

State Plan

**Update to Section 111(d)/129 State Plan
for Implementation of Municipal Waste
Combustor Emission Guidelines (40 CFR
Part 60, Subpart Cb) to Include Spokane
Regional Clean Air Agency Updated
Regulation I - Article VI, Section 6.17
Standards for Municipal Solid Waste
Combustors (amended April 5, 2007 &
July 9, 2020)**

by

Spokane Regional Clean Air Agency (SRCAA)



Purpose

What is a State Plan?

Section 111(d) of the Clean Air Act (CAA) requires pollutants controlled under new source performance standards (NSPS) also be controlled at existing sources in the same source category. Once an NSPS is issued, U.S. Environmental Protection Agency (EPA) then publishes emission guidelines (EGs) applicable to the control of the same pollutant for existing (designated) facilities. States with designated facilities must develop state plans to adopt the EGs into their body of regulations. States must also include in their state plans other elements, such as legal authority, inventories, and public participation documentation to demonstrate their ability to enforce the state plans.

Why does EPA need to approve State Plans?

Section 129(b)(2) of the CAA requires states to submit state plans to EPA for approval. Each state must show that its state plan will carry out and enforce the EGs. State plans must be at least as protective as the EGs and will become federally enforceable upon EPA's approval. The procedures for adopting and submitting state plans are in 40 CFR part 60, subpart B, Section 129 of the Clean Air Act directs the Environmental Protection Agency to develop regulations under Section 111 of the Act limiting emissions of nine air pollutants (particulate matter, carbon monoxide, dioxins/furans, sulfur dioxide, nitrogen oxides, hydrogen chloride, lead, mercury, and cadmium from municipal solid waste incineration units as well as several other types of solid waste incineration.

Why is SRCAA updating the State Plan?

EPA adopted the federal Emission Guideline for Large Municipal Waste Combustors given in 40 CFR 60, Subpart Cb, "Emission Guidelines and Compliance Times For Large Municipal Waste Combustors That Are Constructed On Or Before September 20, 1994," on 12/19/95, with technical amendments adopted on 8/25/97. There is only one municipal waste combustor (MWC) facility in Washington that is subject to 40 CFR 60, Subpart Cb; the City of Spokane Waste-to-Energy (WTE) facility. Since the only affected MWC facility is in SRCAA's jurisdiction, SRCAA is working with EPA to develop the state plan for Subpart Cb.

The requirements from the Subpart Cb emission guideline were incorporated into SRCAA Regulation I, Article VI, Section 6.17, "Standards for Municipal Solid Waste Combustors," originally adopted by SRCAA on 12/4/97. SRCAA Regulation I, Section 6.17 was revised on 11/5/98, and this regulation (SRCAA Regulation I, Section 6.17, version dated 11/5/98) was submitted to EPA as part of the Washington state plan for implementing 40 CFR 60, Subpart Cb. EPA approved Washington's state plan (which includes SRCAA Regulation I, Section 6.17, version dated 11/5/98) in a Federal Register notice dated 7/30/99.

On 5/10/06, EPA revised the Emission Guideline given in 40 CFR 60, Subpart Cb. SRCAA revised SRCAA Regulation I, Section 6.17 on 4/5/07 to incorporate EPA's revisions to 40 CFR 60, Subpart Cb. SRCAA Regulation I, Section 6.17 was again revised on 7/9/20 to make some formatting changes which were made to the entire Article VI.

The state plan for Subpart Cb has not been updated after the revisions were made to SRCAA Regulation I, Section 6.17 in 2007. Washington does not have an updated state plan which incorporates the 2006 revisions made to Subpart Cb. The current state plan approved by EPA is the version approved on 7/20/99. The purpose of this updated state plan is to update the state plan to include the most recent version of SRCAA Regulation I, Article VI, Section 6.17, 7/9/20.

Can state or local agencies can update a state plan?

Yes, either WA state Department of Ecology (Ecology) or a WA local air agency can update the plan.

According to the definitions in the Federal Clean Air Act, 40 CFR Part 60.2 Standards of Performance for New Stationary Sources, Subpart A General Provisions, “state” means all non-federal authorities, including local agencies, interstate associations, and State-wide programs, that have delegated authority to implement (1) the provisions of this part; and/or (2) the permit program established under part 70 of this chapter. The term state shall have its conventional meaning where clear from the context.

There is one MWC in the state of Washington. It is in Spokane County, within SRCAA’s jurisdiction. Therefore SRCAA is updating the state plan.

A. Demonstration of SRCAA legal authority

The state plan must include a demonstration that the state has the legal authority under state law to adopt and implement the emission standards and compliance schedules.

Ecology is the agency responsible, at the state level, for ensuring that residents of the state have healthful air to breathe. SRCAA is responsible, at the local level, for ensuring the same for residents of Spokane Co. The authority of Ecology is delineated in RCW 70A.15, the Washington State Clean Air Act (WCAA). The relationship between Ecology's authority to regulate air quality and that of local air authorities is also specified in this act. The authority of SRCAA is defined in SRCAA Regulation I, as described below.

RCW 70A.15.2040 of the WCAA gives powers and duties to SRCAA as an activated air pollution control authority (see Appendix 1 for regulatory text).

SRCAA Regulation I gives SRCAA authority to control the emissions of air contaminants from all stationary sources within the jurisdiction of the Agency; to provide for the uniform administration and enforcement of the Agency's Regulation I; and to carry out the requirements and purposes of the WCAA.

Below is a demonstration of SRCAA's legal authority to adopt and implement the emission standards, inspections, records, tests and compliance schedules contained in the state plan. Each required component of the legal authority demonstration is listed below, followed by the SRCAA regulatory citation(s) that fulfills the required component. SRCAA Regulation I, Article I and Article II were EPA SIP approved on May 10, 2021 (40 CFR Part 52.2470(c) [Table 9](#)) or approved by EPA but not incorporated by reference into the SIP (40 CFR Part 52.2470(e) [Table 1](#)). Appendix 1 lists the regulatory text for each SRCAA regulation listed and regulatory text for RCW 70A.15.2040.

- 1) Adopt emission standards and enforceable conditions and compliance schedules applicable to the designated facilities and pollutants
 - SRCAA Regulation I, Article I, Section 1.01 and Article II, Section 2.01
- 2) Enforce relevant laws, regulations, standards, and compliance schedules and seek injunctive relief
 - SRCAA Regulation I, Article I, Section 1.01 and Article II, Sections 2.01, 2.02, 2.04, 2.05, 2.06, 2.11, and 2.12
- 3) Obtain information necessary to determine compliance
 - SRCAA Regulation I, Article II, Section 2.02 and Article VI, Section 6.17

- 4) Require recordkeeping, conduct inspections, and conduct tests
 - SRCAA Regulation I, Article II, Section 2.02 and 2.09 and Article VI, Section 6.17
- 5) Require the use of monitors and require reports of MCS owners and operators
 - SRCAA Regulation I, Article II, Section 2.02 and Article VI, Section 6.17
- 6) Make emission data available to the public
 - [Chapter 173-401 WAC](#), Operating Permit Regulation, adopted by reference in SRCAA Regulation I, Article II, Section 2.14 (A)(2)
 - [WAC 173-400-105\(1\)](#), adopted by reference in SRCAA Regulation I, Article II, Section 2.14 (A)(1)

In addition, all public agencies in Washington state are subject to the state Public Records Act given in [Chapter 42.56 RCW](#). All records maintained by state and local agencies are available for public inspection unless law specifically exempts them. The public is entitled to access to public records under reasonable conditions, and to copies of those records upon paying the costs of making the copy.

