

**REGULATION I**

**OF THE**

**SPOKANE REGIONAL  
CLEAN AIR AGENCY**

**Price \$25.00  
June 21, 2021**

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SPOKANE )

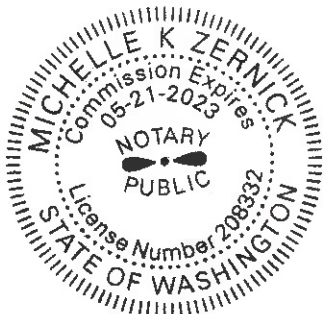
I, Scott Windsor, being first duly sworn on oath, depose and say: that I am the Executive Director / Control Officer for the Spokane Regional Clean Air Agency and that attached hereto is a true and correct representation of Regulation I of the Spokane Regional Clean Air Agency.



Scott Windsor  
Executive Director / Control Officer

STATE OF WASHINGTON )  
 ) SS.  
COUNTY OF SPOKANE )

THIS IS TO CERTIFY that on the 12 day of May, 2021 before me the undersigned, a Notary Public in and for the State of Washington, Duly commissioned and sworn, personally appeared Scott Windsor, to me known to be the Executive Director / Control Officer for the Spokane Regional Clean Air Agency, that executed and on oath affirmed the within and foregoing instrument.



NOTARY PUBLIC in and for the State of Washington,  
residing at Spokane, Washington.  
My appointment expires on 5-21-2023

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## **REGULATION II – REPEALED IN ITS ENTIRETY (Repealed 3-4-01, Res. 04-01)**

# ARTICLE I

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<b>POLICY, SHORT TITLE, AND DEFINITIONS</b>
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**ADOPTED: June 9, 1969**

**REVISED: July 9, 2020**

**EFFECTIVE: September 1, 2020**

## **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 1.02 NAME OF AGENCY**

- (A) Name. The name of the County Air Pollution Control Authority, coextensive with the boundaries of Spokane County, shall be known as the "Spokane Regional Clean Air Agency" (SRCAA).
- (B) Reference. Any reference to the Spokane County Air Pollution Control Authority, SCAPCA, or the Authority in any document previously issued by the Agency, including without limitation regulations, orders, permits, judgments, letters and the like shall be deemed reference to the Spokane Regional Clean Air Agency or SRCAA.

## **SECTION 1.03 SHORT TITLE**

This Regulation shall be known and cited as "Regulation I of the Spokane Regional Clean Air Agency."



## SECTION 1.04 GENERAL DEFINITIONS

- (A) Unless otherwise defined in an Article of Regulation I, the following definitions apply to all of SRCAA Regulation I. In Article II, Section 2.14, the Agency adopts by reference certain definitions provided in WAC 173-400-030, not otherwise specified in Section 1.04.
- (1) Actual Emissions means the actual rate of emissions of a pollutant from an emissions unit, as determined in accordance with (a) through (c) below.
    - (a) In general, actual emissions as of a particular date shall equal the average rate, in tons per year at which the emissions unit actually emitted the pollutant during a two (2) year period which precedes the particular date and which is representative of normal stationary source operation. The Agency shall allow the use of a different time period upon a determination that it is more representative of normal stationary source operation. Actual emissions shall be calculated using the emissions unit's actual operating hours, production rates, and types of materials processed, stored, or combusted during the selected time period.
    - (b) The Agency may presume that source-specific allowable emissions for the unit are equivalent to the actual emissions of the emissions unit.
    - (c) For any emissions unit, which has not begun normal operations on the particular date, actual emissions shall equal the potential-to-emit of the emissions unit on that date.
  - (2) Agency means and refers to "Spokane Regional Clean Air Agency (SRCAA)."
  - (3) Air Contaminant means dust, fumes, mist, smoke, other particulate matter, vapor, gas, odorous substance or any combination thereof.
  - (4) Air Operating Permit (AOP) Source means any facility required to have an air operating permit per Chapter 173-401 WAC.
  - (5) Air Pollutant means the same as "Air Contaminant".
  - (6) Air Pollution means the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property; or which unreasonably interferes with enjoyment of life and property. For the purposes of Regulation I, air pollution shall not include air contaminants emitted in compliance with Chapter 17.21 RCW, the Washington Pesticide Application Act, which regulates the application and control of the use of various pesticides.

- (7) Air Pollution Episode means a period when a forecast, alert, warning, or emergency air pollution state is declared, as stated in Chapter 173-435 WAC.
- (8) Allowable Emissions means the emission rate of a stationary source, calculated using the maximum rated capacity of the stationary source (unless the stationary source is subject to federally enforceable limits which restrict the operating rate, or hours of operation, or both) and the most stringent of the following:
  - (a) The applicable standards as in 40 CFR Parts 60, 61, 62, or 63;
  - (b) Any applicable State Implementation Plan (SIP) emissions limitation including those with a future compliance date; or
  - (c) The emissions rate specified as a federally enforceable permit condition, including those with a future compliance date.
- (9) Alteration means to change or make different. Alteration includes, but is not limited to, any enlargement, replacement, change in the design, operation, capacity, or process arrangement, increase in the connected loading of process or control equipment, change in fuels, method of operation, or hours of operation, not previously approved by the Agency.
- (10) Ambient Air means the surrounding outside air.
- (11) Ambient Air Quality Standard means an established concentration, exposure time, and frequency of occurrence of air contaminant(s) in the ambient air, which shall not be exceeded.
- (12) Approval Order means the same as "Order of Approval".
- (13) Attainment Area means a geographic area, designated by the Environmental Protection Agency (EPA) at 40 CFR Part 81, as having attained the National Ambient Air Quality Standard (NAAQS) for a given criteria pollutant.
- (14) Authority means the same as "Agency".
- (15) Begin Actual Construction or Establishment means, in general, initiation of physical on-site construction activities on a new stationary source, emission units, or control equipment that are of a permanent nature. Such activities include, but are not limited to, installation of building supports and foundations, laying underground pipe work, and construction of permanent storage structures. With respect to a change in method of operations, this term refers to those on-site activities, other than preparatory activities, which mark the initiation of the change.

- (16) Best Available Control Technology (BACT) means an emission limitation, based on the maximum degree of reduction for each air pollutant subject to regulation under Chapter 70.94 RCW emitted from, or which results from, any new or modified stationary source, which the Agency, on a case-by-case basis, taking into account energy, environmental, and economic impacts and other costs, determines is achievable for such stationary source or modification through application of production processes and available methods, systems, and techniques, including fuel cleaning, clean fuels, or treatment or innovative fuel combustion techniques for control of each such pollutant. In no event shall application of BACT result in emissions of any pollutants which will exceed the emissions allowed by any applicable standard under 40 CFR Parts 60, 61, 62, and 63. Emissions from any stationary source utilizing clean fuels, or any other means, to comply with this paragraph shall not be allowed to increase above levels that would have been required under the definition of BACT in the Federal Clean Air Act (FCAA) as it existed prior to enactment of the Clean Air Act Amendments of 1990.
- (17) Best Available Control Technology for Toxics, or Toxic Best Available Control Technology (tBACT) means an emission limitation applied to each, or each mixture of, Toxic Air Pollutants (TAPs) identified in Chapter 173-460 WAC discharged, taking in account the potency, quantity, and toxicity of each TAP or mixture of TAPs discharged, in addition to the meaning given for Best Available Control Technology (BACT), herein.
- (18) Best Available Retrofit Technology (BART) means an emission limitation based on the degree of reduction achievable through the application of the best system of continuous emission reduction for each pollutant which is emitted by an existing stationary facility. The emission limitation must be established, on a case-by-case basis, taking into consideration the technology available, the costs of compliance, the energy and non-air quality environmental impacts of compliance, any pollution control equipment in use or in existence at the source, the remaining useful life of the source, and the degree of improvement in visibility which may reasonably be anticipated to result from the use of such technology.
- (19) Board means Board of Directors of the Spokane Regional Clean Air Agency (SRCAA).
- (20) Brake Horsepower means the measure of an engine's horsepower without the loss in power caused by the gearbox, alternator, differential, water pump, and other auxiliary components.
- (21) Bubble means a set of emission limits which allows an increase in emissions from a given emissions unit in exchange for a decrease in

emissions from another emissions unit, under RCW 70.94.155 and WAC 173-400-120.

- (22) Burn Out Oven means any oven used to clean or remove dirt, grease, grime, paint, varnish, or any other unwanted substance or contaminant, from any object by using controlled incineration, without burning the object itself. A burn out oven is considered an incinerator under Article VI, Section 6.03.
- (23) Closure, Closed means permanently stopping or terminating all processes that produce air contaminant emissions at a stationary source or emissions unit.
- (24) Combustion and Incineration Unit means units using combustion for waste disposal, steam production, chemical recovery, or other process requirements; excluding outdoor burning.
- (25) Commence as applied to construction, means that the owner or operator has all the necessary preconstruction approvals or permits, and either has:
  - (a) Begun, or caused to begin, a continuous program of actual on-site construction of the stationary source, to be completed within a reasonable time; or
  - (b) Entered into binding agreements or contractual obligations, which cannot be cancelled or modified without substantial loss to the owner or operator, to undertake a program of actual construction of the stationary source to be completed within a reasonable time.
  - (c) For the purposes of this definition, “necessary preconstruction approvals” means those permits or orders of approval required under federal air quality control laws and regulations, including state, local and federal regulations and orders contained in the State Implementation Plan (SIP).
- (26) Concealment means any action taken to reduce the observed or measured concentrations of a pollutant in a gaseous effluent while, in fact, not reducing the total amount of pollutant discharged.
- (27) Construction means any physical change or change in method of operation (including fabrication, erection, installation, demolition, or modification of an emissions unit), which would result in a change in actual emissions.
- (28) Control Equipment means any facility, device, or apparatus, which has the primary function of regulating, reducing, or controlling emissions from a process, fuel burning or refuse burning equipment, and thus reduces the formation of, or the emission of, air contaminants into the ambient air.

