



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

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STATE OF WASHINGTON
FILED

DATE: November 22, 2019

TIME: 1:59 PM

WSR 19-24-025

Agency: Department of Ecology AO # 18-07

Effective date of rule:

Permanent Rules

- 31 days after filing.
- Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain:

Purpose: Chapter 173-460 WAC, Controls for New Sources of Toxic Air Pollutants. This rule includes air quality permitting requirements for businesses that emit toxic air pollutants.

The amendments:

- Update the list of toxic air pollutants.
- Recalculate:
 - Acceptable source impact levels (ASIL).
 - Small quantity emission rates (SQER).
 - De minimis emission values.
- Specify the number of significant digits of emissions rates (i.e., de minimis and SQERs) and concentrations (i.e., ASILs).
- Update language in the rule to use the acronym "TAP" instead of "toxic air pollutant."

Citation of rules affected by this order:

New: 0
 Repealed: 0
 Amended: WAC 173-460-040, 173-460-080, and 173-460-150
 Suspended:

Statutory authority for adoption: Chapter 70.94 RCW Washington Clean Air Act

Other authority: N/A

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 19-12-092 on 6/4/2019 (date).

Describe any changes other than editing from proposed to adopted version:

WAC 173-460-150: Changes throughout table

- Common names and order of toxic air pollutants
We edited the names and order of chemicals to make it easier to find them in the table. The new system groups chemical families near each other instead of throughout the table.
- Scientific notation
We simplified the table by providing all emission threshold values in the scientific notation format (1.0E+00). Displaying ASILs, SQERs, and de minimis emission values in the table in two formats – decimal and scientific notation – was confusing.

WAC 173-460-150: Pollutant specific changes

- Asbestos
The amendments add six types of asbestos to the list of toxic air pollutants: Actinolite, Amosite, Anthophyllite, Chrysotile, Crocidolite, and Tremolite. Each of these has its own unique CAS number. The ASILs, SQERs, and de

minimis emissions levels are identical to those of the general listing for “Asbestos (fibers/cubic centimeter).” This change should reduce confusion about the coverage of the existing asbestos group listing.

- Cobalt
We added “and compounds, NOS” to clarify that all forms of cobalt compounds are equally toxic based on the mass of cobalt in a cobalt compound.
- Dimethyl mercury
We retained the original listing of “dimethyl mercury” because we mistakenly changed the name to “methyl mercury (dimethyl mercury)” when we proposed the rule.
- Ethyl carbamate
We added urethane as a common name for this chemical because it has the same CAS number.
- Fluorides
We corrected the misspelling of fluoride in the common name of this pollutant.
- Libby amphibole asbestos
We corrected the misspelling of amphibole and added “and amphibole, NOS” to be more expansive and protect public health. This was due to EPA’s toxicological review of Libby amphibole asbestos that highlights concerns about a variety of amphiboles.
- Nickel carbonate hydroxide
We corrected the CAS number to 12607-70-4.
- Nickel oxide
We added nickel monoxide and nickel(II) oxide as common names for nickel oxide because they have the same CAS number.
- Nickel oxide black
We added CAS 1314-06-3 for this pollutant because the rule did not include one. We added nickel sesquioxide and nickel(III) oxide as common names for nickel oxide black because they have the same CAS number.
- Sulfur trioxide
We corrected the CAS number to 7446-11-9.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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Web site: <https://fortress.wa.gov/ecy/publications/SummaryPages/1902026.html>

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	_____	Amended	_____	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New Amended 1 Repealed

The number of sections adopted on the agency's own initiative:

New Amended 3 Repealed

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New Amended 2 Repealed

The number of sections adopted using:

Negotiated rule making:	New <input type="text"/>	Amended <input type="text"/>	Repealed <input type="text"/>
Pilot rule making:	New <input type="text"/>	Amended <input type="text"/>	Repealed <input type="text"/>
Other alternative rule making:	New <input type="text"/>	Amended <input type="text"/>	Repealed <input type="text"/>

Date Adopted: 11/22/19

Name: Maia D. Bellon

Title: Director

Signature:

