

WSR 21-07-075
PROPOSED RULES
SPOKANE REGIONAL
CLEAN AIR AGENCY

[Filed March 17, 2021, 10:15 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Amend Spokane Regional Clean Air Agency (SRCAA) Regulation I, Article VI, Section 6.13, and Article X, Section 10.08.

Hearing Location(s): On Thursday, May 6, 2021, at 9:30 a.m., at 3104 East Augusta Avenue, Spokane, WA 99207 or remote hearing. Comment period April 4 through May 6, 2021, ending at the close of the May 6, 2021, hearing.

Date of Intended Adoption: May 6, 2021.

Submit Written Comments to: Margee Chambers, 3104 East Augusta Avenue, Spokane, WA 99207, email PublicComment@spokanecleanair.org, fax 509-477-6828, by May 6, 2021, close of hearing. Note, please submit written comments by April 28, 2021, for comments to be included in the May 6, 2021, prehearing presentation.

Assistance for Persons with Disabilities: Contact Mary Kataoka, phone 509-477-4727 ext. 100, fax 509-477-6828, email mkataoka@spokanecleanair.org, by May 3, 2020 [2021].

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: SRCAA is proposing to update the surface coating regulation in Article VI, Section 6.13.

- Applicability, add "commercial" to this section to clarify the regulations are applicable to commercial surface coating operations, therefore excluding noncommercial operations such as hobbyists.
- Definitions, add several new terms: Commercial surface coating; general surface coating; motor vehicle/motor vehicle component surface coating; nonspray application; portable surface coating; potential to emit; spray application.
- Requirements, simplify and clarify regulatory requirements including equipment clean up; general clean up; record keeping and adding text from Article IV that requires enclosure and control equipment be operated and maintained according to manufacturer recommendations and operations manuals.
- Exemptions, add powder coating that does not exhaust outside to process exemption; update low usage exemption to be based on emissions (potential to emit below 100 lbs/yr and toxics below small quantity emission rate) and exempt from enclosure and control requirements; eliminate hobbyist exemption; add portable surface coating that complies with general orders of approval to enclosure exemption; reorder exemptions list by like exemptions.
- Improve consistency with federal regulations that were implemented in 2008 and local new source review (NSR) regulation updates in July 2020. SRCAA is also updating Section 6.13 citing in Article X, Section 10.08.

Purpose and anticipated effects: Improved implementation and compliance by the regulated community. By establishing emissions based thresholds for surface coating operations, SRCAA recognizes that low usage surface coating operations with lower emissions should be exclu-

ded from certain regulatory requirements, lowering costs for small businesses.

Reasons Supporting Proposal: The amendments will clarify requirements, align the twenty-five year old surface coating regulation with the federal regulations adopted in 2008 and local NSR regulations adopted in July 2020. The amendments will close the loop with the NSR regulations by including a low usage threshold in the surface coating regulation. Small, low usage operations below the threshold will be exempt from enclosure and control requirements, reducing the regulatory burden for the small business and help to conserve agency resources by focusing on sources with the potential to have increased emissions or nuisance concerns. The amendments will not change fees or add new requirements for businesses to meet.

Statutory Authority for Adoption: RCW 70A.15.2040.

Statute Being Implemented: The Washington Clean Air Act, chapter 70A.15 RCW; the Federal Clean Air Act, 42 U.S.C. 7401 et seq.

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

Name of Proponent: SRCAA, governmental.

Name of Agency Personnel Responsible for Drafting: Margee Chambers, SRCAA, 509-477-4727; Implementation: April Westby, SRCAA, 509-477-4727; and Enforcement: Lori Rodriguez, SRCAA, 509-477-4727.

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. SRCAA is a local air pollution control agency. Per RCW 70A.15.2040, a cost-benefit analysis under RCW 34.05.328 does not apply to local air pollution control agencies.

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.

Explanation of exemptions: SRCAA is a local air pollution control agency. Per RCW 70A.15.2040, a small business economic impact statement does not apply to local air pollution control agencies.

March 17, 2021
Margee Chambers
Rule Writer
SIP Planner

AMMENDATORY SECTION

SECTION 6.13 ((GENERAL)) SURFACE COATING

(A) Purpose. SRCAA Regulation I, Article VI, Section 6.13 establishes controls on surface coating operations in Spokane County ((in order)) to:

- (1) Reduce particulate emissions from coating overspray;
- (2) Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
- (3) Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
- (4) Encourage pollution prevention.

