

**Draft Changes to
Chapter 173-423 WAC – Clean Vehicles Program
and
Chapter 173-400 WAC, General Regulations for Air Pollution Sources**

Chapter 173-423 WAC Clean Vehicles Program

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Chapter 173-423 WAC Clean Vehicles Program

Background

Section 177 of the Clean Air Act authorizes other states to choose to adopt California's standards instead of federal requirements. A state that adopts California's standards must provide two years advance notice before the start of a model year. A model year can start as early as January 1 of each year. Therefore, Washington's new rules will apply to model year 2026 vehicles.

Action	Calendar year	Model year
Adopt rules in 2022	2022	2023
Advance notice - First calendar year	Jan 1, 2023	2024
Advance notice - Second calendar year	Jan 1, 2024	2025
Implementation date/applicable model year	Jan 1, 2025	2026

WAC 173-423-010 Purpose.

WAC 173-423-020 Applicability.

WAC 173-423-025 Effective date.

WAC 173-423-030 Adoption by reference^[GE(1)].

(1) This chapter adopts by reference California Code of Regulations, in the following titles:

(a) Title^[GE(2)] 13, sections 1900, 1956.8 (g) and (h), except section 1956.8(a)(2)(F) is not adopted by reference, 1960.1, 1961, 1961.1 to 1961.3, 1961.4, 1962.2 to, 1962.3, 1962.8, 1963, 1963.1 to 1963.5, 1965, 1968.2, 1968.5, 1969, 1971.1, 1971.5, 1976, 1978, 2035 to 2040, 2046, 2109, 2111 to 2120, 2122 to 2133, 2135, 2137, 2144, 2139 to 2149, 2166, 2166.1, 2167, 2168, 2169, 2169.1 to 2169.8, 2170, 2235, 2423, 2485, and Appendix A to Article 2.1 in section 2112; and

(b) Title 17, sections 95300 to 95307, 95311, 95660 to 95663.

(2) Adoption or adoption by reference means the rule applies as if it was copied into this rule. California Code of Regulations mentioned in this rule are adopted as they exist on ~~June 22, 2021~~ August 24, 2022, or the adoption date in WAC 173-400-025(1), whichever is later.

(3) Copies of the relevant sections of California Code of Regulations adopted by reference in this chapter are available on Ecology's website or by contacting:
Washington State Department of Ecology
Air Quality Program
300 Desmond Drive
Lacey, WA 98503
360-407-6800

(4) For purposes of applying the adopted sections of California Code of Regulations in Washington, unless the context requires otherwise:
(a) "California" means "Washington";
(b) "CARB," "ARB," or "air resources board" means "Ecology"; and
(c) "Executive officer" means "Ecology."

WAC 173-423-040 Definitions and abbreviations.

The following definitions apply to the administration of this chapter. Any term that is not defined in this section must be as defined or described in California Code of Regulations, Title 13, section 1900 or 1963, or Title 17 section 95662, as applicable. Definitions in California Code

of Regulations, Title 13, section 1900 or 1963, or Title 17, section 95662 will prevail if any discrepancy arises.

(1) "Authorized emergency vehicle" is defined in RCW 46.04.040.

~~(1)~~(2) "Ecology" means the department of Ecology.

~~(2)~~(3) "Gross vehicle weight rating" or "GVWR" is the value specified by the manufacturer as the maximum design loaded weight of a single vehicle.

~~(3)~~(4) "Light-duty truck" is defined as provided in California Code of Regulations, Title 13, section 1900.

~~(4)~~(5) "Medium-duty passenger vehicle" is defined as provided in California Code of Regulations, Title 13, section 1900.

~~(5)~~(6) "Medium-duty vehicle^{GE(3)}" is defined as provided in California Code of Regulations, Title 13, section 1900.

~~(6)~~(7) "Model year": Means the manufacturer's annual production period that includes January 1st of a calendar year, or if the manufacturer has no annual production period, the calendar year. The model year for a motor vehicle manufactured in two or more stages is the model year in which the chassis is completed, except for a vehicle subject to California Code of Regulations, Title 13, sections 1963 through 1963.5 (Advanced Clean Trucks): Is defined as provided in California Code of Regulations, Title 13, section 1963(c).

~~(7)~~(8) "Manufacturer" means an independent low volume manufacturer, intermediate volume manufacturer, large volume manufacturer, or a small volume manufacturer defined as provided in California Code of Regulations, Title 13, section 1900.

