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CHAPTER 173-455 WAC AIR QUALITY FEE RULE

Last update: 11/30/12

WAC 173-455-036 Fee increases.

(1) Ecology must follow the processes in subsections (2) and (3) of this section for increasing any of the following fees:

- (a) Carbon dioxide mitigation program fees in WAC 173-455-050;
- (b) Weather modification fees in WAC 173-455-070;
- (c) Control technology fees in WAC 173-455-100;
- (d) New source review fees in WAC 173-455-120;
- (e) Air pollution standards variance fee in WAC 173-455-130; and
- (f) Nonroad engine permit fee in WAC 173-455-140.

(2) A workload analysis must support the fee increase. Prior to making any changes, ecology will post the new fees on the agency web site no later than November 30th of the year preceding the date on which

the new fees will take place. If directed by RCW 43.135.055, fee increases will only occur after the legislature authorizes the increase.

WAC 173-455-039 Source registration categories. (new section)

(1) Source registration tiers.

(a) Ecology shall place a source required to register with ecology in a tier based on emissions as determined by ecology.

(i) Ecology will use the most current emissions inventory for each source. If this information is unavailable, ecology will use the enforceable emissions limitations for the source and maximum capacities and production rates.

(ii) Ecology will assign a source to a tier based on Table 1.

Table 1: WAC 173-455-039(1) (a) (ii) Definitions of Tiers for Registration Sources

Tier	
1	Source did not operate but want to stay registered
2	Sources with annual emissions between 0 and 20 tpy
3	Sources with emissions between 21 and 50 tpy
4	Sources with emissions between 51 and 100 tpy
5	Sources with emissions greater than 100 tpy
6	All Synthetic Minor sources

(2) Request reassignment to a different tier.

(a) If a source believes Ecology assigned them to the wrong tier, they may request in writing that Ecology reassign them to a different tier by October 1 of the year before the new fee schedule goes into effect. The source must include, at a minimum, the following information in the request:

(i) The name of the source requesting the reassignment and the contact information for the person submitting the request.

(ii) The most recent detailed estimate of annual emissions for the source.

(iii) Documentation on the source(s) of the data and the calculation methods used to estimate emissions.

(iv) Any other supporting information requested by ecology.

(b) Ecology review of the request.

(i) Ecology will review the request and notify the source of ecology's decision within sixty days of receiving a complete request.

(ii) Ecology must assign the final tier placement by December 1 of the year before the new fee schedule goes into effect.

WAC 173-455-040 Source registration fees.

(1) Ecology will assess an annual fee to all sources required to register with Ecology. Fees received under the registration program shall not exceed the cost of administering the program, which includes the costs of the program components identified in WAC 173-400-099(2).

(2) Registration fee.

All sources required to register with Ecology shall pay an annual base fee based on their source registration Tier in WAC 173-455-039.

(3) Source closure.

A source that closes or shuts down temporarily must pay its registration fee to maintain active registration status.

(4) Registration fee schedule for years 2019, 2020, 2021.

(a) Ecology must publish a fee schedule for 2019 to 2021 by November 1, 2018. Ecology must follow the process in WAC 173-455-040(4)(b) below.

(b) Table 1 below lists annual registration fees for 2019 to 2021 for all sources required to register with ecology.

Table 2: WAC 173-455-040(4)(a) Registration fee schedule for 2019 through 2021 for all sources.

Tier	Fee 2019	Fee 2020	Fee 2021
1	\$200	\$200	\$200
2	\$600	\$750	\$900
3	\$950	\$1,200	\$1,500
4	\$1,350	\$1,700	\$2,000
5	\$5,500	\$6,000	\$6,500

6	\$7,000	\$7,500	\$8,000
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(5) Registration fee schedule for year 2022 and beyond.

(a) Ecology must:

(i) Establish registration fees for 2022 and beyond to cover the costs of the registration program based on a workload analysis.

(ii) Draft a workload analysis of the costs to implement the registration program. Ecology may choose to establish fees to cover biennial costs.

(iii) Adjust registration fees to recover the costs identified by the workload analysis.

(b) Public notice. Ecology must:

(i) Post the draft workload analysis and draft registration fee schedule on ecology's web site by August 1 of the year before the fee schedule goes into effect.

