary source is subject to these requirements. (effective 12/29/12)
WAC 173-400-830	Permitting requirements. (effective 7/01/16)
WAC 173-400-840	Emission offset requirements. (effective 7/01/16)
WAC 173-400-850	Actual emissions plantwide applicability limitation (PAL). (effective 7/01/16)
WAC 173-400-860	Public involvement procedures. (effective 4/01/11)
WAC 173-460-020	Definitions. (effective 6/20/09)
WAC 173-460-030	Applicability. (effective 6/20/09)
WAC 173-460-040 (2)-(3)	New source review. (effective 12/23/19)
WAC 173-460-050	Requirement to quantify emissions. (effective 6/20/09)
WAC 173-460-060 (1)	Control technology requirements. (effective 6/20/09)
WAC 173-460-070	Ambient impact requirement. (effective 6/20/09)
WAC 173-460-071	Voluntary limits on emissions. (effective 6/20/09)
WAC 173-460-080 (2)-(4)	First tier review. (effective 12/23/19)
WAC 173-460-090	Second tier review. (effective 6/20/09)
WAC 173-460-100	Third tier review. (effective 6/20/09)
WAC 173-460-150	Table of ASIL, SQER and de minimis emission values. – excluding references to de minimis emission values (effective 12/23/19)

- (b) The Washington State Department of Ecology is the permitting agency for the Prevention of Significant Deterioration (PSD) program under WAC 173-400-700 through WAC 173-400-750 (as delegated by agreement with the US Environmental Protection Agency, Region 10), and for primary aluminum smelters, kraft pulp mills, and sulfite pulp mills.
- (c) The Washington State Department of Health is the permitting agency for radionuclides under chapter 246-247 WAC.

- (d) The Energy Facility Site Evaluation Council (EFSEC) is the permitting agency for large natural gas and oil pipelines, electric power plants above 350 megawatts, new oil refineries or large expansions of existing facilities, and underground natural gas storage fields under chapter 463-78 WAC.

**SECTION 6.03 NOTICE OF CONSTRUCTION** Adopted 03/13/68 (12)

Revised 11/10/71 (135), 11/21/74 (285), 03/13/80 (461), 12/09/82 (531), 02/13/86 (597), 11/19/92 (738), 09/12/96 (838), 03/11/99 (880), 07/08/99 (886), 07/12/01 (944), 03/25/04 (1024), 03/23/06 (1064), 10/26/06 (1083), 09/25/08 (1132), 09/24/09 (1171), 09/22/11 (1221), 01/26/12 (1232), 09/27/12 (1254), 09/26/13 (1285), 12/18/14 (1313), 09/24/15 (1329)

- (a) It shall be unlawful for any person to cause or allow the establishment of a new source, or the replacement or substantial alteration of control equipment installed on an existing source, unless a "Notice of Construction application" has been filed and an "Order of Approval" has been issued by the Agency. The exemptions in Sections 6.03(b) and (c) of this regulation shall not apply to:
- (1) Any project that qualifies as construction, reconstruction, or modification of an affected facility within the meaning of 40 CFR Part 60 (New Source Performance Standards), except for Subpart AAA (New Residential Wood Heaters), Subpart BB (Kraft Pulp Mills), Subpart S (Primary Aluminum Reduction Plants), Subpart OOO (Nonmetallic Mineral Processing Plants), Subpart IIII pertaining to owners and operators of emergency stationary compression ignition internal combustion engines, and Subpart JJJJ pertaining to owners and operators of emergency stationary spark ignited internal combustion engines; and for relocation of affected facilities under Subpart I (Hot Mix Asphalt Facilities) for which an Order of Approval has been previously issued by the Agency;
  - (2) Any project that qualifies as a new or modified source within the meaning of 40 CFR 61.02 (National Emission Standards for Hazardous Air Pollutants), except for Subpart B (Radon from Underground Uranium Mines), Subpart H (Emissions of Radionuclides other than Radon from Department of Energy Facilities), Subpart I (Radionuclides from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H), Subpart K (Radionuclides from Elemental Phosphorus Plants), Subpart Q (Radon from Department of Energy Facilities), Subpart R (Radon from Phosphogypsum Stacks), Subpart T (Radon from Disposal of Uranium Mill Tailings), Subpart W (Radon from Operating Mill Tailings), and for demolition and renovation projects subject to Subpart M (Asbestos);
  - (3) Any project that qualifies as a new source as defined under 40 CFR 63.2 (National Emission Standards for Hazardous Air Pollutants for Source Categories), except for the provisions of Subpart M (Dry Cleaning Facilities) pertaining to area source perchloroethylene dry cleaners, Subpart LL (Primary Aluminum Reduction Plants), the provisions of Subpart S (Pulp and Paper Industry) and Subpart MM (Chemical Recovery Combustion Sources at Kraft, Soda, Sulfite, and Stand-Alone Semicheical Pulp Mills) pertaining to kraft and sulfite pulp mills, the

provisions of Subpart ZZZZ (Reciprocating Internal Combustion Engines) pertaining to emergency and limited-use stationary reciprocating internal combustion engines, Subpart DDDDD (Industrial, Commercial, and Institutional Boilers and Process Heaters), Subpart WWWW (Hospitals: Ethylene Oxide Sterilizers), Subpart CCCCC (Gasoline Dispensing Facilities), Subpart HHHHHH (Paint Stripping and Miscellaneous Surface Coating Operations), Subpart WWWWWW (Plating and Polishing Operations), Subpart XXXXXX (Nine Metal Fabrication and Finishing Source Categories), Subpart YYYYYY (Ferroalloys Production Facilities), and Subpart ZZZZZZ (Aluminum, Copper, and Other Nonferrous Foundries);