B. SRCAA rules adopting the amended emission guidelines

SRCAA Regulation I, Article VI, Section 6.17, “Standards for Municipal Solid Waste Combustors,” adopted on 12/4/97, incorporated the requirements from EPA’s emission guideline, given in 40 CFR 60, Subpart Cb. SRCAA Regulation I, Section 6.17 has been revised several times since it was originally adopted:

- | | |
|----------|-------------------------------------------------------------------------------------------------|
| 11/5/98: | Revised to include technical amendments made to 40 CFR 60, Subpart Cb adopted by EPA on 8/25/97 |
| 4/5/07: | Revised to include amendments made to 40 CFR 60, Subpart Cb adopted by EPA on 5/10/06 |
| 7/9/20: | Revised for formatting purposes – no substantive changes made to regulation |

All rulemaking in SRCAA Regulation I has been done in compliance with the Washington Administrative Procedures Act given in Chapter 34.05 RCW. As part of each rulemaking action, SRCAA provides a Notice of Rulemaking, comment period, and public hearing prior to the SRCAA Board of Directors adopting the regulation.

Please see Appendix 1 for the current regulatory text. Please see Appendix 2 for the signed resolutions and underline/strikeout version of the 2007 and 2020 revisions made to SRCAA Regulation I, Section 6.17.

C. Inventory of MWC facilities

There is one MWC in SRCAA's jurisdiction:

City of Spokane, Waste To Energy Plant
2900 S. Geiger Blvd.
Spokane, WA 99224

D. Emission limits

SRCAA Regulation I, Article VI, Section 6.17 (D) adopts by reference the emission standards given in 40 CFR 60.32b, as revised on 5/10/06. See regulatory language from Section (D) below:

- (1) Particulate matter emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(i), as in effect on December 1, 2006.
- (2) Opacity shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(iii), as in effect on December 1, 2006.
- (3) Cadmium emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(2)(i), as in effect on December 1, 2006.
- (4) Lead emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(4), as in effect on December 1, 2006.
- (5) Mercury emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(3), as in effect on December 1, 2006.
- (6) Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(i), as in effect on December 1, 2006.
- (7) Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(ii), as in effect on December 1, 2006.
- (8) Dioxins/furans emissions shall not exceed the emission limit in 40 CFR 60.33b(c)(1), as in effect on December 1, 2006.
- (9) Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR 60.33b(d) (24-hour daily arithmetic average), as in effect on December 1, 2006.
- (10) Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR 60.34b(a), as in effect on December 1, 2006.

Please note:

6.17(D)(9) cross references Table 1 of 40 CFR Part 60, Subpart Cb.

6.17(D)(10) cross references Table 3 of 40 CFR Part 60, Subpart Cb.

5.16.22 Public Review Draft

Below is a table of the emission limits from 40 CFR 60, Subpart Cb that apply to the WTE facility and their actual emissions, as measured during the most recent stack test performed on the facility.

Facility: City of Spokane Waste-to-Energy Unit #1
Unit Capacity: 400 tpd
Technology: Mass Burn, Water Wall
Emission Control: Dry Scrubber, Fabric Filter, Activated Carbon Injection, Selective Non-Catalytic Reduction

Pollutant	Units	Subpart Cb Limit	Actual Emissions	Test Date
Carbon monoxide	ppm	100	15.3	2020 CEMS ave.
Dioxins / Furans	ng/dscm	30	1.3	6/20
Particulates	mg/dscm	25	0.9	6/21
Opacity	%	10	0.6	6/21
Cadmium	ug/dscm	35	0.3	6/21
Lead	ug/dscm	400	2.3	6/21
Mercury	ug/dscm	50	7.3	6/21
	% reduction	85	n/a – used outlet	6/21
Sulfur Dioxide	ppmv	29	2.7	2020 CEMS ave.
	% reduction	75	97.4	2020 CEMS ave.
Hydrogen Chloride	ppmv	29	5.9	6/21
	% reduction	95	99	6/21
Nitrogen Oxides	ppmv	205	137.5	2020 CEMS ave.

Facility: City of Spokane Waste-to-Energy Unit #2
Unit Capacity: 400 tpd
Technology: Mass Burn, Water Wall
Emission Control: Dry Scrubber, Fabric Filter, Activated Carbon Injection, Selective Non-Catalytic Reduction

Pollutant	Units	Subpart Cb Limit	Actual Emissions	Test Date
Carbon monoxide	ppm	100	21.6	2020 CEMS ave.
Dioxins / Furans	ng/dscm	30	2.4	6/21
Particulates	mg/dscm	25	2.9	6/21
Opacity	%	10	0	6/21
Cadmium	ug/dscm	35	1.7	6/21
Lead	ug/dscm	400	16	6/21
Mercury	ug/dscm	50	4.2	6/21
	% reduction	85	85	6/21
Sulfur Dioxide	ppmv	29	2.7	2020 CEMS ave.
	% reduction	75	97.4	2020 CEMS ave.
Hydrogen Chloride	ppmv	29	12.5	6/21
	% reduction	95	98.1	6/21
Nitrogen Oxides	ppmv	205	133.4	2020 CEMS ave.

E. Compliance schedules

The amended emission guideline, given in 40 CFR 60, Subpart Cb, amended on 5/10/06, required facilities to be in compliance with the revised emission limits on and after April 28, 2009. The revised regulation that included EPA's revisions to 40 CFR 60, Subpart Cb (5/10/06) was adopted by SRCAA on 4/5/07 and became effective 30 days later on 5/5/07. The Air Operating Permit issued to the City of Spokane Waste-to-Energy (WTE) facility, AOP-3, Renewal #1, was revised on November 17, 2008 to incorporate revised requirements in SRCAA Regulation I, Section 6.17. WTE complied with the revised requirements given in the 4/5/07 version of SRCAA Regulation I, Section 6.17 by the required compliance date of 4/28/09. No compliance schedules are needed.

F. Testing, monitoring, reporting and recordkeeping

SRCAA Regulation I, Article VI, Section 6.17(D – J) adopts by reference the emission standards, operating, testing, monitoring, reporting and record keeping requirements in 40 CFR Part 60.32b. See regulatory language from Section 6.17(D-J) below:

- (D) Emission Standards. The following emission standards are adopted by reference.
- (1) Particulate matter emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(i), as in effect on December 1, 2006.
 - (2) Opacity shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(iii), as in effect on December 1, 2006.
 - (3) Cadmium emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(2)(i), as in effect on December 1, 2006.
 - (4) Lead emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(4), as in effect on December 1, 2006.
 - (5) Mercury emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(3), as in effect on December 1, 2006.
 - (6) Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(i), as in effect on December 1, 2006.
 - (7) Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(ii), as in effect on December 1, 2006.
 - (8) Dioxins/furans emissions shall not exceed the emission limit in 40 CFR 60.33b(c)(1), as in effect on December 1, 2006.
 - (9) Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR 60.33b(d) (24-hour daily arithmetic average), as in effect on December 1, 2006.
 - (10) Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR 60.34b(a), as in effect on December 1, 2006.

- (E) Operating Practices. The operating practices of 40 CFR 60.53b(b) and (c), as in effect on December 1, 2006, are adopted by reference.
- (F) Operator Training and Certification. The operator training and certification requirements of 40 CFR 60.54b, as in effect on December 1, 2006, are adopted by reference with the following change:
 - (1) A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.
- (G) Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR 60.55b, as in effect on December 1, 2006, are adopted by reference.
- (H) Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR 60.58b, as in effect on December 1, 2006, are adopted by reference with the following changes:
 - (1) In 60.58b(a)(1)(iii), the references to 60.53b(a) are hereby changed to Table 3 of 60.34b(a).
 - (2) In 60.58b(c), the reference to 60.52b(a)(1) and (a)(2) is hereby changed to 60.33b(a)(1)(i) and (iii).
 - (3) In 60.58b(d), the reference to 60.52b(a) is hereby changed to 60.33b(a)(2), (a)(3), and (a)(4).
 - (4) In 60.58b(d)(1), the reference to 60.52b(a)(3) and (4) is hereby changed to 60.33b(a)(2) and (a)(4).
 - (5) All references to 60.52b(a)(5) in 60.58b are hereby changed to 60.33b(a)(3).
 - (6) In 60.58b(e), the reference to 60.52b(b)(1) is hereby changed to 60.33b(b)(3)(i).
 - (7) In 60.58b(f), the reference to 60.52b(b)(2) is hereby changed to 60.33b(b)(3)(ii).
 - (8) All references to 60.52b(c) in 60.58b are hereby changed to 60.33b(c)(1).
 - (9) In 60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
 - (10) In 60.58b(h), the references to 60.52b(d) are hereby changed to Table 1 of 60.33b(d).
 - (11) In 60.58b(i), the reference to 60.53b is hereby changed to Table 3 of 60.34b(a) and 60.53b(b) and (c).
 - (12) In 60.58b(i), the references to 60.53b(a) are hereby changed to Table 3 of 60.34b(a).
- (I) Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR 60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:
 - (1) 60.59b(a), (b)(5), and (d)(11) are hereby deleted.
 - (2) In 60.59b(d), the reference to 60.52b is hereby changed to 60.33b.
 - (3) In 60.59b(d), the reference to 60.53b is hereby changed to Table 3 of 60.34b(a) and 60.53b(b) and (c).

- (J) Compliance Schedule. All designated facilities, as determined in Section 6.17(B) above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation except for the following:
- (1) The requirement specified in 60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
 - (2) The owner or operator may request that the EPA Administrator waive the requirement specified in 60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

Please note:

6.17(D)(9) cross references Table 1 of 40 CFR Part 60, Subpart Cb.

6.17(D)(10) cross references Table 3 of 40 CFR Part 60, Subpart Cb.

6.17(H) cross references Table 3 of 40 CFR Part 60, Subpart Cb.

G. Public hearing on revised state plan

Update this section after June 5 – July 7, 2022 comment period and July 7, 2022 hearing.

SRCAA provided Notice, comment period and a public hearing on the state plan. <Insert comment period and hearing date>. After the hearing, <insert action, such as, the SRCAA Board directed the Executive Director to submit the state plan to EPA>. See Appendix 3 for hearing transcript.

H. Annual State Progress Report to EPA

Annual progress reports to EPA on implementation of the state plan are not necessary. The only affected facility (WTE facility) complied with the revised requirements given in SRCAA Regulation I, Section 6.17, adopted on 4/5/07, by the required compliance date of 4/28/09. Required compliance activities related to the WTE facility are reported as required in the ICIS-AIR database, including full and partial compliance evaluations, receipt of annual compliance certifications, results from annual stack tests, and any formal enforcement actions.

Appendix 1 - Regulations

State - Washington State Clean Air Act, RCW 70A.15.2040

Please note that the state legislature changed the numbering of the RCW from Chapter 70.94 to Chapter 70A.15. SRCAA regulations reference the old RCW numbers.

The board of any activated authority in addition to any other powers vested in them by law, shall have power to:

(1) Adopt, amend and repeal its own rules and regulations, implementing this chapter and consistent with it, after consideration at a public hearing held in accordance with chapter [42.30](#) RCW. Rules and regulations shall also be adopted in accordance with the notice and adoption procedures set forth in RCW [34.05.320](#), those provisions of RCW [34.05.325](#) that are not in conflict with chapter [42.30](#) RCW, and with the procedures of RCW [34.05.340](#), * [34.05.355](#) through [34.05.380](#), and with chapter [34.08](#) RCW, except that rules shall not be published in the Washington Administrative Code. Judicial review of rules adopted by an authority shall be in accordance with Part V of chapter [34.05](#) RCW. An air pollution control authority shall not be deemed to be a state agency.

(2) Hold hearings relating to any aspect of or matter in the administration of this chapter not prohibited by the provisions of chapter 62, Laws of 1970 ex. sess. and in connection therewith issue subpoenas to compel the attendance of witnesses and the production of evidence, administer oaths and take the testimony of any person under oath.

(3) Issue such orders as may be necessary to effectuate the purposes of this chapter and enforce the same by all appropriate administrative and judicial proceedings subject to the rights of appeal as provided in chapter 62, Laws of 1970 ex. sess.

(4) Require access to records, books, files and other information specific to the control, recovery or release of air contaminants into the atmosphere.

(5) Secure necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise.

(6) Prepare and develop a comprehensive plan or plans for the prevention, abatement and control of air pollution within its jurisdiction.

(7) Encourage voluntary cooperation by persons or affected groups to achieve the purposes of this chapter.

(8) Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control.

(9) Collect and disseminate information and conduct educational and training programs relating to air pollution.

(10) Advise, consult, cooperate and contract with agencies and departments and the educational institutions of the state, other political subdivisions, industries, other states, interstate or interlocal agencies, and the United States government, and with interested persons or groups.

(11) Consult, upon request, with any person proposing to construct, install, or otherwise acquire an air contaminant source or device or system for the control thereof, concerning the efficacy of such device or system, or the air pollution problems which may be related to the source, device or system. Nothing in any such consultation shall be construed to relieve any person from compliance with this chapter, ordinances, resolutions, rules and regulations in force pursuant thereto, or any other provision of law.

(12) Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out any of the functions of this chapter. [[1991 c 199 § 706](#); [1970 ex.s. c 62 § 56](#); [1969 ex.s. c 168 § 16](#); [1967 c 238 § 25](#). Formerly RCW [70.94.141](#).]

SRCAA Regulation I, Article I, Section 1.01 and Article II, Sections 2.01, 2.02, 2.04, 2.05, 2.06, 2.09, 2.11, 2.12, 2.13, and 2.14

SECTION 1.01 POLICY

- (A) Agency and Jurisdiction. The Agency, coextensive with the boundaries of Spokane County, having been activated pursuant to the Washington Clean Air Act (WCAA), Chapter 70.94 RCW as amended, shall be known and cited as “Spokane Regional Clean Air Agency,” and hereinafter may be cited as “SRCAA”, or the “Agency”. The Agency adopts the following Regulation I to control the emissions of air contaminants from all stationary sources within the jurisdiction of the Agency; to provide for the uniform administration and enforcement of the Agency’s Regulation I; and to carry out the requirements and purposes of the WCAA.
- (B) Public Policy.
- (1) It is hereby declared to be the public policy of the Agency to secure and maintain such levels of air quality that protect human health and safety, including the health and safety of the most sensitive members of the population, to comply with the requirements of the Federal Clean Air Act (FCAA), to prevent injury to plant and animal life and to property, to foster the comfort and convenience of its inhabitants, to promote the economic and social development of the County, and to facilitate the enjoyment of the natural attractions of the County.
 - (2) It is further the intent of Regulation I to protect the public welfare, to preserve visibility, to protect scenic, aesthetic, historic, and cultural values,

and to prevent air pollution problems that interfere with the enjoyment of life, property, or natural attractions.

- (C) Applicability.
- (1) Wherever the Agency's Regulation I constitutes a restatement of the requirements and purposes of Chapter 70.94 RCW, it is the intent of the Agency that the Regulation be interpreted in the same manner as the statute adopted by the Legislature. Any language deviation from the statute, except where the statute allows an Agency to be more stringent, is intended for purposes of clarity. As provided in Chapter 70.94 RCW and WAC 173-400-020(1), the provisions of Chapter 173-400 WAC apply statewide except where a local authority has adopted and implemented corresponding rules that apply only to sources subject to local jurisdiction, as provided in RCW 70.94.141 and RCW 70.94.331. The sections of the WAC adopted by reference are given in SRCAA Regulation I, Article II, Section 2.14.
 - (2) Agency regulations that have been or will be approved by the United States Environmental Protection Agency (EPA) for inclusion in the Washington State Implementation Plan (SIP) apply for purposes of Washington's SIP, only to the following:
 - (a) Those air contaminants for which EPA has established National Ambient Air Quality Standards (NAAQS) and precursors to such NAAQS pollutants as determined by EPA for the applicable geographic area; and
 - (b) Any additional air contaminants that are required to be regulated under Part C of Title I of the Federal Clean Air Act (FCAA), relating to prevention of significant deterioration and visibility, but only for the purpose of meeting the requirements of Part C of Title I of the FCAA or to the extent those additional air contaminants are regulated in order to avoid such requirements.

SECTION 2.01 POWERS AND DUTIES OF THE BOARD

- (A) Board Procedures and Actions. Pursuant to, and consistent with, the provisions of the Washington Clean Air Act (WCAA) Chapter 70.94 RCW, the Board shall establish such procedures and take such action as may be required to implement SRCAA Regulation I, Article I, Section 1.01. The Board may take such action as may be necessary to prevent air pollution, including control and measurement of the emission of any air contaminant from a source. The Board shall appoint a Control Officer, competent in the control of air pollution who shall, with the Board's advice and approval, enforce the provisions of all ordinances, orders, resolutions, rules, and regulations of this Agency, pertinent to the control and prevention of air pollution in Spokane County.
- (B) Hearings. The Board shall have the power to hold hearings relating to any aspect of or matter in the administration of Regulation I and in connection therewith;

issue subpoenas to compel the attendance of witnesses and production of evidence, administer oaths and take the testimony of any person under oath.

- (C) Ordinances, Resolutions, Rules, Orders and Regulations. The Board shall have the power to adopt, amend, and repeal its own ordinances, resolutions, rules, orders, and regulations. Any adoption, amendment, or repeal of the Board's ordinances, resolutions, rules, orders, and regulations shall be made after due consideration at a public hearing held in accordance with Chapter 42.30 RCW, and shall have the same force and effect as all other of the Board's ordinances, resolutions, rules, orders, and regulations as soon as adopted by the Board. (See RCW 70.94.141)

SECTION 2.02 CONTROL OFFICER'S DUTIES AND POWERS

- (A) Control Officer and Authorized Representative. The Control Officer and authorized representatives shall observe and enforce the provisions of the WCAA and all orders, ordinances, resolutions, rules, and regulations of the Agency pertaining to the control and prevention of air pollution according to the policies set forth by the Board.
- (B) Employees. The Control Officer, with the approval of the Board, shall have the authority to appoint and remove such employees as are necessary to the performance of the duties assigned, and to incur necessary expenses within the limitations of the budget.
- (C) Records and Reports. The Control Officer shall maintain appropriate records and submit reports as required by the Board, Ecology, and EPA.
- (D) Consultants. The Control Officer may engage, at the Agency's expense, within the limitation of the budget, qualified individuals or firms to make independent studies and reports as to the nature, extent, quantity, or degree of any air contaminants which are or may be discharged from any source within the Agency's jurisdiction.
- (E) Right of Entry. For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer, Ecology, or their authorized representatives, shall have the power to enter at reasonable times upon any private or public property, excepting non-multiple unit private dwellings housing two families or less. No person shall refuse entry or access to the Control Officer, Ecology, or their authorized representative who requests entry for the purpose of inspecting, and who presents appropriate credentials; nor shall any person obstruct, hamper, or interfere with any such inspection.
- (F) Samples. If an Agency authorized representative desires to obtain a sample of air contaminant, fuel, process material, or other material, that affects or may

affect the emission of air contaminants, the authorized representative shall notify the owner or operator of the time and place of obtaining a sample, so the owner or operator has the opportunity to take a similar sample at the same time and place; and the Control Officer or the authorized representative of the Agency shall give a receipt to the owner or operator for the sample obtained.

- (G) Enforcement. The Control Officer shall be empowered by the Board to sign official complaints, issue citations, initiate court suits, or use other legal means to enforce the provisions of the Agency's Regulation.
- (H) Information and Analyses from the Source. The Control Officer or authorized representative may obtain, from the owner or operator of a source, information or analyses that discloses the nature, extent, or quantity of air contaminants which are, or may be, discharged by such a source, and the control equipment in use on such source.
- (I) Access. The Control Officer or authorized representative may require that safe access and adequate sampling facilities be provided to the Agency by the owner or operator of a source that is to be tested.
- (J) Source Records. The Control Officer or authorized representative may require the owner or operator of a source to provide copies of any records, including but not limited to, maintenance plans, maintenance records, equipment operation manuals, process information, production information, and material usage information.

SECTION 2.04 VIOLATIONS

The Agency implements and enforces RCW 70.94.211 – Enforcement actions by air authority – Notice to violators.

SECTION 2.05 ORDERS AND HEARINGS

The Agency implements and enforces RCW 70.94.221 – Order final unless appealed to pollution control hearings board.

SECTION 2.06 APPEAL OF BOARD ORDERS

- (A) Appeal. Any order issued by the Board or by the Control Officer, shall become final unless such order is appealed to the PCHB as provided in Chapter 43.21B RCW. This is the exclusive means of appeal of such an order.
- (B) Stay. The Control Officer may stay the effectiveness of an order during the pendency of such an appeal. At any time during the pendency of such an appeal

of such an order to the PCHB, the appellant may apply to the PCHB as provided in Chapter 43.21B RCW and Chapter 371-08 WAC for a stay of the order or for the removal thereof.

- (C) Action. Upon failure to comply with any final order of the Board or Control Officer, the Agency's attorney, upon request of the Board or Control Officer, may bring an action in the superior court of the county where the violation occurred or the potential violation is about to occur to obtain such relief as necessary.

SECTION 2.09 SOURCE TESTS

- (A) Purpose. SRCAA Regulation I, Article II, Section 2.09, establishes test methods, notification, performance, and reporting requirements for all source tests performed to determine compliance with applicable air quality regulations, emission standards, or both.
- (B) Applicability. This Section applies to any source test performed on sources established or operated in Spokane County that will be submitted to the Agency for regulatory purposes. Tests performed on gasoline dispensing facilities are exempt from the requirements of this Section, unless otherwise required by the Agency.
- (C) Test Methods. To demonstrate compliance, the Agency may conduct or require that the owner or operator of a source conduct a test using approved test methods from 40 CFR Parts 51, 60, 61, 62, 63, 75, and 1065, as in effect on the date identified in Article II, Section 2.13; or procedures contained in Ecology's "Source Test Manual – Procedures for Compliance Testing". Alternative methods may be used, provided the method(s) has been approved by the Agency and EPA prior to performing the test. The Agency may require the operator of a source to provide the necessary platform and sampling ports for the Agency or others to perform a test of an emissions unit. The source owner or operator must allow the Agency to obtain a sample from any emissions unit. The Agency will give the operator of the source an opportunity to observe the sampling and to obtain a sample at the same time.
- (D) Definitions. In addition to the definitions given in Article I, Section 1.04, and unless a different meaning is clearly required by context, words and phrases used in this Section will have the following meaning:
 - (1) Regulatory Purposes means to determine compliance with an applicable air quality regulation or emission standard or as otherwise required by the Agency.
 - (2) Source Test means any testing performed at a source that measures:
 - (a) The amount or concentration of an air pollutant, air pollutants, or surrogates being emitted;
 - (b) The capture efficiency of a capture system; or

- (c) The destruction or removal efficiency of a control device used to reduce emissions. Combustion tests and data accuracy assessments of continuous emission monitoring systems (i.e., relative accuracy tests, cylinder gas audits, etc.) are not considered source tests.