(ii) Provide a sixty-day public comment period on the draft workload analysis and draft fee schedule.

(iii) Post the final workload analysis and fee schedule on ecology's website by December 1 of the year before the fee schedule goes into effect.

(c) A fee schedule will remain in effect until replaced by a new fee schedule developed following the process in this subsection.

(6) Registration fees for gasoline dispensing facilities. Gasoline dispensing facilities subject to chapter 173-491 WAC must pay a yearly registration fee of one hundred thirty dollars for each storage tank dispensing gasoline.

(7) Fee reductions for economic hardship. If a small business owner thinks the registration fee results in an extreme economic hardship, the small business owner may request a fee reduction. The small business owner or operator must provide sufficient evidence to support a claim of an extreme hardship. Ecology may reduce the registration fee by no more than fifty percent.

(8) Fee payments.

(a) A source subject to fees in this section must pay registration fees within thirty days of receipt of ecology's billing statement.

(b) Ecology may assess a penalty equal to three times the amount of the original fee owed by sources knowingly under-reporting emissions, or for failing to pay registration fees after the ninety-first day past the due date. Failure to pay all or part of a registration fee may result in an enforcement action.

(c) A source may request to pay an ecology fee on a payment plan. Ecology will not apply a late fee for fees paid by a payment plan as long as the source meets the following two conditions:

(i) The source requests a payment plan within thirty days of the receipt of ecology's billing statement.

(ii) The source pays the fee on time as outlined in the payment plan.

(9) Additional registration fee for fossil-fueled electric generating facilities. Fossil-fueled electric generating facilities must pay registration fees required in this section in addition to carbon dioxide mitigation program fees required in WAC 173-455-050.

WAC 173-455-050 Carbon dioxide mitigation program fees.

(1) **Statutory authorization.** RCW 70.94.892 authorizes the department to determine, assess, and collect fees sufficient to cover costs to review and approve or deny the carbon dioxide mitigation plan components of an order of approval. The order of approval will specify costs to monitor conformance related to the carbon dioxide mitigation plan.

(2) **Fees.** The table in this subsection lists the fees for the carbon dioxide mitigation program. These fees are added to the fees established in WAC 173-455-120, when the carbon dioxide mitigation plan requirements are triggered.

Activity	Fee
a. Application review	\$95.00/hr. ¹ not to exceed \$500.00
b. Mitigation plan approval	
i. Payment to third party	\$100.00 ²
ii. Purchase of CO ₂ credits	\$95.00/hr. ³
iii. Direct investment	\$95.00/hr. ⁴
c. Routine compliance monitoring	
i. Payment to third party	\$100.00 ⁵ annually until full amount paid
ii. Purchase of CO ₂ credits	\$95.00/hr. ⁶
iii. Applicant controlled project	\$95.00/hr. ⁶

¹ Estimated using an EE3 per hour rate with a cap.

² Small fee primarily to check math and that the source is using an EFSEC approved qualified organization.

³ Estimated EE3 per hour rate to check that the credits purchased will be verifiable and from a reputable trading or marketing organization.

⁴ Estimated using an EE3 per hour rate.

⁵ Same as rationale for ² above.

⁶ Verify and confirm credits with the trading or marketing organization.

(3) The department or authority may use RCW 70.94.085 to structure a cost-reimbursement agreement with the applicant.

WAC 173-455-100 Control technology fees.

(1) General. Ecology may assess and collect a fee as authorized in RCW 70.94.153 or 70.94.154 and described in subsections (2) through (5) of this section.

(2) Fee schedule for source-specific determinations where ecology performs RACT analysis and determination.

(a) Basic RACT analysis and determination fee:

(i) Low complexity (the analysis addresses one type of emission unit) - One thousand five hundred dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Seven thousand five hundred dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - Fifteen thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, ecology will require a fee for a RACT analysis and determination for an emission unit or multiple emission units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - Two thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, ecology will require the following fees as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - One thousand dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - Two thousand dollars.

(3) Fee schedule for source-specific determinations where the source performs RACT analysis and ecology conducts review and determination.