- (4) Any new major stationary source or major modification as defined under WAC 173-400-030; and
  - (5) Any stationary source previously exempted from review that is cited by the Agency for causing air pollution under Section 9.11 of this regulation.
- (b) **Notifications.** A Notice of Construction application and Order of Approval are not required for the new sources identified in this section, provided that a complete notification is filed with the Agency. It shall be unlawful for any person to cause or allow establishment of a new source identified in this section unless a complete notification has been filed with the Agency:

#### **Liquid Storage and Transfer**

- (1) Storage tanks used exclusively for:
  - (A) Gasoline dispensing and having a rated capacity of  $\geq 1,001$  gallons, PROVIDED THAT they are installed in accordance with the current California Air Resources Board Executive Orders;
  - (B) Organic liquids with a true vapor pressure of 2.2-4.0 psia and having a rated capacity of 20,000-39,999 gallons; or
  - (C) Organic liquids with a true vapor pressure of 0.5-0.75 psia and having a rated capacity  $\geq 40,000$  gallons.
- (2) Loading and unloading equipment used exclusively for the storage tanks exempted above, including gasoline dispensers at gasoline stations.

#### **Relocation of Portable Batch Plants**

- (3) Relocation of the following portable facilities: asphalt batch plants, nonmetallic mineral processing plants, and concrete batch plants for which an Order of Approval has been previously issued by the Agency. *All the conditions in the previously issued Order of Approval remain in effect.*

## **Dry Cleaning**

- (4) Unvented, dry-to-dry, dry-cleaning system that uses perchloroethylene as the cleaning solvent and is equipped with emission control equipment to recover the cleaning solvent, PROVIDED THAT the system and installation comply with all requirements of 40 CFR 63, Subpart M (Dry Cleaning Facilities).

## **Printing**

- (5) Non-heatset, web offset presses and wholesale, sheet-fed offset presses (lithographic or letterpress) using exclusively soy-based or kerosene-like oil-based inks, fountain solutions with  $\leq 6\%$  VOC by volume or  $\leq 8.5\%$  if refrigerated to  $< 60^{\circ}\text{F}$ , and cleaning solvents with a vapor pressure  $\leq 25\text{mm Hg}$  or a VOC content  $\leq 30\%$  by volume.

## **Water Treatment**

- (6) Industrial and commercial wastewater evaporators (except flame impingement) used exclusively for wastewater generated on-site that meets all discharge limits for disposal into the local municipal sewer system (including metals, cyanide, fats/oils/grease, pH, flammable or explosive materials, organic compounds, hydrogen sulfide, solids, and food waste). *A letter from the local sewer district documenting compliance is required in order to use this exemption.*

## **Sanding Equipment**

- (7) Sanding equipment controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $< 3.5:1$  (for reverse-air or manual cleaning) or  $< 12:1$  (for pulse-jet cleaning).

## **Ventilation and Control Equipment**

- (8) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow of 2,000-5,000 cfm and an air-to-cloth ratio of  $< 3.5:1$  (for mechanical or manual cleaning) or  $< 12:1$  (for pulse-jet cleaning).
- (9) Replacement of an existing paint spray booth that has previously received an Order of Approval, with like kind equipment and for spray coating operations that continue to operate consistent with the previously issued Order of Approval. *All the conditions in the previously issued Order of Approval remain in effect.*

## **Miscellaneous**

- (10) Any source not otherwise exempt under Section 6.03(c) of this regulation that has been determined through review of a Notice of Construction application by the Control Officer not to warrant an

Order of Approval because it has a de minimis impact on air quality and does not pose a threat to human health or the environment.

### **Coffee Roasters**

- (11) Batch coffee roasters with a maximum rated capacity of 10 lbs per batch or less.

- (c) **Exemptions.** A Notice of Construction application and Order of Approval are not required for the following new sources, provided that sufficient records are kept to document the exemption:

### **Combustion**

- (1) Fuel-burning equipment (except when combusting pollutants generated by a non-exempt source) having a rated capacity:
  - (A) <10 million Btu per hour heat input burning exclusively distillate fuel oil, natural gas, propane, butane, biodiesel that meets ASTM D 6751 specifications (or any combination thereof);
  - (B) <0.5 million Btu per hour heat output burning waste-derived fuel (including fuel oil not meeting the specifications in Section 9.08 of this regulation); or
  - (C) <1 million Btu per hour heat input burning any other fuel.
- (2) All stationary gas turbines with a rated heat input <10 million Btu per hour.
- (3) Stationary internal combustion engines having a rated capacity:
  - (A) <50 horsepower output;
  - (B) Used solely for instructional purposes at research, teaching, or educational facilities; or
  - (C) Portable or standby units operated <500 hours per year, PROVIDED THAT they are not operated at a facility with a power supply contract that offers a lower rate in exchange for the power supplier's ability to curtail energy consumption with prior notice.
- (4) Relocation of portable, stationary internal combustion engines or gas turbines for which an Order of Approval has been previously issued by the Agency.
- (5) All nonroad compression ignition engines subject to 40 CFR Part 89 and land-based nonroad compression engines subject to 40 CFR Part 1039.

