

REGULATION I - ARTICLE 1: POLICY, SHORT TITLE, AND DEFINITIONS

SECTION 1.01 POLICY Adopted 03/13/68 (12)

Revised 11/10/71 (135), 10/10/73 (214), 09/09/99 (895)

The Puget Sound Clean Air Agency, consisting of the counties of Pierce, King, Snohomish, and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency, to provide for the uniform administration and enforcement of this Regulation, and to carry out the requirements and purposes of the Washington Clean Air Act and the Federal Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound 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, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area, and facilitate the enjoyment of the natural attractions of the Puget Sound area

State adopted: 9/9/99; EPA effective: 9/30/04

SECTION 1.03 NAME OF AGENCY Adopted 03/13/68 (12)

Revised 10/08/98 (872), 09/09/99 (895)

The name of the multicounty air pollution control agency comprised of the activated or inactivated air pollution control authorities of King County, Kitsap County, Pierce County, Snohomish County, and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Clean Air Agency" or "Agency"

State adopted: 9/9/99; EPA effective: 9/30/04

SECTION 1.05 SHORT TITLE Adopted 03/13/68 (12)

Revised 09/09/99 (895)

This Regulation may be known and cited as "Regulation I of the Puget Sound Clean Air Agency"

State adopted: 9/9/99; EPA effective: 9/30/04

SECTION 1.07 DEFINITION Adopted 03/13/68 (12)

Revised 07/08/70 (126), 11/10/71 (135), 04/12/72 (141), 05/10/72 (142), 06/13/73 (194), 03/18/76 (361), 03/13/80 (461), 10/13/83 (547), 05/10/84 (556), 02/13/86 (597), 11/12/87 (616), 06/09/88 (621), 11/10/88 (634), 12/08/88 (636), 01/12/89 (639), 08/10/89 (644), 06/13/91 (700), 01/09/92 (716), 11/19/92 (738), 04/14/94 (784)

When used herein:

(a) ACCEPTABLE SOURCE IMPACT LEVEL (ASIL) means a concentration of a toxic air contaminant in the outdoor atmosphere in any area that does not have restricted or controlled public access that is used to evaluate the air quality impacts of a single source. There are three types of acceptable source impact levels: risk-based, threshold-based, and special. Concentrations for these three types of ASILs are established by the Board after public hearing

and are listed in Appendix A of Regulation III.

(b) ACTUAL EMISSIONS means the average rate at which the source actually emitted air contaminants during the 2-year period preceding a specific date, and which is representative of normal source operations. To account for unusual circumstances such as strikes, the Control Officer may approve or require the use of another time period that is more representative of normal operations than is the immediately preceding 2-year period.

(c) ADEQUATE SOURCE OF HEAT means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.

(d) AGENCY means the Puget Sound Air Pollution Control Agency.

(e) AIR CONTAMINANT means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(f) AIR POLLUTION means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(g) AIR POLLUTION EPISODE means a period when a forecast, alert, warning, or emergency air pollution stage is declared by the Department of Ecology pursuant to RCW 70.94.715.

(h) ALLOWABLE EMISSIONS means the emission rate calculated using the maximum rated capacity of the source (unless the source is subject to a federally enforceable permit that limits the operating rate, or hours of operation, or both) and the most stringent of the following:

- (1) Any applicable standard under 40 CFR Parts 60,61, and 63;
- (2) Any applicable emission standard under Regulation I, II, or III;
- (3) Any applicable State Implementation Plan emission standard, including those with a future compliance date; or
- (4) Any applicable emission standard specified in an Order of Approval or operating permit, including those with a future compliance date.

(i) AMBIENT AIR means the portion of the atmosphere, external to buildings, to which the general public has access.

(j) AMBIENT AIR QUALITY STANDARD means an established concentration, exposure time, and frequency of occurrence of an air contaminant in the ambient air that shall not be

exceeded.

(k) BEST AVAILABLE CONTROL TECHNOLOGY means technology that will result in an emission standard, including a visible emission standard, based on the maximum degree of reduction which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts, and other costs, determines is achievable for such source through application of production processes, available methods, systems, and techniques, including fuel cleaning or treatment, clean fuels, or innovative fuel combustion techniques for control of each air contaminant. In no event shall application of the best available control technology result in emissions of any air contaminant that would exceed the emissions allowed by an applicable standard under 40 CFR parts 60, 61, and 63. The Agency may prescribe a design, equipment, work practice, or operational standard, or combination thereof, to meet the requirements of best available control technology. Such standard shall, to the degree possible, set forth the emission reduction achievable by implementation of such design, equipment, work practice, or operation and shall provide for compliance by means that achieve equivalent results.

(l) BOARD means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(m) COMMENCED CONSTRUCTION means that the owner or operator has all the necessary preconstruction approvals or permits and either has begun, or has caused to begin, a continuous program of actual on-site construction of the source or has entered into binding agreements or contractual obligations to undertake construction of the source which cannot be canceled or modified without substantial loss to the owner or operator.

(n) COMBUSTIBLE REFUSE means solid or liquid combustible waste material.

(o) CONTROL EQUIPMENT means any device which prevents or controls the emission of any air contaminant.

(p) CONTROL OFFICER means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(q) EMISSION means a direct or indirect release of any air contaminant into the ambient air.

(r) EMISSION STANDARD means a requirement that limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis including any requirement relating to the operation or maintenance of a source to assure continuous emission reduction, and any design, equipment, work practice, or operational standard.

(s) EQUIPMENT means any stationary or portable device or any part thereof that emits or may emit any air contaminant into the atmosphere.

(t) FACILITY means the sum total of all of the pollutant emitting activities that belong to the same industrial grouping (as defined by major groups in the Standard Industrial Classification

Manual, NTIS Order No. PB 87-100012), are located on one or more contiguous or adjacent properties, and are owned or operated by the same person or persons under common control.

(u) FIRST STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 75 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.

(v) FUEL BURNING EQUIPMENT means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of fuel.

(w) FUGITIVE DUST means particulate matter or any visible air contaminant other than uncombined water that is not collected by a capture system and emitted from a stack, but is released to the atmosphere at the point of generation.

(x) FUGITIVE EMISSION means an emission that does not pass and that could not reasonably pass through a stack, chimney, or other functionally equivalent opening.

(y) GASOLINE means a volatile organic compound having a true vapor pressure greater than 1.5 pounds per square inch at 68°F, that is a liquid at standard conditions, and is used as a fuel for internal combustion engines.

(z) GASOLINE STATION means any site dispensing gasoline into fuel tanks of motor vehicles, marine vessels, or aircraft from stationary storage tanks.

(aa) INCINERATOR means a furnace for the destruction of waste.

(bb) INSTALLATION means the placement, assemblage, or construction of equipment or control equipment at the premises where the equipment or control equipment will be used, and includes all preparatory work at such premises.

(cc) LOWEST ACHIEVABLE EMISSION RATE means that rate of emissions that reflects either the most stringent emission standard that is contained in the implementation plan of any state for such class or category of source unless the owner or operator of the proposed source demonstrates that such emission standards are not achievable, or the most stringent emission standard that is achieved in practice by such class or category of source, whichever is more stringent.

(dd) MAJOR MODIFICATION means a modification of a major source that would increase the actual emissions of any air contaminant for which the area is designated non-attainment by more than the following:

AIR CONTAMINANT	TONS/YEAR
Carbon Monoxide	100.0
Volatile Organic Compounds	40.0
Nitrogen Oxides	40.0
PM-10	15.0
Sulfur Dioxide	40.0
Lead	0.6

In determining whether the thresholds defining a major modification have been exceeded, the emissions permitted under Orders of Approval issued to the facility since the designation of non-attainment that were not major modifications, and all fugitive emission increases that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility since the designation of nonattainment may be subtracted from this amount provided that any credits so applied are then considered to have been used. For modifications of an individual piece of equipment, the baseline shall be the source's actual emissions or allowable emissions, whichever is smaller. *(Note: volatile organic compounds and nitrogen oxides are the air contaminants for which an area is designated nonattainment for ozone)*

(ee) MAJOR SOURCE means a facility that emits or has the potential to emit 100 tons per year or more of any air contaminant subject to regulation under the federal Clean Air Act. In determining whether the threshold defining a major source has been exceeded all fugitive emissions that can be reasonably quantified shall be included. Any emission reduction credits banked by the facility may be subtracted from this amount provided that any credits so applied are then considered to have been used.

