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Repealed: 0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, Anthophylite, 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**

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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Address: Department of Ecology
   Air Quality Program
   P.O. Box 47600
   Olympia, WA 98504-7600
Phone: 360-407-6800
Fax: N/A
TTY: People with speech disability may call TTY at 877-833-6341. People with impaired hearing may call Washington Relay Service at 711)
Email: elena.guilfoil@ecy.wa.gov
Web site: [https://fortress.wa.gov/ecy/publications/SummaryPages/1902026.html](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:

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<th>Federal statute:</th>
<th>New</th>
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<tr>
<td>Federal rules or standards:</td>
<td>New</td>
<td>Amended</td>
<td>Repealed</td>
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<tr>
<td>Recently enacted state statutes:</td>
<td>New</td>
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<th>The number of sections adopted at the request of a nongovernmental entity:</th>
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<th>The number of sections adopted in order to clarify, streamline, or reform agency procedures:</th>
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<td>Pilot rule making:  New  ____  Amended  ____  Repealed  ____</td>
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<tbody>
<tr>
<td>Name: Maia D. Bellon</td>
<td></td>
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<tr>
<td>Title: Director</td>
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