(a) Basic RACT review and determination fees:

(i) Low complexity (the analysis addresses one type of emission unit) - One thousand dollars;

(ii) Moderate complexity (the analysis addresses two to five types of emissions units) - Five thousand dollars;

(iii) High complexity (the analysis addresses more than five types of emission units) - Ten thousand dollars.

(b) Additional charges based on criteria pollutant emissions: In addition to those fees required under (a) of this subsection, ecology will require a fee for a RACT analysis and determination for an emission unit or multiple emissions units of uniform design that, individually or in the aggregate, emit one hundred tons per year or more of any criteria pollutant - One thousand dollars.

(c) Additional charges based on toxic air pollutant emissions: In addition to those fees required under (a) and (b) of this subsection, ecology will require the following fees as applicable:

(i) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the

aggregate, emit more than two tons per year but not more than ten tons per year of any toxic air pollutant - Five hundred dollars; or

(ii) RACT analysis and determination for an emissions unit or multiple emissions units of uniform design that, individually or in the aggregate, emit more than ten tons per year of any toxic air pollutant - One thousand dollars.

(4) Fee schedule for reviews authorized under RCW 70.94.153 for the replacement or substantial alteration of control technology.

(a) Notice of construction application. Review and approval of notice of construction application (NOCA) for replacement or substantial alteration of control technology - Three hundred fifty dollars.

(b) RACT analysis and determination. Review and approval of a RACT analysis and determination for affected emission unit - Five hundred dollars.

(5) Fee schedule for categorical RACT determinations. Ecology shall assess fees for categorical RACT determinations (for categories with more than three sources) as shown below. Ecology shall base the fees described in (a) of this subsection on the most complex source within a category. Except as provided in (b) and (d) of this subsection, ecology will determine fees for individual sources in the category by dividing

the total source category fee by the number of sources within the category.

(a) RACT analysis and determination (RACT analysis performed by ecology with assistance from sources):

(i) Low complexity source category (average source emissions of individual criteria pollutants are all less than twenty tons per year, average source emissions of individual toxic air pollutants are all less than two tons per year, or the analysis addresses one type of emission unit) - Twenty-five thousand dollars;

(ii) Moderate complexity source category (average source emissions of one or more individual criteria pollutants are greater than twenty tons per year and less than one hundred tons per year, average source emissions of one or more individual toxic air pollutants are greater than two tons per year and less than ten tons per year, or the analysis addresses two to five types of emissions units) - Fifty thousand dollars;
or

(iii) High complexity source category (average source emissions of one or more individual criteria pollutants exceed one hundred tons per year, average source emissions of one or more individual toxic air pollutants exceed ten tons per year, or the analysis addresses more than five types of emission units) - One hundred thousand dollars.

(b) If ecology is evaluating an emission unit for more than one categorical RACT determination within a five-year period, ecology will charge the owner or operator of that emission unit one fee and the fee will reflect the higher complexity categorical RACT determination.

(c) Ecology may adjust the fee to reflect workload savings from source involvement in source category RACT determination.

(d) Ecology may approve alternate methods for allocating the fee among sources within the source category.

(6) Small business fee reduction. Ecology may reduce the RACT analysis and determination fee identified in subsections (2) through (5) of this section for a small business.

(a) To qualify for the small business RACT fee reduction, a business must meet the requirements of "small business" as defined in RCW 19.85.020.

(b) To receive a fee reduction, the owner or operator of a small business must include information in an application demonstrating that the business meets the conditions of (a) of this subsection. One of the following must sign the application:

(i) An authorized corporate officer in the case of a corporation;

(ii) An authorized partner in the case of a limited or general partnership; or

(iii) The proprietor in the case of a sole proprietorship.

(c) Ecology may verify the application information and if the owner or operator has made false statements, deny the fee reduction request and revoke previously granted fee reductions.

(d) For small businesses determined to be eligible under (a) of this subsection, ecology shall reduce the RACT analysis and determination fee to the greater of:

(i) Fifty percent of the RACT analysis and determination fee; or

(ii) Two hundred fifty dollars.