(ff) MODIFICATION means any physical change in, or change in the method of operation of, a source, except an increase in the hours of operation or production rates (not otherwise prohibited) or the use of an alternative fuel or raw material that the source is approved to use under an Order of Approval or operating permit, that increases the amount of any air contaminant emitted or that results in the emission of any air contaminant not previously emitted.

(gg) MOTOR VEHICLE means any operating vehicle or one capable of being operated that has its own self-contained sources of motive power, is designed for the transportation of people or property, and is of the type for which a license is required for operation on a highway.

(hh) MULTIPLE CHAMBER INCINERATOR means a furnace for the destruction of waste consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts, and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(ii) NONATTAINMENT AREA means a geographic area designated by the United States Environmental Protection Agency that violates a primary or secondary national ambient air quality standard.

(jj) OUTDOOR FIRE means the combustion of material in the open or in a container with no provision for control of such combustion or the control of the emissions of the combustion products.

(kk) OWNER OR OPERATOR means the person who owns, leases, supervises, or operates the equipment or control equipment.

(ll) PARTICULATE MATTER means any material, except water in an uncombined form, that is, has been, or is likely to become airborne and exists as a liquid or a solid at standard conditions.

(mm) PERSON means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or governmental agency.

(nn) 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 Appendix J of 40 CFR part 50 and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

(oo) POTENTIAL TO EMIT means the maximum capacity of a facility to emit an air contaminant under its physical and operational design. Any physical or operational limitation on the capacity of the facility to emit an air contaminant, including control equipment and restrictions on the hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is federally enforceable.

(pp) REASONABLY AVAILABLE CONTROL TECHNOLOGY means the lowest emission standard that a particular source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. Reasonably available control technology is determined on a case-by-case basis for an individual source or source category taking into account the impact of the source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls.

(qq) REFUSE BURNING EQUIPMENT means equipment employed to burn any solid or liquid combustible refuse.

(rr) SEASONED WOOD means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.

(ss) SECOND STAGE OF IMPAIRED AIR QUALITY means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24-hour average.

(tt) SOLID FUEL BURNING DEVICE means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, which has a heat input less than 1 million Btu per hour.

(uu) SOURCE means a building, structure, equipment, control equipment, or facility that emits or may emit any air contaminant into the atmosphere.

(vv) STANDARD CONDITIONS means a temperature of 68°F and a barometric pressure of 29.92 inches of mercury.

(ww) TOTAL ALLOWABLE EMISSIONS means allowable emissions, including the emissions from all Orders of Approval issued to the facility since the designation of nonattainment that were not major modifications, and all fugitive emissions that can be reasonably quantified.

(xx) TOXIC AIR CONTAMINANT or TAC means an air contaminant listed in Appendix A of Registration III.

(yy) TREATED WOOD means wood of any species that has been chemically impregnated, painted, or similarly modified.

(zz) TRUE VAPOR PRESSURE means the equilibrium partial pressure of an organic liquid (determined by methods described in American Petroleum Institute Bulletin 2517, "Evaporation Loss from Floating Roof Tanks", February 1989)

(aaa) URBANIZED AREA means those portions of King, Pierce, Kitsap, and Snohomish Counties designated as urbanized areas by the U.S. Department of Commerce, Bureau of the Census.

(bbb) VOLATILE ORGANIC COMPOUND or VOC means an organic compound that participates in atmospheric photochemical reactions. This excludes all compounds determined to have negligible photochemical reactivity by the U.S. Environmental Protection Agency and listed in 40 CFR 51.100(s)

State adopted: 4/14/94; EPA effective: 6/29/95

REGULATION I - ARTICLE 3: GENERAL PROVISIONS

SECTION 3.04 REASONABLY AVAILABLE CONTROL TECHNOLOGY Adopted 09/11/97 (856)

- (a) Reasonably Available Control Technology (RACT) is required for all existing sources.
- (b) RACT for each source category containing 3 or more sources shall be determined by rule, except as provided in Section 3.04(c) of this regulation.
- (c) Source-specific RACT determinations may be performed under any of the following circumstances:
 - (1) For replacement of existing control equipment under Section 6.07(c)(4) of this regulation;
 - (2) When required by the federal Clean Air Act;
 - (3) For sources in source categories containing fewer than 3 sources;
 - (4) When an air quality problem, for which the source is a contributor, justifies a source-specific RACT determination prior to development of a categorical RACT rule; or
 - (5) When a source-specific RACT determination is needed to address either specific air quality problems, for which the source is a significant contributor, or source-specific economic concerns.
- (d) Under any of the circumstances listed in Section 3.04(c) of this regulation, the Control Officer or a duly authorized representative shall have the authority to perform a source-specific RACT analysis or to order the owner or operator to perform the analysis and submit the results to the Agency.
- (e) ~~In the event that the Agency performs a source-specific RACT analysis of a source, the Agency shall assess a fee against that source to cover the cost of performing the analysis. The fee for an analysis performed by the Agency shall be \$5,000.00. (Replacement of control equipment under Section 3.04(c)(1) shall be subject to the notice of construction review fees under Section 6.04, in lieu of a RACT fee under this section.) This fee shall be due and payable within 30 days of the date of the invoice and shall be deemed delinquent if not fully paid within 90 days of the invoice.~~
- (f) Where current controls are determined to be less than RACT, the Agency shall define RACT for that source or source category and issue a rule or a regulatory order under Section 3.03 of this regulation requiring the installation of RACT.
- (g) Emission standards and other requirements contained in rules or regulatory orders in effect at the time of operating permit issuance shall be considered RACT for purposes of permit issuance or renewal.

State adopted: 3/11/99; EPA effective: 9/30/04

SECTION 3.06 CREDIBLE EVIDENCE Adopted 10/08/98 (872)

For the purpose of establishing whether or not a person has violated or is in violation of any provision of chapter 70.94 RCW, any rule enacted pursuant to that chapter, or any permit or order issued thereunder, nothing in this regulation shall preclude the use, including the exclusive use, of any credible evidence or information, relevant to whether a source would have been in

compliance with applicable requirements if the appropriate performance or compliance test procedures or methods had been performed.

State adopted: 10/8/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 5: REGISTRATION

SECTION 5.02 APPLICABILITY AND PURPOSE OF THE REGISTRATION PROGRAM

(a) Program Authority and Applicability. As authorized by RCW 70.94.151, the Board, by this regulation, classifies air contaminant sources which, in its judgment, may cause or contribute to air pollution. This classification is made according to levels and types of emissions and other characteristics that cause or contribute to air pollution. The Board requires both registration and reporting for these classes of air contaminant sources. The classifications are made for the entire area of jurisdiction of the Agency and are made with special reference to effects on health, economic and social factors, and physical effects on property.

(b) Program Purpose. As defined in WAC 173-400-099(1), the registration program is a program to develop and maintain a current and accurate record of air contaminant sources. Information collected through the registration program is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.

(c) Registration and Reporting. Any person operating or responsible for the operation of an air contaminant source for which registration and reporting are required, shall register the source with the Agency. The owner or operator shall make reports to the Agency containing information as may be required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(d) Annual Registration Fees. The Board requires that registration be accompanied by a fee and has determined the amount of this fee for each class of air contaminant source to be as shown in Section 5.07. The amount of fees collected shall not exceed the costs of administering this registration program, which shall be defined as:

- (1)** Initial registration and annual or other periodic reports from the source owner providing the information directly related to air pollution registration;
- (2)** On-site inspections necessary to verify compliance with registration requirements;
- (3)** Data storage and retrieval systems necessary for support of the registration program;

- (4) Emission inventory reports and emission reduction credits computed from information provided by sources pursuant to the requirements of the registration program;
- (5) Staff review, including engineering analysis for accuracy and currentness, of information provided by sources pursuant to the requirements of the registration program;
- (6) Clerical and other office support provided in direct furtherance of the registration program; and
- (7) Administrative support provided in directly carrying out the registration program.

State adopted: 9/12/96; EPA effective: 10/6/97

SECTION 5.03 REGISTRATION REQUIRED Adopted 03/13/68 (12)

Revised 11/10/71 (135), 10/10/73 (214), 03/13/80 (461), 12/09/82 (530), 12/13/84 (567), 02/13/86 (597), 08/09/90 (670), 08/12/93 (760), 02/10/94 (777), 09/12/96 (838), 2/12/96 (842), 09/10/98 (870), 07/08/99 (886)

- (a) The registration requirements of this article do not apply to:
 - (1) motor vehicles;
 - (2) nonroad engines or nonroad vehicles as defined in Section 216 of the federal Clean Air Act;
 - (3) sources that require an operating permit under Article 7;
 - (4) spray-coating operations exempt under Section 9.16(b) of this regulation; or
 - ~~(5) any source, including any listed in Section 5.03(b) below, that has been determined through review by the Control Officer not to warrant registration, due to the amount and nature of air contaminants produced or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property.~~
- (b) It shall be unlawful for any person to cause or allow the operation of any source required to register under Section 5.03, unless it conforms to all the requirements of Article 5. Except as provided in Section 5.03(a), the owner or operator of each of the following stationary air contaminant sources shall register the source with the Agency by paying the annual fee required by Section 5.07 and submitting any reports required by Section 5.05.
 - (1) Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60, other than Subpart S (Primary Aluminum Reduction Plants), BB (Kraft Pulp Mills), or AAA (New Residential Wood Heaters), applies;
 - (2) Any source category subject to the National Emission Standards for Hazardous Air Pollutants (NESHAP) under 40 CFR Part 61, other than Subpart M (asbestos on roadways, asbestos demolition or renovation activities, or asbestos spraying), or 40 CFR Part 63;
 - (3) Any source that emits any of the following pollutants at a rate of emission equal to or greater than any one of the following rates (tons/year):

carbon monoxide	25
nitrogen oxides	25
sulfur dioxide	25
particulate matter (PM10)	25
particulate matter (PM2.5)	25
volatile organic compounds (VOC)	25
facility-combined total of all toxic air contaminants (TAC)	6
any single toxic air contaminant (TAC)	2
(4) Any source that has equipment or control equipment, with an approved Notice of Construction under Article 6 of Regulation I;	
(5) Any source that has been determined through review by the Control Officer to warrant registration, due to the amount and nature of air contaminants produced, or the potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property;	
(6) Any source that has elected to opt out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of the federal Clean Air Act;	
(7) Other sources, such as:	
aerosol can-filling facilities;	
agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;	
agricultural drying and dehydrating operations;	
alumina processing;	
ammonium sulfate manufacturing plants;	
asphalt and asphalt products production facilities;	
automobile or light-duty truck surface coating operations;	
baker's yeast manufacturing;	
brick and clay manufacturing plants, including tiles and ceramics;	
cattle feedlots with operational facilities that have an inventory of 1,000 or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;	
chemical manufacturing plants;	
coal preparation plants;	
coffee roasting facilities;	
composting operations, including commercial, industrial and municipal, but exempting agricultural and residential composting activities;	
concrete product manufacturers and ready-mix and premix concrete plants;	
crematoria or animal carcass incinerators;	
dry cleaning plants;	

ethylene dichloride, polyvinyl chloride, or vinyl chloride plants;
explosives production;
flexible polyurethane foam production;
flexible vinyl and urethane coating and printing operations;
gasoline stations, bulk gasoline plants, and gasoline loading terminals;
gelcoat, polyester, resin, or vinylester coating manufacturing operations at commercial or industrial facilities;
glass manufacturing plants;
grain, seed, animal feed, legume, and flour processing operations and handling facilities;
hazardous waste treatment and disposal facilities;
ink manufacturers;
insulation fiber manufacturers;
landfills, active and inactive, including covers, gas collection systems, or flares;
lead-acid battery manufacturing plants;
lime manufacturing plants;
metal casting facilities and foundries, ferrous and nonferrous;
metal plating and anodizing operations;
metallic and nonmetallic mineral processing plants, including rock crushing plants and sand and gravel operations;
metallurgical processing plants;
mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;
mineral wool production;
mineralogical processing plants;
municipal waste combustors;
nitric acid plants;
paper manufacturers, except Kraft and sulfite pulp mills;
petroleum refineries;
pharmaceuticals production;
plastics and fiberglass product fabrication facilities;
pneumatic materials conveying operations and industrial house-keeping vacuuming systems that exhaust more than 1,000 acfm to the atmosphere;
portland cement plants;
primary copper smelters, lead smelters, magnesium refining and zinc smelters, but excluding primary aluminum plants;
rendering plants;
semiconductor manufacturing;
shipbuilding and ship repair (surface coating);
soil vapor extraction (active), thermal soil contaminant desorption, or groundwater air stripping remediation projects;
sulfuric acid plants;
surface-coating manufacturers;

surface spray-coating operations, including automotive, metal, cans, pressure-sensitive tape, labels, coils, wood, plastic, rubber, glass, paper, and other substrates; synthetic fiber production facilities; synthetic organic chemical manufacturing industries; tire recapping facilities; vegetable oil production; wastewater treatment plants; or wood treatment.

State adopted: 7/8/99; EPA effective: 9/30/04

SECTION 5.05 GENERAL REPORTING REQUIREMENTS FOR REGISTRATION

Adopted 03/13/68 (12)

Revised 11/10/71 (135), 12/09/82 (530), 06/09/88 (621), 10/12/89 (653), 08/09/90 (670), 09/12/96 (838), 09/11/97 (856), 09/10/98 (870)

(a) **General.** The owner or operator of an air contaminant source for which registration is required by Section 5.03, shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled.

(b) **Registration Form.** Registration information shall be provided on forms supplied by the Agency and shall be completed and returned within the time specified on the form.

(c) **Reporting Responsibility.** The owner, operator, or a designated representative shall sign Agency registration and reporting forms for each source. The owner or operator of the source shall be responsible for notifying the Agency of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(d) **Emission Reporting.** An emission report shall be required from the owner or operator of a source requiring registration, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility combined total of all toxic air contaminant(TAC) emissions	6
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM10) emissions	25
particulate matter (PM2.5) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above.

(e) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Section 5.03 above shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(f) **Report of Closure.** Continued payment of the annual registration fee to the Agency maintains the registration of the source with the Agency, as well as the status of the source as an operating facility. A source shall only be removed from the registration program after a written request has been received from the owner or operator of the source. It shall be unlawful for any person to operate a source that has been removed from registration, unless the owner or operator has submitted and received an approval for a “Notice of Construction and Application for Approval”, in compliance with Article 6.

(g) **Report of Change of Ownership.** A new owner of a source shall report in writing any change of ownership to the Agency within 90 days of such a change.

State adopted: 9/10/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 6: NEW SOURCE REVIEW

SECTION 6.03 NOTICE OF CONSTRUCTION

(a) It shall be unlawful for any person to cause or allow the construction, installation, establishment, or modification of an air contaminant source, except those sources that are excluded in Section 6.03(b), unless a “Notice of Construction and Application for Approval” has been filed with and approved by the Agency.

(b) Except when part of a new major source or major modification in a nonattainment area, the following air contaminant sources do not need a “Notice of Construction and Application for

Approval” approved by the Agency prior to construction, installation, establishment, or modification:

- (1)** Ventilating systems, including fume hoods, not designed to prevent or reduce air contaminant emissions.
- (2)** Fuel burning equipment that has a maximum input rate of:
 - (A)** less than 0.5 million Btu per hour (0.15 million joules per second) burning waste derived fuel; or
 - (B)** less than 10 million Btu per hour (3 million joules per second) burning natural gas, propane, or butane; or
 - (C)** less than 1 million Btu per hour (0.3 million joules per second) burning any other fuel.
- (3)** Insecticide, pesticide, or fertilizer spray equipment.
- (4)** Internal combustion engines less than the size thresholds of the proposed United States Environmental Protection Agency (EPA) New Source Performance Standards (NSPS) 40 CFR Part 60 Subpart FF (Stationary Internal Combustion Engines, 44 FR 43152 7/23/79) or the promulgated EPA NSPS 40 CFR Part 60 Subpart GG (Stationary Gas Turbines).
- (5)** Laboratory equipment used exclusively for chemical or physical analyses.
- (6)** Laundry dryers without control equipment.
- (7)** Dryers or ovens used solely to accelerate evaporation.
- (8)** Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics which does not release air contaminants to the ambient air.
- (9)** Storage tanks:
 - (A)** that do not store substances capable of emitting air contaminants; or
 - (B)** with a rated capacity of 1,000 gallons (3,780 liters) or less used for storage of gasoline; or
 - (C)** with a rated capacity of less than 10,000 gallons (38,000 liters) used for storage of volatile organic compounds; or

(D) with a rated capacity of less than 40,000 gallons (150,000 liters) used for storage of volatile organic compounds with a true vapor pressure less than 0.01 kPa (0.002 psia).