- (29) Control Officer means the Air Pollution Control Officer for the Spokane Regional Clean Air Agency (SRCAA) or authorized representative.
- (30) Criteria Pollutant means a pollutant for which there is established a National Ambient Air Quality Standard (NAAQS) in 40 CFR Part 50. The criteria pollutants are carbon monoxide (CO), particulate matter (PM<sub>10</sub> and PM<sub>2.5</sub>), ozone (O<sub>3</sub>) sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).
- (31) Daylight Hours means the hours between official sunrise and official sunset.
- (32) Director means the same as "Control Officer".
- (33) Ecology means the Washington State Department of Ecology.
- (34) Electronic Means means email, fax, FTP site, or other electronic method approved by the Agency.
- (35) Emission means a release of air contaminants into the ambient air.
- (36) Emission Point means the point at which emissions are released into the ambient air, such as, but not limited to; a duct, vent, stack, pipe, or other opening to the ambient air.
- (37) Emission Reduction Credit (ERC) means a credit granted by the Agency, to a stationary source for a voluntary reduction in actual emissions per WAC 173-400-131.
- (38) Emission Standard and Emission Limitation means a requirement established under the Federal Clean Air Act (FCAA) or Chapter 70.94 RCW which limits the quantity, rate, or concentration of emissions of air contaminants on a continuous basis, including any requirement relating to the operation or maintenance of a stationary source to assure continuous emission reduction and any design, equipment, work practice, or operational standard adopted under the FCAA or Chapter 70.94 RCW.
- (39) Emissions Unit means any part of a stationary source or source which emits, or would have the potential-to-emit, any pollutant subject to rules and regulation(s) per the Federal Clean Air Act (FCAA), the Washington State Clean Air Act (WCAA), Chapter 70.94 RCW, the Washington Nuclear Energy and Radiation Act, Chapter 70.98 RCW, or the Agency. This term does not include nonroad engines.

- (40) Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as given in RCW 70.94.715.
- (41) Excess Emissions means emissions of an air pollutant in excess of any applicable emission standards.
- (42) Executive Director means the same as “Control Officer”.
- (43) Facility means the same as “Stationary Source”.
- (44) Federal Clean Air Act (FCAA) means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 USC 7401 et seq., as amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990 and subsequent amendments.
- (45) Federally Enforceable means all limitations and conditions which are enforceable by the Environmental Protection Agency (EPA), including those requirements developed under 40 CFR Parts 60, 61, 62, and 63; requirements within the Washington State Implementation Plan (SIP), requirements within any permit established under 40 CFR 52.21 or Order of Approval under a SIP approved new source review regulation, or any voluntary limits on emissions in an Order issued under WAC 173-400-091.
- (46) Fire Protection Agency means a city fire department, county fire department, local fire protection district, or the Washington State Department of Natural Resources (DNR).
- (47) Fuel Burning Equipment means equipment that produces hot air, hot water, steam, or other heated fluids by external combustion of any type of fuel.
- (48) Fugitive Dust means particulate emissions made airborne by forces of wind, human activity, or both. Unpaved roads, construction sites, and tilled land are examples of sources of fugitive dust. Fugitive dust is a type of fugitive emission.
- (49) Fugitive Emissions means emissions that could not reasonably pass through a stack, chimney, vent, or other functionally equivalent opening.
- (50) Garbage means putrescible animal or vegetable waste resulting from the handling, preparation, cooking or serving of food.
- (51) Good Engineering Practice (GEP) means a calculated stack height based on the equation specified in WAC 173-400-200 (2)(a)(ii).

- (52) Hazardous Air Pollutant (HAP) means any air pollutant listed in Section 112(b) of the Federal Clean Air Act (FCAA), 42 USC, Section 7412.
- (53) Heat Input means the maximum actual or design fuel capacity, whichever is greater, stated in British thermal units (Btu) per hour for the stationary source and will be expressed using the higher heating value of the fuel unless otherwise specified.
- (54) Incinerator means a furnace used primarily for the thermal destruction of waste, including human and pet crematories, burn-out ovens, and other solid, liquid, and gaseous waste incinerators.
- (55) In Operation, Operation, or Operating means engaged in activity related to the primary design function of the stationary source.
- (56) Installation means the act of placing, assembling or constructing process equipment or control equipment at the premises where the equipment will be used. Installation includes all preparatory work at such premises.
- (57) Like-kind Replacement means replacement of existing components (emission units, control equipment, etc.) with similar, equivalent, or comparable, new components (e.g. components that have the same throughput capacity, control efficiency, or utilization factor as the old component).
- (58) Lowest Achievable Emission Rate (LAER) means for any stationary source, that rate of emissions which reflects the more stringent of:
- (a) The most stringent emission limitation which is contained in the implementation plan of any state for such class or category of stationary source, unless the owner or operator of the proposed new or modified stationary source demonstrates that such limitations are not achievable; or
  - (b) The most stringent emission limitation which is achieved in practice by such class or category of stationary source. This limitation, when applied to a modification, means the lowest achievable emissions rate for the new or modified emissions units within a stationary source.
  - (c) In no event shall the application of this term permit a proposed new or modified stationary source to emit any pollutant in excess of the amount allowable under applicable New Source Performance Standards (NSPS).
- (59) Maintenance Area means a geographical area within the jurisdiction of SRCAA which was formerly designated as a nonattainment area and which has been re-designated as an attainment area as provided under Section 107(d) of the Federal Clean Air Act (FCAA). The maintenance

area designation shall be in effect as long as there is a federal or state requirement to have a maintenance plan in effect.

- (60) Malfunction means any sudden, infrequent, and not reasonably preventable failure of air pollution control and monitoring equipment, process equipment, or a process to operate in a normal or usual manner which causes, or has the potential to cause, the emission limitations in an applicable standard to be exceeded. Failures that are caused in part by poor maintenance or careless operation are not malfunctions.
- (61) Masking means the mixing of a chemically nonreactive control agent with a malodorous gaseous effluent to change the perceived odor.
- (62) Materials Handling means the handling, transporting, loading, unloading, storage, or transfer of materials with no significant chemical or physical alteration.
- (63) Modification means any physical change in, or change in the method of operation of, a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emissions of any air contaminant not previously emitted. The term modification shall be construed consistent with the definitions of modification in Section 7411, 42 USC, and with rules implementing that section.
- (64) Multiple-Chambered Incinerator means any incinerator consisting of two (2) or more combustion chambers in series, employing adequate design parameters necessary for maximum combustion of the material to be burned.
- (65) National Ambient Air Quality Standard (NAAQS) means an ambient air quality standard set by the Environmental Protection Agency (EPA) at 40 CFR Part 50 and includes standards for carbon monoxide (CO), particulate matter, ozone (O<sub>3</sub>), sulfur dioxide (SO<sub>2</sub>), lead (Pb), and nitrogen dioxide (NO<sub>2</sub>).
- (66) National Emission Standards for Hazardous Air Pollutants (NESHAP) means the federal rules in 40 CFR Part 61.
- (67) National Emission Standards for Hazardous Air Pollutants (NESHAP) for Source Categories means the federal rules in 40 CFR Part 63. These rules are commonly referred to as Maximum Available Control Technology (MACT) standards.



- (68) New Source means one or more of the following:
- (a) The construction or modification of a stationary source that increases the amount of any air contaminant emitted by such stationary source or that results in the emission of any air contaminant not previously emitted;
  - (b) Any other project that constitutes a new source under the Federal Clean Air Act (FCAA);
  - (c) Restart of a stationary source after closure;
  - (d) Relocation of a stationary source to a new location;
  - (e) Like-kind replacement of existing emission unit(s) with a like-kind emission unit(s) (e.g. boilers, crushing equipment); or
  - (f) A portable source subject to the requirements in Article V, Section 5.08.
- (69) New Source Performance Standards (NSPS) means the federal rules in 40 CFR Part 60.
- (70) Nonattainment Area means a geographic area designated by the Environmental Protection Agency (EPA) at 40 CFR Part 81 as exceeding a National Ambient Air Quality Standards (NAAQS) for a given criteria pollutant. An area is nonattainment only for the pollutants for which the area has been designated nonattainment.
- (71) Nonroad Engine means:
- (a) Except as provided in Article I, Section 1.04(A)(71)(b), a nonroad engine is any internal combustion engine:
    - 1. In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling itself and performing another function (such as garden tractors, off-highway mobile cranes and bulldozers);
    - 2. In or on a piece of equipment that is intended to be propelled while performing its function (such as lawnmowers and string trimmers); or
    - 3. That, by itself or in or on a piece of equipment, is portable or transportable, meaning designed to be and capable of being carried or moved from one location to another. Methods of transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or platform.
  - (b) An internal combustion engine is not a nonroad engine if:
    - 1. The engine is used to propel a motor vehicle, a vehicle used solely for competition, or is subject to standards promulgated under Section 202 of the Federal Clean Air Act (FCAA);
    - 2. The engine is regulated by a New Source Performance Standard (NSPS) promulgated under Section 111 of the FCAA; or

3. The engine otherwise included in Section 1.04(A)(71)(a)3. remains or will remain at a location for more than twelve (12) consecutive months, or a shorter period of time for an engine located at a seasonal source. A location is any single site at a building, structure, facility, or installation. Any engine (or engines) that replace an engine at a location and is intended to perform the same or similar function as the engine replaced, will be included in calculating the consecutive time period. An engine located at a seasonal source is an engine that remains at a seasonal source during the full annual operating period of the seasonal source. A seasonal source is a stationary source that remains in a single location on a permanent basis (i.e., at least two (2) years) and that operates at that single location approximately three (3) months (or more) each year. This paragraph does not apply to an engine after the engine is removed from the location.
- (72) North American Industry Classification System (NAICS) means the standard used by federal statistical agencies in classifying business establishments for the purpose of collecting, analyzing, and publishing statistical data related to the U.S. business economy.
- (73) Notice of Construction (NOC) Application means a written application to allow construction of a new source, modification of an existing stationary source, or replacement or substantial alteration of control technology at an existing stationary source.
- (74) Odor means that property of a substance, which allows its detection by the sense of smell or through the use of instruments designed for that purpose.
- (75) Opacity means the degree to which an object seen through a plume is obscured, stated as a percentage.
- (76) Order means any order issued or adopted by Ecology or the Agency under Chapter 70.94 RCW, including, but not limited to RCW 70.94.332, 70.94.152, 70.94.153, 70.94.154, and 70.94.141(3), and includes, where used in the generic sense, the terms: order, corrective action order, order of approval, permit, permission to operate, compliance schedule order, consent order, order of denial, notice of violation, and regulatory order.
- (77) Order of Approval means a regulatory order issued by Ecology or the Agency to approve the Notice of Construction (NOC) Application for a proposed new source or modification, or the replacement or substantial alteration of control technology at an existing stationary source.