- (E) Test Notifications and Plans. At least fifteen (15) calendar days prior to performing the source test, a test notification and plan must be submitted in writing by either hard copy, facsimile or email; to the Agency for review and written approval. This notification requirement does not relieve the source from any other notification requirements under state or federal law. The fifteen (15) day submittal requirement may be waived upon receipt of written Agency approval. The test plan must include, unless otherwise specified in writing by the Agency, the following information:
 - (1) Facility name, mailing address, and source location;
 - (2) Facility contact name(s), email address(es), and telephone number(s);
 - (3) Source testing company name, company contact name(s), email address(es), and telephone number;
 - (4) Source testing schedule and date(s);
 - (5) Source description including a description of the pollution control device and sample locations;
 - (6) Pollutant(s) to be measured;
 - (7) Test methods;
 - (8) Number of test runs and length of each individual test run;
 - (9) A description of what constitutes representative process and control conditions for the source to be tested (i.e., production rate, etc.). This will include the expected process and control conditions (including production rate) during testing;
 - (10) Applicable process and production information to be collected during the source test;
 - (11) Control device operating parameters to be monitored during the source test;
 - (12) Fuel and raw material samples (if applicable), type of analysis, how the samples will be collected, and who will collect the samples;
 - (13) Timeline for submittal of the final test report to the Agency; and
 - (14) Any other testing information required by the Agency.

- (F) Approved Test Plan. Once approved, the plan must be followed. Changes to approved plans may be implemented upon receipt of written Agency approval prior to completion of the source test. Test plan modification requests may be submitted in writing by either hard copy, facsimile, or email. The Agency may require a new series of tests for test plan modifications submitted after initiation of the tests and prior to completion of the tests.

- (G) Test Procedures.

- (1) The source test must consist of a minimum of three (3) individual runs, unless otherwise required in the test method or written Agency approval is given for an alternative testing scenario prior to performing the source test.
 - (2) The individual pollutant test runs for any source test must be performed consecutively, with no overlap of any test runs for the same pollutant. Test runs may overlap provided the overlapping test runs are not for testing the same pollutant or are not being performed using the same test method. Each consecutive test run must be initiated as soon as practicable after completion of the previous test run, unless written Agency approval is given for an alternative testing scenario prior to performing the source test.
 - (3) During each source test, the source to be tested must be operated as described in the approved source test plan, unless an alternative operating scenario is approved by the Agency in writing prior to performing the source test. Upon acceptance of the source test, the source will be limited to no more than 110% of the average production rate that the source operated during that source test, unless otherwise allowed by regulation or Agency issued Order.
 - (4) The source test must be conducted on a weekday(s) during daylight hours, unless otherwise approved by the Agency.
- (H) Stoppages.
- (1) A source test may be stopped only because of safety reasons, testing or process equipment malfunction that occurred during the source test and identified at the time the test is stopped. The testing must be resumed as soon as practicable. A source test may not be stopped solely due to the expected or known failure of one or more test runs to meet applicable standards.
 - (2) The Agency must be notified of any test stoppage no later than the next working day (i.e., Monday through Friday, excluding legal holidays observed by the Agency).
 - (3) The reason for the test stoppage must be documented and included in the source test report. All test data collected during a stopped test shall be included in the source test report. The Agency will evaluate the reason for the stoppage and determine if it meets the stoppage provisions in Section 2.09(H)(1).
- (I) Invalidation of Test Results. For any test results that are found or considered to be invalid, due to stoppages, sampling or analysis problems or errors, or other reasons, the invalid data must be included in the test report. The reason that the test results were invalidated must be documented and included in the test report. The Agency will evaluate the reason for the test results invalidation and determine whether to accept or reject the source test results.
- (J) Postponements and Rescheduling. A source test must not be postponed or rescheduled without prior Agency notification. Postponement notifications for a

scheduled source test must include the reason(s) for the requested postponement and the date of the rescheduled source test. Postponement and rescheduling notifications must be made by telephone or submitted in writing by either hard copy, facsimile, or email. Within two (2) working days after a telephone notification is made, a written notification must be submitted by either hard copy, facsimile, or email.

(K) Test Reports.

- (1) Reports of all source tests performed under Section 2.09 must be submitted to the Agency regardless of the source test results (i.e., failure to meet an emission limit or standard, test stoppage, equipment malfunction, test data invalidation, etc.).
- (2) Source test reports must be submitted to the Agency as described in the approved test plan, unless an alternative test report submittal timeline has received written Agency approval.
- (3) The source test report must, at a minimum, include the following information:
 - (a) Source testing company name, company contact name(s), and phone number;
 - (b) Facility name, mailing address, and source location;
 - (c) Facility contact name(s), email address(es), and telephone number(s);
 - (d) Description of the source and the sampling locations;
 - (e) Date(s) of the source test;
 - (f) Summary of results, reported in units and averaging periods consistent with the applicable emission standard;
 - (g) Length, in minutes, of each individual test run, including start and end times for each individual test run;
 - (h) Description of any test stoppages and re-starts, and the reasons for each test stoppage;
 - (i) Description of any deviations from the approved source test plan and the reason for the deviation;
 - (j) Description of the test methods and quality assurance procedures employed;
 - (k) Operating parameters and production data for the source and control equipment during the test, as specified in the approved test plan under Section 2.09(E)(10) – (12);
 - (l) Company name, contact name, email address, and telephone number of the laboratory processing any samples;
 - (m) All field data collected and example calculations;
 - (n) Any reasons for considering a test run(s) to be invalid;
 - (o) Any reasons for objection of use of a test run(s) for regulatory purposes;
 - (p) A statement signed by the responsible official of the testing company certifying the validity of the source test report; and
 - (q) Any other information specified or required by the Agency in the approved test plan.

SECTION 2.11 PENALTIES, CIVIL PENALTIES, AND ADDITIONAL MEANS FOR ENFORCEMENT

The Agency implements and enforces RCW 70.94.430 – Penalties, RCW 70.94.431 – Civil penalties, and RCW 70.94.435 – Additional means of enforcement.

SECTION 2.12 RESTRAINING ORDERS – INJUNCTIONS

The Agency implements and enforces RCW 70.94.425 – Restraining orders – Injunctions.

