WSR 26-16-068
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY
[Filed August 4, 2026, 8:47 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: Olympic Region Clean Air Agency (ORCAA) regulations: Rule 1.11 Federal Regulation Reference Date; Rule 1.12 State Regulations Reference Date; Rule 6.3.4 Notification Requirements; Rule 8.14 Adoption of Federal Source Performance Standards (NSPS); Rule 8.15 Adoption of National Emission Standards for Hazardous Air Pollutants (NESHAPS); Rule 8.17 Adoption of National Emissions Standards for Hazardous Air Pollutants for Source Categories; Rule 8.18 Adoption of Federal Consolidated Requirements for the Synthetic Organic Chemical Manufacturing Industry; and repeal of Appendix A - Adopted Federal Regulations and Standards.

Hearing Location(s): On September 9, 2026, 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. See our website for log-in information at www.orcaa.org/about/board-of-directors.

Date of Intended Adoption: September 9, 2026.

Submit Written Comments to: Mike Shults, 2940 Limited Lane N.W., email mike.shults@orcaa.org, fax 360-491-6308, beginning 8:00 a.m., August 7, 2026, by 10:00 a.m., September 9, 2026.

Assistance for Persons with Disabilities: Contact Dan Nelson, phone 360-539-7610 ext. 111, fax 360-491-6308, email dan.nelson@orcaa.org, by 4:30 p.m., September 8, 2026.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: ORCAA proposes to update the effective date of previously adopted federal regulations and state regulations referenced in ORCAA rules. Currently, where federal and state rules are referenced in ORCAA regulations, the effective date of the regulations is July 1, 2024. ORCAA intends to update the federal regulation effective date to March 1, 2025, except for 40 C.F.R. Part 63, Subpart DDDD which will carry an effective date of July 6, 2026. The state regulation effective date will be updated to July 1, 2026, including revisions to the exception lists in Rules 8.14 and 8.17. Additionally, ORCAA proposes revisions to Rule 6.3.4 to simplify project reviews for asbestos and demolition notification requirements. Finally, Appendix A will be removed from ORCAA's regulations. The appendix served only as a reference document, and removal will have no effect on enforceable requirements. Rather, it will improve clarity and consistency within ORCAA's regulations.

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: Mike Shults, 2940 Limited Lane N.W., Olympia, 360-539-7610 ext. 113; 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.

August 3, 2026
Jeff C. Johnston, Ph.D.
Executive Director

AMENDATORY SECTION
RULE 1.11 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in ORCAA's rules, the effective date is ((~~July~~)) March 1, 202((~~4~~))5, unless otherwise specified.

AMENDATORY SECTION
RULE 1.12 STATE REGULATION REFERENCE DATE

Whenever state regulations are referenced in ORCAA's rules, the effective date is July 1, 202((~~4~~))6.

AMENDATORY SECTION
Rule 6.3.4 Notification Requirements

(a) It is unlawful for any person to cause or allow any work on an asbestos ((~~project~~)) or demolition project unless a complete notification, ((~~including~~)) the required fee. and any additional information requested by the Executive Director, or designee, has been submitted to ((~~the~~)) ORCAA on approved forms, in accordance with the notification period requirements contained in 6.3.4(c) Notification Period:

1. A separate notification is required for each structure being abated or demolished. Ancillary structures (i.e. barns, detached garage, garden sheds) on residential properties may be considered under one notification.

2. A notification is required for asbestos projects containing 10 or more, linear feet or 48 or more, square feet (per structure, per calendar year) of asbestos-containing material (ACM).

((~~1.~~)) 3. A ((~~N~~))notification is required for all demolitions of structures with a footprint of ((~~greater than~~)) 120, or more, square feet((~~, even if no ACM is present~~)). All other demolition requirements remain in effect.

((~~2.~~)) 4. Per Rule 3.5, the appropriate non-refundable fee must accompany ((~~the~~)) each notification.