- (78) Outdoor Burning or Open Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion.
- (79) Owner or Operator means any person(s) who owns, leases, supervises, operates, or is in control of real property or a stationary or a portable source.
- (80) Ozone Depleting Substance means any substance listed in Appendices A and B to Subpart A of 40 CFR Part 82.
- (81) Particulate Matter or Particulates means any airborne finely divided solid or liquid material with an aerodynamic diameter smaller than one hundred (100) micrometers.
- (82) Particulate Matter Emissions means all finely divided solid or liquid material, other than uncombined water, emitted to the ambient air, as measured by applicable reference methods, or an equivalent or alternative method specified in Title 40 Chapter I of the Code of Federal Regulations CFR or by a test method specified in the State Implementation Plan (SIP).
- (83) Parts per Million by Volume (ppmv) means parts of a contaminant per million parts of gas or carrier medium, by volume, exclusive of water or particulate matter.
- (84) Parts per Million by Weight (ppmw) means parts of a contaminant per million parts of gas or carrier medium, by weight.
- (85) Permission to Operate means a regulatory order issued by the Agency to approve the Portable Source Permit (PSP) Application for the operation and relocation of a proposed portable source in Spokane County.
- (86) Permitting Authority or Permitting Agency means Ecology or the Agency with jurisdiction over the source.
- (87) Person means an individual, firm, public or private corporation, owner, owner's agent, operator, contractor, limited liability company, association, partnership, political subdivision, municipality, or government agency.
- (88) PM<sub>2.5</sub> means particulate matter with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or  $\mu$ ) as measured by a reference method based on 40 CFR Part 50 Appendix L and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.

- (89) PM<sub>2.5</sub> Emissions means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal two and one-half (2.5) micrometers (microns or  $\mu$ ) emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the State Implementation Plan (SIP).
- (90) PM<sub>10</sub> means particulate matter with an aerodynamic diameter less than or equal to a nominal ten (10) micrometers (microns or  $\mu$ ) as measured by a reference method based on 40 CFR Part 50 Appendix J and designated in accordance with 40 CFR Part 53 or by an equivalent method designated in accordance with 40 CFR Part 53.
- (91) PM<sub>10</sub> Emissions means finely-divided solid or liquid material, including condensable particulate matter, with an aerodynamic diameter less than or equal to a nominal (ten) 10 micrometers (microns or  $\mu$ ) emitted to the ambient air as measured by an applicable reference method, or an equivalent or alternate method, specified in Appendix M of 40 CFR Part 51 or by a test method specified in the State Implementation Plan (SIP).
- (92) Pollution Control Hearings Board of Washington (PCHB) means the body established under Chapter 43.21 RCW to adjudicate hearings pertaining to decisions and orders of the Agency.
- (93) Portable Source means a type of stationary source that emits air contaminants only while at a fixed location but which is capable of being transported to various locations. Examples include a portable asphalt plant or a portable package boiler.
- (94) Portable Source Permit (PSP) Application means a written application to allow the operation or relocation of a proposed portable source in Spokane County.
- (95) Potential-to-Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable. Secondary emissions are not included in determining the PTE of a stationary source.
- (96) Prevention of Significant Deterioration (PSD) means the program set forth in WAC 173-400-700 through 750.

- (97) Reasonably Available Control Technology (RACT) means the lowest emission limit that a particular stationary source or source category is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility. RACT is determined on a case-by-case basis for an individual stationary source or source category, taking into account the impact of the stationary source upon air quality, the availability of additional controls, the emission reduction to be achieved by additional controls, the impact of additional controls on air quality, and the capital and operating costs of the additional controls. RACT requirements for any stationary source or source category shall be adopted only after notice and opportunity for comment are afforded.
- (98) Refuse means putrescible and non-putrescible solid wastes including, but not limited to, garbage, rubbish, ashes, incinerator residue, dead animals, abandoned automobiles, solid market wastes, street cleanings, and solid commercial and industrial waste (including waste disposal in industrial salvage).
- (99) Regulatory Order means an order issued by Ecology or the Agency that requires compliance with any applicable provisions of Chapter 70.94 RCW, or the rules and regulations adopted thereunder.
- (100) Secondary Emissions means emissions which would occur as a result of the construction or operation of a major stationary source or major modification, but do not come from the major stationary source or major modification itself. Secondary emissions must be specific, well defined, quantifiable, and impact the same general area as the major stationary source or major modification which causes the secondary emissions. This includes emissions from any offsite support facility which would not be generated without the construction or operation of the major stationary source or major modification. Emissions which come directly from a mobile source such as a motor vehicle, train, or vessel are not secondary emissions.
- (101) Shutdown means the cessation of operation of a source or portion of a source for any purpose.
- (102) Silvicultural Burning means burning on unimproved land the Department of Natural Resources (DNR) protects under RCW 70.94.030(21), 70.94.6534, 70.94.6540, and Chapter 76.04 RCW.
- (103) Source means all of the emissions unit(s) including quantifiable fugitive emissions, that are located on one or more contiguous or adjacent properties, and are under the control of the same person or persons under

common control, whose activities are ancillary to the production of a single product or functionally related groups of products.

- (104) Source Category means all sources of the same type or classification.
- (105) Spokane Regional Clean Air Agency (SRCAA) means the local air pollution agency empowered to enforce and implement the Federal Clean Air Act (FCAA), 42 USC 7401 et seq., the Washington Clean Air Act (WCAA), Chapter 70.94 RCW, and SRCAA Regulation I, in Spokane County, Washington State.
- (106) Stack means any point in a stationary source designed to emit solids, liquids, or gases into the air, including a pipe or duct.
- (107) Stack Height means the height of an emission point measured between the ground-level elevation at the base of the stack and where the emissions exit the stack.
- (108) Stage I Vapor Recovery means the capture of all gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a transport tank into a stationary storage tank, except motor vehicle refueling.
- (109) Stage II Vapor Recovery means the capture of gasoline vapors at gasoline dispensing facilities during the transfer of gasoline from a stationary storage tank into a motor vehicle fuel tank.
- (110) Standard Conditions means a temperature of 20°C (68°F) and a pressure of 760 mm (29.92 inches) of mercury.
- (111) Standard Cubic Foot of Gas means that amount of gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor at a pressure of 14.7 psia and a temperature of 68° F.
- (112) Startup means the setting in operation of a source or portion of a source for any purpose.
- (113) State Implementation Plan (SIP) or Washington SIP means the Washington SIP in 40 CFR Part 52, subpart WW. The SIP contains state, local and federal regulations and orders, the state plan, and compliance schedules approved and promulgated by the Environmental Protection Agency (EPA), for the purpose of implementing, maintaining, and enforcing the National Ambient Air Quality Standards (NAAQS).

- (114) Stationary Source means any building, structure, facility, or installation that emits or may emit any air contaminant. This term does not include emissions resulting directly from an internal combustion engine for transportation purposes, or from a nonroad engine, or nonroad vehicle, as defined in Section 216(11) of the Federal Clean Air Act (FCAA).
- (115) Synthetic Minor (SM) means any source whose potential-to-emit has been limited below applicable thresholds by means of an enforceable order, rule, or approval condition.
- (116) Total Actual Annual Emissions means the total of all criteria and toxic air pollutant emissions for the most recent complete year that is available to the Agency.
- (117) Total Reduced Sulfur (TRS) means the sum of the mass of sulfur compounds, hydrogen sulfide, mercaptans, dimethyl sulfide, dimethyl disulfide, and any other organic sulfides, emitted and measured by Environmental Protection Agency (EPA) Method 16 in Appendix A to 40 CFR Part 60 or an approved equivalent method, and expressed as hydrogen sulfide.
- (118) Total Suspended Particulate (TSP) means the mass of particulate matter as measured by the method described in 40 CFR Part 50 Appendix B.
- (119) Toxic Air Pollutant (TAP) or Toxic Air Contaminant means any toxic air pollutant listed in Chapter 173-460 WAC. The term toxic air pollutant may include particulate matter and volatile organic compounds, if an individual substance or a group of substances within either of these classes is listed in Chapter 173-460 WAC. The term toxic air pollutant does not include particulate matter and volatile organic compounds as generic classes of compounds.
- (120) Unclassifiable Area means an area that cannot be designated attainment or nonattainment on the basis of available information as meeting or not meeting the National Ambient Air Quality Standard (NAAQS) for the criteria pollutant and that is listed by the Environmental Protection Agency (EPA) at 40 CFR Part 81.
- (121) United States Environmental Protection Agency (USEPA) or (EPA) means the federal agency empowered to enforce and implement the Federal Clean Air Act (FCAA), 42 USC 7401, et seq.
- (122) Upset Condition means a failure, breakdown, or malfunction of any piece of process equipment or pollution control equipment that causes, or has the potential to cause, excess emissions.