## Metallurgy

- (6) Crucible furnaces, pot furnaces, or induction furnaces with a capacity  $\leq 1,000$  pounds, PROVIDED THAT no sweating or distilling is conducted, and PROVIDED THAT only precious metals, or an alloy containing  $>50\%$  aluminum, magnesium, tin, zinc, or copper is melted.
- (7) Crucible furnaces or pot furnaces with a capacity  $\leq 450$  cubic inches of any molten metal.
- (8) Ladles used in pouring molten metals.
- (9) Foundry sand-mold forming equipment.
- (10) Shell core and shell-mold manufacturing machines.
- (11) Molds used for the casting of metals.
- (12) Die casting machines with a rated capacity  $\leq 1,000$  pounds that are not used for copper alloys.
- (13) Equipment used for heating metals immediately prior to forging, pressing, rolling, or drawing, if any combustion equipment is also exempt.
- (14) Forming equipment used exclusively for forging, rolling, or drawing of metals, if any combustion equipment is also exempt.
- (15) Heat treatment equipment used exclusively for metals, if any combustion equipment is also exempt.
- (16) Equipment used exclusively for case hardening, carburizing, cyaniding, nitriding, carbonitriding, siliconizing, or diffusion treating of metals, if any combustion equipment is also exempt.
- (17) Atmosphere generators used in connection with metal heat-treating processes.
- (18) Sintering equipment used exclusively for metals other than lead, PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.
- (19) Welding equipment, and thermal cutting of metals other than stainless steel. Exceptions or specific conditions that apply to these exemptions are identified as follows:
  - (A) Thermal cutting of stainless steel (defined as an alloy with a minimum chromium content of 10.5%, by weight) installed after November 1, 2013 shall not be exempt;
  - (B) Thermal cutting of stainless steel performed solely for plant maintenance activities shall be exempt;

- (C) Thermal cutting of stainless steel refers to all thermal cutting technologies, including but not limited to, plasma arc, air carbon arc, laser, powder torch, and oxy-fuel technologies.
- (20) Soldering or brazing, or equipment, including brazing ovens.
- (21) Equipment used exclusively for surface preparation, passivation, deoxidation, and/or stripping that meets all of the following tank content criteria:
  - (A)  $\leq 50$  grams of VOC per liter;
  - (B) No acids other than boric, formic, acetic, phosphoric, sulfuric, or  $\leq 12\%$  hydrochloric; and
  - (C) May contain alkaline oxidizing agents, hydrogen peroxide, salt solutions, sodium hydroxide, and water in any concentration.

Associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment are also exempt. (This exemption does not include anodizing, hard anodizing, chemical milling, circuit board etching using ammonia-based etchant, electrocleaning, or the stripping of chromium, except sulfuric acid and/or boric acid anodizing with a total bath concentration of  $\leq 20\%$  by weight and using  $\leq 10,000$  amp-hours per day, or phosphoric acid anodizing with a bath concentration of  $\leq 15\%$  by weight of phosphoric acid and using  $\leq 20,000$  amp-hours per day.)

- (22) Equipment used exclusively for electrolytic plating (except the use of chromic and/or hydrochloric acid) or electrolytic stripping (except the use of chromic, hydrochloric, nitric, or sulfuric acid) of brass, bronze, copper, iron, tin, zinc, precious metals, and associated rinse tanks and waste storage tanks used exclusively to store the solutions drained from this equipment. Also, equipment used to electrolytically recover metals from spent or pretreated plating solutions that qualify for this exemption.

### **Ceramics and Glass**

- (23) Kilns used for firing ceramic-ware or artwork, if any combustion equipment is also exempt.
- (24) Porcelain enameling furnaces, porcelain enameling drying ovens, vitreous enameling furnaces, or vitreous enameling drying ovens, if any combustion equipment is also exempt.
- (25) Hand glass melting furnaces, electric furnaces, and pot furnaces with a capacity  $\leq 1,000$  pounds of glass.
- (26) Heat-treatment equipment used exclusively for glass, if any combustion equipment is also exempt.

- (27) Sintering equipment used exclusively for glass PROVIDED THAT no coke or limestone is used, if any combustion equipment is also exempt.

### **Plastics and Rubber and Composites**

- (28) Equipment used exclusively for conveying and storing plastic pellets.
- (29) Extrusion equipment used exclusively for extruding rubber or plastics where no organic plasticizer is present, or for pelletizing polystyrene foam scrap.
- (30) Equipment used for extrusion, compression molding, and injection molding of plastics, PROVIDED THAT the VOC content of all mold release products or lubricants is  $\leq 1\%$  by weight.
- (31) Injection or blow-molding equipment for rubber or plastics, PROVIDED THAT no blowing agent other than compressed air, water, or carbon dioxide is used.
- (32) Presses or molds used for curing, post-curing, or forming composite products and plastic products, PROVIDED THAT the blowing agent contains no VOC or chlorinated compounds.
- (33) Presses or molds used for curing or forming rubber products and composite rubber products with a ram diameter  $\leq 26$  inches, PROVIDED THAT it is operated at  $\leq 400^\circ\text{F}$ .
- (34) Ovens used exclusively for the curing or forming of plastics or composite products, where no foam-forming or expanding process is involved, if any combustion equipment is also exempt.
- (35) Ovens used exclusively for the curing of vinyl plastisols by the closed-mold curing process, if any combustion equipment is also exempt.
- (36) Equipment used exclusively for softening or annealing plastics, if any combustion equipment is also exempt.
- (37) Hot wire cutting of expanded polystyrene foam and woven polyester film.
- (38) Mixers, roll mills, and calenders for rubber or plastics where no material in powder form is added and no organic solvents, diluents, or thinners are used.