(10) Sanitary or storm drainage systems.

(11) Welding, brazing, or soldering equipment.

(12) Asphalt roofing and laying equipment (Not including manufacturing or storage)

(13) Restaurants and other retail food-preparing establishments.

(14) Cold solvent cleaners using a solvent with a true vapor pressure less than or equal to 4.2 kPa (0.06 psia)

(15) Retail printing operations (not including web presses).

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

(17) Any source that has been determined through review by the Control Officer not to warrant a “Notice of Construction and Application for Approval”, due to the minimal amount and nature of air contaminants produced and potential to contribute to air pollution, with special reference to effects on health, economic and social factors, and physical effects on property. The owner or operator shall submit to the Control Officer, the information necessary to make this determination. The Control Officer shall notify the owner or operator in writing whether a “Notice of Construction and Application for Approval” is required for the source.

(c) Each Notice of Construction and Application for Approval shall be submitted on forms provided by the Agency and shall be accompanied by a set of plans that fully describes the proposed source, the means for prevention or control of the emissions or air contaminants, the appropriate fee as required by Section 6.04, and any additional information required by the Board or Control Officer to demonstrate that the proposed source will meet the requirements of Section 6.07.

(d) Within 30 days of receipt of a Notice of Construction and Application for Approval, the Agency shall notify the applicant in writing if any additional information is necessary to complete the application.

State adopted: 9/12/96 EPA effective: 10/6/97

SECTION 6.04 NOTICE OF CONSTRUCTION REVIEW FEES

[See Scanned Version of 6.04](#)

SECTION 6.06 PUBLIC NOTICE

(a) The Agency shall provide public notice for any proposed Order of Approval if:

(1) The proposed installation or modification would increase the emissions of any air contaminant by more than the following:

Air Contaminant	Tons/Year
Carbon Monoxide.....	100.0
VOC.....	40.0
Nitrogen Oxides.....	40.0
PM10.....	15.0
Sulfur Dioxide.....	40.0
Lead.....	0.6
Fluorides.....	3.0
Sulfuric Acid.....	7.0
Total Reduced Sulfur.....	10.0

(2) The applicant requests a limit on the potential to emit;

(3) The applicant requests to bank emission reduction credits;

(4) The applicant requests approval of a risk analysis;

(5) The proposed installation or modification involves refuse burning equipment; or

(6) The Control Officer determines that there may be substantial public interest in the proposal.

(b) Public notice shall be published in a newspaper of general circulation in the area of the proposed project and shall include the following:

(1) The name and address of the owner or operator and the facility;

(2) A brief description of the proposal;

(3) The locations at which copies of the preliminary determination and a summary of information considered in making such preliminary determination are available for public inspection;

(4) The deadline for submitting written comment; and

(5) That a public hearing may be held if the Agency determines within a 30-day period that significant public interest exists.

(c) Notice shall also be sent to the U.S. Environment Protection Agency Regional Administrator.

(d) The cost of providing public notice shall be borne by the applicant.

(e) The Agency shall not make a final decision on any application until the public comment period has ended and any comments received have been considered. Unless a public hearing is held, the public comment period shall be the 30-day period for written comment published as provided above. If a public hearing is held, the public comment period shall extend through the hearing date.

(f) The applicant, any interested governmental entity, any group, or any person may request a public hearing within the 30-day period published as provided above. Any such request shall indicate the interest of the entity filing it and why a hearing is warranted. The Agency may, at its discretion, hold a public hearing if it determines significant public interest exists. Any such hearing shall be held upon such notice and at a time and place as the Agency deems reasonable. The Agency shall provide at least 30 days prior notice of any hearing.

State adopted: 4/14/94 EPA effective: 6/29/95

SECTION 6.07 ORDER OF APPROVAL – ORDER TO PREVENT CONSTRUCTION

(a) Within 60 days of receipt of a complete Notice of Construction and Application for Approval, or as promptly as possible after the close of the public comment period if subject to the public notice requirements of Section 6.06 of this Regulation, the Board or Control Officer shall issue an Order of Approval or an Order to Prevent Construction. A person seeking approval to construct or modify a source that requires an operating permit may elect to integrate review of the operating permit application or amendment required by Article 7 of this Regulation provided that any such application shall be processed in accordance with the operating permit program procedures and deadlines.

(b) An Order of Approval may provide such conditions of operation as are reasonably necessary to assure compliance with all applicable emission standards.

(c) No Order of Approval shall be issued unless the Notice of Construction and Application for approval demonstrates to the Board or Control Officer that:

(1) The operation of the source at the location proposed will not cause or contribute to a violation of an ambient air quality standard;

(2) The source will meet the requirements of all applicable emission standards;

(3) Best available control technology is employed for the installation of new sources and the modification of existing sources; and

(4) Reasonably available control technology is employed for the replacement of existing control equipment.

(d) No Order of Approval shall be issued for a new major source or major modification in a nonattainment area unless the Notice of Construction and Application for Approval also demonstrates to the Board or Control Officer that:

(1) For those air contaminants for which the area is designated nonattainment, lowest achievable emission rate is employed for each new source at a new major source, and each new or modified source involved in a major modification;

(2) All existing major sources owned or operated by the applicant in the state of Washington are in compliance with all applicable emission standards under the federal Clean Air Act or are on an approved compliance schedule;

(3) Offsets in the form of emission reduction credits (banked pursuant to Section 6.08 of this Regulation) in an amount greater than or equal to 1.10 times the proposed total allowable emissions from the new major source, or the increase from current actual emissions to the proposed total allowable emissions for a major modification, have been obtained from sources in the same nonattainment area and occur by the time the new major source or major modification begins operation; and

(4) The benefits of the proposed new major source or major modification significantly outweigh the environmental and social costs imposed as a result of its location, installation, or modification. (This demonstration, which shall include an analysis of alternative sites, sizes, production processes, and environmental control techniques, may be in the form of an environmental impact statement prepared under the State Environmental Policy Act or the National Environmental Policy Act.)

(e) No Order of Approval shall be issued for a new or modified source of toxic air contaminants, except for sources exempted by Section 2.01 of Regulation III, unless the Notice of Construction and Application for Approval demonstrates to the Board or Control Officer that:

(1) The toxic air contaminant emissions from the source will not result in the exceedance of any acceptable source impact level listed in Appendix A of Regulation III; or

(2) The emissions from the source will not cause air pollution. This demonstration shall be performed in accordance with the Agency "Guidelines for Evaluating Sources of Toxic Air Contaminants" and requires approval from the Department of Ecology.

(f) An Order of Approval shall expire unless the owner or operator has commenced construction of the source within 18 months of the date of its issuance or if construction is discontinued for a period of more than 18 months.

(g) An Order to Prevent Construction shall set forth the objections in detail with references to the provisions of this Regulation that would not be met. Such Order shall become final unless, no later than 15 days after the date the Order is served, the applicant petitions for a reconsideration of the Order, with reasons for the reconsideration. The Control Officer shall consider the petition, and shall within 30 days give written Order of Approval or final disapproval of the Notice of Construction setting forth the reasons for disapproval.

State adopted: 4/14/94; EPA effective: 6/29/95

SECTION 6.08 EMISSION REDUCTION CREDIT BANKING

(a) Banking of emission reductions in ton per year increments that result from improved process or control techniques, source shutdowns, or curtailments shall be allowed by written permission of the Board or Control Officer if formally requested within 180 days of the issuance of an Order of Approval or other action taken to effect an emission reduction. A fee of \$50 per ton shall be paid upon the filing of a request to bank emission reduction credits.

(b) The baseline from which to calculate an emission reduction credit shall be the source's actual emissions, or allowable emissions, whichever is smaller.

(c) Permission to bank shall constitute receipt of legal title to an emission reduction credit within the provisions of this section. The sale or transfer of emission reduction credits is allowed provided prior approval is granted by the Board or Control Officer, based solely on a certification of valid title to the credits. A request to sell or transfer emission reduction credits must be notarized by the applicant and signed by all parties to the transaction.

(d) The Board or Control Officer shall establish conditions for each emission reduction credit as needed to ensure the permanence and federal enforceability of the reduction. The conditions shall be listed in a Certificate of Title issued by the Board or Control Officer. No credits shall be used if any of the conditions are being violated. Sale or transfer of the credits shall not relieve the owner of the source which created the credits from any of the conditions. If, after credits are sold, transferred, or used, the conditions are violated and this results in an emission increase, the Board or Control Officer may require the owner of the source which created the credits to replace that amount of credit through additional emission reductions or the purchase or use of emission reduction credits already banked.

