

WSR 24-05-050
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY

[Filed February 16, 2024, 9:22 a.m.]

Continuance of WSR 24-03-144.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Olympic Region Clean Air Agency (ORCAA) Regulation 4 Registration, Rule 4.1 Registration Required, 4.1 (b)(91) exemption to registration.

Hearing Location(s): On April 10, 2024, at 10:00 a.m., at ORCAA, 2940 Limited Lane N.W., Olympia, WA 98502. In addition to attending the hearing in person, remote participation via Zoom is also an option. Please see our website for log-in information www.orcaa.org/about/board-of-directors/.

Date of Intended Adoption: April 10, 2024.

Submit Written Comments to: Mike Shults, 2940 Limited Lane N.W., email mike.shults@orcaa.org, fax 360-491-6308, by April 9, 2024.

Assistance for Persons with Disabilities: Contact Dan Nelson, phone 360-539-7610 ext. 111, fax 360-491-6308, email dan.nelson@orcaa.org, by April 5, 2024.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ORCAA proposes to add an exemption to Rule 4.1 for gasoline dispensing facilities with an annual throughput less than 50,000 gallons of gasoline. ORCAA anticipates discontinuing registration for up to 24 gasoline dispensing facilities. Gasoline dispensing facilities will still be required to comply with all applicable local, state, and federal air quality regulations and performance standards.

Statutory Authority for Adoption: Chapter 70A.15 RCW.

Statute Being Implemented: Chapter 70A.15 RCW.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: ORCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Robert Moody, 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 106; Implementation and Enforcement: Jeff C. Johnston, Ph.D., 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 100.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. RCW 34.05.328 applies to state government. It does not apply to local air agencies per RCW 70A.15.2040.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW applies to "rules adopted by state agencies." RCW 70A.15.2040(1) states: "An air pollution control authority shall not be deemed to be a state agency." ORCAA is an air pollution control authority.

Scope of exemption for rule proposal:

Is fully exempt.

February 16, 2024
Jeff C. Johnston, Ph.D.
Executive Director

AMENDED SECTION

RULE 4.1 REGISTRATION REQUIRED

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

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

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

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

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

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

Maintenance/construction:

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

(2) Concrete application, and installation;

(3) Dredging wet spoils handling and placement;

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

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

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

(7) Roofing application;

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

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

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

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

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

Storage tanks:

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

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

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

(16) Process and white-water storage tanks;

- (17) Storage tanks and storage vessels, with lids or other appropriate closure and less than 260-gallon capacity (35 cu ft);
- (18) Storage tanks of a capacity of 10,000 gallons or less, with lids or other appropriate closure, used for the storage of materials containing organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC);
- (19) Storage tanks of a capacity of 40,000 gallons or less, with lids or other appropriate closure, used for storage of organic compounds, but not for use with materials containing toxic air pollutants (as defined in chapter 173-460 WAC), with a true vapor pressure less than 0.01 kPa (0.002 psia) (0.0001 atm);
- (20) Storage tanks of a capacity of 40,000 gallons or less used for the storage of butane, propane, or liquefied petroleum gas;
- (21) Tanks, vessels, and pumping equipment, with lids or other appropriate closure for storage or dispensing of aqueous solutions of inorganic salts, bases, and acids;
- (22) Storage tanks used exclusively for storage of diesel fuel;
- (23) Loading and unloading equipment used exclusively for the storage tanks exempted under this rule.
- Combustion:
- (24) Fuel burning equipment (not including incinerators) that:
- (i) is used solely for a private dwelling serving five families or less; or
- (ii) has a maximum heat input rate of 5 MMBtu/hr or less if burning natural gas, propane, or LPG; or
- (iii) has a maximum heat input rate of 0.5 MMBtu/hr or less if burning waste-derived fuels; or
- (iv) has a maximum heat input rate of 1 MMBtu/hr or less if burning recycled or used oil per the requirements of RCW 70A.15.4510; or
- (v) has a maximum heat input rate of 1 MMBtu/hr or less if burning any other type of fuel and with less than or equal to 0.05% sulfur by weight.
- (25) All stationary gas turbines with a rated heat input less than 10 million Btu per hour.
- (26) Stationary internal combustion engines having rated capacity:
- (i) less than 50 horsepower output; or
- (ii) less than 500 horsepower and used only for standby emergency power generation.
- (27) Nonroad engines.
- Material handling:
- (28) Storage and handling of water-based lubricants for metal working where organic content of the lubricant is less than 10%;
- (29) Equipment used exclusively to pump, load, unload, or store high boiling point organic material in tanks less than one million gallons, material with initial atmospheric boiling point not less than 150°C or vapor pressure not more than 5 mm Hg @21°C, with lids or other appropriate closure.
- Water treatment:
- (30) Septic sewer systems, not including active wastewater treatment facilities;
- (31) NPDES permitted ponds and lagoons used solely for settling suspended solids and skimming of oil and grease;
- (32) De-aeration (oxygen scavenging) of water where toxic air pollutants as defined in chapter 173-460 WAC are not emitted;
- (33) Process water filtration system and demineralizer vents;