(B) Applicability. Section 6.13 applies to all commercial surface coating operations in Spokane County. Section 6.13 includes all surface preparation, surface coating, cleanup, and disposal associated with ((general)) commercial surface coating operations in Spokane County, unless specifically exempted.

(C) Definitions. Unless a different meaning is clearly required by context, words, and phrases used in Section 6.13, the following definitions apply to Section 6.13: (~~(shall have the following meaning:)~~)

(1) *Airless Spray* means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1,000 and 3,000 psig and the coating is forced through a small orifice.

(2) *Air-Assisted Airless Spray* means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1,000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).

(3) *Automated* means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.

(4) *Brush Coat Application* means manual application of coatings by use of a paint brush.

(5) *Coating* means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.

(6) Commercial Surface Coating means surface coaters related to or engaged in commerce; excluding non-commercial hobbyist surface coaters where coating is performed by either the owner or current household members on their own property or residence, coating an object they own, e.g. cabinet, motor vehicle, motor vehicle components.

~~((6))~~ (7) *Container* means the individual receptacle that holds a coating or coating component for storage and distribution.

~~((7))~~ (8) *Dip Coat Application* means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.

~~((8))~~ (9) *Electrostatic Application* means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.

~~((9))~~ (10) *Exempt Solvent* means a solvent, or solvent component, that is not a volatile organic compound (VOC).

~~((10))~~ (11) *Flow Coat Application* means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.

(12) General Surface Coating means any application of coatings to substrates, other than motor vehicle and/or motor vehicle component surface coating.

~~((11))~~ (13) *High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system* means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 psig air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.

~~((12))~~ (14) *Light Duty Vehicle* means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of eight thousand-five hundred (8,500) pounds or less, or components thereof.

(15) Motor Vehicle and Motor Vehicle Component Surface Coating means the application of coatings to assembled motor vehicles, motor vehicle parts and components, and mobile equipment, including but not limited to any device that may be towed or driven on a roadway: light duty vehicles, golf carts, vans, motorcycles, heavy-duty trucks, truck trailers, fleet delivery trucks, buses, mobile cranes, bulldozers, construction equipment, agricultural equipment, street cleaners, motor

homes, and other recreational vehicles (including camping trailers and fifth wheels).

~~((13))~~ (16) Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$VOC_{TM} = \frac{VOC_{BC} + VOC_{X1} + VOC_{X2} + \dots + VOC_{Xn} + 2VOC_{CC}}{n+3}$$

where:

VOC_{TM} is the average sum of the VOC content, as applied to the surface, in a multi-coat system; ~~((and))~~

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; ~~((and))~~

VOC_X is the VOC content, as applied to the surface, of each sequentially applied mid-coat; ~~((and))~~

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and

n is the total number of coats applied to the primer coat(s) surface.

(17) Non-Spray Application means coatings that are applied using an application method other than spray application, including, but not limited to, flow coat, roll coat, dip coat, and brush coat methods.

(18) Portable Surface Coating means an operation that travels with coating equipment and moves between customer locations to apply coatings to motor vehicles, motor vehicle components, and mobile equipment. The site where the coating takes place is not used by the coating operator as a fixed operating location.

(19) Potential-to-Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on 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 enforceable. Secondary emissions are not included in determining the PTE of a stationary source.

~~((14))~~ (20) Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.

~~((15))~~ (21) Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

~~((16))~~ (22) Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.

~~((17))~~ (23) Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.

~~((18))~~ (24) Roll Coat Application means manual application of coatings by the use of a paint roller.

~~((19))~~ (25) Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In

the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.

(26) Spray Application means coatings that are applied using a device that creates an atomized mist of coating and deposits the coating on a substrate.

~~((20))~~ (27) Standard Engineering Practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).

~~((21))~~ (28) Surface Coating means the application of coating to a surface.

~~((22))~~ (29) VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$\text{VOC}_{\text{CT}} = \frac{W_V}{V_M - V_W - V_{\text{ES}}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface; and

WV is the weight of VOC per unit volume of coating, as applied to the surface; ~~((and))~~

VM is the unit volume of coating, as applied to the surface; ~~((and))~~

VW is the volume of water per unit volume of coating, as applied to the surface; and

VES is the volume of exempt solvents per unit volume of coating, as applied to the surface.