(e) Emission reduction credits must be committed for use pursuant to Section 6.07(d) within a period of 5 years.

(f) If reductions in emissions beyond those already identified in the State Implementation Plan are required to attain a national ambient air quality standard, and the standard cannot be met

through controls on operating sources, emission reduction credits for that pollutant may be discounted on a temporary or permanent basis by the Board after public hearing.

State adopted: 11/19/92; EPA effective: 10/28/94

SECTION 6.09 NOTICE OF COMPLETION

Within 30 days of completion of the installation or modification of an air contaminant source subject to the provisions of Section 6.03 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 source has commenced or will commence.

State adopted: 4/14/94; EPA effective: 6/29/95

SECTION 6.10 WORK DONE WITHOUT AN APPROVAL Adopted 11/12/87 (616)

Revised 07/08/93 (756), 09/11/97 (856)

Where work for which a Notice of Construction 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.

State adopted: 9/11/97; EPA effective: 6/22/98

REGULATION I - ARTICLE 7: OPERATING PERMITS

SECTION 7.09 GENERAL REPORTING REQUIREMENTS FOR OPERATING PERMITS Adopted 09/12/96 (839)

Revised 09/11/97 (856), 09/10/98 (870)

(a) **Emission Reporting.** An emission report shall be required from each owner or operator of an operating permit source, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions	25
facility combined total of all toxic air contaminant (TAC) emissions	6
any single toxic air contaminant (TAC) emissions	2
nitrogen oxide (NO _x) emissions	25
particulate matter (PM ₁₀) emissions	25
particulate matter (PM _{2.5}) emissions	25
sulfur oxide (SO _x) emissions	25
volatile organic compounds (VOC) emissions	25

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above. The owner or operator of a source requiring a Title V operating permit under this Article shall maintain records of information

necessary to document any reported emissions or to demonstrate that the emissions were less than the above amounts.

(b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Regulation I Article 7 shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of Regulation I; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

State adopted: 9/10/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 8: OUTDOOR BURNING

SECTION 8.04 GENERAL CONDITIONS FOR OUTDOOR BURNING

Adopted 03/18/76 (361)

Revised 01/12/89 (639), 04/09/92 (724), 04/14/94 (783), 10/08/98 (873), 03/11/99 (881), 11/09/00 (933)

(a) The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference. It shall be unlawful for any person to cause or allow any outdoor burning unless the burning is in compliance with Chapter 173-425 WAC.

(b) The provisions of Sections 9.05 and 9.15 of Regulation I shall not apply to outdoor burning.

(c) Nothing contained in Article 8 shall be construed to allow outdoor burning in those areas in which outdoor burning is prohibited by laws, ordinances, or regulations of the state or any city, county, or fire district.

(d) Nothing contained in Article 8 shall relieve the applicant from obtaining permits required by any state or local fire protection agency or from compliance with the Uniform Fire Code

State adopted: 11/9/00; EPA effective: 9/30/04

SECTION 8.05 AGRICULTURAL BURNING Adopted 02/08/96 (825)

Revised 11/09/00 (933)

(a) **Applicability.** This section applies to burning related to agricultural operations. The definitions and requirements contained in Chapter 173-430 WAC also apply to this section.

(b) **General Requirements.** Agricultural burning will be permitted if the following requirements are met:

- (1) The natural vegetation being burned is generated from the property of the commercial agricultural operation; and
- (2) Burning is necessary for crop propagation or rotation, disease or pest control; and
- (3) Burning is a best management practice as established by the Agricultural Burning Practices and Research Task Force (established in RCW 70.94.650 as referenced in WAC 173-430-050); or the burning practice is approved in writing by the Washington State Cooperative Extension Service or the Washington State Department of Agriculture; or the burning is conducted by a governmental entity with specific agricultural burning needs, such as irrigation districts, drainage districts, and weed control boards.

(c) **Permit Applications.** Agricultural burning permits shall be approved by the Agency prior to burning. The permit application shall be submitted on forms provided by the Agency and shall include:

- (1) A copy of the applicant's most recent year's Schedule F (as filed with the Internal Revenue Service);
- (2) A written review by the local fire district or fire marshal indicating their endorsement that local requirements have been met; and
- (3) A non-refundable permit fee:
 - (A) For burning up to 10 acres (or equivalent), the fee is \$25.00 (base fee);
 - (B) For burning over 10 acres, the fee is \$25.00 plus \$2.50 for each additional acre.

(d) **Permit Action and Content.**

- (1) The Agency will act on a complete application within 7 days of receipt.
- (2) All agricultural burning permits shall contain conditions that are necessary to minimize emissions.
- (3) All permits shall expire 12 months from date of issuance.

(e) **Permit Denial.** No permit shall be issued if the Agency determines that the proposed burning will cause a nuisance. All denials shall become final within 15 days unless the applicant petitions the Control Officer for reconsideration, stating the reasons for reconsideration. The Control Officer shall then consider the petition and shall within 30 days issue a permit or notify the applicant in writing of the reason(s) for denial. (For more information on the appeal process, see Section 3.17 of this regulation.)

State adopted: 11/9/00; EPA effective: 9/30/04

REGULATION I SECTION 8.06 OUTDOOR BURNING OZONE CONTINGENCY MEASURE Adopted 12/19/02 (976)

- (a) Applicability. This section shall apply to open burning within King, Kitsap, Pierce, and Snohomish Counties if, in consultation with the Washington State Department of Ecology and the Agency, the U.S. Environmental Protection Agency makes a written finding that:
 - (1) A quality-assured violation of the national ambient air quality standard for ozone has occurred, and
 - (2) Prevention of future violations can be reasonably addressed through the implementation of this section.

The Agency shall provide public notice of this written finding no later than November 1. This section shall take effect on July 1 following the public notice of such a written finding.

- (b) It shall be unlawful for any person to cause or allow outdoor burning within King, Kitsap, Pierce, or Snohomish Counties during the months of July through August.

State adopted: 12/19/02; EPA effective: 9/7/04

SECTION 8.09 DESCRIPTION OF THE KING COUNTY NO-BURN AREA

Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of King County:

- (a) The King County Urban Growth Area; and
- (b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps).

State adopted: 11/9/00; EPA effective: 9/30/04

SECTION 8.10 DESCRIPTION OF THE PIERCE COUNTY NO-BURN AREA

Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Pierce County:

- (a) The Pierce County Urban Growth Area; and
- (b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

State adopted: 11/9/00; EPA effective: 9/30/04

SECTION 8.11 DESCRIPTION OF THE SNOHOMISH COUNTY NO-BURN AREA

Adopted 11/09/00 (933)

As provided by WAC 173-425-040(5), residential burning and land-clearing burning are prohibited in the following areas of Snohomish County:

- (a) The Snohomish County Urban Growth Area; and

- (b) The former carbon monoxide (CO) non-attainment area (Seattle/Tacoma/Everett urban area as defined by the Washington State Department of Transportation, 1983 version, urban area maps)

State adopted: 11/9/00; EPA effective: 9/30/04

SECTION 8.12 DESCRIPTION OF THE KITSAP COUNTY NO-BURN AREA

Adopted 11/09/00 (933)

Revised 10/24/02 (981)

- (a) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the areas described below and residential burning and land-clearing burning are prohibited in these areas.

