

**Includes highlighter alternative rule language suggestion****WAC 173-460-040 New source review.**

- (1) Applicability and exemptions. This chapter supplements the new source review requirements of WAC 173-400-110 by adding review requirements for new and modified toxic air pollutant sources. An action that is exempt from new source review under WAC 173-400-110 (4) or (5) is exempt under this chapter as well, except that a local air authority may adopt its own list of exemptions in accordance with RCW 70.94.331 (2)(b) to operate in lieu of or in addition to the exemptions in WAC 173-400-110 (4) and (5). An action that requires a notice of construction application under WAC 173-400-110 is subject to the review requirements of this chapter, unless the emissions before control equipment of each TAP (rounded to two significant digits) from a new source or the increase in emissions from each modification is less than the applicable de minimis emission threshold for that TAP listed in WAC 173-460-150.
- (2) New source review of a modification is limited to the emission unit or units proposed to be modified and the TAPs whose emissions would increase as a result of the modification.
- (3) The permitting authority that is reviewing a notice of construction application for a new or modified toxic air pollutant source must ensure that:
  - (a) The new or modified emission units use tBACT for emissions control for the toxic air pollutants with emission increases that trigger the need to submit a notice of construction application; and
  - (b) The new or modified emission units comply with WAC 173-460-070 as demonstrated by using the procedures established in WAC 173-460-080 or, failing that, demonstrates compliance by using the additional procedures in WAC 173-460-090 and/or 173-460-100.

**WAC 173-460-080. First tier review.**

- (1) A notice of construction application for a new or modified toxic air pollutant source must include an acceptable source impact level analysis for each TAP emitted by the new or modified emission units with an emission increase greater than the de minimis emission level specified in WAC 173-460-150. The permitting authority may complete this analysis.
- (2) The acceptable source impact analysis requirement of WAC 173-460-070 can be satisfied for any TAP (~~rounded to two significant digits~~) using either dispersion modeling or the small quantity emission rate.
  - (a) Dispersion modeling. The applicant who relies on dispersion modeling must model the increase in the emissions of each TAP emitted by the new or modified emission units, after application of tBACT. The notice of construction application must demonstrate that the modeled ambient impact (**rounded to two significant digits**) of the aggregate emissions increase of each TAP does not exceed the ASIL for that TAP as listed in WAC 173-460-150. If concentrations predicted by dispersion screening models exceed applicable acceptable source impact levels, more refined modeling and/or emission techniques must be used. Refined modeling techniques must be approved by the permitting authority.

- (b) Small quantity emission rates. An applicant may show for any TAP that the increase in emissions of that TAP (rounded to two significant digits), after application of tBACT, is less than the small quantity emission rate listed for that TAP in WAC 173-460-150.
- (3) Reduction of TAPs from existing emission units. An applicant may include in a acceptable source impact analysis proposed reductions in actual emissions of a particular TAP from emission units at the source that are not new or modified for the purpose of offsetting emissions of that TAP caused by the new or modified source. The reductions in TAP emissions authorized by this subsection must be included in the approval order as enforceable emission limits and must meet all the requirements of WAC 173-460-071.
- (4) Decision criteria.
  - (a) If the permitting authority finds that the modeled impact of the increase in emissions of a TAP from the new or modified emission units does not exceed the ASIL for that TAP then the authority may approve the notice of construction application.
  - (b) If the permitting authority finds that the modeled impact of the increase in emissions of a TAP from the new or modified emission units exceeds the ASIL for that TAP then the permitting authority may not approve the project. The applicant may file a second tier review application in compliance with WAC 173-460-090.