~~((23))~~ (30) Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water, which is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.

~~((24))~~ (31) Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

(D) Prohibitions on Emissions.

(1) No person shall cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.

(2) Light duty vehicle refinishing - prohibitions on VOC content. ~~((Except as provided in Section 6.13(F), n))~~ No person shall cause or allow the application of any coating or other agent to any light duty vehicle or ~~((light duty))~~ motor vehicle components, with a VOC content in excess of the limits listed in 40 CFR Part 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings, except as provided in Section 6.13(F).

(E) Requirements. All persons subject to the requirements of Section 6.13 ~~((shall))~~ must comply with all of the following, unless exempted under Section 6.13(F).

(1) Enclosure and ~~((C))~~ controls. Spray application ~~((shall))~~ must be conducted in a booth or area which is vented to ~~((an))~~ a properly operating particulate control system. The particulate control system, including filtration, ducting, and fan ~~((shall))~~ must be installed and sized according to standard engineering practices and operated and

maintained according to the manufacturer's recommendations and operating manuals.

(a) Acceptable filtration methods include:

~~((a))~~ 1. Filter banks supplied with filter media designed for spray booth applications.

~~((b))~~ 2. Water baths where the inlet air flow to the water bath is submerged.

~~((c))~~ 3. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.

~~((d))~~ 4. Other filtration methods that have received the prior written approval of the Control Officer.

~~((1.))~~ (b) The control system ~~((shall))~~ must be equipped with a fan which is capable of capturing all visible overspray.

(c) Emissions ~~((from the booth/area shall))~~ must be vented to the atmosphere through a vertical stack. The top of the exhaust stack ~~((/vent shall))~~ must be at least six (6) feet above the penetration point of the roof, or if the exhaust stack ~~((/vent))~~ exits horizontally out the side of the building, then the exhaust stack ~~((/vent shall))~~ must vent vertically at least six (6) feet above the eaves of the roof. A higher stack ~~((/vent))~~ may be required if the Agency determines that it is necessary for compliance with Article VI, Section 6.04. ~~((There shall be no f))~~ Flow obstructions (elbows, tees, or stack caps) are prohibited inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.

~~((2.))~~ (d) It ~~((shall be))~~ is the owner ~~((/))~~ and operator's responsibility to comply with other applicable federal, state, and local regulations for the stack ~~((/vent))~~.

(2) Visible ~~((E))~~ emissions. Visible emissions from the stack ~~((shall))~~ must not exceed 10% opacity averaged over any six (6) minute period, as determined by EPA Method 9.

(3) Application ~~((M))~~ methods. Except as provided in Section 6.13(F), no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:

(a) High Volume, Low Pressure coating system;

(b) Low Volume, Low Pressure coating system;

(c) Wet or Dry electrostatic application;

(d) Flow coat application;

(e) Dip coat application;

(f) Brush coat application;

(g) Pre-packaged aerosol can application;

(h) Roll coat application;

(i) A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Agency, exhibits that the spraying technique has a transfer efficiency of at least 65%; or

(j) Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants written approval. These methods include but are not limited to the following application methods and circumstances:

1. Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:

a. ~~((w))~~ When the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions

that would be generated by a spray application with a transfer efficiency of 65%;

b. ~~((w))~~ When the spraying operation is automated;

c. ~~((w))~~ When spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (greater than 1,000 psig for airless, or greater than 300 psig for air-assisted airless) to the application system; or

d. ~~((w))~~ Where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.

(4) ~~((Equipment))~~ Cleanup.

~~((a))~~ Spray guns and paint equipment must be cleaned in an enclosed gun cleaner/washer; or if not using an enclosed gun cleaner, after wash solvent has made contact with the equipment being cleaned, the wash solvent must be immediately drained into a container that is kept closed. ~~((Equipment cleanup and any other use of wash solvent shall be totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, shall be immediately drained to a closed sump which is an integral part of the cleaning system.))~~

~~((5))~~ General Clean-up.

~~((a))~~ (b) All ((unused or partially used)) containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC ((shall)) must be kept closed, except when ((in-use)) materials are being added, mixed, or removed. ((, when being filled or emptied.)) Empty containers as defined in WAC 173-303-160 are exempt.