- (1) The Kingston Urban Growth Area as shown in [Figure 8-1](#);
- (2) The City of Bainbridge Island;
- (3) The Silverdale, Bremerton, Port Orchard area as follows and as shown in [Figure 8-2](#):
 - Beginning at the intersection of the line dividing T25N, R2E Sections 18 and 19, and the center line of Port Orchard Bay;
 - head directly west to Waaga Way;
 - continue west on Waaga Way to Nels Nelson Road NW;
 - head north following the Silverdale Urban Growth Area boundary to Island Lake;
 - head east following the Silverdale Urban Growth Area boundary to Central Valley Road;
 - follow Central Valley Road north to NE Anna Road and then west to Hillcrest Street NW;
 - continue north on Central Valley Road to the intersection of T25, R1E, Sections 2 and 3, and T26N, R1E, Sections 34 and 35;
 - head directly west to NW Mountain View Road;
 - follow NW Mountain View Road to the point where it intersects with the Bangor Naval Reservation boundary;
 - follow the Bangor Naval Reservation boundary heading south and west to the point where the Northern Pacific railroad track leaves the Bangor Naval Reservation property at its southern boundary;
 - head south along the Northern Pacific railroad track to NW Westgate Road;
 - follow NW Westgate Road west to Olympic View Road NW;
 - head south on Olympic View Road NW to Anderson Hill Road;
 - head west on Anderson Hill Road to Willamette Meridian Road NW;
 - head south along the line dividing Township 25 North, Range 1 West and Township 25 North, Range 1 East to the Wesley Harris Naval Reservation;

- head east and south along the perimeter of the Wesley Harris Naval Reservation to a line bisecting T25N, R1E, Section 31;
- follow the line bisecting T25N, R1E, Section 31 east to the Northern Pacific railroad track;
- head south along the Northern Pacific Railroad track to a point where the track crosses the City of Bremerton Urban Growth Area boundary at T24N, R1E between Sections 19 and 30;
- head west along the southwestern portion of the Bremerton city limits for approximately 14 miles to a point 0.2 mile east of the intersection of T23N, R1W, Sections 2, 3, 10, and 11;
- head south to State Highway 3;
- head southwest on State Highway 3 to the Mason County line;
- head east to the line separating T23N, R1W, Sections 22 and 23;
- head north to the intersection of T23N, R1W, Sections 14, 15, 22, and 23;
- head east 1.33 miles;
- head north to State Highway 3;
- head west 0.42 mile;
- head north to the Bremerton city limits;
- head northeast along the Bremerton city limits for approximately 3.6 miles to the intersection of T24N, R1E, Sections 31 & 32 and T23N, R1E, Sections 5 & 6;
- head east another 0.33 mile;
- head south to the intersection of Feigley Road SW and SW Old Clifton Road;
- head east along SW Old Clifton Road to the boundary of the McCormick Woods Urban Growth Area;
- include the entire Urban Growth Area of McCormick Woods;
- at the point where the northeastern boundary of McCormick Woods Urban Growth Area intersects SW Old Clifton Road, follow SW Old Clifton Road northeast to the Port Orchard city boundary;
- start by heading east and follow the Port Orchard city boundary to the point where it intersects with State Highway 16 south of Sedgwick Road;
- head southeast along State Highway 16 to Bethel Road SE;
- head north along Bethel Road SE to the Port Orchard Urban Growth Area boundary;
- start by heading east and follow the Port Orchard Urban Growth Area boundary to the intersection of Sedgwick Road and Phillips Road;
- continue east along SE Sedgwick Road to Longlake Road SE;
- head north along Longlake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;

- head north to SE Mile Hill Drive;
 - head east along SE Mile Hill Drive to Bullman Road SE;
 - head north 0.5 mile along and past Bullman Rd SE;
 - head west to SE Horstman Road and continue to Baby Doll Road SE;
 - head north along Baby Doll Road SE to E Collins Road;
 - head west on E Collins Road and then continue west to E Lindstrom Hill Road and then to Sinclair Inlet shoreline;
 - head directly north to the center line of Port Orchard Bay;
 - follow the center line of Port Orchard Bay in a northerly direction to where it intersects the line dividing T25N, R2E Sections 18 and 19; and
- (4) The Poulsbo area as follows and as shown in [Figure 8-3](#):
- (A) The Poulsbo Urban Growth Area (UGA);
- (B) The following areas adjacent to the Poulsbo UGA:
- (i) Southeast of Poulsbo UGA and east of State Highway 305:
 - from the intersection of State Highway 305 and Noll Road NE, proceed north on Noll Road to the Poulsbo UGA;
 - follow the UGA west, north, and west again until it intersects State Highway 305;
 - head south on State Highway 305 to the intersection of State Highway 305 and Noll Road NE.
 - (ii) Northeast of Poulsbo UGA:

That area between the Poulsbo UGA and a line from the northwest corner of the Poulsbo UGA nearest to the southwestern terminus of Gala Way NE, west to the Poulsbo UGA.
 - (iii) North of Poulsbo UGA along State Highway 307:
 - from the intersection of Little Valley Road and State Highway 307, head south to the Poulsbo UGA;
 - follow the UGA west and then north until it intersects State Highway 307;
 - head south on State Highway 307 northeast to the intersection of State Highway 307 and Little Valley Road.
 - (iv) North of Poulsbo UGA and east of State Highway 3:
 - from the intersection of T26N, R1E, Sections 2, 3, 10, and 11 (which is the northeast corner of the Poulsbo UGA nearest the northern terminus of Viking Avenue NE) head east 0.25 mile;
 - head south 0.05 mile to the Poulsbo UGA;
 - head west and then north along the Poulsbo UGA to the intersection of T26N, R1E, Sections 2, 3, 10, and 11.

- (v) West of Poulsbo UGA:
 - from the intersection of Rhododendron Lane NW and Finn Hill Road, head south to NW Rude Road;
 - head east 0.25 mile on Rude Road;
 - head south 0.25 mile;
 - head east to the Poulsbo UGA;
 - head north and northwest along the Poulsbo UGA to the intersection of Finn Hill Road and Rhododendron Lane.
- (vi) South of Poulsbo UGA and east of State Highway 3:
 - from the intersection of the Poulsbo UGA and Viking Way NW, south of NW Norfinn Lane, head south 0.10 mile on Viking Way NW;
 - head east to Liberty Bay;
 - follow the shore of Liberty Bay north to the Poulsbo UGA;
 - follow the Poulsbo UGA west to Viking Way NW.

(b) As provided by WAC 173-425-040(5), reasonable alternatives to burning exist in the area described below and land-clearing burning is prohibited in this area.

The Port Orchard area as follows and as shown in [Figure 8-2](#):

- Begin at the intersection of Baby Doll Road SE and SE Mile Hill Drive;
- head east on Mile Hill Drive to Long Lake Road SE;
- head south on Long Lake Road SE to the line between T24N and T23N;
- head west to the intersection of T24N, R2E Sections 31 & 32 and T23N, R2E Sections 5 & 6;
- head north to SE Mile Hill Drive.

State adopted: 10/24/02; EPA effective: 9/30/04

REGULATION I - ARTICLE 9: EMISSION STANDARDS

SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

Adopted 03/13/68 (12)

Revised 07/08/70 (126), 04/11/73 (186), 06/09/88 (621) 05/11/89 (643), 09/08/94 (798), 04/09/98 (865), 03/11/99 (881)

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

- (1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or
- (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Section 9.03(a)(1).

- (b) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point of the plume nearest the point of emission.
- (c) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.
- (d) This section shall not apply to solid fuel burning devices, permitted fire training facilities, permitted obscurant usage during military training operations, outdoor fires, motor vehicles when operated on public roads, aircraft, or equipment subject to Section 9.04.
- ~~(e) This section shall not apply to equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.~~

State adopted: 3/11/99; EPA effective: 9/30/04

SECTION 9.04 OPACITY STANDARDS FOR EQUIPMENT WITH CONTINUOUS OPACITY MONITORING SYSTEMS Adopted 04/09/98 (865)

- (a) **Applicability.** This section shall apply to all equipment required to be equipped with a continuous emission monitoring system for opacity.
- (b) It shall be unlawful for any person to cause or allow the operation of any of the following equipment unless equipped with a continuous emission monitoring system for opacity:
 - (1) Cement kilns;
 - (2) Clinker coolers;
 - (3) Glass furnaces, rated at greater than 1 ton per hour, that burn fuel;
 - (4) Fuel burning equipment, rated at 100 million Btu per hour or greater, that burns wood, coal, or residual oil; and
 - (5) Refuse burning equipment rated at greater than 12 tons per day.
- (c) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any equipment subject to this section during any hour that:
 - (1) Averages greater than 5% opacity; or
 - (2) Contains any consecutive 6-minute period averaging greater than 20% opacity.
- (d) Section 9.04(c)(1) shall not apply to:
 - (1) Glass furnaces that are tested annually for compliance with the applicable particulate emission standard in Section 9.09; or
 - ~~(2) Equipment with an alternate opacity standard issued under Section 3.03 or Section 6.07 that is based upon a correlation with the particulate concentration and that accurately indicates a violation of the applicable particulate emission standards in Section 9.09.~~

- (e) This section shall not apply to sources controlled by a venturi scrubber, provided that:
- (1) The source is tested annually for compliance with the applicable particulate emission standard in Section 9.09;
 - (2) The pressure drop across the scrubber is continuously monitored and recorded; and
 - (3) The scrubbing liquid flow rate and temperature are continuously monitored and recorded.