(e) If due to special economic circumstances, the fee reduction determined under (d) of this subsection imposes an extreme hardship on a small business, the small business may request an extreme hardship fee reduction. The owner or operator must provide sufficient evidence to support a claim of an extreme hardship. The factors which ecology may consider in determining whether an owner or operator has special economic circumstances and in setting the extreme hardship fee include:

(i) Annual sales;

(ii) labor force size;

(iii) market conditions which affect the owner's or operator's ability to pass the cost of the RACT analysis and determination fees through to customers; and

(iv) average annual profits.

In no case will ecology reduce a RACT analysis and determination fee below one hundred dollars.

(7) Fee reductions for pollution prevention initiatives. Ecology may reduce RACT analysis and determination fees for an individual source if that source is using approved pollution prevention measures.

(8) Fee payments. Sources shall pay fees specified in subsection (4) (a) of this section when they submit a notice of construction application to the department. Sources shall pay other fees specified in subsections (2) through (7) of this section no later than thirty days after receipt of an ecology billing statement. For fees specified in subsection (5) of this section, ecology will mail a billing for one-half of the payment from each source when the source category rule-making effort is commenced as noted by publication of the CR-101 form in the *Washington State Register*. Ecology will mail a billing for the second half of the payment when the proposed rule is published in the *Washington State Register*. Ecology will issue no order of approval or other action approving or identifying a source to be at RACT w until the source has paid all fees. Sources shall make payable all fees collected under this regulation to the Washington Department of Ecology.

(9) Dedicated account. Ecology shall deposit all control technology fees collected by the department from permit program sources in the air operating permit account created under RCW 70.94.015. Ecology shall deposit all control technology fees collected by the department from nonpermit program sources in the air pollution control account.

(10) Tracking revenues, time, and expenditures. Ecology shall track revenues on a source-specific basis. For purposes of source-specific determinations under subsections (2) through (4) of this section, ecology shall track time and expenditures on the basis of source complexity categories. For purposes of categorical determinations under subsection (5) of this section, ecology shall track time and expenditures on a source-category basis.

(11) Periodic review. Ecology shall review and, as appropriate, update this section as needed.

WAC 173-455-130 Air pollution standards variance fee.

The department shall charge a fee of ninety-five dollars per hour to process a variance request in accordance with WAC 173-400-180.

CHAPTER 173-400 WAC GENERAL REGULATIONS FOR AIR POLLUTION SOURCES

Last update: 5/31/16

WAC 173-400-060 Emission standards for general process units.

General process units are required to meet all applicable provisions of WAC 173-400-040 and, no person shall cause or allow the emission of particulate material from any general process operation in excess of 0.23 grams per dry cubic meter at standard conditions (0.1 grain/dscf) of exhaust gas. Ecology will use test methods (in effect on the date in WAC 173-400-025) from 40 C.F.R. Parts 51, 60, 61, and 63 and any other approved test procedures in ecology's "*Source Test Manual - Procedures For Compliance Testing*" on file at ecology, to determine compliance.

WAC 173-400-100 Source classifications.

(1) **Source classification list.** In counties without a local authority, or for sources under the jurisdiction of ecology, the owner or operator of each source within the following source categories shall register the source with ecology:

(a) Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;

(b) Agricultural drying and dehydrating operations;

(c) Any category of stationary source that includes an emissions unit subject to a new source performance standard (NSPS) under 40 C.F.R.

Part 60 (in effect on the date in WAC 173-400-025), other than subpart AAA (Standards of Performance for New Residential Wood Heaters);

(d) Any stationary source, that includes an emissions unit subject to a National Emission Standard for Hazardous Air Pollutants (NESHAP) under 40 C.F.R. Part 61 (in effect on the date in WAC 173-400-025), other than:

(i) Subpart M (National Emission Standard for Asbestos); or

(ii) Sources or emission units emitting only radionuclides, which are required to obtain a license under WAC 246-247-060, and are subject to 40 C.F.R. Part 61, subparts H and/or I, and that are not subject to any other part of 40 C.F.R. Parts 61, 62, or 63, or any other parts of this section;

(e) Any source, or emissions unit subject to a National Emission Standard for Hazardous Air Pollutants for Source Categories under 40 C.F.R. Part 63 (in effect on the date in WAC 173-400-025) that is not subject to chapter 173-401 WAC;