~~((b))~~ (c) Spills must be cleaned up upon discovery. ((and t)) The cleaned up materials and collected waste ((shall)) must be stored in closed metal containers.

~~((e))~~ (d) All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents, ((shall)) must be stored in closed metal containers for disposal.

~~((6))~~ (5) Recordkeeping. All persons subject to Section 6.13 ((shall)) must maintain the following records for the previous twenty-four (24) month period at the place of business where surface coating is performed:

(a) The most current ~~((material))~~ safety data sheets ~~((M))~~ SDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system~~((.))~~;

(b) Records of purchases or usage, including but not limited to primers, top coats, clear coats, coating additives, reducers, wipe-down agents, wash solvents, and other materials containing volatile organic compounds or volatile toxic air pollutants; and ((unused materials returned to the supplier)).

~~((1. Light duty vehicle refinishing. Annual purchases or usage of total primers, total top coats, total clear coats, and total gun cleaner. Usage shall be reported "as applied", i.e. after reducing and catalyzing, if applicable.~~

~~2. Other surface coating facilities. Annual purchases or usage of individual coatings, coating additives, wipe-down agents, wash solvents, reducers, and other materials containing volatile organic compounds or volatile toxic air pollutants.))~~

(c) ~~((.))~~ Waste materials disposal records, including volume of waste solvents and coatings transferred in sealed containers to authorized waste haulers.

(F) ~~((Exceptions))~~ Exemptions. Exceptions to all or parts of Article VI, Section 6.13: ((shall be made as follows:))

~~((1) Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, non-commercial purposes if, on a facility-wide basis, less than five (5) gallons of surface coatings are applied per year.))~~

~~((2))~~ (1) Coating process exemptions. Nothing in Section 6.13 ((shall)) appl((y))ies to the following coating processes:

(a) The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;

(b) Fiberglass resin application operations;

(c) Gel coating operations;

(d) The application of asphaltic or plastic liners((-)), includ- ing ((This includes)) undercoating, sound deadening coating, and spray on bed lining for trucks;

(e) Spray plasma plating operations; ~~((e))~~

(f) Application of coatings to farming equipment((-)); and

(g) Powder coating operations that do not exhaust outside.

~~((3))~~ (2) Low usage exemption. ~~((Nothing in))~~ ~~Section((s))~~ 6.13 (E) (1) ((3 and 4)) does not ((shall)) apply to low usage surface coating operations with PTE emissions less than one hundred (100) pounds per year, except as follows:

(a) If the Agency documents nuisance odors or emissions from a spray coating operation; or

(b) If total PTE toxic air pollutant emissions from the surface coating operation exceed any small quantity emission rate (SQER) given in Chapter 173-460 WAC.

~~((which, on a facility-wide basis, apply less than ten (10) gallons per year of surface coatings.))~~

~~((4))~~ (3) Large object exemption. ~~((Exemption for large objects. Nothing in))~~ Section 6.13 (E) (1) ((shall)) does not apply to the infrequent outdoor surface coating of large objects, where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous twelve (12) months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarps) ~~((shall))~~ must be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.

(4) Stack exemption. The stack requirements in Section 6.13

(E) (1) does not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of Toxic Air Pollutants (TAP) will not exceed the Acceptable Source Impact Levels (ASIL) as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.

(5) Application exemption. Section 6.13 (E) (1) does not apply to the non-spray and pre-packaged aerosol can application of any coating.

(6) Enclosure and/or particulate control exemption. Section 6.13 (E) (1) does not apply to:

(a) A portable surface coating operation that has obtained a General Order of Approval (GOA) from the Agency and complies with GOA conditions; or

(b) A surface coating operation where the Control Officer determines that such requirements would be ineffective or unreasonable in capturing or controlling particulate or volatile organic compound emissions from the facility.

