

**WAC 173-400-082 Alternative emission limit that exceeds an emission standard in the SIP.** (1) Applicability. The owner or operator may request an alternative emission limit for a specific emission unit(s) that exceeds a limit in the SIP. The new limit would apply during a clearly defined transient mode of operation. An alternative emission limit established under this section becomes a facility-specific SIP emission standard once EPA approves the new limit in the SIP. This section does not apply to the approval of a revised emission limit that does not exceed a limit in the SIP.

(2) Pollutant scope. An alternative emission limit may be established under this section for any of the following emission standards in Washington's SIP in 40 C.F.R. 52.2470:

(a) Opacity emission standard in:

- (i) WAC 173-400-040(2);
- (ii) WAC 173-405-040(6);
- (iii) WAC 173-415-030(3); and
- (iv) WAC 173-434-130(4).

(b) Sulfur dioxide emission standard in:

- (i) WAC 173-400-040(7);
- (ii) WAC 173-405-040(11);
- (iii) WAC 173-410-040(1);
- (iv) WAC 173-415-030(5); and
- (v) WAC 173-434-130(3).

(c) Particulate matter emission standards in:

- (i) WAC 173-400-050(1) and 173-400-060;
- (ii) WAC 173-405-040 (1)(a), (2), (3)(a), and (5);
- (iii) WAC 173-410-040(2);
- (iv) WAC 173-415-030(2); and
- (v) WAC 173-434-130(1).

(d) Emission standards or limits in a local air pollution control authority rule, order, or plan referenced in 40 C.F.R. 52.2470.

(3) Requirements for an owner or operator requesting an alternative emission limit.

(a) The owner or operator may request an alternative emission limit for a specific transient mode of operation for an emission unit that exceeds a standard in the SIP.

(b) A request for an alternative emission limit must be submitted to the permitting authority in writing. The permitting authority shall determine the adequacy of the information.

(c) A request for an alternative emission limit must provide data and documentation sufficient to:

(i) Specify which emission unit(s) and specific transient mode(s) of operation the requested alternative emission limit is to cover;

(ii) Demonstrate that the operating characteristics of the emission unit(s) prevent meeting the applicable emission standard during the specific transient mode of operation. Operating characteristics may include the operational variations in the emission unit, installed emission control equipment, work practices, or other means of emission control that could affect the frequency, or duration and quantity of emissions during the transient mode of operation;

(iii) Demonstrate why it is not technically feasible to use the existing control system or any practicable operating scenario that would enable the emission unit to comply with the SIP emission standard, and avoid the need for an alternative emission limit;

(iv) Demonstrate that PSD increments, when applicable, and ambient air quality standards in chapter 173-476 WAC will not be exceeded by emissions from the proposed alternative limit;

- (v) Determine best operational practices for the emission unit(s) involved;
  - (vi) Demonstrate that the frequency and duration of the specific transient mode of operation is limited to the shortest practicable amount of time;
  - (vii) Demonstrate the quantity and impact of the emissions resulting from the specific transient mode of operation are the lowest practicably possible; and
  - (viii) Demonstrate that the emissions allowed by the alternative emission limit will not exceed an applicable emission standard in 40 C.F.R. Parts 60, 61, 62, 63, or 72 (in effect on the date in WAC 173-400-025). For the purpose of this subsection, an automatic or discretionary exemption in any of these federal rules does not apply.
- (4) Requirements for processing a request for an alternative emission limit.
- (a) Completeness determination.
    - (i) Within sixty days of receiving a request, the permitting authority must:
      - (A) Notify the applicant that the request is complete or incomplete;
      - (B) Specify the reason(s) for determining the request is incomplete, if applicable.
    - (ii) The permitting authority may request or accept additional information after determining a request complete.
  - (b) Denial. The permitting authority or ecology may deny a request. The denial must include the basis for the denial.
    - (c) Final determination.
      - (i) Within ninety days of receipt of a complete application, the permitting authority must:
        - (A) Initiate notice, a thirty-day public comment period (required by WAC 173-400-171), and a mandatory hearing (when required by RCW 70.94.380) followed as promptly as possible by a final decision; and
        - (B) Send the draft order and supporting materials electronically to ecology at least thirty days in advance of the public hearing.
      - (ii) A permitting authority may extend the deadline for making a determination due to the complexity of the request.
      - (iii) Ecology recommends combining the public comment period for the draft order (permitting authority responsibility) and the ecology approval and SIP hearing (ecology responsibility).
      - (iv) A permitting authority shall not issue a final order until ecology notifies the permitting authority in writing that the proposed alternative emission limit is consistent with the purposes of the Washington Clean Air Act as required by RCW 70.94.380. If on review, ecology denies the request, ecology will inform the permitting authority and the applicant of the reason(s) for the denial; and
      - (v) The final order shall not be effective until the effective date of EPA's approval of the order as a SIP amendment.
- (5) The draft regulatory order must include:
  - (a) The name or other designation to identify the specific emission unit(s) subject to the alternative emission limit;
  - (b) A clearly defined specific transient mode of operation during which the alternative emission limit applies, including parameters for determining the starting and stopping point, and when the alternative emission limit applies;
  - (c) The emission limit for the specific transient mode of operation;

(d) A requirement that the applicable emission unit(s) be operated consistent with good operating practices for minimizing emissions during the time the alternative emission limit applies; and

(e) Monitoring, recordkeeping and reporting requirements sufficient to ensure that the source complies with each condition in the order.

(6) Fees. A permitting authority may assess and collect fees for processing the request for an alternative emission limit according to its fee schedule for processing a permit application.

[Statutory Authority: Chapter 70.94 RCW. WSR 18-17-111 (Order 15-07), § 173-400-082, filed 8/16/18, effective 9/16/18.]