~~(f) This section shall not apply to fuel burning equipment that burns residual oil less than 31 days per year, provided that the source implements an alternate opacity monitoring plan issued under Section 3.03 or Section 6.07.~~

State adopted: 4/9/98; EPA effective: 9/30/04

SECTION 9.05 REFUSE BURNING

(a) It shall be unlawful for any person to cause or allow the burning of combustible refuse except in a multiple chamber incinerator provided with control equipment.

(b) It shall be unlawful for any person to cause or allow the operation of refuse burning equipment any time other than daylight hours.

State adopted: 12/9/93; EPA effective: 6/29/95

SECTION 9.07 SULFUR DIOXIDE EMISSION STANDARD

It shall be unlawful for any person to cause or allow the emission of sulfur dioxide from any source in excess of 1,000 parts per million by volume on a dry basis, 1-hour average (corrected to 7% oxygen for fuel burning equipment and refuse burning equipment).

State adopted: 4/14/94; EPA effective: 6/29/95

SECTION 9.08 FUEL OIL STANDARDS

(a) It shall be unlawful for any person to cause or allow the combustion of oil in fuel burning equipment or refuse burning equipment that exceeds any of the following limits unless that person has obtained an Order of Approval from the Agency in accordance with Section 6.07 of this Regulation:

Ash	0.1% (maximum)
Sulfur	1.0% (maximum for used oil)
Sulfur	2.00% (maximum for fuel oil)
Lead	100 ppm (maximum)
Arsenic	5 ppm (maximum)
Cadmium	2 ppm (maximum)
Chromium	10 ppm (maximum)
Total Halogens	1,000 ppm (maximum)
Polychlorinated Biphenyls (PCBs)	2 ppm (maximum)
Flash Point	100°F (minimum)

(b) It shall be unlawful for any person to sell or make available for sale any oil in excess of the limits of this section to any person who has not obtained an Order of Approval from the Agency in accordance with Section 6.07 of this Regulation. Any person who sells or makes available for sale such oil shall submit a report to the Agency within 15 days of the end of the month that includes the name and address of the recipient, the amount of oil delivered, and the concentration of contaminants therein.

(c) The provisions of this section shall not apply to:

- (1) Ocean-going vessels;
- (2) Used oil burned in space heaters that have a maximum heat output of not greater than 0.5 million Btu per hour; and
- (3) Persons in the business of collecting used oil from residences when under authorization by a city, county, or the utilities and transportation commission.

State adopted: 4/14/94; EPA effective: 6/29/95

SECTION 9.09 PARTICULATE MATTER EMISSION STANDARDS Adopted 03/13/68 (12)
 Revised 07/08/70 (126), 11/10/71 (135), 10/10/73 (214), 02/13/86 (597), 06/09/88 (621), 05/11/89 (643), 02/10/94 (777), 04/09/98 (865)

It shall be unlawful for any person to cause or allow the emission of particulate matter in excess of the following concentrations:

Refuse Burning Equipment:

- 1. Rated at 12 tons per day or less without heat recovery and
 without hydrochloric acid control equipment 0.10 gr/dscf @ 7%
 O₂
- 2. Rated at 12 tons per day or less without heat recovery and

with hydrochloric acid control equipment 0.05 gr/dscf @ 7%
O2

3. Rated at 12 tons per day or less with heat recovery 0.02 gr/dscf @ 7%
O2

4. Rated at greater than 12 tons per day 0.01 gr/dscf @ 7%
O2

Fuel Burning Equipment:

1. Burning wood 0.20 gr/dscf @ 7%
O2

2. Burning wood and installed after March 13, 1968 or located within the urbanized area 0.10 gr/dscf @ 7%
O2

3. Burning wood, rated at 100 million Btu per hour or greater, and located within the urbanized area 0.04 gr/dscf @ 7%
O2

4. Burning wood and installed after March 1, 1986 0.02 gr/dscf @ 7%
O2

5. Burning fuel other than wood 0.05 gr/dscf @ 7%
O2

6. Burning coal or other solid fossil fuel and installed after March 1, 1986 0.01 gr/dscf @ 7%
O2

Equipment Used in a Manufacturing Process: 0.05 gr/dscf

State adopted: 4/9/98; EPA effective: 9/30/04

SECTION 9.15 FUGITIVE DUST CONTROL MEASURES Adopted 03/13/68 (12)

Revised 06/09/83 (536), 06/09/88 (621), 08/10/89 (644), 03/11/99 (882)

(a) It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions include, but are not limited to, the following:

- (1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, as practical, and curtailment during high winds;
- (2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;
- (3) Treating temporary, low-traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages before they exit to prevent the track-out of mud or dirt onto paved public roadways; or
- (4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

(b) Compliance with the provisions of this section shall not relieve any person from the responsibility to comply with Section 9.11 of this regulation.

State adopted: 3/11/99; EPA effective: 9/30/04

SECTION 9.16 SPRAY COATING OPERATIONS Adopted 06/13/91 (700)

Revised 07/08/99 (886), 07/12/01 (944)

(a) **Applicability.** This section applies to spray-coating operations at facilities subject to Article 5 (Registration) or Article 7 (Operating Permits) of this regulation, where a coating that protects or beautifies a surface is applied with spray-coating equipment.

(b) **Exemptions.** The following activities are exempt from the provisions of Sections 9.16(c) and (d) of this regulation. Persons claiming any of the following spray-coating exemptions shall have the burden of demonstrating compliance with the claimed exemption.

- (1) Application of architectural or maintenance coatings to stationary structures (e.g., bridges, water towers, buildings, stationary machinery, or similar structures);
- (2) Aerospace coating operations subject to 40 CFR Part 63, Subpart GG. This includes all activities and materials listed in 40 CFR 63.741(f);
- (3) Use of high-volume, low-pressure (HVLP) spray guns when:
 - (A) spray-coating operations do not involve motor vehicles or motor vehicle components;
 - (B) the gun cup capacity is 8 fluid ounces or less;
 - (C) the spray gun is used to spray-coat less than 9 square feet per day per facility;
 - (D) coatings are purchased in containers of 1 quart or less; and
 - (E) spray-coating is allowed by fire department, fire marshal, or other government agency requirements.
- (4) Use of air-brush spray equipment with 0.5 to 2.0 CFM airflow and a maximum cup capacity of 2 fluid ounces;
- (5) Use of hand-held aerosol spray cans with a capacity of 1 quart or less; or
- (6) Indoor application of automotive undercoating materials using organic solvents having a flash point in excess of 100°F.

(c) **General Requirements for Indoor Spray-Coating Operations.** It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating inside a structure, or spray-coating of any motor vehicles or motor vehicle components, unless the spray-coating is conducted inside an enclosed spray area. The enclosed spray area shall employ either properly seated paint arresters, or water-wash curtains with a continuous water curtain to control the overspray. All emissions from the spray-coating operation shall be vented to the atmosphere through an unobstructed vertical exhaust vent.

(d) **General Requirements for Outdoor Spray-Coating Operations.** It shall be unlawful for any person subject to the provisions of this section to cause or allow spray-coating outside an enclosed structure unless reasonable precautions are employed to minimize the overspray.

Reasonable precautions include, but are not limited to the use of:

- (1) Enclosures and curtailment during high winds; and
- (2) High-volume low-pressure (HVLP), low-volume low-pressure (LVLP), electrostatic, or air-assisted airless spray equipment. Airless spray equipment may be used where low viscosity and high solid coatings preclude the use of higher-transfer efficiency spray equipment.

(e) **Compliance with Other Regulations.** Compliance with this regulation does not exempt any person from compliance with Regulation I, Section 9.11 and all other applicable regulations including those of other agencies.

State adopted: 7/12/01; EPA effective: 9/30/04

SECTION 9.20 MAINTENANCE OF EQUIPMENT

(a) It shall be unlawful for any person to cause or allow the operation of any features, machines or devices constituting parts of or called for by plans, specifications, or other information submitted pursuant to Article 6 of Regulation I unless such features, machines or devices are maintained in good working order.

(b) It shall be unlawful for any person to cause or allow the operation of any equipment as defined in Section 1.07 or control equipment not subject to Section 9.20(a) unless the equipment or control equipment is maintained in good working order.