(9) "Passenger car" is defined as provided in California Code of Regulations, Title 13, section 1900.

~~(8)~~(10) "Transit agency" is defined as provided in California Code of Regulations, Title 13, section 2023.

~~(9)~~(11) "Zero-emission vehicle" or "ZEV" is defined as provided in California Code of Regulations, Title 13, section 1962.2(a).

WAC 173-423-060 Exemptions.

The following vehicles are not subject to this chapter:

- (1) Military tactical vehicles;
- (2) Vehicles sold for registration and use out-of-state;
- (3) Previously registered vehicles where the mileage at the time of sale exceeds 7,500 miles, provided that for vehicle dealers, the mileage at the time of sales is determined by the odometer statement at the time the vehicle dealer acquired the vehicle;
- (4) Vehicles that are only available for rent to a final destination outside of Washington;
- (5) Vehicles purchased by a nonresident prior to establishing residency in Washington, regardless of the mileage on the vehicle;
- (6) Vehicles transferred by inheritance or as a result of divorce, dissolution or legal separation;
- (7) Motor vehicles purchased for use by a local police department, county sheriff, fire district, or the Washington state patrol; and

- (8) Motor vehicles acquired by a resident who is a member of the military stationed outside Washington pursuant to military orders.
- (9) The following vehicles are exempt from WAC 173-423-081:
 - (a) New diesel-fueled buses sold to a transit agency;
 - (b) Authorized emergency vehicles, as defined in RCW 46.04.040.

WAC 173-423-070 Low emission vehicles^[GE(4)].

- (1) **Requirement to meet California vehicle emission standards.** All vehicles subject to this chapter must be certified to the standards adopted by reference in WAC 173-423-030 to be registered, leased, rented, licensed, or sold for use in Washington:
 - (a) Starting with model year 2009: Passenger car, light-duty truck, or medium-duty passenger vehicle; and
 - (b) Starting with model year 2025: Medium-duty vehicle.
- (2) Fleet average emissions - Nonmethane organic gas (NMOG) plus oxides of nitrogen exhaust.
- (3) Fleet average emissions – Greenhouse gas exhaust.
- (4) Manufacturer delivery reporting requirements.
- (5) Warranty requirements.

WAC 173-423-075 Zero-emission vehicle standards.

- (1) **Requirement to meet California vehicle emission standards - Passenger cars, light-duty trucks, and medium-duty vehicles.**
 - (a) Applicability.
 - (i) Starting with model year 2025, a manufacturer's sales fleet of passenger cars, light-duty trucks, and medium-duty vehicles delivered for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1962.2 and 1962.3, adopted by reference in WAC 173-423-030; and
 - (ii) Starting^[GE(5)]with model year 2026, a manufacturer's sales fleet of passenger cars, light-duty trucks, and medium-duty vehicles delivered for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections XXXXXXXXXXXXXXXXXXXX, adopted by reference in WAC 173-423-030:
 - (A) Section 1961.4
 - (B) Section 1962.3
 - (C) Section 1962.4
 - (D) Section 1962.5
 - (E) Section 1962.6
 - (F) Section 1962.7
 - (G) Section 1962.8

- (H) Section 1969
- (I) LDV EVAP Test Procedures
- (J) LD ORVR Test Procedures
- (K) PHEV Test Procedures
- (L) Pure ZEV Test Procedures
- (M) LEV Test Procedures^[GE(6)]

- (b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to Ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, section 1962.3.
 - (c) ZEV credits. ZEV credits may ~~only~~ be earned ~~by model year 2025 starting with model year 2023~~ and subsequent vehicles.^[GE(7)]
- (2) Requirement to meet California vehicle emission standards - On-road vehicles over 8,500 GVWR. (California advanced clean trucks regulation)
- (a) Applicability. Starting with model year 2025, any manufacturer that certifies on-road vehicles over 8,500 pounds GVWR for sale or lease in Washington must comply with California Code of Regulations, Title 13, sections 1963 through 1963.5, adopted by reference in WAC 173-423-030:-
 - (i) Section 1963. Advanced Clean Trucks Purpose, Applicability, Definitions, and General Requirements;
 - (ii) Section 1963.1. Advanced Clean Trucks Deficits;
 - (iii) Section 1963.2. Advanced Clean Trucks Credit Generation, Banking, and Trading;
 - (iv) Section 1963.3. Advanced Clean Trucks Compliance Determination;
 - (v) Section 1963.4. Advanced Clean Trucks Reporting and Recordkeeping; and
 - (vi) Section 1963.5. Advanced Clean Trucks Enforcement.
 - (b) Reporting requirements. Beginning with model year 2025, a manufacturer must submit a report to Ecology for each on-road vehicle produced and delivered for sale in Washington for each model year as required by California Code of Regulations, Title 13, section 1963.4.