(f) Any source, stationary source or emission unit with an emission rate of one or more pollutants equal to or greater than an "emission threshold" defined in WAC 173-400-030;

(g) Asphalt and asphalt products production facilities;

(h) Brick and clay manufacturing plants, including tiles and ceramics;

(i) Casting facilities and foundries, ferrous and nonferrous;

(j) Cattle feedlots with operational facilities which have an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season;

(k) Chemical manufacturing plants;

(l) Composting operations, including commercial, industrial and municipal, but exempting residential composting activities;

(m) Concrete product manufacturers and ready mix and premix concrete plants;

(n) Crematoria or animal carcass incinerators;

(o) Dry cleaning plants;

(p) Materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;

(q) Flexible vinyl and urethane coating and printing operations;

(r) Grain, seed, animal feed, legume, and flour processing operations, and handling facilities;

- (s) Hay cubers and pelletizers;
- (t) Hazardous waste treatment and disposal facilities;
- (u) Ink manufacturers;
- (v) Insulation fiber manufacturers;
- (w) Landfills, active and inactive, including covers, gas collections systems or flares;
- (x) Metal plating and anodizing operations;
- (y) Metallic and nonmetallic mineral processing plants, including rock crushing plants;
- (z) Mills such as lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;
- (aa) Mineralogical processing plants;
- (bb) Other metallurgical processing plants;
- (cc) Paper manufacturers;
- (dd) Petroleum refineries;
- (ee) Petroleum product blending operations;
- (ff) Plastics and fiberglass product fabrication facilities;
- (gg) Rendering plants;
- (hh) Soil and groundwater remediation projects;
- (ii) Surface coating manufacturers;

(jj) Surface coating operations including: Automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;

(kk) Synthetic fiber production facilities;

(ll) Synthetic organic chemical manufacturing industries;

(mm) Tire recapping facilities;

(nn) Wastewater treatment plants;

(oo) Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of Federal Clean Air Act.

(2) **Equipment classification list.** In counties without a local authority, the owner or operator of the following equipment shall register the source with ecology:

(a) Boilers, all solid and liquid fuel burning boilers with the exception of those utilized for residential heating;

(b) Boilers, all gas fired boilers above 10 million British thermal units per hour input;

(c) Chemical concentration evaporators;

(d) Degreasers of the cold or vapor type in which more than five percent of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;

(e) Ethylene oxide (ETO) sterilizers;

(f) Flares utilized to combust any gaseous material;

(g) Fuel burning equipment with a heat input of more than 1 million Btu per hour; except heating, air conditioning systems, or ventilating systems not designed to remove contaminants generated by or released from equipment;

(h) Incinerators designed for a capacity of one hundred pounds per hour or more;

(i) Ovens, burn-out and heat-treat;

(j) Stationary internal combustion engines and turbines rated at five hundred horsepower or more;

(k) Storage tanks for organic liquids associated with commercial or industrial facilities with capacities equal to or greater than 40,000 gallons;

(l) Vapor collection systems within commercial or industrial facilities;

(m) Waste oil burners above 0.5 mm Btu heat output;

(n) Woodwaste incinerators;

(o) Commercial and industrial solid waste incineration units subject to WAC 173-400-050(4);

(p) Small municipal waste combustion units subject to WAC 173-400-050(5).

(3) Initial notification. The owner or operator of any source required to register with ecology by this section shall notify ecology of its existence. Affected owners or operators shall submit an initial notification within ninety days from the start of source operation and include information as requested by ecology. Ecology will automatically include sources that receive an order of approval from ecology in the registration program. These sources do not need to notify ecology.

WAC 173-400-101 Registration issuance.

(1) General. Any person operating or responsible for the operation of an air contaminant source for which registration and reporting are required shall register the source emission unit with the permitting authority. The owner or operator shall make reports containing information required by the permitting authority 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.

(2) Registration form. Sources shall provide registration information on forms supplied by the permitting authority and shall complete and return them within the time specified on the form. Sources shall list emission units within the facility separately unless the permitting authority determines that the facility may combine certain emission units into process streams for purposes of registration and reporting.