((~~3.~~)) 5. A copy of ((~~the~~)) notifications, all amendments to the notifications, the asbestos surveys, and any work plans for an alternate means of compliance must be available for inspection at the asbestos ((~~project~~)) or demolition project site.

((~~Notification for multiple asbestos projects or demolitions may be filed by a property owner or agent on one form if all the following criteria are met:~~

~~i. The same contractor will perform the work continuously; and,~~

~~ii. A work plan is submitted that includes: a map clearly identifying the structures involved in the project; the amount and type of ACM in each structure; and the schedule for performing asbestos project and demolition work; and,~~

~~iii. The project must be bid as a group under the same contract; and~~

iv. ~~The structures must be on contiguous property.~~))

Reviser's note: The typographical errors in the above material occurred in the copy filed by Olympic Region Clean Air Agency and appear in the Register pursuant to the requirements of RCW 34.08.040.

AMENDATORY SECTION

Rule 8.14 Adoption of Federal New Source Performance Standards (NSPS)

(a) The NSPS in 40 CFR Part 60 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsection (4). ((~~A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.~~))

(1) The term "Administrator" in 40 CFR Part 60 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 60 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 C((~~R~~))FR Part 60 are not adopted:

(i) Subpart B - Adoption and Submittal of State Plans for Designated Facilities;

(ii) Subpart Ba - Adoption and Submittal of State Plans for Designated Facilities;

((~~(ii)~~))**(iii)** Subpart C - Emission Guidelines and Compliance Times;

((~~(iii)~~))**(iv)** Subpart Cb - Large Municipal Waste Combustors that are Constructed on or before September 20, 1994 (Emission Guidelines and Compliance Times);

((~~(iv)~~))**(v)** Subpart Cc - Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times);

((~~(v)~~))**(vi)** Subpart Cd - Sulfuric Acid Production Units (Emission Guidelines and Compliance Times);

((~~(vi)~~))**(vii)** Subpart Ce - Hospital/Medical/Infectious Waste Incinerators (Emission Guidelines and Compliance Times);

(viii) Subpart Cf - Municipal Solid Waste Landfills (Emission Guidelines and Compliance Times);

((~~(vii)~~))**(ix)** Subpart S - Primary Aluminum Reduction Plants;

((~~(viii)~~))**(x)** Subpart BB - Kraft Paper Mills;

(xi) Subpart BBa - Kraft Paper Mills Affected Sources for Which Construction, Reconstruction, or Modification Commenced After May 23, 2013;

((~~(ix)~~))**(xii)** Subpart AAA - New Residential Wood Heaters - as it applies to non-Title V sources;

((~~(x)~~))**(xiii)** Subpart BBBB - Small Municipal Waste Combustion Units Constructed on or before August 30, 1999 (Emission Guidelines and Compliance Times);

((~~(xi)~~))**(xiv)** Subpart DDDD - Commercial and Industrial Solid Waste Incineration Units that Commenced Construction on or before November 30, 1999 (Emission Guidelines and Compliance Times);

((~~(xii)~~))**(xv)** Subpart FFFF - Emission Guidelines and Compliance Times for Other Solid Waste Incineration Units that Commenced Construction on or before December 9, 2004;

((~~(xiii)~~))**(xvi)** Subpart IIII - Standards of Performance for Stationary Compression Ignition Internal Combustion Engines - as it applies to non-Title V sources;

((~~(xiv)~~))**(xvii)** Subpart JJJJ - Standards of Performance for Stationary Spark Ignition Internal Combustion Engines - as it applies to non-Title V sources;

((~~(xv)~~))**(xviii)** Subpart MMMM - Emission Guidelines and Compliance Times for Existing Sewage Sludge Incineration Units;

(xix) Subpart OOOOc - Existing Crude Oil and Natural Gas Facilities (Emission Guidelines);

((~~(xvi)~~))**(xx)** Subpart QQQQ - Standards of Performance for New Residential Hydronic Heaters and Forced-Air Furnaces - as it applies to non-Title V sources;

((~~(xvii)~~)))**(xxi)** Subpart UUUUa - Reserved ~~- Emission Guidelines for Greenhouse Gas Emissions and Compliance Times for Electric Utility Generating Units~~))

((~~(xviii)~~))**(xxii)** Subpart UUUUb - Greenhouse Gas Emissions for Electric Utility Generating Units (Emission Guidelines); and,

(xxiii) Appendix G - Provisions for an Alternative Method of Demonstrating Compliance with 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company.