- (34) Sewer manholes, junction boxes, sumps and lift stations associated with wastewater treatment systems;
- (35) Demineralizer tanks;
- (36) Alum tanks;
- (37) Clean water condensate tanks;
- (38) Oil/water separators, except those at petroleum refineries;
- (39) Equipment used exclusively to generate ozone and associated ozone destruction equipment for the treatment of cooling tower water or for water treatment processes;
- (40) Municipal sewer systems, including wastewater treatment plants and lagoons with a design capacity of one million gallons per day or less, if they do not use anaerobic digesters, chlorine disinfections or sewer sludge incinerators.
- Environmental chambers and laboratory equipment:
- (41) Environmental chambers and humidity chambers not using toxic air pollutant gases, as regulated under chapter 173-460 WAC;
- (42) Gas cabinets using only gases that are not toxic air pollutants regulated under chapter 173-460 WAC;
- (43) Laboratory fume hoods;
- (44) Laboratory calibration and maintenance equipment.
- Monitoring/quality assurance/testing:
- (45) Equipment and instrumentation used for quality control/assurance or inspection purpose;
- (46) Hydraulic and hydrostatic testing equipment;
- (47) Sample gathering, preparation and management;
- (48) Vents from continuous emission monitors and other analyzers.
- Miscellaneous:
- (49) Single-family residences and duplexes;
- (50) Plastic pipe welding;
- (51) Primary agricultural production activities including soil preparation, planting, fertilizing, weed and pest control, and harvesting;
- (52) Insecticide, pesticide, or fertilizer spray equipment;
- (53) Comfort air conditioning;
- (54) Flares used to indicate danger to the public;
- (55) Natural and forced air vents and stacks for bathroom/toilet activities;
- (56) Personal care activities including establishments like beauty salons, beauty schools, and hair cutting establishments;
- (57) Recreational fireplaces including the use of barbecues, campfires, and ceremonial fires;
- (58) Tobacco smoking rooms and areas;
- (59) Noncommercial smokehouses;
- (60) Blacksmith forges for single forges;
- (61) Vehicle maintenance activities, not including vehicle surface coating;
- (62) Vehicle or equipment washing;
- (63) Wax application;
- (64) Oxygen, nitrogen, or rare gas extraction and liquefaction equipment not including internal and external combustion equipment;
- (65) Ozone generators and ozonation equipment;
- (66) Ultraviolet curing processes, to the extent that toxic air pollutant gases as defined in chapter 173-460 WAC are not emitted;
- (67) Electrical circuit breakers, transformers, or switching equipment installation or operation;
- (68) Pneumatically operated equipment, including tools and hand-held applicator equipment for hot melt adhesives;

- (69) Firefighting and similar safety equipment and equipment used to train fire fighters;
- (70) Production of foundry sand molds, unheated and using binders less than 0.25% free phenol by sand weight;
- (71) Natural gas pressure regulator vents, excluding venting at oil and gas production facilities and transportation marketing facilities;
- (72) Solvent cleaners less than 10 square feet air-vapor interface with solvent vapor pressure not more than 30 mm HG @21°C, and not containing toxic air pollutants (as defined in chapter 173-460 WAC);
- (73) Surface coating, aqueous solution or suspension containing less than 1% (by weight) VOCs, and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (74) Cleaning and stripping activities and equipment using solutions having less than 1% VOCs (by weight); on metallic substances, acid solutions are not exempt;
- (75) Dip coating operations, using materials less than 1% VOCs (by weight) and/or toxic air pollutants as defined in chapter 173-460 WAC;
- (76) Laundry dryers, extractors or tumblers used exclusively for the removal of water from fabric;
- (77) Residential composting facilities;
- (78) Restaurants and other retail food preparing establishments;
- (79) Routing, turning, carving, cutting, and drilling equipment used for metal, wood, plastics, rubber, leather, or ceramics;
- (80) Steam cleaning equipment used exclusively for office or residential housekeeping;
- (81) Vacuum cleaning systems used exclusively for office or residential housekeeping;
- (82) Vacuum producing devices used in laboratory operations and vacuum producing devices that do not remove or convey air contaminants from or to another source;
- (83) Vents used exclusively for:
- (i) Sanitary or storm drainage systems; or
- (ii) Safety valves.
- (84) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process;
- (85) Welding, brazing or soldering equipment;
- (86) Coffee roaster with a design capacity less than 10 pounds per batch;
- (87) Bark and soil screening operations;
- (88) Portable sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 150 tons per hour;
- (89) Fixed sand and gravel plants and crushed stone plants with a cumulative rated capacity of all crushers less than or equal to 25 tons per hour;
- (90) Any portable stationary source approved by the Agency for temporary operation at a single location.
- (91) Gasoline dispensing facilities who adequately demonstrate that gasoline throughput from the last three consecutive years was less than 50,000 gallons each year. The demonstration must be submitted in writing to the Executive Director with a request to be removed from ORCAA's registration program. Once granted, this exemption will continue to apply provided gasoline throughput remains below 50,000 gallons a year.