(3) Signatory responsibility. The owner, operator, or their designated management representative shall sign the registration form for each source. The owner or operator of the source is responsible for notifying the permitting authority of the existence of the source, and for the accuracy, completeness, and timely submittal of registration reporting information and any accompanying fee.

(4) Operational and maintenance plan. Owners or operators of registered sources within ecology's jurisdiction shall maintain an operation and maintenance plan for process and control equipment. The plan shall reflect good industrial practice and shall include a record of performance and periodic inspections of process and control equipment. In most instances, a manufacturer's operations manual or an equipment operation schedule may be considered a sufficient operation and maintenance plan. The source owner or operator shall review and update the

plans at least annually. The source owner or operator shall make a copy of the plan available to ecology upon request.

(5) Report of closure. A source operator or owner shall file a report of closure with the permitting authority within ninety days after operations producing emissions permanently cease at any applicable source under this section. Ecology shall rescind the order of approval issued by the department for a source that permanently ceases operations producing emissions.

(6) Report of change of ownership. A new owner or operator shall report to the permitting authority within ninety days of any change of ownership or change in operator.

(7) Operating permit program source exemption. Ecology does not require permit program sources, as defined in RCW 70.94.030(18), to comply with the registration requirements of WAC 173-400-100 through 173-400-104.

WAC 173-400-102 Scope of registration and reporting requirements.

(1) Reports.

(a) Owners or operators of sources required to register with ecology's air quality program shall, upon request, submit an annual or periodic report to ecology regarding the following:

(i) Emission sources;

(ii) Types and amounts of raw materials and fuels used;

(iii) Types, amounts and concentrations of air contaminants emitted;

(iv) Data on emission units and control devices;

(v) Data on emission points;

(vi) Any other information directly related to the registration program as requested by ecology.

(b) Owners or operators shall submit the reports in an ecology approved format.

(c) Reporting requirements in this subsection are in addition to reporting requirements contained in an ecology order of approval.

WAC 173-400-103 Emission estimates.

(1) Procedure for estimating emissions in counties without an active local air pollution control authority.

(a) Registration may include an estimate of actual emissions taking into account equipment, operating conditions, and air pollution control measures. Registration may also include a flowchart of plant processes, operational parameters, and specifications of air pollution control equipment. A source owner or operator shall base the emissions estimate upon actual test data or, in the absence of such data, upon procedures

acceptable to ecology. Any emission data submitted to ecology shall be verifiable using currently accepted engineering criteria. The following procedures may be used to estimate emissions from individual sources or emissions units:

(i) Source-specific testing data;

(ii) Mass balance calculations;

(iii) A published, verifiable emission factor that is applicable to the source;

(iv) Other engineering calculations; or

(v) Other procedures to estimate emissions that are acceptable to ecology.

(b) Owner or operator review. Upon request, ecology will provide the owner or operator of the source an opportunity to review any emission estimates prepared by ecology. An owner or operator may submit additional information and any justification for not using the procedures listed in (a) of this subsection. Ecology will evaluate this information to determine whether the owner or operator based it on currently accepted engineering criteria. If none of the above methods are available or applicable to the source, the source will establish an appropriate method approved by ecology on a case-by-case basis.

(c) When estimating emissions, ecology shall consider updates and revisions to a source's operations during the year to apply to the entire calendar year.

WAC 173-400-104 Registration fees.

See chapter 173-455 WAC for Ecology's fee schedule for 2019, 2020 and 2021, and ecology's process for establishing registration fees for 2023 and beyond.

WAC 173-400-105 Records, monitoring, and reporting.

The owner or operator of a source shall upon notification by the director of ecology, maintain records on the type and quantity of emissions from the source and other information deemed necessary to determine whether the source is in compliance with applicable emission limitations and control measures.