WAC 173-423-081^[GE(8)] Medium- and heavy-duty vehicle emission standards.

- (1) Requirements^[GE(9)] to meet California vehicle emission standards. These standards establish criteria and procedures for the manufacture, testing, distribution and sale of new on-highway medium- and heavy-duty trucks and engines in Washington as adopted by reference in WAC 173-423-030.

(2) Applicability ^[GE(10)]

- (a) Starting with model year 2026, on-highway heavy-duty engines, trucks and trailers delivered for sale or sold in Washington, except as provided in WAC 173-423-060, must comply with California Code of Regulations, Titles 13 and 17, adopted by reference in WAC 173-423-030.
- (b) Requirement to meet vehicle emission standards, testing procedures, warranty, reporting, enforcement, recall and other California provisions adopted by reference.
 - (i) Starting with the 2026 engine model year and for each engine model year thereafter no person may deliver for sale, or sell, in Washington any new on-highway heavy-duty engine unless the engine is certified to the California emission standards as required under WAC 173-423-030, except as provided in WAC 173-423-060, Exemptions ^[GE(11)].
 - (ii) Each manufacturer of new 2026 and subsequent model year on-highway medium- and heavy-duty engines and trucks and trailers must comply with each of the following applicable standards specified in CCR, Title 13 adopted by reference in WAC 173-423-030:
 - (A) Section 1956.8(a) – (f) and (i) Exhaust Emission Standards and Test Procedures – 1985 and Subsequent Model Heavy Duty Engines and Vehicles. Except that CCR Title 13, Section 1956.8(a)(2)(F) “Transit Agency Diesel-Fueled Bus Engine Exemption Request” must be disregarded and is not incorporated by reference ^[GE(12)];
 - (B) Section 1971.1 On-Board Diagnostic System Requirements – 2010 and Subsequent Model-Year Heavy-Duty Engines;
 - (C) Section 2036 Defects Warranty Requirements for 1979 Through 1989 Model Passenger Cars, Light-Duty Trucks, and Medium-Duty Vehicles; 1979 and Subsequent Model Motorcycles and Heavy-Duty Vehicles; and Motor Vehicle Engines Used in Such Vehicles; and 2020 and Subsequent Model Year Trailers;
 - (D) Section 2121 Penalties ^[GE(13)];
 - (E) Section 2137 Vehicle, Engine, and Trailer Selection;
 - (F) Section 2139 Testing;

- (G) Section 2139.5 CARB Authority to Test for Heavy-Duty In-Use Compliance;
- (H) Section 2140 Notification and Use of Test Results;
- (I) Section 2166 General Provisions;
- (J) Section 2166.1 Definitions;
- (K) Section 2167 Required Recall and Corrective Action for Failures of Exhaust AfterTreatment Devices, On-Board Computers or Systems, Urea Dosers, Hydrocarbon Injectors, Exhaust Gas Recirculation Valves, Exhaust Gas Recirculation Coolers, Turbochargers, Fuel Injectors;
- (L) Section 2168 Required Corrective Action and Recall for Emission-Related Component Failures;
- (M) Section 2169 Required Recall or Corrective Action Plan;
- (N) Section 2169.1 Approval and Implementation of Corrective Action Plan;
- (O) Section 2169.2 Notification of Owners;
- (P) Section 2169.3 Repair Label;
- (Q) Section 2169.4: Proof of Correction Certificate;
- (R) Section 2169.5 Preliminary Tests;
- (S) Section 2169.6 Communication with Repair Personnel;
- (T) Section 2169.7 Recordkeeping and Reporting Requirements;
- (U) Section 2169.8 Extension of Time;
- (V) Section 2423(n) Exhaust Emission Standards and Test Procedures – Off-Road Compression-Ignition Engines; and
- (W) Section 2485 Airborne Toxic Control Measure to Limit Diesel-Fueled Commercial Motor Vehicle Idling.

(iii) Each manufacturer of new 2026 and subsequent model year on-highway medium- and heavy-duty engines and trucks and trailers must comply with each of the following applicable standards specified in CCR, Title 17 adopted by reference in WAC 173-423-030:

(A) Section 95660 Purpose;

(B) Section 95661 Applicability;

(C) Section 95662 Definitions; and

(D) Section 95663 Greenhouse Gas Exhaust Emission Standards and Test Procedures for New 2014 and Subsequent Model Heavy-Duty Vehicles.

(3) Recalls^[GE(14)]. Any order issued or enforcement action taken by the California Air Resources Board to correct noncompliance with any section of CCR, Title 13, that results in the recall of any vehicle as required under CCR, Title 13, sections 2109-2135, for a vehicle subject to the requirements adopted by reference in WAC 173-423-030, will be prima facie evidence concerning vehicles registered in Washington. If the manufacturer can demonstrate to Ecology's satisfaction that the order or action is not applicable to vehicles registered in Washington, Ecology will not pursue a recall of vehicles registered in Washington.

(4) Inspections^[GE(15)] and Information Requests.

(a) Ecology may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this section. Ecology inspections will occur during regular business hours on public property or on any premises owned, operated or used by any truck dealer or truck rental agency for the purposes of determining compliance with the requirements of this division.

(b) For the purposes of determining compliance with this section, Ecology may require any truck dealer or truck rental agency to submit to Ecology any documentation that Ecology deems necessary to the effective administration and enforcement of this section. This provision does not require creation of new records.^[GE(16)]

WAC 173-423-083 Large^[GE(17)] entity reporting requirement

(1) Applicability^[GE(18)].

(a) Except as provided in section (2) of this section, the following persons must submit to Ecology all of the information in subsection (3) of this section. As used

in this section, all operations conducted by persons under common ownership or control must be aggregated and considered to be one person to determine fleet reporting applicability.

(i) Any person that owns or operates a business with gross annual revenues greater than \$50 million in the United States for the 2022 tax year, including revenues from all subsidiaries, subdivisions, or branches, and that operated a facility in Washington in 2022 that had one or more vehicles over 8,500 pounds GVWR operated in Washington in 2022.

(ii) Any person that owns or operates a facility in Washington and that, in the 2021 calendar year, owned or operated 5 or more vehicles ^[GE(19)]with a GVWR greater than 8,500 pounds.

(iii) Any person that operated a facility in Washington and that, in the 2022 calendar year, dispatched 5 ^[GE(20)]or more vehicles with a GVWR greater than 8,500 pounds into or throughout Washington.

(iv) Any Washington government agency, including state and local government, that operated five or more vehicles over 8,500 pounds GVWR in Washington in 2021.

(v) Any federal government agency that operated five or more vehicles over 8,500 pounds GVWR in Washington in 2022.

(b) The following vehicles and persons are exempt from the reporting requirements in this section:

(i) Vehicles awaiting sale; and

(ii) Authorized emergency vehicles.

(2) General ^[GE(21)]requirements.

(a) All persons required to report under this rule must report information to Ecology no later than Fall date, 2023.

(b) Subsidiaries, parent companies, or joint ventures may independently report information for each vehicle over 8,500 pounds. Alternatively, the corporate parent or joint venture business may report on behalf of its subsidiaries, as long as the information for all vehicles over 8,500 pounds is reported for each subsidiary, corporate parent, and joint venture.

- (c) A person subject to this subsection and that has brokerage or motor carrier authority, or both, must submit a report, even if no vehicles are owned by the person.
- (d) Information pertaining to vehicles that are under common ownership or control may be submitted separately by each fleet owner.
- (e) A person that is a fleet owner may report vehicle data as the fleet was comprised on any date of the person's choosing, so long as that date falls between January 1, 2022, and December 31, 2022.
- (3) **Fleet** ^[GE(22)] reporting requirement. A person required to report under this section must report the information according to the requirements of each provision of this section. The reporting must include information for each and every operation under common ownership or control.

 - (a) General information.