State adopted: 6/9/88; EPA effective: 10/28/94

REGULATION I - ARTICLE 12: STANDARDS OF PERFORMANCE FOR CONTINUOUS EMISSION MONITORING SYSTEMS

SECTION 12.01 APPLICABILITY Adopted 11/10/71 (135)

Revised 06/09/88 (621), 08/10/89 (644), 04/09/98 (865)

This article shall apply to all continuous emission monitoring systems (CEMS) required under an order, operating permit, or regulation of the Agency. This article shall not be construed to relieve any person of the responsibility to comply with any requirement of 40 CFR Part 60, 61, or 63. Portions of these federal requirements that are less stringent than the provisions of Article 12 shall not supercede the requirements of Article 12.

State adopted: 4/9/98; EPA effective: 9/30/04

SECTION 12.03 CONTINUOUS EMISSION MONITORING SYSTEMS Adopted 06/09/88 (621)

Revised 08/10/89 (644), 04/09/98 (865)

(a) **Continuous Monitoring.** It shall be unlawful for any person to cause or allow the operation of any equipment required to have a continuous emission monitoring system unless the emissions are continuously monitored in accordance with the requirements of this section.

(b) **Data Recovery.** The owner or operator shall recover valid hourly monitoring data for at least 95% of the hours that the equipment (required to be monitored) is operated during each calendar month except for:

- (1) Periods of monitoring system downtime, provided that the owner or operator demonstrates to the Control Officer that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and any necessary repairs to the monitoring system are conducted in a timely manner; and
- ~~(2) Periods authorized under Section 3.03 or Section 6.07.~~

(c) **Quality Assurance.** The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 CFR Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 CFR Part 60 in effect July 1, 1997, and the U.S. Environmental Protection Agency's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA 340/1-86-010).

(d) **Data Recording.** Monitoring data commencing on the clock hour and containing at least 45 minutes of monitoring data shall be reduced to 1-hour averages. Monitoring data for opacity shall also be reduced to 6-minute averages. All monitoring data shall be included in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit.

(e) **Data Retention.** The owner or operator shall retain all monitoring data averages for at least 2 years, including copies of all reports submitted to the Agency and records of all repairs, adjustments, and maintenance performed on the monitoring system. All such data collected after October 1, 1998 shall be retained for at least 5 years.

(f) **Data Reporting.** The owner or operator shall submit a monthly report to the Agency within 30 days after the end of the month in which the data were recorded. This report shall include:

- (1) The date, time period, magnitude (in the units of the standard) and cause of each emission that exceeded an applicable emission standard;
- (2) The date and time of all actions taken to correct the problem, including any actions taken to minimize the emissions during the exceedance and any actions taken to prevent its recurrence;
- (3) The number of hours that the equipment (required to be monitored) operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

- (4) The date, time period, and cause of each failure to meet the data recovery requirements of Section 12.03(b) and any actions taken to ensure adequate collection of such data;
- (5) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90% of the hours that the equipment (required to be monitored) was operated each day;
- (6) The results of all cylinder gas audits conducted during the month; and
- (7) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(g) **Relative Accuracy Tests.** All relative accuracy tests shall be subject to the provisions of Section 3.07.

(h) **Exemptions.** The data recording and reporting requirements of Sections 12.03(d) and 12.03(f) shall not apply to continuous VOC monitoring systems required under Section 2.05 of Regulation II. Further, relative accuracy tests shall not be required of these monitoring systems and may be waived for any other monitoring system not otherwise subject to 40 CFR Part 60, Appendix F, provided that the owner or operator demonstrates to the Control Officer that the emissions are consistently below 10% of the applicable emission standard.

State adopted: 4/9/98; EPA effective: 9/30/04

REGULATION I - ARTICLE 13: SOLID FUEL BURNING DEVICE STANDARDS

SECTION 13.01 POLICY AND PURPOSE Adopted 11/10/88 (634)

Revised 09/26/91 (708), 09/09/99 (895)

The Board of Directors of the Puget Sound Clean Air Agency declares it to be the public policy of the Agency to control and reduce air pollution caused by woodstove emissions. It is the Agency's policy to reduce woodstove emissions by encouraging the continued efforts to educate the public about the effects of woodstove emissions, other heating alternatives, and the desirability of achieving better emission performance and heating efficiency from woodstoves pursuant to the emissions performance standards as adopted by the Department of Ecology. It is further the policy of the Board to encourage the replacement of uncertified woodstoves with cleaner sources of heat.

The Board encourages cities, towns and counties within its jurisdiction to adopt woodsmoke control programs including enhanced public education and abatement ordinances and assist in the enforcement of this Regulation during declared air quality episodes and periods of impaired air quality. Nothing in this Regulation shall be construed to impair the right of any city, town or county to adopt and enforce woodsmoke abatement ordinances.

State adopted: 9/9/99; EPA effective: 9/30/04

SECTION 13.02 DEFINITIONS Adopted 10/08/98 (872)

When used in this Article:

- (a) **ADEQUATE SOURCE OF HEAT** means the ability to maintain 70°F at a point 3 feet above the floor in all normally inhabited areas of a dwelling.
- (b) **FIRST STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 60 micrograms per cubic meter measured on a 24-hour average or when carbon monoxide is at an ambient level of 8 parts of contaminant per million parts of air by volume measured on an 8-hour average.
- (c) **SEASONED WOOD** means wood of any species that has been sufficiently dried so as to contain 20% or less moisture by weight.
- (d) **SECOND STAGE OF IMPAIRED AIR QUALITY** means a condition declared by the Control Officer when particulates 10 microns and smaller in diameter are at an ambient level of 105 micrograms per cubic meter measured on a 24-hour average.
- (e) **SOLID FUEL BURNING DEVICE** means a device that burns wood, coal, or any other nongaseous or nonliquid fuels, and includes any device burning any solid fuel used for aesthetic or space-heating purposes in a private residence or commercial establishment, that has a heat input less than 1 million Btu per hour (0.29 MW).
- (f) **TREATED WOOD** means wood of any species that has been chemically impregnated, painted, or similarly modified.

State adopted: 10/8/98; EPA effective: 9/30/04

SECTION 13.03 OPACITY STANDARDS

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant from any solid fuel burning device for a period or periods aggregating more than 3 minutes in any 1 hour, which is:

- (1) Darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or
- (2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 13.03(a)(1).

(b) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

State adopted: 10/11/90; EPA effective: 10/28/94

SECTION 13.04 PROHIBITED FUEL TYPES

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- (1) Garbage;
- (2) Treated wood;
- (3) Plastics;
- (4) Rubber products;
- (5) Animals;
- (6) Asphaltic products;
- (7) Waste petroleum products;
- (8) Paints; or
- (9) Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors.

State adopted: 9/26/91 EPA effective: 10/28/94

SECTION 13.05 CURTAILMENT

Any person in a residence or commercial establishment that has an adequate source of heat without using a solid fuel burning device shall:

- (a) Not use any solid fuel burning device except those which are either Oregon Department of Environmental Quality Phase II or United States Environmental Protection Agency certified or certified by the Department of Ecology under RCW 70.94.457(1) or a pellet stove either certified or issued an exemption by the United States Environmental Protection Agency in accordance with Title 40, Part 60 of the Code of Federal Regulations, in the geographical area and for the period of time that a first stage of impaired air quality has been declared for that area.
- (b) Not use any solid fuel burning device in a geographical area and for the period of time that a second stage of impaired air quality has been declared for that area.
- (c) Compliance with the above solid fuel burning device curtailment rules may be enforced after a time period of 3 hours has elapsed from the time of declaration of impaired air quality. Smoke visible from a chimney, flue, or exhaust duct shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device.

State adopted: 9/26/91 EPA effective: 10/28/94

SECTION 13.07 CONTINGENCY PLAN

The following provision is established for the sole purpose of a contingency measure to meet the requirements of Section 172(c)(9) of the federal Clean Air Act. If the U.S. Environmental Protection Agency makes written findings that: (1) an area has failed to attain or maintain the national ambient air quality standard, and (2) in consultation with the Washington Department of Ecology and the Agency, finds that the emissions from solid fuel burning devices are a contributing factor to such failure to attain or maintain the standard, the use of woodstoves not meeting the

standards set forth in RCW 70.94.457 shall be prohibited within the area determined by the Agency to have contributed to the violation. This provision shall take effect one year after such a determination.

State adopted: 12/8/94; EPA effective: 12/26/95