

WSR 23-17-037
PROPOSED RULES
PUGET SOUND
CLEAN AIR AGENCY

[Filed August 9, 2023, 11:03 a.m.]

Original Notice.

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

Title of Rule and Other Identifying Information: Amend Regulation I, Sections 5.05 and 7.09.

Hearing Location(s): On September 28, 2023, at 8:45 a.m., via Zoom <https://us02web.zoom.us/j/9128500665?pwd=dGhUdnU2Q0gzdHQxbTNTM0lNbllMUT09>, Meeting ID 912 850 0665, Pass-code 1904, Call in 888 788 0099 US Toll-free; or in person at 1904 3rd Avenue, Suite 105, Seattle, WA.

Date of Intended Adoption: September 28, 2023.

Submit Written Comments to: Betsy Wheelock, Puget Sound Clean Air Agency, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, email RegUpdates@psccleanair.gov, fax 206-343-7522, by September 27, 2023.

Assistance for Persons with Disabilities: Contact agency receptionist, phone 206-343-8800, fax 206-343-7522, email RegUpdates@psccleanair.gov, by September 22, 2023.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Section 5.05: This proposed new section would require that all air contaminant sources subject to agency Regulation I, Article 5 submit all required compliance reports electronically, specifically as an attachment to an email message. Paper copies of these reports would not meet the requirements of this section.

Section 7.09: The proposed amendments to agency Regulation I, Section 7.09 would remove the requirement that reports submitted electronically also be submitted in paper form for record purposes. The proposal would provide clarity that a report submitted to the agency as an attachment to an email message would fulfill the requirements of that section.

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: Puget Sound Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: John Dawson, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4060; Implementation and Enforcement: Steve Van Slyke, 1904 3rd Avenue, Suite 105, Seattle, WA 98101, 206-689-4052.

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 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 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party.

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW does not appear to apply to local air agencies.

Scope of exemption for rule proposal:

Is fully exempt.

August 8, 2023
Christine Cooley
Executive Director

REGULATION I ARTICLE 5**SECTION 5.05 REGISTRATION REQUIREMENTS**

(a) The owner or operator of a source requiring registration under Section 5.03 of this regulation shall make reports containing information as required by the Agency concerning location, size, and height of contaminant outlets, processes employed, nature and quantity of the air contaminant emission, and such other information as is relevant to air pollution and available or reasonably capable of being assembled. The owner or operator shall be responsible for obtaining the proper forms from the Agency, notifying the Agency of its existence (including changes in its ownership or name), and for the accuracy, completeness, and timely submittal of all registration reports and fees.

(b) The owner or operator of a source requiring registration under Section 5.03 of this regulation shall submit a report by June 30th of each year, listing the emissions of those air contaminants emitted during the previous calendar year that equaled or exceeded:

- (1) 2.50 tons of any single hazardous air pollutant (HAP);
- (2) 6.25 tons of total hazardous air pollutants (HAP);
- (3) 25.0 tons of carbon monoxide (CO), nitrogen oxides (NOx), particulate matter (PM2.5 or PM10), sulfur oxides (SOx), or volatile organic compounds (VOC); or
- (4) 0.5 tons of lead.

(c) The owner or operator of a registered source shall develop and implement an operation and maintenance plan to ensure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to ensure compliance with Section 9.15 of this regulation; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

NEW SECTION:

(d) After December 1, 2023, owners or operators of air contaminant sources subject to Article 5 of this regulation shall submit complete copies of all required compliance reports to this Agency in electronic format as an attachment to an e-mail message. The date the report is received by the Agency e-mail system shall be considered the submitted date of the report. An email message to the Agency with a link to a file-sharing or folder-sharing site requiring a document download by the Agency will not meet the requirement in this section.

Nothing in this section waives or modifies any requirements established under other applicable regulations.

REGULATION I ARTICLE 7

AMENDATORY SECTION

SECTION 7.09 GENERAL REPORTING REQUIREMENTS FOR OPERATING PERMITS

(a) **Emission Reporting.** An emission report shall be required from each owner or operator of an operating permit source, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions.	25
facility combined total of all toxic air contaminant (TAC) emissions.	6
any single toxic air contaminant (TAC) emissions (excluding lead, but including lead compounds).	2
nitrogen oxide (NOx) emissions.	25
particulate matter (PM10) emissions.	25
particulate matter (PM2.5) emissions.	25
sulfur oxide (SOx) emissions.	25
volatile organic compounds (VOC) emissions.	25
lead.	0.5

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above, except lead which must be reported to the nearest tenth of a ton. The owner or operator of a source requiring a Title V operating permit under this Article shall maintain records of information necessary to document any reported emissions or to demonstrate that the emissions were less than the above amounts.

(b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Article 7 of this regulation shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of this regulation; and
- (6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

(c) **Compliance Reports.** (~~(After June 30, 2009, owners)~~) Owners or operators of air contaminant sources subject to Article 7 of this regulation shall submit complete copies of all required compliance reports to this Agency in electronic format as an attachment to an e-mail message. The date the ~~((document))~~ report is received by the Agency e-mail system shall be considered the submitted date of the report. An email message to the Agency with a link to a file-sharing or folder-sharing site requiring a document download by the Agency will not meet the requirement in this section. (~~((Original written documents shall also be submitted for record purposes.))~~) Nothing in this section

waives or modifies any requirements established under other applicable regulations.