 - (i) Name (i.e., if a business, the registered business name) and all business names that the person does business as (i.e., all "dba" or "doing business as" names);
 - (ii) Mailing address including street name or P.O. box, city, state, and zip code;
 - (iii) Name of the responsible official;
 - (iv) Responsible official's email address;
 - (v) Responsible official's phone number;
 - (vi) Name of corporate parent or governing body, as applicable;
 - (vii) Federal Taxpayer Identification Number of corporate parent or other persons with which the reporting person has vehicles under common or control;
 - (viii) For a government agency, the jurisdiction (federal, state, or local); Federal Taxpayer Identification Number; Primary six-digit North American Industry Classification System code;
 - (ix) For a non-governmental person, the total annual revenue for the person in the United States for 2021;
 - (x) Broker authority under the Federal Motor Carrier Safety Administration;
 - (xi) The operating authority numbers, including motor carrier identification number, United States Department of Transportation number, and International Registration Plan number;
 - (xii) The number of persons with whom the reporting person had a contract to deliver items or to perform work in Washington using vehicles over 8,500 pounds GVWR in 2021;

- (xiii) The estimated number of subhaulers, vehicles operated by subhaulers, and the number of vehicles operated by subhaulers that operated under the reporting person's motor carrier authority; and
 - (xiv) The number of vehicles with a GVWR over 8,500 pounds the reporting person owned and operated in Washington in 2021 that do not have a vehicle home base in Washington.
- (b) Vehicle home base. A person required to report under this section must report general information about the vehicle home base. Vehicles that accrue a majority of their annual miles in Washington but are not assigned to a particular location in Washington must be reported as part of the person's headquarters or the location where the vehicles' operation is managed. The person must report for each vehicle home base:
 - (i) Facility address including street name, city, state, and zip code;
 - (ii) Facility type category, using one of the following categories:
 - (A) Administrative/office building;
 - (B) Distribution center/warehouse;
 - (C) Hotel/motel/resort;
 - (D) Manufacturer/factory/plant;
 - (E) Medical/hospital/care;
 - (F) Multi-building campus/base;
 - (G) Restaurant;
 - (H) Service center;
 - (I) Store;
 - (J) Truck/equipment yard; and
 - (K) Any other facility type;
 - (iii) Name of responsible official;
 - (iv) Responsible official's email address;
 - (v) Whether the facility is owned or leased by the person;
 - (vi) What type of fueling infrastructure is installed at the facility;
 - (vii) Whether the refueling infrastructure at the facility was initially installed on or after January 1, 2010; and
 - (viii) The types of trailers the reporting person pulls, if it has tractors assigned or domiciled at this facility.

- (c) For each vehicle home base, a person may report the information grouped by vehicle body type, and weight class bins and fuel type. A person may complete responses for each individual vehicle and include the vehicle's body type, weight class bin, and fuel type. If applicable, a person must separately report vehicles dispatched under their brokerage authority. When responding, each vehicle must only be counted once for each response. A person must report:
- (i) Number of vehicles in each vehicle group;
 - (ii) The percent of the vehicles in each vehicle group with operating characteristics including, but not limited to: daily mileage, usage patterns, refueling, trailer towing, and other such characteristics as specified by the Department ;
 - (iii) The average annual mileage for a typical vehicle in this vehicle group;
 - (iv) The average length of time a typical vehicle in this vehicle group is retained by the reporting entity after acquisition;
 - (v) Whether the reporting person is the fleet owner for this group of vehicles, or if they are dispatched under the reporting person's brokerage authority; and
 - (vi) The start and end date of the analysis period selected by the reporting person as required under (e) of this subsection.
- (d) A person must choose a period of time, for example annual or quarterly data averaged for work days during the period selected to determine responses. For example, if an entity selects annual data to determine vehicle daily mileage, the person must average the annual mileage accrued based on the number of workdays that year.
- (i) A shorter analysis period may be used if the reporting person deems it more representative of periods of high vehicle utilization when answering questions about typical daily operation. For example, if a reporting person with seasonal workload fluctuations determines that a week or month during the busy season is representative, average the data records for that week or month when determining a response.
 - (ii) If an alternative analysis period is used, the reporting person must be prepared to describe their reasoning at the request of Ecology.
- (e) For information reported for a vehicle group at one location, a reporting person may repeat that information for the same vehicle group at another vehicle home base if the reporting person determines that the operation at the second location is substantially similar to that at the first location.
- (f) A broker must provide information about vehicle usage that is dispatched under contract, such as if a broker hires a truck to move a load, only the miles driven

under that contract are required for the response. If known, the broker may voluntarily report information about the miles driven outside the contract.

(4) ~~Fleet~~ ~~[GE(23)]~~ reporting recordkeeping.