(1) **Emission inventory.** The owner(s) or operator(s) of any air contaminant source shall submit an inventory of emissions from the source each year. The inventory will include stack and fugitive emissions of particulate matter, PM-10, PM-2.5, sulfur dioxide, oxides of nitrogen, carbon monoxide, total reduced sulfur compounds (TRS), fluorides, lead, VOCs, ammonia, and other contaminants. The permitting authority or ecology will specify the format for the submittal of these inventories. When

the permitting authority requests submittal of emission inventory information, the owner(s) or operator(s) of the air contaminant source shall submit emissions inventory no later than one hundred five days after the end of the calendar year. The owner(s) or operator(s) shall maintain records of information necessary to substantiate any reported emissions, consistent with the averaging times for the applicable standards. The owner(s) or operator(s) may base emission estimates used in the inventory on the most recent published EPA emission factors for a source category, or other information available to the owner(s) or operator(s), whichever is the better estimate.

(2) **Monitoring.** Ecology shall conduct a continuous surveillance program to monitor the quality of the ambient atmosphere as to concentrations and movements of air contaminants. As a part of this program, the director of ecology or an authorized representative may require any source under the jurisdiction of ecology to conduct stack and/or ambient air monitoring and to report the results to ecology.

(3) **Investigation of conditions.** Upon presentation of appropriate credentials, for the purpose of investigating conditions specific to the control, recovery, or release of air contaminants into the atmosphere, personnel from ecology or an authority shall have the power to enter at

reasonable times upon any private or public property, excepting nonmultiple unit private dwellings housing one or two families.

(4) **Source testing.** To demonstrate compliance, ecology or the authority may conduct or require that a source conduct a test using approved test methods from 40 C.F.R. Parts 51, 60, 61 and 63 (in effect on the date in WAC 173-400-025) or procedures contained in "*Source Test Manual - Procedures for Compliance Testing*," on file at ecology. Ecology may require the operator of a source to provide the necessary platform and sampling ports for ecology personnel or others to perform a test of an emissions unit. The source owner or operator shall allow ecology shall to obtain a sample from any emissions unit. Ecology shall give the operator of the source an opportunity to observe the sampling and to obtain a sample at the same time.

(5) **Continuous monitoring and recording.** Owners and operators of the following categories of sources shall install, calibrate, maintain and operate equipment for continuously monitoring and recording those emissions specified.

(a) Fossil fuel-fired steam generators.

(i) Opacity, except where:

(A) Steam generator capacity is less than two hundred fifty million BTU per hour heat input; or

(B) Only gaseous fuel is burned.

(ii) Sulfur dioxide, except where steam generator capacity is less than two hundred fifty million BTU per hour heat input or if sulfur dioxide control equipment is not required.

(iii) Percent oxygen or carbon dioxide where such measurements are necessary for the conversion of sulfur dioxide continuous emission monitoring data.

(iv) General exception. These requirements do not apply to a fossil fuel-fired steam generator with an annual average capacity factor of less than thirty percent, as reported to the Federal Power Commission for calendar year 1974, or as otherwise demonstrated to ecology or the authority by the owner(s) or operator(s).

(b) **Sulfuric acid plants.** Sulfur dioxide where production capacity is more than three hundred tons per day, expressed as one hundred percent acid, except for those facilities where conversion to sulfuric acid is used primarily as a means of preventing emissions to the atmosphere of sulfur dioxide or other sulfur compounds.

(c) Fluid bed catalytic cracking units catalyst regenerators at petroleum refineries. Opacity where fresh feed capacity is more than twenty thousand barrels per day.

(d) Wood residue fuel-fired steam generators.

(i) Opacity, except where steam generator capacity is less than one hundred million BTU per hour heat input.

(ii) Continuous monitoring equipment. The requirements of (e) of this subsection do not apply to wood residue fuel-fired steam generators, but continuous monitoring equipment required by (d) of this subsection shall be subject to approval by ecology.

(e) Owners and operators of those sources required to install continuous monitoring equipment under this subsection shall demonstrate to ecology or the authority, compliance with the equipment and performance specifications and observe the reporting requirements contained in 40 C.F.R. Part 51, Appendix P, Sections 3, 4 and 5 (in effect on the date in WAC 173-400-025).

(f) Special considerations. If for reason of physical plant limitations or extreme economic situations, ecology determines that continuous monitoring is not a reasonable requirement, the department will establish alternative monitoring and reporting procedures on an individual basis. These will generally take the form of stack tests conducted at a frequency sufficient to establish the emission levels over time and to monitor deviations in these levels.