### **Material Working and Handling**

- (39) Equipment used for mechanical buffing (except tire buffers), polishing, carving, cutting, drilling, grinding, machining, planing, pressing, routing, sawing, stamping, or turning of wood, ceramic

artwork, ceramic precision parts, leather, metals, plastics, rubber, fiberboard, masonry, glass, silicon, semiconductor wafers, carbon, graphite, or composites.

- (40) Hand-held sanding equipment.
- (41) Sanding equipment controlled by a fabric filter with an airflow of <2,000 cfm.
- (42) Equipment used exclusively for shredding of wood (e.g., tub grinders, hammermills, hoggers), or for extruding, pressing, handling, or storage of wood chips, sawdust, or wood shavings.
- (43) Paper shredding and associated conveying systems and baling equipment.
- (44) Hammermills used exclusively to process aluminum and/or tin cans.
- (45) Tumblers used for the cleaning or deburring of metal products without abrasive blasting.

### **Abrasive Blasting**

- (46) Portable abrasive blasting equipment used at a temporary location to clean bridges, water towers, buildings, or similar structures, PROVIDED THAT any blasting with sand (or silica) is performed with  $\geq 66\%$  by volume water.
- (47) Portable vacuum blasting equipment using steel shot and vented to a fabric filter.
- (48) Hydroblasting equipment using exclusively water as the abrasive.
- (49) Abrasive blasting cabinets vented to a fabric filter, PROVIDED THAT the total internal volume of the cabinet is  $\leq 100$  cubic feet.
- (50) Shot peening operations, PROVIDED THAT no surface material is removed.

### **Cleaning**

- (51) Solvent cleaning:
  - (A) Non-refillable, hand-held aerosol spray cans of solvent; or
  - (B) Closed-loop solvent recovery systems with refrigerated or water-cooled condensers used for recovery of waste solvent generated on-site.
- (52) Steam-cleaning equipment.
- (53) Unheated liquid solvent tanks used for cleaning or drying parts:

- (A) With a solvent capacity  $\leq 10$  gallons and containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;
  - (B) Using a solvent with a true vapor pressure  $\leq 0.6$  psi containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof;
  - (C) With a remote reservoir and using a solvent containing  $\leq 5\%$  by weight perchloroethylene, methylene chloride, carbon tetrachloride, chloroform, 1,1,1-trichloroethane, trichloroethylene, or any combination thereof; or
  - (D) With a solvent capacity  $\leq 2$  gallons; or
  - (E) Using solutions with a Volatile Organic Compound (VOC) content of  $\leq 1\%$  by weight and no identified Hazardous Air Pollutant (HAP), and are heated below the boiling point of the solution.
- (54) Hand-wipe cleaning.

### **Coating, Resin, and Adhesive Application**

- (55) Powder-coating equipment.
- (56) Portable coating equipment and pavement stripers used exclusively for the field application of architectural coatings and industrial maintenance coatings to stationary structures and their appurtenances or to pavements and curbs.
- (57) High-volume low-pressure (HVLP) spray-coating equipment having a cup capacity  $\leq 8$  fluid ounces, PROVIDED THAT it is not used to coat  $> 9$  square feet per day and is not used to coat motor vehicles or aerospace components.
- (58) Airbrushes having a cup capacity  $\leq 2$  fluid ounces and an airflow of 0.5-2.0 cfm.
- (59) Hand-held aerosol spray cans having a capacity of  $\leq 1$  quart of coating and hand-held brush and rollers for coating application.
- (60) Spray-coating equipment used exclusively for application of automotive undercoating or bed liner materials with a flash point  $> 100^\circ\text{F}$ .
- (61) Ovens associated with an exempt coating operation, if any combustion equipment is also exempt.

- (62) Ovens associated with a coating operation that are used exclusively to accelerate evaporation, if any combustion equipment is also exempt. (Note: The coating operation is not necessarily exempt.)
- (63) Radiation-curing equipment using ultraviolet or electron beam energy to initiate a chemical reaction forming a polymer network in a coating.
- (64) Hand lay, brush, and roll-up resins equipment and operations.
- (65) Equipment used exclusively for melting or applying of waxes or natural and synthetic resins.
- (66) Hot-melt adhesive equipment.
- (67) Any adhesive application equipment that exclusively uses materials containing <1% VOC by weight and <0.1% HAP.
- (68) Equipment used exclusively for bonding of linings to brake shoes, where no organic solvents are used.