- (123) Vent means any opening through which air pollutants are exhausted into the ambient air.
- (124) Visibility Impairment means any humanly perceptible change in visibility (light extinction, visual range, contrast, or coloration) from that which would have existed under natural conditions.
- (125) Volatile Organic Compound (VOC) means the same as defined in 40 CFR 51.100 for the purposes of Regulation I.

## **SECTION 1.05 ACRONYM INDEX**

acfm	Actual Cubic Feet per Minute
ACM	Asbestos-Containing Material
ACWM	Asbestos-Containing Waste Material
AHERA	Asbestos Hazard Emergency Response Act
AOP	Air Operating Permit
ASTM	American Society for Testing and Materials
AWP	Alternate Work Plan
BACT	Best Available Control Technology
BART	Best Available Retrofit Technology
bhp	Brake Horse Power
Btu	British Thermal Unit
C	Celsius
CFR	Code of Federal Regulations
CO	Carbon Monoxide
DNR	Department of Natural Resources
DNS	Determination of Nonsignificance
DS	Determination of Significance
EFSEC	Energy Facility Site Evaluation Council
EIS	Environmental Impact Statement
e-NOI	Electronic Notice of Intent
EPA	Environmental Protection Agency, same as USEPA
ERC	Emissions Reduction Credit
F	Fahrenheit
FCAA	Federal Clean Air Act
G	Gram
gal	Gallon
GEP	Good Engineering Practices
GOA	General Order of Approval
HAP	Hazardous Air Pollutant
HEPA	High Efficiency Particulate Air
hr	Hour
HVLP	High Volume, Low Pressure
kg	Kilogram



LAER	Lowest Achievable Emission Rate
L	Liter
lb	Pound
LIEAP	Low Income Energy Assistance Program
LPG	Liquid Petroleum Gas
LVLP	Low Volume, Low Pressure
mm	Millimeter
MACT	Maximum Achievable Control Technology
MDNS	Mitigated Determination of Nonsignificance
NAAQS	National Ambient Air Quality Standards
NAICS	North American Industry Classification System
NOC	Notice of Construction
NESHAP	National Emission Standards for Hazardous Air Pollutants
NOI	Notice of Intent
NOV	Notice of Violation
NO <sub>2</sub>	Nitrogen Dioxide
NO <sub>x</sub>	Nitrogen Oxide
NSPS	New Source Performance Standards
NSR	New Source Review
O <sub>3</sub>	Ozone
Pb	Lead
PCHB	Pollution Control Hearings Board
PLM	Polarized Light Microscopy
PM	Particulate Matter
PM <sub>2.5</sub>	Particulate Matter 2.5
PM <sub>10</sub>	Particulate Matter 10
POTWs	Private and Publicly Owned Treatment Works
ppmv	Parts Per Million by Volume
ppmw	Parts Per Million by Weight
psia	Pounds per Square Inch Absolute
psig	Pounds per Square Inch Gauge
PSD	Prevention of Significant Deterioration
PSP	Portable Source Permit
PTE	Potential to Emit
RACT	Reasonable Available Control Technology
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act
SIC	Standard Industrial Classification
SIP	State Implementation Plan
SCAPCA	Spokane County Air Pollution Control Authority
SM	Synthetic Minor
SNAP	Spokane Neighborhood Action Partners
SO <sub>2</sub>	Sulfur Dioxide
SQER	Small Quantity Emission Rate
SRCAA	Spokane Regional Clean Air Agency
TAC	Toxic Air Contaminant

TAP	Toxic Air Pollutant
tBACT	Toxic Best Available Control Technology
TRS	Total Reduced Sulfur
TSI	Thermal System Insulations
TSP	Total Suspended Particulate
USC	United States Code
USEPA	United State Environmental Protection Agency, same as EPA
VOC	Volatile Organic Compound
WAC	Washington Administrative Code
WCAA	Washington Clean Air Act
WISHA	Washington Industrial Safety and Health Act
yr	Year

# ARTICLE II

## GENERAL PROVISIONS

**ADOPTED: June 9, 1969**

**REVISED: July 9, 2020**

**EFFECTIVE: September 1, 2020**

### 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 2.03 CONFIDENTIAL OR PROPRIETARY INFORMATION**

The Agency implements and enforces RCW 70.94.205 – Confidentiality of records and 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 2.07 STATUS OF ORDERS OF APPEAL (Repealed 3/4/04, Res. 04-01)**

## **SECTION 2.08 FALSIFICATION OF STATEMENTS OR DOCUMENTS, AND TREATMENT OF DOCUMENTS**

- (A) False, Misleading Statements. No person shall willfully make a false or misleading statement to the Board or their authorized representative as to any matter within the jurisdiction of the Board.
- (B) Alter Documents. No person shall reproduce or alter, or cause to be reproduced or altered, any order, registration certificate, or other paper issued by the Agency if the purpose of such reproduction or alteration is to circumvent, evade, or violate any provision of Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.
- (C) Available for Review. Any order or registration certificate required to be obtained by Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto, shall be available for review on the premises designated on the order or certificate.
- (D) Notice to be Displayed. In the event the Agency requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Agency.
- (E) False Statements. No person shall make any false material statement, representation, or certification in any form, notice or report required under Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.
- (F) Render Inaccurate. No person shall render inaccurate any monitoring device or method required under Chapter 70.94 RCW, or any regulation, ordinance, resolution, permit, or order in force pursuant thereto.

## **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 2.10 SEVERABILITY**

If any phrase, clause, subsection or section of SRCAA Regulation I shall be declared unconstitutional or invalid by any court of competent jurisdiction, it shall be conclusively presumed that the Board would have enacted Regulation I without the phrase, clause, subsection, or section so held unconstitutional or invalid and the remainder of Regulation I shall not be affected as a result of said part being held unconstitutional or invalid.

## **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 2.13 FEDERAL AND STATE REGULATION REFERENCE DATE**

- (A) Federal Adoption by Reference. Federal rules in SRCAA Regulation I are adopted as they exist on January 1, 2020.
  - (1) The term “Administrator” means the Administrator of EPA or the Control Officer of the Agency.
  - (2) Where EPA has delegated to the Agency the authority to receive reports, the affected facility will submit reports to the Agency, unless otherwise instructed.
- (B) State Adoption by Reference. State rules in Regulation I are adopted as they exist on January 1, 2020, or as amended, unless a different date is listed in Section 2.14.

## **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.

## **SECTION 2.15 INTIMIDATION**

- (A) No person shall, directly or indirectly, assault, intimidate, threaten, harass, coerce or unlawfully imprison the Control Officer or the authorized representative. The following definitions apply to this Section:
  - (1) “Assault” includes, but is not limited to, actions constituting assault under RCW 9A.36 *et seq.*
  - (2) “Intimidate” includes, but is not limited to, actions that discourage, restrain or deter action by inducing fear.
  - (3) “Threaten” includes, but is not limited to, actions constituting threats under RCW 9A.76.180(3) and 9A.04.110(28).
  - (4) “Harassment” includes, but is not limited to, actions constituting harassment under RCW 9A.46.020(1).

- (5) "Coercion" includes, but is not limited to, actions constituting coercion under RCW 9A.36.070(1).
  - (6) "Unlawful Imprisonment" includes, but is not limited to, restricting a person's movements without consent and without legal authority in manner which interferes substantially with his or her liberty as described in RCW 9A.40.010(6).
- (B) For any person found to have violated Article II, Section 2.15(A), the Agency may issue a separate NOV to the full extent authorized by Section 2.02(G) and Section 2.11 of SRCAA Regulation I.
  - (C) A NOV under this Section may be issued regardless of a criminal charge or conviction related to the same conduct.
  - (D) The civil penalty for a violation of this Section shall be \$5,000.00. Requests for mitigation of a NOV issued under this Section shall be referred to and decided by the Board.

#### **SECTION 2.16 40 CFR PART 60 – STANDARDS OF PERFORMANCE FOR NEW SOURCES (NSPS)**

- (A) The Agency Adopts by Reference:
  - (1) 40 CFR Part 60 and its Appendices in effect on the date referenced in SRCAA Regulation I, Article II, Section 2.13.
    - (a) Subpart IIII and Subpart JJJJ are only adopted as they apply to a stationary source located at a source subject to Chapter 173-401 WAC (Air operating permit regulation).
  - (2) Exceptions. The following sections and subparts of 40 CFR Part 60 are not adopted by reference:
    - (a) 40 CFR 60.5 (determination of construction or modification);
    - (b) 40 CFR 60.6 (review of plans);
    - (c) 40 CFR Part 60, Subpart B (Adoption and Submittal of State Plans for Designated Facilities), Subparts C, Cb, Cc, Cd, Ce, BBBB, DDDD, FFFF, MMMM, UUUU (emission guidelines); and
    - (d) 40 CFR Part 60, Appendix G, Provisions for an Alternative Method of Demonstrating Compliance With 40 CFR 60.43 for the Newton Power Station of Central Illinois Public Service Company.

#### **SECTION 2.17 40 CFR PART 61 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS)**

- (A) The Agency Adopts by Reference:
  - (1) 40 CFR Part 61 and its Appendices in effect on the date referenced in SRCAA Regulation I, Article II, Section 2.13.

- (a) The Agency may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61, 62, 63 and 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.
  - (b) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants must confirm with the requirements of 40 CFR Parts 51, 60, 61, 62, 63, and 65, as applicable.
- (2) Exceptions. Section 2.17 does not apply to any source operating under a waiver granted by EPA, or an exemption granted by the president of the United States.

## **SECTION 2.18 40 CFR PART 63 – NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS (NESHAPS) FOR SOURCE CATEGORIES**

- (A) Major Source of Hazardous Air Pollutants. The Agency adopts by reference 40 CFR Part 63 and Appendices as they apply to major sources of hazardous air pollutants, in effect on the date referenced in SRCAA Regulation I, Article II, Section 2.13.
- (B) Nonmajor Sources of Hazardous Air Pollutants.
  - (1) The Agency adopts by reference these subparts of 40 CFR Part 63 and Appendices, in effect on the date referenced in Section 2.13. The stationary sources affected by these subparts of 40 CFR Part 63 are subject to Chapter 173-401 (Operating permit regulation).
    - (a) Subpart X, Secondary lead smelting;
    - (b) Subpart EEE, Hazardous waste incineration;
    - (c) Subpart LLL, Portland cement;
    - (d) Subpart IIII, Mercury cell chlor-alkali plants;
    - (e) Subpart YYYYYY, Stainless and nonstainless steel manufacturing (electric arc furnace);
    - (f) Subpart EEEEEEE, Primary copper smelting;
    - (g) Subpart FFFFFFF, Secondary copper smelting;
    - (h) Subpart GGGGGG, Primary nonferrous metal;
    - (i) Subpart MMMMMM, Carbon black production;
    - (j) Subpart NNNNNN, Chromium compounds;
    - (k) Subpart SSSSSS, Pressed and blown glass manufacturing;
    - (l) Subpart VVVVVV, Chemical manufacturing for synthetic minors; and
    - (m) Subpart EEEEEEEE, Gold mine ore processing and production.
  - (2) The Agency adopts by reference 40 CFR Part 63 and Appendices, in effect on the date referenced in Section 2.13, as they apply to a stationary

source located at a source subject to Chapter 173-401 WAC (Operating permit regulation).

- (3) The Agency adopts by reference these subparts of 40 CFR Part 63 and Appendices, in effect on the date referenced in Section 2.13, as they apply to area sources of hazardous air pollutants.
  - (a) Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities;
  - (b) Subpart N, National Emission Standards for Chromium Emissions From Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks;
  - (c) Subpart T, National Emission Standards for Halogenated Solvent Cleaning;
  - (d) Subpart RRR, National Emission Standards for Hazardous Air Pollutants for Secondary Aluminum Production; and
  - (e) Subpart JJJJJJ, National Emission Standards for Hazardous Air Pollutants for Industrial, Commercial, and Institutional Boilers.
- (C) Source Testing.
  - (1) The Agency may conduct source tests and require access to records, books, files, and other information specific to the control, recovery, or release of those pollutants regulated under 40 CFR Parts 61, 62, 63 and 65, as applicable, in order to determine the status of compliance of sources of these contaminants and to carry out its enforcement responsibilities.
  - (2) Source testing, monitoring, and analytical methods for sources of hazardous air pollutants must confirm with the requirements of 40 CFR Parts 51, 60, 61, 62, 63, and 65, as applicable.

## **SECTION 2.19 40 CFR PART 65 – CONSOLIDATED FEDERAL AIR RULE**

- (A) The Agency Adopts by Reference:
  - (1) 40 CFR Part 65 in effect on the date referenced in SRCAA Regulation I, Article II, Section 2.13.



# ARTICLE III

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## VARIANCES

**ADOPTED: June 9, 1969**

**REVISED: September 4, 2014**

**EFFECTIVE: October 5, 2014**

### **SECTION 3.01 VARIANCES – APPLICATION FOR – CONSIDERATIONS – LIMITATIONS – RENEWALS – REVIEW**

**A. Applicability (RCW 70.94.181)**

Any person, or group of persons, who is directly impacted by any SRCAA rule or regulation, may apply to the Board for a variance from rules or regulations governing the quality, nature, duration or extent of discharges of air contaminants. The application shall be accompanied by such information and data as the Board may require. The total time period for a variance and renewal of such variance shall not exceed one year.

**B. General Process**

The Board may grant a variance to SRCAA rules or regulations. However, if the variance sought also requires a variance from state rules, Ecology must first issue its approval.

1. If the variance pertains to a SRCAA regulation only, the applicant must submit the variance application to SRCAA and the decision to approve or deny the variance will be made by the Board.
2. If the variance pertains to a SRCAA regulation and a state rule, the applicant must submit the variance application concurrently to both SRCAA and Ecology. If approved by Ecology, the variance application may then be reviewed and processed by SRCAA with the decision to approve or deny the variance being made by the Board. Approval of such a variance is contingent upon approval by both Ecology and SRCAA. If denied by Ecology, SRCAA will not review the variance.
  - a. Per 40 CFR 52.2476(b), any change to a provision of the state implementation plan described in 40 CFR 52.2476(a) must be

submitted by Ecology for approval by EPA in accordance with the requirements of 40 CFR 51.104. In accordance with 40 CFR 51.104, variances approved under this Article shall not be included in orders or permits provided for in RCW 70.94.152 (Notice of Construction) or RCW 70.94.161 (Operating Permits) until such time as the variance has been accepted by the EPA as part of an approved State Implementation Plan in 40 CFR Part 52, subpart WW.

C. Conditions for Granting a Variance

Pursuant to RCW 70.94.181(1), variances may be issued by the Board if it finds that:

1. The emissions occurring or proposed to occur do not endanger public health, safety, or the environment; and
2. Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

The interests of the applicant, other owners of property likely to be affected by the emissions, and the general public must also be considered pursuant to Section 3.01.E and RCW 70.94.181(2).

D. Complete Application

In addition to the requirements of Section 3.01.A above, applicants seeking a variance must submit an accurate and complete application. Application must be made using forms provided by SRCAA. An application is not deemed complete until all of the information identified below is received. At a minimum, applicants must submit all of the following information:

1. A list of interested parties and neighbors within 500 feet or more of the property on which the variance is proposed to occur, including mailing addresses, or as deemed necessary by the Control Officer.
2. The specific laws and/or regulations from which a variance is being sought.
3. How compliance with rules or regulations from which the variance is sought would produce serious hardship to the applicant without equal or greater benefits to the public.
4. An explanation of the time period for which the variance is sought; not to exceed one year.

5. How the applicant will comply with the applicable laws and/or regulations following expiration of the variance so as to alleviate the need for a renewal of a variance, if one is approved.
6. An explanation, if applicable, as to why there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved.
7. If alternatives are available, what the cost of the alternatives are. Supporting documentation must be provided.
8. Detailed maps of the site subject to the variance application.
9. Any additional information requested by SRCAA prior to, during, or following submittal of the application.
10. The variance application must be complete and accurate and a statement to this effect by the applicant must be included in the application. Incomplete or inaccurate applications may be returned to the applicant for completion or correction.
11. If the variance application requires Ecology's approval pursuant to Section 3.01.B, the applicant must demonstrate to SRCAA that a variance application has been approved by Ecology (i.e. submit a copy of Ecology's written decision to approve the variance to SRCAA).

E. Public Notice and Public Hearing

Variance may be issued only after public involvement per WAC 173-400-171. No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public. The Board shall conduct a fact-finding public hearing, upon due notice being published and sent to all interested parties within 500 feet of the property on which the variance is proposed. The Control Officer may require notice to parties beyond 500 feet, if deemed necessary. A 30-day advance public notice shall be published in a newspaper of general circulation in the area of the proposed variance and shall include the following information:

1. The time, date, and place of the hearing;
2. The name and address of the owner or operator and the source;
3. A brief description of the variance request; and

4. The deadline for submitting written comments to SRCAA.

For variances from state rules, SRCAA may determine that public notice and public hearing conducted by Ecology satisfies the provision in WAC 173-400-171.

F. Variance Limitations

Any variance or renewal thereof shall be granted within the requirements of Section 3.01.A and C of this Regulation for not more than one (1) year under conditions consistent with the reasons therefore, and within the following limitations:

1. If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measure that the Board may prescribe.
2. If the variance is granted on the ground that compliance with the particular requirement or requirements from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time, as in the view of the Board, is requisite for the taking of the necessary measures. A variance granted on the ground specified herein, shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.
3. If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in Sections 3.01.F.1 and 3.01.F.2 of this Regulation, it shall be for not more than one (1) year.

G. Renewal

Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefore. Any such application shall be made at least sixty (60) days prior to the expiration of the variance. Immediately upon receipt of a complete and accurate application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of Ecology or SRCAA.

H. Appeal Process

A variance or renewal shall not be a right of the applicant or holder thereof, but shall be granted at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board, may obtain judicial review thereof only under the provisions of Chapter 34.05 RCW, as of the effective date of this regulation or thereafter amended.

I. Emergency Provisions

Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.710 through 70.94.730 (Air Pollution Episodes) to any person or his or her property.

J. Processing Period

Unless the applicant and the Board agree to a continuance, an application for a variance, or for the renewal thereof, submitted to the Board pursuant to Section 3.01.B.1 shall be approved or disapproved by the Board within sixty-five (65) days of SRCAA determining that the application for a variance is accurate and complete and receiving the filing fee reference in Section 3.02.A. If approval from Ecology is required per Section 3.01.B.2, and unless the applicant and the Board agree to a continuance, approval or denial by the Board shall occur within sixty-five (65) days of receipt of all of the following: an accurate and complete application, Ecology's written decision to approve the variance, and the filing fee referenced in Section 3.02.A.

## **SECTION 3.02 FEES**

A. Fees

Except as provided in Section 3.02.B, below, the filing fees, all legal fees, legal notice fees, and all hourly fees incurred by SRCAA must be paid by the applicant regardless of whether the variance is granted, denied, or determined to be incomplete.

1. Filing Fees

For applications submitted pursuant to Section 3.01.B.1 (SRCAA-only regulations), a filing fee as specified in Section 10.08 of this Regulation and SRCAA's fee schedule shall be submitted at the time of application and shall be applied to the final invoice fee. For applications submitted pursuant to Section 3.01.B.2 (SRCAA regulations and Ecology rules), a

filing fee as specified in Section 10.08 of this Regulation and SRCAA's fee schedule shall be submitted at the same time Ecology's written approval is submitted to SRCAA pursuant to Section 3.01.J and shall be applied to the final invoice fee.

2. Legal Fees / Legal Notice Fees

The applicant shall also be responsible to pay all legal fees incurred by SRCAA directly attributed to the application for a variance and costs associated with any legal notice(s) required pursuant to this Article.