SECTION 2.14 WASHINGTON ADMINISTRATIVE CODES (WACS)

- (A) The Agency adopts by reference the following WACs:
- (1) Chapter 173-400 WAC, including sections:
 - 020 – Applicability.
 - 030 – Definitions.
 - (a) The following definitions are adopted by reference: Adverse Impact on Visibility; Alternative Emission Limit; Capacity Factor; Class I Area; Dispersion Technique; Emission Threshold; Excess Stack Height; Existing Stationary Facility; Federal Class I Area; Federal Land Manager; Fossil Fuel-fired Steam Generator; General Process Unit; Greenhouse Gases; Hog Fuel; Industrial Furnace; Mandatory Class I Federal Area; Natural Conditions; Projected Width; Reasonably Attributable; Sulfuric Acid Plant; Transient Mode of Operation; Useful Thermal Energy; Wigwam / Silo Burner; Wood-fired Boiler; and Wood Waste.
 - 040 – General standards for maximum emissions.
 - (a) Exceptions. The following subsections are not adopted by reference: 040(6) and 040(8). 040(6) is replaced by Article VI, Section 6.04(C). 040(8) is replaced by Article VI, Section 6.07.
 - 050 – Emission standards for combustion and incineration units.
 - (a) Exceptions. The following subsections are not adopted by reference: 050(4)(c)(ix) and 050(5)(c)(xi).
 - 060 – Emission standards for general process units.
 - 070 – Emission standards for certain source categories.
 - 075(8) – Emission standards for perchloroethylene dry cleaners.
 - 081 – Emission limits during startup and shutdown.
 - 082 – Alternative emission limit that exceeds an emission standard in the SIP.
 - 091 – Voluntary limits on emissions.

- 105 – Records, monitoring, and reporting.
 - (a) Exceptions. The following subsections are not adopted by reference: 105(3, 4, 6, and 8)
- 107 – Excess emissions.
- 108 - Excess emission reporting.
- 109 – Unavoidable excess emissions.
- 112 – Requirements for new sources in nonattainment areas – Review for compliance with regulations.
- 113 – New sources in attainment or unclassifiable areas – Review for compliance with regulations.
- 114 – Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.
- 116 – Increment protection.
- 117 – Special protection requirements for federal Class I areas.
- 118 – Designation of Class I, II, and III areas.
- 120 – Bubble rules.
- 131 – Issuance of emission reduction credits.
- 136 – Use of emission reduction credits (ERC).
- 151 – Retrofit requirements for visibility protection.
- 161 – Compliance schedules.
- 175 – Public information.
- 180 – Variance.
- 190 – Requirements for nonattainment areas.
- 200 – Creditable stack height and dispersion techniques.
- 205 – Adjustment for atmospheric conditions.
- 210 – Emission requirements of prior jurisdictions.
- 220 – Requirements for board members.
- 240 – Criminal penalties.
- 260 – Conflict of interest.
- 560 – General order of approval.
- 700 – Review of major stationary sources of air pollution.
- 710 – Definitions.
- 720 – Prevention of significant deterioration (PSD).
 - (a) Ecology and EFSEC are the EPA-approved permitting agencies for the PSD program for Washington under the SIP. The Agency enforces PSD permits.
- 730 – Prevention of significant deterioration application processing procedures.
- 740 – PSD permitting public involvement requirements.
- 750 – Revisions to PSD permits.
- 800 – Major stationary source and major modification in a nonattainment area.
- 810 – Major stationary source and major modification definitions.
 - (a) Exceptions. The following definition is not adopted by reference: (13) lowest achievable emission rate.
- 820 – Determining if a new stationary source or modification to a stationary source is subject to these requirements.

- 830 – Permitting requirements.
- 840 – Emission offset requirements.
- 850 – Actual emissions plant wide applicability limitation (PAL).
- 860 – Public involvement procedures.
- (2) Chapter 173-401 WAC - Operating permit regulation.
- (3) Chapter 173-425 WAC - Outdoor burning.
- (4) Chapter 173-430 WAC - Agricultural burning.
- (5) Chapter 173-433 WAC - Solid fuel burning devices.
- (6) Chapter 173-434 WAC - Solid waste incinerator facilities.
- (7) Chapter 173-435 WAC - Emergency episode plan.
- (8) Chapter 173-460 WAC - Controls for new sources of toxic air pollutants.
- (9) Chapter 173-476 WAC - Ambient air quality standards.
- (10) Chapter 173-490 WAC - Emission standards and controls for sources emitting volatile organic compounds (VOC).
- (11) Chapter 173-491 WAC - Emission standards and controls for sources emitting gasoline vapors.

SRCAA Regulation I, Article VI, Sections 6.17

SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

- (A) Purpose. SRCAA Regulation I, Article VI, Section 6.17 implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.
- (B) Definitions. The definitions in 40 CFR 60.31b, as in effect on December 1, 2006, are adopted by reference except:
 - (1) The references to 60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to 60.33b(c)(1).
 - (2) In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Agency.
- (C) Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR 60.32b, as in effect on December 1, 2006.
- (D) Emission Standards. The following emission standards are adopted by reference.
 - (1) Particulate matter emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(i), as in effect on December 1, 2006.
 - (2) Opacity shall not exceed the emission limit in 40 CFR 60.33b(a)(1)(iii), as in effect on December 1, 2006.
 - (3) Cadmium emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(2)(i), as in effect on December 1, 2006.

- (4) Lead emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(4), as in effect on December 1, 2006.
 - (5) Mercury emissions shall not exceed the emission limit in 40 CFR 60.33b(a)(3), as in effect on December 1, 2006.
 - (6) Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(i), as in effect on December 1, 2006.
 - (7) Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR 60.33b(b)(3)(ii), as in effect on December 1, 2006.
 - (8) Dioxins/furans emissions shall not exceed the emission limit in 40 CFR 60.33b(c)(1), as in effect on December 1, 2006.
 - (9) Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR 60.33b(d) (24-hour daily arithmetic average), as in effect on December 1, 2006.
 - (10) Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR 60.34b(a), as in effect on December 1, 2006.
- (E) Operating Practices. The operating practices of 40 CFR 60.53b(b) and (c), as in effect on December 1, 2006, are adopted by reference.
- (F) Operator Training and Certification. The operator training and certification requirements of 40 CFR 60.54b, as in effect on December 1, 2006, are adopted by reference with the following change:
- (1) A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.
- (G) Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR 60.55b, as in effect on December 1, 2006, are adopted by reference.
- (H) Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR 60.58b, as in effect on December 1, 2006, are adopted by reference with the following changes:
- (1) In 60.58b(a)(1)(iii), the references to 60.53b(a) are hereby changed to Table 3 of 60.34b(a).
 - (2) In 60.58b(c), the reference to 60.52b(a)(1) and (a)(2) is hereby changed to 60.33b(a)(1)(i) and (iii).
 - (3) In 60.58b(d), the reference to 60.52b(a) is hereby changed to 60.33b(a)(2), (a)(3), and (a)(4).
 - (4) In 60.58b(d)(1), the reference to 60.52b(a)(3) and (4) is hereby changed to 60.33b(a)(2) and (a)(4).
 - (5) All references to 60.52b(a)(5) in 60.58b are hereby changed to 60.33b(a)(3).
 - (6) In 60.58b(e), the reference to 60.52b(b)(1) is hereby changed to 60.33b(b)(3)(i).

