

**WSR 22-19-080
PROPOSED RULES
SOUTHWEST CLEAN
AIR AGENCY**

[Filed September 20, 2022, 10:46 a.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040(1).

Title of Rule and Other Identifying Information: SWCAA 400-025 Adoption of Federal Rules. Existing rule section establishing an adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions. Existing rule section containing definitions for words and phrases used throughout SWCAA 400.

SWCAA 400-040 General Standards for Maximum Emissions. Existing rule section containing a minimum set of air emission standards applicable to all sources.

SWCAA 400-045 Permit Application for Nonroad Engines. Existing rule section identifying requirements for nonroad engine permit applications.

SWCAA 400-070 General Requirements for Certain Source Categories. Existing rule section containing minimum air emission standards and work practices for selected source categories.

SWCAA 400-072 Emission Standards for Selected Small Source Categories. Existing rule section containing air emission standards, work practices, and monitoring/reporting requirements that may be used in lieu of New Source Review for selected small source categories.

SWCAA 400-100 Registration Requirements. Existing rule section identifying requirements for registration and inspection of air contaminant sources.

SWCAA 400-101 Emission Units Exempt from Registration Requirements. Existing rule section describing air contaminant sources exempt from registration requirements.

SWCAA 400-105 Records, Monitoring and Reporting. Existing rule section identifying requirements for emission monitoring, emission sampling and reporting, and submission of emission inventories.

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources. Existing rule section that establishes minimum standards for emission testing and monitoring at air contaminant sources.

SWCAA 400-109 Air Discharge Permit Applications. Existing rule section identifying requirements for the submission and content of Air Discharge Permit applications.

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review). Existing rule section identifying requirements for the processing and approval of Air Discharge Permit applications.

SWCAA 400-115 Standards of Performance for New Sources. Existing rule section adopting by reference federal standards for new sources contained in 40 C.F.R. Part 60.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques. Existing rule section identifying presumptive requirements for new exhaust stack installations and describing the procedure by which the maximum creditable stack height is to be determined.

SWCAA 400-290 Severability. Existing rule section addressing severability of provisions in SWCAA 400.

SWCAA 400, Appendix C - Federal Standards Adopted by Reference. Existing rule section containing informational lists of all federal

regulations adopted by reference pursuant to SWCAA 400-075 and 400-115.

Hearing Location(s): On November 30, 2022, at 6:00 p.m., virtual online hearing. Contact agency to register for online hearing.

Date of Intended Adoption: January 5, 2023.

Submit Written Comments to: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, email wess@swcleanair.org, fax 360-576-0925, by November 30, 2022.

Assistance for Persons with Disabilities: Contact Tina Hallock, phone 360-574-3058 ext. 110, fax 360-576-0925, TTY 360-574-3058, email tina@swcleanair.org, by December 29, 2022.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SWCAA 400-025 Adoption of Federal Rules. The proposed rule changes update the adoption by reference date for federal regulations cited in other sections of SWCAA 400.

SWCAA 400-030 Definitions. The proposed rule change updates the definition for volatile organic compound.

SWCAA 400-040 General Standards for Maximum Emissions. The proposed rule changes make administrative edits and remove "A" reference in section (1)(f).

SWCAA 400-045 Permit Application for Nonroad Engines. The proposed rule changes revise the explanation of application fees.

SWCAA 400-070 General Requirements for Certain Source Categories. The proposed rule changes remove affirmative New Source Review applicability citations from section (12), add a pool heater exemption in section (13)(b), adopt the federal plan found in 40 C.F.R. 62, Subpart 000, and make administrative edits.

SWCAA 400-072 Emission Standards for Selected Small Source Categories. The proposed rule changes add an Environmental Protection Agency test method citation for small boilers/heaters, add gasoline to list of allowable fuels for emergency service engines, add a 40 C.F.R. 60, Subpart JJJJ citation for emergency service engines, and make administrative edits.

SWCAA 400-100 Registration Requirements. The proposed rule changes revise the description of registration fees and make administrative edits.

SWCAA 400-101 Emission Units Exempt from Registration Requirements. The proposed rule changes add registration exemptions for gas-fired rooftop comfort heating units and gas-fired freeze protection units and make administrative edits.

SWCAA 400-105 Records, Monitoring and Reporting. The proposed rule changes change term "source" to "stationary source" in selected sections to improve clarity.

SWCAA 400-106 Emission Testing and Monitoring at Air Contaminant Sources. The proposed rule changes revise emission test report submission requirements and make administrative edits.

SWCAA 400-109 Air Discharge Permit Applications. The proposed rule changes add a section specifying equipment subject to mandatory permitting, add exemptions for gas-fired rooftop comfort heating units and gas-fired freeze protection units, and make administrative edits.

SWCAA 400-110 Application Review Process for Stationary Sources (New Source Review). The proposed rule changes revise application completeness criteria to include applicable fees and make administrative edits.

SWCAA 400-115 Standards of Performance for New Sources. The proposed rule changes remove the adoption exemption for 40 C.F.R. 60,

Subpart JJJJ, revise the adoption exemption for 40 C.F.R. 60, Subparts TTTT and UUUUa, and make administrative edits.

SWCAA 400-200 Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques. The proposed rule changes make administrative edits.

SWCAA 400-290 Severability. The proposed rule changes revise existing language for greater consistency with similar language in other statutes.

SWCAA 400, Appendix C - FEDERAL STANDARDS ADOPTED BY REFERENCE. The proposed rule changes update the lists of adopted federal regulations.

Reasons Supporting Proposal: The proposed changes are necessary to support the agency's implementation of the Washington state Clean Air Act and associated federal standards.

Statutory Authority for Adoption: RCW 70A.15.2040(1).

Statute Being Implemented: RCW 70A.15.2040(1).

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

Name of Proponent: Southwest Clean Air Agency (SWCAA), governmental.

Name of Agency Personnel Responsible for Drafting: Wess Safford, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 ext. 126; Implementation: Clint Lamoreaux, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 ext. 131; and Enforcement: Jerry Ebersole, 11815 N.E. 99th Street, Suite 1294, Vancouver, WA 98682, 360-574-3058 ext. 122.

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. Pursuant to RCW 70A.15.2040(1), section 201, chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking section 201, chapter 403, Laws of 1995, for this action.

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

Is exempt under RCW 70A.15.2040(1).

Explanation of exemptions: Pursuant to RCW 70A.15.2040(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with chapter 42.30 RCW and selected portions of chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of chapter 19.85 RCW.

September 20, 2022

Uri Papish

Executive Director

Reviser's note: The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the [22-21](#) issue of the Register.