3. Hourly Fees

An hourly fee, as established in Section 10.08 of this Regulation and SRCAA's fee schedule, shall also be assessed to, and paid by, the applicant for applications reviewed by SRCAA pursuant to this Article.

B. Reduced Fees or Refunds

The applicant may request that some portion of the variance fees be waived or refunded if it is demonstrated to the Board that SRCAA's variance application process didn't fully and accurately inform the applicant of the variance process described in Sections 3.01-3.02.A of this Regulation. Such request must be made in writing no later than thirty (30) days after denial or approval of the variance by the Board. Any fee reductions or refunds shall be at the full discretion of the Board.

# ARTICLE IV

## REGISTRATION

**ADOPTED:** June 9, 1969

**REVISED:** July 9, 2020

**EFFECTIVE:** September 1, 2020

### SECTION 4.01 REGISTRATION REQUIRED

- (A) Stationary Source Registration. The Agency regulates the classes of stationary sources and source categories listed in SRCAA Regulation I, Article IV, Section 4.04, under the authority of RCW 70.94.151. A stationary source listed in Section 4.04, whether publicly or privately owned, must register with the Agency, unless exempted under Article IV, Section 4.03.
- (B) Purpose. The registration program allows the Agency to maintain a current and accurate record of air contaminant sources. Information collected through registration is used to evaluate the effectiveness of air pollution control strategies and to verify source compliance with applicable air pollution requirements.
- (C) Registration Program Components.
  - (1) Initial registration and annual or other periodic reports from stationary source owner or operator.
  - (2) On-site inspections necessary to verify compliance with registration requirements.
  - (3) Data storage and retrieval systems necessary for support of the registration program.
  - (4) Emission inventory reports and emission reduction credits computed from information provided by source owner / operator under the registration requirements.
  - (5) Staff review, including engineering analysis for accuracy and current information provided by source under the registration program.
  - (6) Clerical, administrative, and other office support of the registration program.

### SECTION 4.02 GENERAL REQUIREMENTS FOR REGISTRATION

- (A) Registration Required. The owner or operator of a stationary source must register the stationary source with the Agency annually. The owner or operator is responsible for timely submission of accurate and complete registration information and fees, except those stationary sources exempted under Section 4.03.

- (B) **Registration Information.** The owner or operator is responsible for notifying the Agency of the existence of the source. The owner or operator must register each emissions unit located at the stationary source, including quantifiable fugitive air emissions. The owner or operator must provide information as may be required by the Agency, concerning location, size, and height of air contaminant outlets, processes employed, nature of the air contaminant emission, and such other information, as is relevant to air pollution. The owner or operator must submit updated registration information at least annually as required by the Agency, using Agency prepared and furnished forms, unless the Agency approves in writing an alternative format or method of reporting. Submission must be received within forty-five (45) days of the issue date or request, unless the Agency specifies otherwise.
- (C) **Signature.** The owner or operator must sign each registration submission verifying the information on the form is complete and accurate.
- (D) **Fees.** The owner or operator must submit registration fees according to SRCOA Regulation I, Article X.
- (E) **Reporting Requirements for Transfer, Business Name Change, or Change of Ownership.**
  - (1) An owner or operator that changes the business name of a registered stationary source, assumes ownership of a registered stationary source, and/or assumes operational control of a registered stationary source, must report the changes to the Agency, on Agency prepared and furnished forms, within ninety (90) days of the change.
  - (2) Any liability for fee payment, including payment of delinquent fees and other penalties will survive any transfer of ownership and become the legal obligation of the new owner or operator.
- (F) **Operation and Maintenance Plan.** Emissions units and control equipment at registered stationary sources must be operated as designed and kept in good operating condition.
  - (1) Stationary sources must have an operation and maintenance plan for the emissions units and control equipment. The plan must include written operating instructions and maintenance schedules which follow manufacturer recommendations or good industrial practice. The plan must be available on-site within ninety (90) days of initial registration or within twelve (12) months from the effective date of Section 4.02 revisions (09/01/2020), whichever is later. The plan must be provided to the Agency upon request.
  - (2) Records demonstrating compliance with the plan must be kept for the most recent twenty-four (24) months. Records must be provided to the Agency upon request.
  - (3) Equipment with operation and maintenance requirements specified in a written Order of Approval from the Agency are exempt from the requirements of Section 4.02(F).



## SECTION 4.03 REGISTRATION EXEMPTIONS

- (A) Exemptions.
- (1) Air Operating Permit Sources (AOP). Stationary sources subject to Chapter 173-401 WAC (air operating permit sources) and that meet requirements in SRCAA Regulation I, Article V are exempt from the registration requirements of Article IV, Section 4.02.
  - (2) Grain Handling Facilities:
    - (a) That handle less than or equal to ten (10) million bushels of grain annually. If registration has been made under the registration requirements in Section 4.02, and a registration fee paid, these facilities do not need to pay ongoing annual registration fees or meet other registration requirements as long as the stationary source continues to meet the criteria listed below (1. – 3.). The stationary source is subject to all other applicable requirements of Regulation I.
      1. Is properly classified as a grain warehouse or grain elevator (includes grain cleaning) under SIC code 5153 / NAICS 424510;
      2. Is licensed by the Department of Agriculture under Chapter 22.09 RCW or by the federal government for purposes similar to those of licensure under Chapter 22.09 RCW; and
      3. Handles less than or equal to ten (10) million bushels of grain annually.
    - (b) That handles greater than ten (10) million bushels annually. If the licensed capacity increases to greater than ten (10) million bushels of grain annually, registration under Section 4.02 must be completed, and annual registration fee paid, prior to receiving grain from the first harvest season after the date of the increase in its licensed capacity. In addition, if required under Article V, a NOC Application must be filed and an Order of Approval issued by the Agency prior to increasing the licensed capacity of the stationary source to greater than ten (10) million bushels of grain annually.
  - (3) Portable Sources. Portable sources that locate temporarily at a site in Spokane County and have received an approved Permission to Operate under Article V, Section 5.08 are exempt from registration requirements under Section 4.02.
- (B) Exemption Documentation. The owner or operator of any source exempted from registration under Article IV must maintain documentation in order to verify that the source remains entitled to the exemption status and must present said documentation to an Agency authorized representative upon request. The owner or operator of any source that is exempted from registration must immediately:
- (1) Notify the Agency of the exceedance and register the facility upon discovery of exceeding de minimis levels given in Section 4.04; and
  - (2) Submit a NOC Application and receive an Order of Approval from the Agency per Article V.

- (C) Compliance with SRCAA Regulation I. A source with an exemption from registration under Article IV will not be construed as an exemption from any other provision of Regulation I.

#### **SECTION 4.04 STATIONARY SOURCES AND SOURCE CATEGORIES SUBJECT TO REGISTRATION**

- (A) Subject to Registration. The following stationary sources and source categories are subject to registration. Emission rates in SRCAA Regulation I, Article IV, Section 4.04 are based on uncontrolled PTE emissions, unless otherwise noted.
- (1) Stationary sources or source categories subject to state requirements:
    - (a) Any stationary source that qualifies as a new major stationary source, or a major modification (173-400-820 WAC).
    - (b) Any modification to a stationary source that requires an increase either in a facility-wide emission limit or a unit specific emission limit.
    - (c) Any stationary source with significant emissions as defined in WAC 173-400-810.
    - (d) Any stationary source where the owner or operator has elected to avoid one or more requirements of the operating permit program established in Chapter 173-401 WAC, by limiting its PTE (synthetic minor) through an order issued by the Agency.
  - (2) Any stationary sources or source categories:
    - (a) Required to obtain an Order of Approval under Regulation I, Article V.
    - (b) Subject to GOA under Article V and WAC 173-400-560.
    - (c) For which the Control Officer determines that emissions of the stationary source, including fugitive emissions, are likely to be injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.
  - (3) Stationary sources with the following operations:
    - (a) Abrasive blasting operations, except portable blasting operations operating at a construction site, or at a site for less than thirty (30) days in any running twelve (12) month period and abrasive blasting operations that do not exhaust or release fugitive emissions to the ambient air.
    - (b) Acid production plants, including all acids listed in Chapter 173-460 WAC.
    - (c) Agricultural chemicals, manufacturing, mixing, packaging or other related air contaminant emitting operations (fertilizer concentrates, pesticides, etc.).
    - (d) Agricultural drying and dehydrating operations.
    - (e) Alumina processing operations.
    - (f) Ammonium sulfate manufacturing plants.
    - (g) Asphalt and asphalt products production operations (asphalt roofing and application equipment excluded).
    - (h) Brick and clay products manufacturing operations (tiles, ceramics, etc). Noncommercial operations are exempt.

- (i) Cattle feedlots with an inventory of one thousand or more cattle in operation between June 1 and October 1, where vegetation forage growth is not sustained over the majority of the lot during the normal growing season.
- (j) Chemical manufacturing operations.
- (k) Coffee roasting operations.
- (l) Composting operations except noncommercial agricultural and noncommercial residential composting activities.
- (m) Concrete production operations and ready mix plants.
- (n) Flexible polyurethane foam, polyester resin, and styrene production operations.
- (o) Flexible vinyl operations and urethane coating operations.
- (p) Fuel refining operations, blending operations, production operations, including alternative commercial fuel production facilities (e.g. ethanol, bio-diesel, etc.)
- (q) Gasoline and aviation gas storage and dispensing, including:
  - 1. Gasoline dispensing facilities, subject to Chapter 173-491 WAC, and aviation gas dispensing facilities with total gasoline storage capacities greater than 10,000 gallons; and
  - 2. Bulk gasoline, and aviation gas terminals, bulk gasoline and aviation gas plants, and gasoline and aviation gas loading terminals.
- (r) Grain handling; seed, pea, and lentil processing facilities. Registration shall be in accordance with Article IV, Section 4.03.
- (s) Hay cubing or pelletizing operations established at a dedicated collection and processing site.
- (t) Insulation manufacturing operations.
- (u) Marijuana producers.
- (v) Marijuana processors with direct processing of the marijuana plant and plant material (dry, cure, extract, compound, convert, package and label usable marijuana and marijuana concentrates.)
- (w) Metal casting facilities and foundries, ferrous.
- (x) Metal casting facilities and foundries, nonferrous.
- (y) Metal plating and anodizing operations.
- (z) Metallurgical processing operations.
- (aa) Mills; grain, seed, feed and flour production, and related operations.
- (bb) Mills; lumber, plywood, shake, shingle, woodchip, veneer operations, dry kilns, pulpwood insulating board, grass/stubble pressboard, pelletizing, or any combination thereof.
- (cc) Mills; wood products manufacturing operations (including, but not limited to, cabinet works, casket works, furniture, and wood by-products).
- (dd) Mineral processing (metallic and nonmetallic), including, but not limited to, rock crushing, sand and gravel mixing operations, except stand-alone rock, soil, or wood screening / conveying operations and blasting operations.
- (ee) Mineralogical processing operations.
- (ff) Natural gas transmission and distribution (SIC 4923 / NAICS 486210 and 221210, respectively).