- (7) In 60.58b(f), the reference to 60.52b(b)(2) is hereby changed to 60.33b(b)(3)(ii).
 - (8) All references to 60.52b(c) in 60.58b are hereby changed to 60.33b(c)(1).
 - (9) In 60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
 - (10) In 60.58b(h), the references to 60.52b(d) are hereby changed to Table 1 of 60.33b(d).
 - (11) In 60.58b(i), the reference to 60.53b is hereby changed to Table 3 of 60.34b(a) and 60.53b(b) and (c).
 - (12) In 60.58b(i), the references to 60.53b(a) are hereby changed to Table 3 of 60.34b(a).
- (I) Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR 60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:
- (1) 60.59b(a), (b)(5), and (d)(11) are hereby deleted.
 - (2) In 60.59b(d), the reference to 60.52b is hereby changed to 60.33b.
 - (3) In 60.59b(d), the reference to 60.53b is hereby changed to Table 3 of 60.34b(a) and 60.53b(b) and (c).
- (J) Compliance Schedule. All designated facilities, as determined in Section 6.17(B) above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation except for the following:
- (1) The requirement specified in 60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
 - (2) The owner or operator may request that the EPA Administrator waive the requirement specified in 60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

Appendix 2 – Section 6.17 amendments

Signed resolution and redline/strike-out of the SRCAA Regulation I, Article VI, Section 6.17 amendments:

2007 Amendments, Resolution 07-10:



SPOKANE COUNTY
AIR POLLUTION
CONTROL AUTHORITY

WEST 1101 COLLEGE AVE., SUITE 403 + SPOKANE, WASHINGTON 99201 + (509) 477-4727 + FAX (509) 477-6828 + www.scapca.org

A RESOLUTION AMENDING REGULATION I, ARTICLE VI,)
SECTION 6.17 – STANDARDS FOR MUNICIPAL SOLID WASTE) RESOLUTION 07-10
COMBUSTORS)
_____)

WHEREAS, the United States Environmental Protection Agency (EPA) has promulgated revisions to an emission guideline for municipal solid waste combustors in 40 CFR 60, Subpart Cb; and

WHEREAS, the Spokane County Air Pollution Control Authority (SCAPCA) has at least one affected municipal solid waste combustor within its jurisdiction; and

WHEREAS, 40 CFR Part 60, Subparts B and Cb require states and/or local air pollution control agencies to implement the guidelines if there are sources within their jurisdictions that are affected by the guidelines; and

WHEREAS, the alternative to local implementation of these guidelines is that EPA will enforce them within SCAPCA's jurisdiction; and

WHEREAS, the Board of Directors intends for SCAPCA to implement these revised guidelines as standards within its jurisdiction;

NOW THEREFORE BE IT RESOLVED, that the Board of Directors of SCAPCA hereby adopts the revisions to SCAPCA Regulation I, Section 6.17 - Standards for Municipal Solid Waste Combustors (attached hereto as Appendix A)

DATED THIS 5TH DAY OF APRIL 2007.

SPOKANE COUNTY AIR POLLUTION CONTROL AUTHORITY

Jethy A. Corhill

ATTEST:

W O D
WILLIAM O. DAMEWORTH, DIRECTOR

APPENDIX A – RESOLUTION 07-10

AMENDATORY SECTION

REGULATION I, ARTICLE VI, SECTION 6.17

SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

- A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.
- B. Definitions. The definitions in 40 CFR §60.31b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference except:
1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b(c)(1).~~((i) and (ii))~~
 2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.
- C. Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b, as in effect on ~~((September 1, 1998))~~ December 1, 2006.
- D. Emission Standards. The following emission standards are adopted by reference. ~~((All facilities (i.e., each municipal solid waste combustor unit) designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.))~~
1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 2. Opacity shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(iii), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(2)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(4), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(3), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(i), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(ii), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b(c)(1)~~(i) or (ii)~~, as in effect on ~~((September 1, 1998))~~ December 1, 2006.
 9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on ~~((September 1, 1998))~~ December 1, 2006.

5.16.22 Public Review Draft

10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on ~~((September 1, 1998))~~ December 1, 2006.
- E. Operating Practices. The operating practices of 40 CFR §60.53b(b) and (c), as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference. ~~((All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.))~~
- F. Operator Training and Certification. The operator training and certification requirements of 40 CFR §60.54b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference with the following change:
 1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.~~((All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.))~~
- G. Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference. ~~((All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.))~~
- H. Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on ~~((September 1, 1998))~~ December 1, 2006, are adopted by reference with the following changes:
 1. In §60.58b(a)(1)(iii), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).
 2. In §60.58b(c), the reference to §60.52b(a)(1) and (a)(2) is hereby changed to §60.33b(a)(1)(i) and (iii).
 3. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b(a)(2), (a)(3), and (a)(4).
 4. In §60.58b(d)(1), the reference to §60.52b(a)(3) and (4) is hereby changed to §60.33b(a)(2) and (a)(4).
 5. All references to §60.52b(a)(5) in §60.58b are hereby changed to §60.33b(a)(3).
 6. In §60.58b(e), the reference to §60.52b(b)(1) is hereby changed to §60.33b(b)(3)(i).
 7. In §60.58b(f), the reference to §60.52b(b)(2) is hereby changed to §60.33b(b)(3)(ii).
 8. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b(c)(1). ~~((# and (iii).))~~
 9. In §60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
 10. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).
 11. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).

5.16.22 Public Review Draft

12. In §60.58b(i), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).

~~((All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this subsection in accordance with the compliance schedule given in J. below.))~~

- I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:

1. §60.59b(a), (b)(5), and (d)(11) are hereby deleted.
2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.
3. In §60.59b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).

~~((All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this subsection in accordance with the compliance schedule given in J. below.))~~

- J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation ~~((December 1, 1999))~~ except for the following:

1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
2. The owner or operator may request that the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

~~((3. The initial training requirements specified in §60.54b(f)(1) shall be completed no later than 12 months after December 1, 1999, or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.~~

4. ~~The initial performance evaluation/test, required in H. above, shall be completed no later than 180 days after December 1, 1999.)~~

2020 Amendments, Resolution 20-08:



3104 E. Augusta Avenue. Spokane. WA 99207 ♦ (509) 477-4727 ♦ Fax (509) 477-6828 ♦ www.SpokaneCleanAir.org

RESOLUTION ADOPTING NEW SOURCE REVIEW AND GENERAL)
REGULATION UPDATES, AMENDING SPOKANE REGIONAL) RESOLUTION 20-08
CLEAN AIR AGENCY REGULATION I, ARTICLES I, II, IV, V, VI)
AND X, AND AMENDING THE CONSOLIDATED FEE SCHEDULE)

WHEREAS, pursuant to the provisions of the Washington Clean Air Act, Chapter 70.94 RCW, the Spokane Regional Clean Air Agency (SRCAA) was created as a municipal corporation of the State of Washington;

WHEREAS, RCW 70.94.141 authorizes the Board of an activated authority to adopt, amend, and repeal its own rules and regulations;

WHEREAS, SRCAA has previously adopted Regulation I of the Spokane Regional Clean Air Agency;

WHEREAS, SRCAA Regulation I establishes the regulatory framework and control strategies to ensure that healthy air quality exists in Spokane County, Washington, including compliance with the federal air quality standards;

WHEREAS, the amendments to Regulation I, Articles I, II, IV, V, and VI, are necessary to meet State and Federal requirements to ensure that SRCAA Regulation I is consistent with state and federal clean air acts while attaining and maintaining good air quality and protecting citizen’s health;

WHEREAS, amendments to Regulation I, Articles I, II, IV, V, and VI, are necessary to improve clarity, readability and formatting consistency among Articles;

WHEREAS, amendments to Regulation I, Articles I, II, IV, V, and VI, are necessary to remove obsolete regulatory language and correct typographical errors, spelling errors and update citations;

WHEREAS, amendments to Regulation I, Articles I, II, IV, V, and VI, are necessary to meet federal enforceability requirements and federal requirements for incorporation in the State Implementation Plan;

WHEREAS, RCW 70.94.151 and 152 authorize SRCAA to establish and assess fees, and SRCAA adopts amendments to Regulation I, Article X and the Consolidated Fee Schedule periodically;

WHEREAS, amendments to Article X are necessary to reflect changes in Articles I, II, IV, V, and VI;

WHEREAS, amendments to the Consolidated Fee Schedule are necessary to reflect the amendments to Article X; and

WHEREAS, the Board considered all verbal testimony submitted at the public hearings on June 16, 2020 and July 9, 2020, and written testimony submitted prior to closure of the July 9, 2020 hearing, and determined that the amendments to Regulation I, Articles I, II, IV, V, VI, X and the Consolidated Fee Schedule are appropriate.