(g) Exemptions. This subsection (5) does not apply to any emission unit which is:

(i) Required to continuously monitor emissions due to a standard or requirement contained in 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC 173-400-025) or a permitting authority's adoption by reference of such federal standards. Emission units and sources subject to those standards shall comply with the data collection requirements that apply to those standards.

(ii) Not subject to an applicable emission standard.

(6) No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit or order in force pursuant thereto.

(7) Continuous emission monitoring system operating requirements. All continuous emission monitoring systems (CEMS) required by 40 C.F.R. Parts 60, 61, 62, 63, or 75 (all in effect on the date in WAC 173-400-025), or a permitting authority's adoption of those federal standards must meet the continuous emission monitoring systems (CEMS) performance specifications and data recovery requirements imposed by those standards. All CEMS required under an order, PSD permit, or regulation issued by a permitting authority and not subject to CEMS performance specifications and data recovery requirements imposed by 40 C.F.R. Parts 60, 61, 62, 63, or 75 must follow the continuous emission monitoring rule

of the permitting authority, or if the permitting authority does not have a continuous emission monitoring rule, must meet the following requirements:

(a) The owner or operator shall recover valid hourly monitoring data for at least 95 percent of the hours that the equipment (required to be monitored) is operated during each calendar month except for periods of monitoring system downtime, provided that the owner or operator demonstrated that the downtime was not a result of inadequate design, operation, or maintenance, or any other reasonably preventable condition, and the source conducts any necessary repairs to the monitoring system in a timely manner.

(b) The owner or operator shall install a continuous emission monitoring system that meets the performance specification in 40 C.F.R. Part 60, Appendix B in effect at the time of its installation, and shall operate this monitoring system in accordance with the quality assurance procedures in Appendix F of 40 C.F.R. Part 60 (in effect on the date in WAC 173-400-025), and EPA's "Recommended Quality Assurance Procedures for Opacity Continuous Monitoring Systems" (EPA) 340/1-86-010.

(c) Source owner(s) or operator(s) must reduce monitoring data commencing on the clock hour and containing at least forty-five minutes of monitoring data to one hour averages. Owner(s) or operator(s) will

reduce monitoring data for opacity to six minute block averages unless otherwise specified in the order of approval or permit. Owner(s) and operators will include all monitoring data in these averages except for data collected during calibration drift tests and cylinder gas audits, and for data collected subsequent to a failed quality assurance test or audit. After a failed quality assurance test or audit, a source will collect no valid data until the monitoring system passes a quality assurance test or audit.

(d) Sources will maintain continuous operation of all continuous monitoring systems except for instances of system breakdowns, repairs, calibration checks, and zero and span adjustments required under subsection (a) of this section.

(i) Continuous monitoring systems for measuring opacity shall complete a minimum of one cycle of sampling and analyzing for each successive ten second period and one cycle of data recording for each successive six minute period.

(ii) Continuous monitoring systems for measuring emissions other than opacity shall complete a minimum of one cycle of sampling, analyzing, and recording for each successive fifteen minute period.

(e) The owner or operator shall retain all monitoring data averages for at least five years, including copies of all reports submitted to

the permitting authority and records of all repairs, adjustments, and maintenance performed on the monitoring system.

(f) The owner or operator shall submit a monthly report (or other frequency as directed by terms of an order, air operating permit or regulation) to the permitting authority within thirty days after the end of the month (or other specified reporting period) in which the owner or operator recorded the data. The owner or operator may combine the report required by this section with any excess emission report required by WAC 173-400-108. This report shall include:

(i) The number of hours that the monitored emission unit operated each month and the number of valid hours of monitoring data that the monitoring system recovered each month;

(ii) The date, time period, and cause of each failure to meet the data recovery requirements of (a) of this subsection and any actions taken to ensure adequate collection of such data;

(iii) The date, time period, and cause of each failure to recover valid hourly monitoring data for at least 90 percent of the hours that the equipment (required to be monitored) was operated each day;

(iv) The results of all cylinder gas audits conducted during the month; and

(v) A certification of truth, accuracy, and completeness signed by an authorized representative of the owner or operator.

(8) No person shall render inaccurate any monitoring device or method required under chapter 70.94 or 70.120 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.