- (gg) Paper manufacturing operations, except Kraft and sulfite pulp mills.
- (hh) Perchloroethylene dry cleaning operations.
- (ii) Pharmaceuticals production operations.
- (jj) Plastics and fiberglass fabrication, including gelcoat, polyester resin, or vinylester coating operations using more than 55 gals/yr of all materials containing volatile organic compounds or toxic air pollutants.
- (kk) Portland Cement production facilities.
- (ll) Refuse systems (SIC 4953 / NAICS 562213, 562212, 562211, and 562219, respectively), including municipal waste combustors; landfills with gas collection systems or flares; hazardous waste treatment, storage, and disposal facilities; and wastewater treatment plants other than POTWs.
- (mm) Rendering operations.
- (nn) Semiconductor manufacturing operations.
- (oo) Sewerage systems, POTWs with a rated capacity of more than one million gallons per day (SIC 4952 / NAICS 221320).
- (pp) Stump and wood grinding established at a dedicated collection and processing site.
- (qq) Surface coating, adhesive, and ink manufacturing operations.
- (rr) Surface coating operations:
  1. All motor vehicle or motor vehicle component surface coating operations; and
  2. General surface coating operations with PTE emissions greater than 100 lbs/yr or with PTE toxic air pollutant emissions that exceed any SQER listed in Chapter 173-460 WAC.
- (ss) Synthetic fiber production operations.
- (tt) Synthetic organic chemical manufacturing operations.
- (uu) Tire recapping operations.
- (vv) Wholesale meat/fish/poultry slaughter and packing plants.
- (4) Stationary sources with the following equipment:
  - (a) Fuel burning equipment, including but not limited to boilers, building and process heating units (external combustion) with per unit heat inputs greater than or equal to:
    1. 500,000 Btu/hr using coal or other solid fuels with less than or equal to 0.5% sulfur;
    2. 500,000 Btu/hr using used/waste oil, per the requirements of RCW 70.94.610;
    3. 1,000,000 Btu/hr using kerosene, #1, #2 fuel oil, or other liquid fuel, including alternative liquid fuels (i.e., biodiesel, biofuels, etc) except used/waste oil;
    4. 4,000,000 Btu/hr using gaseous fuels, such as, natural gas, propane, methane, LPG, or butane, including but not limited to, boilers, dryers, heat treat ovens and deep fat fryers; or
    5. 400,000 Btu/hr, wood, wood waste.
  - (b) Incinerators, including human and pet crematories, burn-out ovens, and other solid, liquid, and gaseous waste incinerators.
  - (c) Internal combustion engines

1. Used for standby, back-up operations only, and rated at or above 500 bhp.
2. Stationary internal combustion engines, other than those used for standby or back-up operations, rated at 100 bhp or more and are integral to powering a stationary source. This includes but is not limited to, rock crushing, stump and woodwaste grinding, and hay cubing operations.
- (d) Particulate control at materials handling and transfer facilities that generate fine particulate and exhaust more than 1,000 acfm to the ambient air. This may include pneumatic conveying, cyclones, baghouses, or industrial housekeeping vacuuming systems.
- (e) Storage tanks within commercial or industrial facilities, with capacities greater than 20,000 gallons and storing organic liquids with a vapor pressure equal to or greater than 1.5 psia at 68° F.
- (5) Any stationary source or stationary source category not otherwise identified above, with uncontrolled emissions rates above those listed in (a) – (d):
  - (a) Any single criteria pollutant, or its precursors, as defined in 40 CFR 51.165, exceeding emission rates of 0.5 tons/yr, or in the case of lead, emissions rates greater than or equal to 0.005 tons/yr;
  - (b) TAPs with emission rates exceeding the SQER established in Chapter 173-460 WAC;
  - (c) Combined air contaminants (criteria pollutants, VOCs, or TAPs) in excess of one (1.0) ton/yr; or
  - (d) Combined TAPs and VOC emissions greater than 0.5 tons/yr.
  - (e) The criteria in Section 4.04(A)(5)(a)-(d) applies to, but is not limited to the following stationary source categories:
    1. Bakeries;
    2. Bed lining or undercoating production or application operations;
    3. Degreasers/solvent cleaners, not subject to 40 CFR Part 63, Subpart T (Halogenated Solvent Cleaners); including, but not limited to, vapor, cold, open top, and conveyORIZED cleaner;
    4. Distilleries;
    5. Dry cleaning non-perchloroethylene operations;
    6. Evaporators;
    7. General surface coating operations that only use non-spray application methods (e.g., roller coat, brush coat, flow coat, or pre-packaged aerosol can);
    8. Graphic art systems including, but not limited to, lithographic and screen printing operations;
    9. Marijuana processors;
    10. Organic vapor collection systems within commercial or industrial facilities, including fume hoods;
    11. Ovens, furnaces, kilns and curing with emissions other than combustion emissions;
    12. Plasma or laser cutters;
    13. Soil and groundwater remediation operations;

14. Sterilizing operations, including, but not limited to EtO and hydrogen peroxide, and other sterilizing operations;
15. Utilities, combination electric and gas, and other utility services (SIC 493 / NAICS 221111 through 221210, not in order given);
16. Welding, brazing, or soldering operations; or
17. Wood furniture stripping and treatment operations (commercial only).

#### **SECTION 4.05 CLOSURE OF A STATIONARY SOURCE OR EMISSIONS UNIT(S)**

- (A) Closed Source or Emission Unit. A stationary source or emissions unit(s) is considered closed when:
- (1) The owner or operator notifies the Agency using the Agency prepared and furnished notification form, within ninety (90) days after the owner or operator permanently stops or terminates processes that produce air contaminant emissions at a stationary source or emissions unit(s). Upon submittal of an Agency prepared and furnished notification form to the Agency, or receipt of a written notification from the Agency of closure, the registration status of the stationary source or emissions unit(s) becomes null and void.
  - (2) The owner or operator fails to pay registration fees within one hundred and twenty (120) calendar days of the original invoice date constitutes the closure of the stationary source.
  - (3) The Agency determines that the stationary source has gone out of business, but does not file the Agency prepared and furnished notification form.
- (B) Not Operated for Two or More Years. A stationary source or emissions unit(s) that has not operated for two (2) or more years is presumed to be closed. In such cases it is up to the owner or operator to rebut the presumption. Prior to two (2) years and except as provided in Section 4.05(A) above, whether a source is closed depends on the intention of the owner or operator at the time it ceased operation, based on the following factors:
- (1) The duration and cause of the cessation of operations;
  - (2) The maintenance or testing status of the stationary source or emissions unit(s);
  - (3) Whether a presence was maintained at the site during the cessation of operations; and
  - (4) The payment status of registration fees during the cessation of operations.
- (C) Process and Control Equipment Rendered Inoperable. In the event of the closure of a stationary source or emissions unit(s), the process and pollution control equipment may remain in place and on site, but must be rendered incapable of generating emissions to the atmosphere (e.g. disconnection of power to equipment, mechanical positioning that inhibits processing; placing of padlocks on equipment to prevent operation.)

- (D) Operation of Closed Source or Emissions Unit. It is unlawful for an owner or operator to continue operating a stationary source or emissions unit(s) that is considered closed.
- (E) Resume Operation of Closed Source or Emissions Unit. A stationary source or emissions unit(s) resuming operation after closure must file an NOC application and receive an Order of Approval by the Agency prior to operation.