AMENDATORY SECTION
Rule 8.15 Adoption of National Emissions Standards for Hazardous Air Pollutants (NESHAP)

(a) The NESHAP in 40 CFR Part 61 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsection (4). ((~~A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.~~))

(1) The term "Administrator" in 40 CFR Part 61 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 61 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 CFR Part 61 are not adopted:

(i) Subpart B - Radon from Underground Uranium Mines;

(ii) Subpart H - Radionuclide other than Radon from Dept. of Energy Facilities;

(iii) Subpart I - Radionuclide from Federal Facilities other than Nuclear Regulatory Commission Licensees and not covered by Subpart H;

(iv) Subpart K - Radionuclide from Elemental Phosphorus Plants;

(v) Subpart Q - Radon from Dept. of Energy Facilities;
(vi) Subpart R - Radon from Phosphogypsum Stacks;
(vii) Subpart T - Radon from Disposal Uranium Mill Tailings; and,
(viii) Subpart W - Radon from Operating Mill Tailings.

AMENDATORY SECTION
Rule 8.17 Adoption of National Emissions Standards for Hazardous Air Pollutants (NESHAP) for Source Categories

(a) The NESHAP for Source Categories in 40 CFR Part 63 and its Appendices in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference except for the subparts and sections listed in subsections (4) and (5). ((~~A current list of adopted federal standards is provided in Appendix A of ORCAA's Regulation.~~))

(1) The term "Administrator" in 40 CFR Part 63 means the Administrator of EPA and the Executive Director of the Agency.

(2) Where EPA has delegated to the Agency the authority to receive reports under 40 CFR Part 63 the affected facility is required to provide such reports only to the Agency, unless otherwise requested in writing by EPA.

(3) This section does not apply to any source operating under a waiver granted by EPA or an exemption granted by the president of the United States.

(4) Exceptions. The following sections and subparts of 40 CFR Part 63((~~, as they apply to non-Title V sources,~~)) are not adopted:

(i) Subpart M - National Perchloroethylene Emission Standards for Dry Cleaning Facilities - as it applies to non-Title V sources;

(ii) Subpart LL - National Emission Standard for Hazardous Air Pollutants for Primary Aluminum Reduction Plants;

(iii) Subpart RRR - National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production - as it applies to non-Title V sources;

(iv) Subpart ZZZZ - Stationary Reciprocating Internal Combustion Engines - as it applies to non-Title V sources;

(v) Subpart - BBBBBB National Emission Standards for Hazardous Air Pollutants for Source Category: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities - as it applies to non-Title V sources;

(vi) Subpart HHHHHH - Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources - as it applies to non-Title V sources; and,

(vii) Subpart XXXXXX - Area Source Standards for Nine Metal Fabrication and Finishing Source Categories - as it applies to non-Title V sources.

(5) Subpart DDDD - National Emission Standards for Hazardous Air Pollutants for Plywood and Composite Wood Products, in effect on July 6, 2026, is adopted by reference.

AMENDATORY SECTION
Rule 8.18 Adoption of Federal Consolidated Requirements for the Synthetic Organic Chemical Manufacturing Industry

The Consolidated Requirements for the Synthetic Organic Chemical Manufacturing Industry in ((~~Section 2.18 of~~)) 40 CFR Part 65 in effect on the date referenced in ORCAA Rule 1.11 are adopted by reference.

REPEALED SECTION

Appendix A - Adopted Federal Regulations and Standards