### **Printing**

- (69) Retail, sheet-fed, non-heatset offset presses (lithographic or letter-press).
- (70) Presses using exclusively UV-curable inks.
- (71) Presses using exclusively plastisols.
- (72) Presses using exclusively water-based inks (<1.5 lbs VOC per gallon, excluding water, or <10% VOC by volume) and cleaning solvents without VOC.
- (73) Presses used exclusively for making proofs.
- (74) Electrostatic, ink jet, laser jet, and thermal printing equipment.
- (75) Ovens used exclusively for exempt printing presses, if any combustion equipment is also exempt.

### **Photography**

- (76) Photographic process equipment by which an image is reproduced upon material sensitized by radiant energy, excluding equipment using perchloroethylene.

### **Liquid Storage and Transfer**

- (77) Storage tanks permanently attached to a motor vehicle.
- (78) Storage tanks used exclusively for:

- (A) Liquefied gases, including any tanks designed to operate in excess of 29.7 psia without emissions;
  - (B) Asphalt at a facility other than an asphalt roofing plant, asphalt processing plant, hot mix asphalt plants, or petroleum refinery;
  - (C) Any liquids (other than asphalt) that also have a rated capacity  $\leq 1,000$  gallons;
  - (D) Organic liquids (other than gasoline or asphalt) that also have a rated capacity  $< 20,000$  gallons;
  - (E) Organic liquids (other than asphalt) with a true vapor pressure  $< 2.2$  psia (e.g., ASTM spec. fuel oils and lubricating oils) that also have a rated capacity  $< 40,000$  gallons;
  - (F) Organic liquids (other than asphalt) with a true vapor pressure  $< 0.5$  psia that also have a rated capacity  $\geq 40,000$  gallons;
  - (G) Sulfuric acid or phosphoric acid with an acid strength  $\leq 99\%$  by weight;
  - (H) Nitric acid with an acid strength  $\leq 70\%$  by weight;
  - (I) Hydrochloric acid or hydrofluoric acid tanks with an acid strength  $\leq 30\%$  by weight;
  - (J) Aqueous solutions of sodium hydroxide, sodium hypochlorite, or salts, PROVIDED THAT the surface of the solution contains  $\leq 1\%$  VOC by weight;
  - (K) Liquid soaps, liquid detergents, vegetable oils, fatty acids, fatty esters, fatty alcohols, waxes, and wax emulsions;
  - (L) Tallow or edible animal fats intended for human consumption and of sufficient quality to be certifiable for United States markets;
  - (M) Water emulsion intermediates and products, including latex, with a VOC content  $\leq 5\%$  by volume or a VOC composite partial pressure of  $\leq 0.1$  psi at  $68^\circ\text{F}$ ; or
  - (N) Wine, beer, or other alcoholic beverages.
- (79) Loading and unloading equipment used exclusively for the storage tanks exempted above.
  - (80) Loading and unloading equipment used exclusively for transferring liquids or compressed gases into containers having a rated capacity  $< 60$  gallons, except equipment transferring  $> 1,000$  gallons per day of liquid with a true vapor pressure  $> 0.5$  psia.
  - (81) Equipment used exclusively for the packaging of sodium hypochlorite-based household cleaning or pool products.

## **Mixing**

- (82) Mixing equipment, PROVIDED THAT no material in powder form is added and the mixture contains <1% VOC by weight.
- (83) Equipment used exclusively for the mixing and blending of materials at ambient temperature to make water-based adhesives.
- (84) Equipment used exclusively for the manufacture of water emulsions of waxes, greases, or oils.
- (85) Equipment used exclusively for the mixing and packaging of lubricants or greases.
- (86) Equipment used exclusively for manufacturing soap or detergent bars, including mixing tanks, roll mills, plodders, cutters, wrappers, where no heating, drying, or chemical reactions occur.
- (87) Equipment used exclusively to mill or grind coatings and molding compounds in a paste form, PROVIDED THAT the solution contains <1% VOC by weight.
- (88) Batch mixers with a rated working capacity  $\leq 55$  gallons.
- (89) Batch mixers used exclusively for paints, varnishes, lacquers, enamels, shellacs, printing inks, or sealers, PROVIDED THAT the mixer is equipped with a lid that contacts  $\geq 90\%$  of the rim.

## **Water Treatment**

- (90) Oil/water separators, except those at petroleum refineries.
- (91) Water cooling towers and water cooling ponds not used for evaporative cooling of process water, or not used for evaporative cooling of water from barometric jets or from barometric condensers, and in which no chromium compounds are contained.
- (92) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes.
- (93) Municipal sewer systems, including wastewater treatment plants and lagoons, PROVIDED THAT they do not use anaerobic digesters or chlorine sterilization. This exemption does not include sewage sludge incinerators.
- (94) Soil and groundwater remediation projects involving <15 pounds per year of benzene or vinyl chloride, <500 pounds per year of perchloroethylene, and <1,000 pounds per year of toxic air contaminants.

## **Landfills and Composting**

- (95) Passive aeration of soil, PROVIDED THAT the soil is not being used as a cover material at a landfill.
- (96) Closed landfills that do not have an operating, active landfill gas collection system.
- (97) Non-commercial composting.