(a) A person required to report must maintain all of the following records related to the reporting for five years after the reporting deadline:

(i) For owned on-road vehicles, mileage records and dates from records, such as maintenance logs, vehicle logs, or odometer readings, or other records with the information that the reporting person used to prepare the information the person submitted;

(ii) For on-road vehicles not owned, but dispatched by the person, dispatch records and dates, contracts, or other records with the information that the reporting person used to prepare the information the person submitted;

(iii) Vehicle registration for each owned vehicle operated in Washington; and

(iv) Contracts with persons, or contracts with subhaulers, or other records with the information that the reporting person used to prepare the information the person submitted.

(b) A person subject to this section must respond to requests for clarification of reported information within 14 days of receiving the request from Ecology.

WAC 173-423-130 ~~Surveillance~~ ~~[GE(24)]~~. Inspections and information requests

- (1) Ecology may inspect new and used motor vehicles and related records for the purposes of determining compliance with the requirements of this chapter. Ecology inspections must occur during regular business hours and on any premises owned, operated or used by any dealer or rental car agency.
- (2) For the purposes of determining compliance with this chapter, ecology may require a vehicle dealer or rental car agency to submit documentation ecology deems necessary to the effective administration and enforcement of this chapter. This provision does not require creation of new records.

Chapter 173-400 WAC General Requirements for Air Pollution Sources

WAC 173-400-025 Adoption by reference.

- (1) Adoption by reference date: ~~December 23, 2020~~^[GE(25)] August XX, 2022.
- (2) Federal rules mentioned in this rule are adopted as they exist on the date in subsection (1) of this section. Adoption by reference means the federal rule applies as if it was copied into this rule.

WAC 173-400-050 Emission standards for combustion and incineration units.

- (4) ~~Commercial~~^[GE(26)] and industrial solid waste incineration units constructed on or before November 30, 1999. A commercial and industrial solid waste incineration unit that commenced construction on or before November 30, 1999 that meets the applicability requirements in 40 C.F.R. 62.14510 must comply with the requirements in 40 C.F.R. Part 62, Subpart GGG (in effect on the date in WAC 173-400-025).

Note: Subsection (2) of this section (a state-only provision) does not apply to a unit subject to this subsection because this subsection is ~~based on a~~ federal requirements.

- (5) Small municipal waste combustion units constructed on or before August 30, 1999. ^A ~~small municipal waste combustion unit constructed on or before August 30, 1999 that meets the applicability requirements in 40 C.F.R. 62.14510 must comply with the requirements in 40 C.F.R. Part 62, Subpart JJJ (in effect on the date in WAC 173-400-025).~~^[GE(27)] small municipal waste combustion unit constructed on or before August 30, 1999 that meets the applicability requirements in 40 C.F.R. 62.14510 must comply with the requirements in 40 C.F.R. Part 62, Subpart JJJ (in effect on the date in WAC 173-400-025).

WAC 173-400-070 Emission standards for certain source categories.

- (6) ~~Municipal~~^[GE(28)] **solid waste landfills constructed, reconstructed, or modified before May 30, 1991.** A municipal solid waste landfill that commenced construction prior to May 30, 1991 and has not been modified or reconstructed since May 30, 1991 must comply with the requirements in 40 C.F.R. Part 62 Subpart GGG (in effect on the date in WAC 173-400-025).
- (7) ~~Municipal~~^[GE(29)] **solid waste landfills that commenced construction on or before July 17, 2014, and have not been modified or reconstructed since July 17, 2014.** A municipal solid waste landfill that commenced construction on or before July 17, 2014, and has not been modified or reconstructed since July 17, 2014 must comply with the requirements in 40 C.F.R. Part 62, Subpart OOO (in effect on the date in WAC 173-400-025).

WAC 173-400-115 Standards of performance for new sources.

NSPS. Standards of performance for new sources are called New Source Performance Standards, or NSPS.

(1) Adoption of federal rules.

(a) 40 C.F.R. Part 60 and Appendices (in effect on the date in WAC 173-400-025) are adopted. Exceptions are listed in (b) of this subsection.

(b) Exceptions to adopting 40 C.F.R. Part 60.

(i) The term "administrator" in 40 C.F.R. Part 60 includes the permitting authority.