~~((5) Wash solvent exemption. Nothing in Section 6.13 (E) (4) shall apply to:~~

~~(a) The use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20oC as determined by ASTM Method D-2306-81; or~~

~~(b) Wash solvent operations if total wash solvent consumption does not exceed ten (10) gallons per year.~~

~~(6) Stack exemption. The stack/vent requirements in Section 6.13 (E) (1) shall not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.~~

~~(7) Non-spray and aerosol can application exemption. Nothing in Section 6.13 (E) (1) shall apply to the application of any coating or other agent from pre-packaged aerosol cans, flow coat, dip coat, brush coat, or roll coat applications.))~~

~~((8)) (7) Low VOC content exemption. ((Nothing in)) Section 6.13 (E) (3) ((shall)) does not apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.~~

(8) Wash solvent exemption. Section 6.13 (E) (4) does not apply to surface coating operations that:

(a) Use wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20oC as determined by ASTM Method D-2306-81; or

(b) Have wash solvent operations with a total wash solvent consumption of ten (10) gallons or less per year.

~~(9) Lead or ((H))hexavalent Chrome exemption. The prohibition in Section 6.13 (D) (1) ((shall)) does not apply to a surface coating operation where the Control Officer determines that no practical alternative coating is available.~~

~~((10) Enclosure and/or particulate control exemption. The enclosure and/or particulate control requirements of Section 6.13 (E) (1) shall not apply to a surface coating operation where the Control Officer determines that such requirements would be ineffective, or unreasonable in capturing or controlling particulate or volatile organic compounds emissions from the facility.~~

~~(11) Inside exhaust exemption. If the Department of Labor & Industries or another agency of jurisdiction determines that the emissions from a surface coating operation to an inside work area are below the threshold where an exhaust system is required and the Fire Department or District of jurisdiction has no objection, then the Control Officer may grant an exemption to Section 6.13 (E) (1).))~~

(G) Compliance with ((e))Other ((t))Laws and ((r))Regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13(F) does not ((necessarily mean that the surface coating operation complies with fire protection, waste disposal, or)) constitute an exemption from compliance with SRCAA Regulation I, or other federal, state, or local ((applicable)) laws or regulations.

Reviser's note: The typographical errors in the above section occurred in the copy filed by the agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

Reviser's note: The spelling error in the above section occurred in the copy filed by the agency and appears in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

SECTION 10.08 MISCELLANEOUS FEES

(A) Miscellaneous Fees.

(1) Emission Reduction Credit Fee.

(a) Review of emission reduction credits per WAC 173-400-131 shall require the applicant to pay an emission reduction credit fee per the Consolidated Fee Schedule.

(b) The fee is calculated by multiplying the total staff time spent reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, per the Consolidated Fee Schedule.

(c) Hourly Rate. The hourly rate is calculated by:

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$

(d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(2) Variance Request Fee.

(a) Processing a variance request per RCW 70.94.181 or SRCAA Regulation I, Article III, shall require the applicant to pay a variance request fee per the Consolidated Fee Schedule. The fee will be assessed each time a request is submitted and will be invoiced to the applicant with the final determination.

(b) The variance request fee is calculated by adding all of the applicable fees described below:

1. Filing fee per the Consolidated Fee Schedule.
2. Agency legal fees related to the variance request.
3. Public notice fees.

4. Hourly fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Consolidated Fee Schedule.

(c) Fee Determination.

1. The hourly rate is calculated by:

$$\text{Hourly Rate} = \frac{\text{Total Program Costs}}{\text{Total Program Hours}}$$

2. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(3) Alternate Opacity Fee.

(a) Review of an alternate opacity limit per RCW 70.94.331(2)(c) shall require the applicant to pay an alternate opacity fee per the Consolidated Fee Schedule.

(b) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Consolidated Fee Schedule.

(c) Hourly Rate. The hourly rate is determined by:

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$

(d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fis-

cal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(4) Other Services Fee.

(a) Applicants of other services including:

1. Requests under the following sections of Regulation I, Article VI, Sections 6.13 (E) (3) (j); 6.13 (F) (3); 6.13 (F) (4); 6.13 (F) (6) (~~((6.13 (F)10))~~) and 6.13 (F) (9) (~~((6.13 (F)11))~~).

2. Registration exemption requests.

3. Other.

(b) Applicants shall pay a fee per the Consolidated Fee Schedule.

(c) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Fee Schedule.

(d) Hourly Rate. The hourly rate is calculated by:

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$

(e) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(B) Payment of Fees. The Agency will invoice the owner, operator, or both, for all applicable fees. The fees shall be paid without regard to whether the request(s) associated with Article X, Section 10.08 (A) (1), (2), (3) and (4) are approved or denied; except Section 10.08 (A) (2) as provided in Article III, Section 3.02.B.