## **Agriculture, Food, and Drugs**

- (98) Equipment used in agricultural operations, in the growing of crops, or the raising of fowl or animals.
- (99) Insecticide, pesticide, or fertilizer spray equipment.
- (100) Equipment used in retail establishments to dry, cook, fry, bake, or grill food for human consumption, including charbroilers, smokehouses, barbecue units, deep fat fryers, cocoa and nut roasters, but not including coffee roasters.
- (101) Cooking kettles (other than deep frying equipment) and confection cookers where all the product in the kettle is edible and intended for human consumption.
- (102) Bakery ovens with a total production of yeast leavened bread products <10,000 pounds per operating day, if any combustion equipment is also exempt.
- (103) Equipment used to dry, mill, grind, blend, or package <1,000 tons per year of dry food products such as seeds, grains, corn, meal, flour, sugar, and starch.
- (104) Equipment used to convey, transfer, clean, or separate <1,000 tons per year of dry food products or waste from food production operations.
- (105) Storage equipment or facilities containing dry food products that are not vented to the outside atmosphere, or that handle <1,000 tons per year.
- (106) Equipment used exclusively to grind, blend, package, or store tea, cocoa, spices, coffee, flavor, fragrance extraction, dried flowers, or spices, PROVIDED THAT no organic solvents are used in the process.
- (107) Equipment used to convey or process materials in bakeries or used to produce noodles, macaroni, pasta, food mixes, and drink mixes where products are edible and intended for human consumption, PROVIDED THAT no organic solvents are used in the process. This exemption does not include storage bins located outside buildings.
- (108) Brewing operations at facilities producing <3 million gallons per year of beer.

- (109) Fermentation tanks for wine (excluding tanks used for the commercial production of yeast for sale).
- (110) Equipment used exclusively for tableting, or coating vitamins, herbs, or dietary supplements, PROVIDED THAT no organic solvents are used in the process.
- (111) Equipment used exclusively for tableting or packaging pharmaceuticals and cosmetics, or coating pharmaceutical tablets, PROVIDED THAT no organic solvents are used.

### **Quarries, Nonmetallic Mineral Processing Plants, and Concrete and Asphalt Batch Plants**

- (112) Portable nonmetallic mineral processing plants.
- (113) Fixed nonmetallic mineral processing plants.
- (114) (Reserved).
- (115) Mixers and other ancillary equipment at concrete batch plants (or aggregate product production facilities) with a rated capacity <15 cubic yards per hour.
- (116) Concrete mixers with a rated working capacity of  $\leq 1$  cubic yard.
- (117) Drilling or blasting (explosives detonation).
- (118) Asphaltic concrete crushing/recycling equipment with a throughput <5,000 tons per year.

### **Construction**

- (119) Asphalt paving application.
- (120) Asphalt (hot-tar) roofing application.
- (121) Building construction or demolition, except that notification of demolitions is required under Section 4.03 of Regulation III.

### **Ventilation and Control Equipment**

- (122) Comfort air-conditioning systems, or ventilating systems (forced or natural draft), PROVIDED THAT they are not designed or used to control air contaminants generated by, or released from, sources subject to Notice of Construction.
- (123) Refrigeration units, except those used as, or in conjunction with, air pollution control equipment.
- (124) Refrigerant recovery and/or recycling units, excluding refrigerant reclaiming facilities.

- (125) Emergency ventilation systems used exclusively to contain and control emissions resulting from the failure of a compressed gas storage system.
- (126) Emergency ventilation systems used exclusively to scrub ammonia from refrigeration systems during process upsets or equipment breakdowns.
- (127) Negative air machines equipped with HEPA filters used to control asbestos emissions from demolition/renovation activities.
- (128) Portable control equipment used exclusively for storage tank degassing.
- (129) Vacuum-cleaning systems used exclusively for industrial, commercial, or residential housekeeping purposes controlled by a fabric filter with an airflow <2,000 cfm.
- (130) Control equipment used exclusively for sources that are exempt from Notice of Construction under Section 6.03(c) of this regulation.
- (131) Routine maintenance, repair, or similar parts replacement of control equipment.

### **Testing and Research**

- (132) Laboratory testing and quality assurance/control testing equipment used exclusively for chemical and physical analysis, teaching, or experimentation, used specifically in achieving the purpose of the analysis, test, or teaching activity. Non-production bench scale research equipment is also included.

### **Miscellaneous**

- (133) Single-family and duplex dwellings.
- (134) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment, if any combustion equipment used to power such equipment is also exempt.
- (135) Equipment, including dryers, used exclusively for dyeing, stripping, or bleaching of textiles where no organic solvents, diluents, or thinners are used, if any combustion equipment used to power such equipment is also exempt.
- (136) Chemical vapor sterilization equipment where no ethylene oxide is used, and with a chamber volume of  $\leq 2$  cubic feet used by healthcare facilities.
- (137) Ozone generators that produce <1 pound per day of ozone.
- (138) Fire extinguishing equipment.

- (d) Each Notice of Construction application and Section 6.03(b) notification shall be submitted on forms provided by the Agency and shall be accompanied by the appropriate fee as required by Section 6.04 of this regulation. Notice of Construction applications shall also include any additional information required to demonstrate that the requirements of this Article are met. Notice of Construction applications shall also include an environmental checklist or other documents demonstrating compliance with the State Environmental Policy Act.

