

**WAC 173-400-151 Retrofit requirements for visibility protection.**

(1) The requirements of this section apply to an existing stationary facility. An "existing stationary facility" means a stationary source of air contaminants that meets all of these conditions:

(a) The stationary source must have the potential to emit 250 tons per year or more of any air contaminant. Fugitive emissions, to the extent quantifiable, must be counted in determining the potential to emit; and

(b) The stationary source was not in operation prior to August 7, 1962, and was in existence on August 7, 1977; and

(c) Is in one of the following 26 source categories:

Fossil-fuel fired steam electric plants of more than 250 million British thermal units per hour heat input,	Coke oven batteries,
Coal cleaning plants (thermal dryers),	Sulfur recovery plants,
Kraft pulp mills,	Carbon black plants (furnace process),
Portland cement plants,	Primary lead smelters,
Primary zinc smelters,	Fuel conversion plants,
Iron and steel mill plants,	Sintering plants,
Primary aluminum ore reduction plants,	Secondary metal production facilities,
Primary copper smelters,	Chemical process plants,
Municipal incinerators capable of charging more than 250 tons of refuse per day,	Fossil-fuel boilers of more than 250 million British thermal units per hour heat input,
Hydrofluoric, sulfuric, and nitric acid plants,	Petroleum storage and transfer facilities with a capacity exceeding 300,000 barrels,
Petroleum refineries,	Taconite ore processing facilities,
Lime plants,	Glass fiber processing plants, and
Phosphate rock processing plants,	Charcoal production facilities.

(d) For purposes of determining whether a stationary source is an existing stationary facility, the term "building, structure, facility, or installation" means all of the pollutant-emitting activities which belong to the same industrial grouping, are located on one or more contiguous or adjacent properties, and are under the control of the same person (or persons under common control). Pollutant-emitting activities shall be considered as part of the same major group (i.e., which have the same two digit code) as described in the *Standard Industrial Classification Manual, 1972*, as amended in the 1977 supplement.

(2) Ecology shall identify each existing stationary facility which may reasonably be anticipated to cause or contribute to visibility impairment in any mandatory Class 1 federal area in Washington and any adjacent state.

(3) For each existing stationary facility identified under subsection (2) of this section, ecology, in consultation with the permitting authority shall determine BART for each air contaminant of concern and any additional air pollution control technologies that are to be required to reduce impairment from the existing stationary facility.

(4) Each existing stationary facility shall apply BART as new technology for control of the air contaminant becomes reasonably available if:

(a) The existing stationary facility emits the air contaminant contributing to visibility impairment;

(b) Controls representing BART for that air contaminant have not previously been required under this section; and

(c) The impairment of visibility in any mandatory Class 1 federal area is reasonably attributable to the emissions of the air contaminant.

[Statutory Authority: RCW 70.94.152. WSR 05-03-033 (Order 03-07), § 173-400-151, filed 1/10/05, effective 2/10/05. Statutory Authority: Chapter 70.94 RCW, RCW 70.94.141, [70.94.]152, [70.94.]331, [70.94.]510 and 43.21A.080. WSR 01-17-062 (Order 99-06), § 173-400-151, filed 8/15/01, effective 9/15/01. Statutory Authority: Chapter 70.94 RCW. WSR 91-05-064 (Order 90-06), § 173-400-151, filed 2/19/91, effective 3/22/91.]