(ii) The following sections and subparts of 40 C.F.R. Part 60 are not adopted:

(A) 40 C.F.R. 60.5 (determination of construction or modification);

(B) 40 C.F.R. 60.6 (review of plans);

(C) 40 C.F.R. Part 60, subpart B (Adoption and Submittal of State Plans for Designated Facilities), and subparts C, Cb, Cc, Cd, Ce, Cf, BBBB, DDDD, FFFF, MMMM, and UUUUa (emission guidelines); and

(D) 40 C.F.R. Part 60, Appendix G, Provisions for an Alternative Method of Demonstrating Compliance With 40 C.F.R. 60.43 for the Newton Power Station of Central Illinois Public Service Company.

Note: Refer to WAC 173-400-050 and 173-400-070 for adoption of federal rules that implement emission guidelines.

(2) Where EPA has delegated to the permitting authority, the authority to receive reports under 40 C.F.R. Part 60, from the affected facility in lieu of providing such report to EPA, the affected facility is required to provide such reports only to the permitting authority unless otherwise requested in writing by the permitting authority or EPA.

Note: Under RCW 80.50.020(14), larger energy facilities subject to subparts D, Da, GG, J, K, Kb, Y, KKK, LLL, and QQQ are regulated by the energy facility site evaluation council (EFSEC).

WAC 173-400-720 Prevention of significant deterioration (PSD).

(1) No major stationary source or major modification to which the requirements of this section apply is authorized to begin actual construction without having received a PSD permit.

(2) Early planning encouraged....

(3) Enforcement....

(4) Applicable requirements.

(a) A PSD permit must assure compliance with the following requirements:

(b) Exceptions to adopting 40 C.F.R. 52.21 by reference.

(i) Every use of the word "administrator" in 40 C.F.R. 52.21 means Ecology except for the following:

(A) In 40 C.F.R. 52.21 (b)(17) ...

(B) In 40 C.F.R. 52.21 (l)(2) ...

(C) In 40 C.F.R. 52.21 (b)(43) ...

(D) In 40 C.F.R. 52.21 (b)(48)(ii)(c) ...

(E) In 40 C.F.R. 52.21 (b)(50)(i) ...

(F) In 40 C.F.R. 52.21 (b)(37) ...

(G) In 40 C.F.R. 52.21 (b)(51) ...

(ii) Each reference in 40 C.F.R. 52.21(i)...

(iii) The following paragraphs replace the designated paragraphs of 40 C.F.R. 52.21:

(A) In (a)(2)(iv)(c): Actual~~[GE(30)]~~-to-projected-actual applicability test for projects that only involve existing emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the increase between the projected actual emissions (as defined in paragraph (b)(41) of this section) and the baseline actual emissions (as defined in paragraphs (b)(48)(i) and (ii) of this section), for each existing emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(B) In (a)(2)(iv)(d): Actual-to-potential test for projects that only involve construction of a new emissions unit(s). A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the increase between the potential to emit (as defined in paragraph (b)(4) of this section) from each new emissions unit following completion of the project and the baseline actual emissions (as defined in paragraph (b)(48)(iii) of this section) of these units before the project equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

(C) In (a)(2)(iv)(f): Hybrid test for projects that involve multiple types of emissions units. A significant emissions increase of a regulated NSR pollutant is projected to occur if the sum of the increase for each emissions unit, using the method specified in paragraphs (a)(2)(iv)(c) and (d) of this section as applicable with respect to each emissions unit, equals or exceeds the significant amount for that pollutant (as defined in paragraph (b)(23) of this section).

~~(B)~~(D) In 40 C.F.R. 52.21 (b)(1)(i)(a) and (b)(1)(iii)(h), ...

~~(C)~~(E) 40 C.F.R. 52.21 (b)(23)(i) ...

~~(D)~~(F) 40 C.F.R. 52.21(c) ...

~~(E)~~(G) 40 C.F.R. 52.21 (r)(6) ...

~~(F)~~(H) 40 C.F.R. 52.21 (r)(7) ...

~~(G)~~(I) 40 C.F.R. 52.21 (aa)(2)(ix) ...

~~(H)~~(J) 40 C.F.R. 52.21 (aa)(5) ...

~~(I)~~(K) 40 C.F.R. 52.21 (aa)(9)(i)(b) ...

~~(J)~~(L) 40 C.F.R. 52.21 (aa)(14) ..."

~~(K)~~(M) 40 C.F.R. 52.21 (aa)(14)(ii) ...

(iv) The following provisions in 40 C.F.R. 52.21 ~~(r)(2)~~ is-are not adopted: (a)(2)(iv)(g) ~~[GE(31)]~~ and (r)(2).