**SECTION 6.04 NOTICE OF CONSTRUCTION FEES** Adopted 10/10/73 (214)

Revised 12/12/73 (218), 11/21/74 (285), 03/13/80 (461), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 11/14/91 (710), 09/10/92 (734), 11/19/92 (738), 07/08/93 (756), 10/28/93 (765), 09/12/96 (839), 12/12/96 (842), 09/11/97 (856), 03/11/99 (880), 07/12/01 (944), 05/23/02 (969), 05/22/03 (992), 06/23/05 (1045), 03/23/06 (1064), 05/22/08 (1118), 09/22/11 (1221), 05/24/12 (1243), 04/22/21 (1429)

- (a) A Notice of Construction application is incomplete until the Agency has received all applicable fees as shown below:

Filing Fee (for each application, to be paid prior to any review) ..... \$1,550

Coffee Roaster (less than 40 pounds/batch or 18.14 kg/batch, with thermal or catalytic oxidizer)..... \$650

Hot Mix Asphalt Batch Plant ..... \$8,500

Soil Thermal Desorption Unit..... \$5,250

Marijuana Production, Processing, or Extraction:

    Production.....\$1,500

    Extraction or Processing.....\$1,300

Combustion-Based Electric Generation Project: (combined heat input capacity)

    10 - 100 million Btu/hr ..... \$5,250

    101 - 250 million Btu/hr ..... \$10,500

    More than 250 million Btu/hr ..... \$26,500

Composting Facility, new facility or increased capacity at existing facility (annual waste acceptance capacity):

    Less than 15,000 tons per year ..... \$12,000

    15,000 tons or more per year, but less than 75,000 tons per year...\$25,000

    75,000 or more tons per year ..... \$50,000

Composting Facility, changes to existing permit conditions with no increase in capacity .... \$6,000

Commercial Solid Waste Handling Facility Other Than Composting Facilities ..... \$10,500

Landfill Gas System..... \$2,750

Refuse Burning Equipment: (rated charging capacity)

Up to 12 tons per day .....	\$5,250
More than 12 tons up to 250 tons per day .....	\$21,000
More than 250 tons per day.....	\$52,500

Modification of Existing Permit Conditions (excluding Composting Facilities addressed above):

Exclusively related to reporting or recordkeeping with no increase in emissions and no changes to materials processed, emissions unit, or control device .....

	\$650
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Solely administrative changes as determined by the Control Officer... .. Filing fee only

Document Review to Determine the Notice of Construction Permitting History of an Emissions Unit (if determined necessary by Agency and not provided by applicant):

Two or more previous Orders of Approval .....

	\$650
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One previous Order of Approval .....

	No additional fee
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Each Piece of Equipment and Control Equipment not included in any other category in this section, 6.04(a) .....

	\$650
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Additional Charges (for each application):

State Environmental Policy Act (“SEPA”) Threshold Determination \$900 (DNS, under Regulation I, Section 2.04)

SEPA Threshold Determination.....\$4,400 (MDNS, under Regulation I, Section 2.07)

SEPA Environmental Impact Statement (EIS), Supplemental EIS or Addendum.....\$25,000, in addition to all costs incurred by the Agency for the preparation of the EIS, SEIS or Addendum (EIS or SEIS under Regulation I, Section 2.08 and Addendum under WAC 197-11-630)

Document Collection to Support Conclusion that SEPA Requirements were met by a Previous Environmental Review (not provided by applicant) .....

	\$900
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(See WAC 197-11-600)

Document and/or Reference Collection and Review to Develop Project or Facility Emissions Estimates (if not provided in entirety by applicant and not readily available to Agency) (See WAC 173-400-111(1)(b) and 173-460-050(1)):

Development of facility-wide inventory if needed to determine applicability of Emissions reporting program, the Operating Permit program, or the status as a major or area source of hazardous air pollutants .....\$2,500

Development of project emissions inventory from Safety Data Sheets ....\$1,000

Other calculation of project emissions:

Novel source category not previously permitted by Agency ..... \$7,500

Higher complexity source category (Commercial solid waste handling facility, commercial composting facility, lumber kiln, landfill, wastewater treatment plant, cement kiln, glass manufacturer, asphalt plant, gasoline terminal, oil refinery, or oil re-refinery).....\$5,000

Lower complexity source category (All other facility types)..... \$1,500

Review of Engineering Source Testing submitted in support of application .....\$1,000

Review of Request to Treat Application, or Part of Application, as Confidential (fee applies regardless of the result of the Agency’s review) .....\$1,000

Public Notice.....\$750  
(under WAC 173-400-171) (plus publication costs)

Public Hearing.....\$2,500  
(under WAC 173-400-171) (plus cost of facility and equipment needed for the hearing, and publication costs, if separate public notice)

Preparation of Agency Response to Comments Resulting from Public Notice and/or Public Hearing, based on level of difficulty as determined by Control Officer based upon factors including, but not limited to, substance of or numbers of comments received:

Low Difficulty .....No extra charge

Moderate Difficulty .....	\$2,500
High Difficulty .....	\$5,000
NSPS or NESHAP .....	\$1,050
(per subpart of 40 CFR Parts 60, 61, and 63)	
First Tier Review of Toxic Air Contaminants:	
Agency Review of Screening Dispersion Modeling Analysis (provided by applicant) .....	\$800
(under Regulation III, Section 2.07(c)(1)(B))	
Screening Dispersion Modeling Analysis performed by Agency (not provided by applicant) .....	\$1,500
(under Regulation III, Section 2.07(c)(1)(B))	
Agency Review of Refined Dispersion Modeling (provided by applicant) .....	\$1,500
(under Regulation III, Section 2.07(c)(1)(C))	
Refined Dispersion Modeling performed by Agency (not provided by applicant) .....	\$4,500
(under Regulation III, Section 2.07(c)(1)(C))	
Major Source, Major Modification, or Emission Increases Greater than Prevention of Significant Deterioration (PSD) Thresholds .....	\$5,000
( + Ecology fees)	
An Agency request for an Inapplicability Determination for PSD Program Requiring Written Applicability Determination from Ecology .....	\$5,000
( + Ecology fees)	
Establishing Voluntary Limits on Emissions for Synthetic Minor Source Status, Concurrent with Notice of Construction Application Review .....	\$2,100
(See WAC 173-400-091)	
Construction or Reconstruction of a Major Source of Hazardous Air Pollutants (see 40 CFR 63.2) .....	\$3,000
Tier II Air Toxics Review .....	\$5,000
(under WAC 173-460-090) ( + Ecology fees)	
Review of Opacity/Grain Loading Correlation requested under Regulation I, Section 9.04(d) .....	\$5,000

- (b) A notification under Section 6.03(b)(1) through Section 6.03(b)(9) and 6.03(b)(11) of this regulation is incomplete until the Agency has received a fee of \$200. An application processed as a Notice of Construction exemption under Section 6.03(b)(10) requires payment of the Notice of Construction

filing fee only. An application for coverage under a general order of approval issued by this Agency is not subject to the fees in Section 6.04(a) and instead requires payment of a \$500 fee, which is due prior to any review of the application.

- (c) An application may be subject to and an applicant required to pay multiple fees as determined applicable by the Agency under Section 6.04(a). The Control Officer is authorized to enter into a written cost-reimbursement agreement with an applicant as provided in RCW 70A.15.1570, which shall cover costs incurred by the Agency separate from Section 6.04(a) fees.

- (d) Additional Fee for Service – Second Incomplete Application

Upon receipt of a second incomplete Notice of Construction application from the same applicant for the same project, the Control Officer may cease review of the application and provide written notification of that determination. The Control Officer may resume review of the application if, within 30 days of the date of the notification describing the Agency's receipt of the second incomplete Notice of Construction application, the applicant has deposited \$1,000 with the Agency, and executed a fee-for-service agreement with the Agency that allows the Agency to recover the reasonable direct and indirect costs that arise from processing the Notice of Construction application, including the requirements of other relevant laws such as SEPA.

The agreement shall require that the applicant assume full responsibility for paying the Agency for the costs incurred under the fee-for-service agreement. The Agency shall credit the \$1,000 deposit made by the applicant towards the costs required by a fee-for-service agreement. The fee-for-service agreement may require the applicant to make progress payments during the application review period. The \$1,000 deposit referred to in this section and the costs provided for in a fee-for-service agreement are in addition to the fees required in Section 6.04(a).

If the applicant has not made a \$1,000 deposit and executed such a fee-for-service agreement within 30 days of the date of the notification from the Agency describing its receipt of a second incomplete application, the Agency may issue an Intent to Disapprove an Application.

The \$1,000 deposit required under this section is not refundable. In addition, any payments made to the Agency under a fee-for-service agreement are not refundable.

- (e) Additional Fee – Revised Application

The Control Officer may assess an additional fee for processing a Notice of Construction application if an applicant submits a significantly revised application or submits information stating or demonstrating that the project which is the subject of the application has significantly changed after review by the Agency of the original project has begun and prior to the Agency issuing an Order of Approval or Intent to Disapprove an Application regarding the original application. The revision fee may be assessed if the changed information renders invalid or moot any of the review accomplished

before the submission of the changes to the project. The revision fee shall be the sum of the individual fee items for work that the Agency determines must be re-evaluated as a result of the changed information. The resulting total fee required by this Section is the fee for the original Notice of Construction application plus the revision fee.

**SECTION 6.09 NOTICE OF COMPLETION** Adopted 03/13/68 (12)  
Revised 02/13/86 (597), 11/19/92 (738), 04/14/94 (784), 07/12/01 (944), 03/25/04 (1024)

Within 30 days of completion of the installation or modification of a stationary source subject to the provisions of Article 6 of this regulation, the owner or operator or applicant shall file a Notice of Completion with the Agency. Each Notice of Completion shall be submitted on a form provided by the Agency, and shall specify the date upon which operation of the stationary source has commenced or will commence.

**SECTION 6.10 WORK DONE WITHOUT AN APPROVAL** Adopted 11/12/87 (616)  
Revised 07/08/93 (756), 09/11/97 (856), 07/12/01 (944)

Where work for which an Order of Approval is required is commenced or performed prior to making application and receiving approval, the Control Officer may conduct an investigation as part of the Notice of Construction review. In such a case, an investigation fee, in addition to the fees of Section 6.04, shall be assessed in an amount equal to 3 times the fees of Section 6.04. 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.

**SECTION 6.11 NEW SOURCE PERFORMANCE STANDARDS**  
Adopted 08/12/93 (760)  
Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (870), 09/09/99 (895), 07/13/00 (925), 09/13/01 (954), 09/26/02 (978)

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 60, Title 40, of the Code of Federal Regulations (excluding Subparts B, S, BB, and AAA) in effect as of the federal regulation reference date listed in Section 3.25 of this regulation herein incorporated by reference.