5.16.22 Public Review Draft

Resolution 20-08
Page 2 of 2

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of Spokane Regional Clean Air Agency amends Regulation I, Articles I, II, IV, V, VI, X and the Consolidated Fee Schedule, as shown in Attachment A, effective September 1, 2020.

DATED this 9th day of July 2020

Michelle Zernack for Al French
Phone Authorization 7-9-2020
Al French, Commissioner, Chair

Rod Higgins
Rod Higgins, City of Spokane Valley

ATTEST:

Julie Oliver
Julie Oliver, Executive Director

SPOKANE REGIONAL CLEAN AIR AGENCY

Michelle Zernack for Tom Brattebo
Phone Authorization 7-9-2020
Tom Brattebo, Member at Large, Vice Chair

Michelle Zernack for Kevin Freeman
Phone Authorization 7-9-2020
Kevin Freeman, City of Millwood Mayor,
Small Cities & Towns Representative

Michelle Zernack for Jim Simon
Phone Authorization 7-9-2020
Signature, City of Spokane Council Representative

AMENDATORY SECTION

SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

~~((A-))~~(A) Purpose. SRCAA Regulation I, Article VI, Section 6.17 ~~((This section))~~ implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.

~~((B-))~~(B) Definitions. The definitions in 40 CFR ~~((§))~~60.31b, as in effect on December 1, 2006, are adopted by reference except:

- ~~(1))~~(1) The references to ~~((§))~~60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to ~~((§))~~60.33b(c)(1).
- ~~(2))~~(2) In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the ~~((Spokane County Air Pollution Control Authority))~~ the Agency.

5.16.22 Public Review Draft

- ~~(C)~~(C) Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR ~~(§)~~60.32b, as in effect on December 1, 2006.
- ~~(D)~~(D) Emission Standards. The following emission standards are adopted by reference.
- ~~(1)~~(1)~~(-)~~ Particulate matter emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(a)(1)(i), as in effect on December 1, 2006.
 - ~~(2)~~(2)~~(-)~~ Opacity shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(a)(1)(iii), as in effect on December 1, 2006.
 - ~~(3)~~(3)~~(-)~~ Cadmium emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(a)(2)(i), as in effect on December 1, 2006.
 - ~~(4)~~(4)~~(-)~~ Lead emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(a)(4), as in effect on December 1, 2006.
 - ~~(5)~~(5)~~(-)~~ Mercury emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(a)(3), as in effect on December 1, 2006.
 - ~~(6)~~(6)~~(-)~~ Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(b)(3)(i), as in effect on December 1, 2006.
 - ~~(7)~~(7)~~(-)~~ Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(b)(3)(ii), as in effect on December 1, 2006.
 - ~~(8)~~(8)~~(-)~~ Dioxins/furans emissions shall not exceed the emission limit in 40 CFR ~~(§)~~60.33b(c)(1), as in effect on December 1, 2006.
 - ~~(9)~~(9)~~(-)~~ Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR ~~(§)~~60.33b(d) (24-hour daily arithmetic average), as in effect on December 1, 2006.
 - ~~(10)~~(10)~~(-)~~ Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR ~~(§)~~60.34b(a), as in effect on December 1, 2006.
- ~~(E)~~(E) Operating Practices. The operating practices of 40 CFR ~~(§)~~60.53b(b) and (c), as in effect on December 1, 2006, are adopted by reference.
- ~~(F)~~(F) Operator Training and Certification. The operator training and certification requirements of 40 CFR ~~(§)~~60.54b, as in effect on December 1, 2006, are adopted by reference with the following change:
- ~~(1)~~(1)~~(-)~~ A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.
- ~~(G)~~(G) Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR ~~(§)~~60.55b, as in effect on December 1, 2006, are adopted by reference.
- ~~(H)~~(H) Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR ~~(§)~~60.58b, as in effect on December 1, 2006, are adopted by reference with the following changes:
- ~~(1)~~(1)~~(-)~~ In §60.58b(a)(1)(iii), the references to ~~(§)~~60.53b(a) are hereby changed to Table 3 of ~~(§)~~60.34b(a).
 - ~~(2)~~(2)~~(-)~~ In ~~(§)~~60.58b(c), the reference to ~~(§)~~60.52b(a)(1) and (a)(2) is hereby changed to ~~(§)~~60.33b(a)(1)(i) and (iii).
 - ~~(3)~~(3)~~(-)~~ In ~~(§)~~60.58b(d), the reference to ~~(§)~~60.52b(a) is hereby changed to ~~(§)~~60.33b(a)(2), (a)(3), and (a)(4).
 - ~~(4)~~(4)~~(-)~~ In ~~(§)~~60.58b(d)(1), the reference to ~~(§)~~60.52b(a)(3) and (4) is hereby changed to ~~(§)~~60.33b(a)(2) and (a)(4).
 - ~~(5)~~(5)~~(-)~~ All references to ~~(§)~~60.52b(a)(5) in ~~(§)~~60.58b are hereby changed to ~~(§)~~60.33b(a)(3).

5.16.22 Public Review Draft

- (6)(-)(-) In ((§))60.58b(e), the reference to ((§))60.52b(b)(1) is hereby changed to ((§))60.33b(b)(3)(i).
- (7)(-)(-) In ((§))60.58b(f), the reference to ((§))60.52b(b)(2) is hereby changed to ((§))60.33b(b)(3)(ii).
- (8)(-)(-) All references to ((§))60.52b(c) in ((§))60.58b are hereby changed to ((§))60.33b(c)(1).
- (9)(-)(-) In ((§))60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
- (10)(-)(-) In ((§))60.58b(h), the references to ((§))60.52b(d) are hereby changed to Table 1 of ((§))60.33b(d).
- (11)(-)(-) In ((§))60.58b(i), the reference to ((§))60.53b is hereby changed to Table 3 of ((§))60.34b(a) and ((§))60.53b(b) and (c).
- (12)(-)(-) In ((§))60.58b(i), the references to ((§))60.53b(a) are hereby changed to Table 3 of ((§))60.34b(a).
- ((+))(l) Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR ((§))60.59b, as in effect on December 1, 2006, are adopted by reference with the following changes:
- (1)(-)(-) ((§))60.59b(a), (b)(5), and (d)(11) are hereby deleted.
- (2)(-)(-) In ((§))60.59b(d), the reference to ((§))60.52b is hereby changed to ((§))60.33b.
- (3)(-)(-) In ((§))60.59b(d), the reference to ((§))60.53b is hereby changed to Table 3 of ((§))60.34b(a) and ((§))60.53b(b) and (c).
- ((+))(j) Compliance Schedule. All designated facilities, as determined in Section 6.17(B)(-) above, shall comply with the requirements of Section 6.17 as of the effective date of this regulation except for the following:
- (1)(-)(-) The requirement specified in ((§))60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
- (2)(-)(-) The owner or operator may request that the EPA Administrator waive the requirement specified in ((§))60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

Appendix 3 – State plan public hearing

Transcript for the public hearing on the State Plan

July 7, 2022 Hearing transcript

<insert after hearing>