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# ARTICLE V

## NEW SOURCE REVIEW FOR STATIONARY SOURCES AND PORTABLE SOURCES

**ADOPTED: June 9, 1969**

**REVISED: July 9, 2020**

**EFFECTIVE: September 1, 2020**

### **SECTION 5.01 DEFINITIONS (Repealed, 3/4/04, Res. 04-01)**

### **SECTION 5.02 NEW SOURCE REVIEW APPLICABILITY AND WHEN REQUIRED**

- (A) Purpose. SRCAA Regulation I, Article V contains the new source review requirements for stationary and portable sources in Spokane County.
- (B) Applicability. Article V applies to all stationary sources, portable sources and source categories listed in Article IV, Section 4.04, unless specifically exempted Article V, Section 5.02(I).
- (C) NOC Required for New or Modified Stationary Sources. A NOC application must be filed by the owner or operator and an Order of Approval issued by the Agency prior to the establishment of any of the following stationary source or source categories:
  - (1) New stationary sources and source categories subject to the applicability criteria in Article IV, Section 4.04;
  - (2) Establishment of a new major stationary source as defined in WAC 173-400-710 and 173-400-810;
  - (3) Modifications to an existing stationary source which results in an increase in actual emissions or that requires an increase in either a facility-wide or a unit specific emission limit;
  - (4) A major modification to an existing major stationary source as defined in WAC 173-400-710 and 173-400-810;
  - (5) Any stationary source with emissions that exceed the SQER in Chapter 173-460 WAC;
  - (6) Like-kind replacement of existing emissions unit(s);
  - (7) Existing stationary source replacement or substantial alteration of control equipment;
  - (8) A stationary source or emission unit(s) resuming operation after it has been closed per Article IV, Section 4.05;

- (9) An existing stationary source that is relocated;
  - (10) A stationary source that applies for coverage under a GOA issued by the Agency under WAC 173-400-560 in lieu of filing a NOC application under Article V, Section 5.02; or
  - (11) Any stationary source the Agency determines must file a NOC application and obtain an Order of Approval in order to reduce the potential impact of air emissions on human health and safety, prevent injury to plant, animal life, and property, or which unreasonably interferes with enjoyment of life and property.
- (D) PSP Required for New or Modified Portable Sources. A PSP application must be filed by the owner or operator and a Permission to Operate issued by the Agency prior to the establishment of any portable sources which locate temporarily at locations in Spokane County, unless specifically exempted in 5.08(D).
- (E) Modification Review. New source review of a modification is limited to the emissions unit(s) proposed to be added or modified at an existing stationary source and the air contaminants whose emissions would increase as a result of the modification. Review of a major modification must comply with WAC 173-400-700 through 173-400-750 or 173-400-800 through 173-400-860, as applicable.
- (F) AOP Integrated Review. An owner or operator seeking approval to construct or modify an air operating permit source, may elect to integrate review of the air operating permit application or amendment, required under RCW 70.94.161, and the NOC application required by Article V. A NOC application designated for integrated review must be processed in accordance with the provisions in Chapter 173-401 WAC.
- (G) New Major Stationary Source or Major Modification in Nonattainment Areas. The proposed project is subject to the permitting requirements of WAC 173-400-800 through 173-400-860 if:
- (1) It is a new major stationary source or major modification, located in a designated nonattainment area;
  - (2) The project emits the air pollutant or its precursors for which the area is designated nonattainment; and
  - (3) The project meets the applicability criteria in WAC 173-400-820.
- (H) PSD Permitting with New Major Stationary Source or Major Modification. If the proposed project is a new major stationary source or a major modification that meets the applicability criteria of WAC 173-400-720, the project is subject to the PSD permitting requirements of WAC 173-400-700 through 173-400-750.
- (I) Stationary Sources Exempt from Article V.
- (1) The following stationary sources are exempt from the requirement to file a NOC application and obtain an Order of Approval, provided that the

source has registered with the per Article IV, prior to placing the source in operation:

- (a) Batch coffee roasters with a maximum rated capacity of five (5) kg per batch or less, unless air pollution controls are required because of documented nuisance odors or emissions.
  - (b) Marijuana producers and marijuana processors.
  - (c) Motor vehicle or motor vehicle component surface coating operations with PTE emissions less than one hundred (100) lbs/yr and with PTE toxic air pollutant emissions that do not exceed any SQER listed in Chapter 173-460 WAC.
- (2) Exemption documentation. The owner or operator of any stationary source exempted under Article V must maintain documentation in order to verify the stationary source remains entitled to the exemption status and must present said documentation to an authorized Agency representative upon request. If an owner or operator of any source that is exempt from new source review under Article V as a result of the exemption in Section 5.02(l)(1) exceeds the emission thresholds in those exemptions, the owner or operator must immediately notify the Agency of the exceedance and submit and NOC application and receive an Order of Approval from the Agency.
- (3) Compliance with SRCAA Regulation I. An exemption from new source review under Section 5.02(l)(1) is not an exemption from registration under Article IV or any other provision of Regulation I. Portable sources are exempt from registration [Section 4.03(A)(3)].

### **SECTION 5.03 NOC AND PSP FEES**

- (A) Fees. The owner or operator filing a NOC application or PSP application must pay fees according to SRCAA Regulation I, Article X, Sections 10.07 and 10.08.
- (B) Fee Payment. Fees must be paid without regard to whether a NOC application or PSP application is approved or denied, or a threshold determination is made.

### **SECTION 5.04 INFORMATION REQUIRED**

- (A) NOC and PSP Information. Each NOC application or PSP application must be accompanied by appropriate documentation that provides a detailed description of the stationary source or portable source to enable the Agency to determine that the source or emissions unit will comply with Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s). Information must be submitted on Agency prepared and furnished forms. Such information must include:
  - (1) The new or modified stationary source, portable source, emissions unit, or control equipment;

- (2) Any equipment connected to, serving, or served by the new or modified stationary source or portable source;
  - (3) A plot plan, including the distance to, length, width, and height of; buildings within two hundred (200) feet, or other distance specified by the Agency, from the place where the new or modified stationary source or portable source will be installed;
  - (4) The proposed means for the prevention or control of the emissions of air contaminants;
  - (5) Estimated emissions resulting from the proposal and the basis for the estimates, or sufficient information for the Agency to determine the expected emissions;
  - (6) Any additional information required by the Agency to show that the proposed new or modified stationary source or portable source will meet the applicable air quality requirements of Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s);
  - (7) Any additional information required under WAC 173-400-112 or WAC 173-400-113; and
  - (8) The owner or operator must provide documentation that the requirements of Chapter 197-11 WAC, State Environmental Policy have been met. If the Agency is the lead agency for review of an Environmental Checklist (SEPA) or EIS related to the NOC or PSP application being submitted, then the owner or operator filing the SEPA must pay a SEPA review fee according to SRCAA Regulation I, Article X, Section 10.07. This fee must be paid without regard to the final SEPA determination. The cost of publishing any required public notice must be paid by the owner or operator.
- (B) Signature. Each NOC or PSP application must be signed by the owner or operator of the new or modified stationary source or portable source.

## **SECTION 5.05 PUBLIC INVOLVEMENT**

- (A) Public Notice and Opportunity for Public Comment.
  - (1) SRCAA Regulation I, Article V, Section 5.05 specifies the requirements for notifying the public about air quality actions and provides opportunities of the public to participate in those actions.
  - (2) Applicability to Prevention of Significant Deterioration (PSD). This Section does not apply to a NOC designated for integrated review with actions regulated by WAC 173-400-700 through 173-400-750. In such cases, compliance with the public notification of WAC 173-400-740 is required.
- (B) Public Notice of Application.
  - (1) A notice must be published on the Agency's web site announcing the receipt of NOC applications and PSP applications. Notice will be published for a minimum fifteen (15) consecutive days. Duration does not

require uninterrupted web site access. Each notice will include the following information:

- (a) Notice of the receipt of the application;
    - (b) The type of proposed action; and
    - (c) A statement that the public may request a public comment period on the proposed action per Article V, Section 5.05(B)(2).
  - (2) Requests for a thirty (30) day public comment period concerning applications, orders, proposed projects, or actions must be submitted to the Agency in writing via letter, fax, or electronic means within fifteen (15) days of the posting date on the Agency's web site.
    - (a) A thirty (30) day public comment period must be provided per Article V, Section 5.05(D) for any application or proposed action that receives such a request.
    - (b) Any application or proposed action for which a thirty (30) day public comment period is not requested may be processed without further public involvement at the end of the fifteen (15) day comment period referenced in Section 5.05(B)(1).
  - (3) If state or federal regulations require public notice, the public notice must occur in a manner that complies with Section 5.05 and those sections of the state or federal regulations that are applicable.
- (C) **Mandatory Public Comment Period.** A thirty (30) day public comment period must be provided per Article V, Section 5.05(D) before approving or denying any of the following:
- (1) An application, order, or proposed action for which a public comment period is requested in compliance with Section 5.05(B)(2);
  - (2) An order for a new stationary source or modification of an approved stationary source that increases the annual allowable emissions of the approved source to ten (10) tons or more of any air contaminant, criteria pollutant, or toxic air pollutant;
  - (3) A NOC or PSP application for a new or modified source if there is an increase in emissions of any air pollutant at a rate above the emission threshold rate (defined in WAC 173-400-030), or any increase in emissions of a toxic air pollutant above the acceptable source impact level for that toxic air pollutant as regulated under Chapter 173-460 WAC;
  - (4) Use of a modified or substituted air quality model, other than a guideline model in Appendix W of 40 CFR Part 51, as part of review under Article V, Sections 5.02 and 5.08, WAC 173-400-112, WAC 173-400-113, or WAC 173-400-117;
  - (5) Any order to determine RACT;
  - (6) An order to establish a compliance schedule or a variance. A variance shall be in accordance with Regulation I, Article III;
  - (7) An order to demonstrate the creditable height of a stack which exceeds the GEP formula height and sixty-five (65) meters, by means of a fluid model or a field study, for the purposes of establishing an emission limitation;

- (8) An order to authorize a bubble, under RCW 70.94.155 and WAC 173-400-120;
  - (9) An action to discount the value of an ERC, issued to a source per WAC 173-400-136;
  - (10) A regulatory order to establish BART for an existing stationary facility;
  - (11) A NOC application or regulatory order used to establish a creditable emission reduction;
  - (12) An order issued under WAC 173-400-091 that establishes limitations on PTE;
  - (13) An extension of the deadline to begin actual construction of a major stationary source or major modification in a nonattainment area;
  - (14) The original issuance and the issuance of all revisions to a GOA issued under WAC 173-400-560;
  - (15) An order issued under WAC 173-400-081(4) or 173-400-082 that establishes an emission limitation that exceeds a standard in the SIP; or
  - (16) An NOC application or other proposed action for which the Agency determines there is a significant public interest.
- (D) Public Comment Period.
- (1) After all information required by the Agency has been submitted and applicable preliminary determinations, if any, have been made, a public comment period on actions listed under Section 5.05(C) must be provided for a minimum of thirty (30) days following the date the notice is first published on the Agency web site. If a public hearing is held, the comment period must extend through the hearing date.
  - (2) Availability for public inspection.
    - (a) Administrative record. The information submitted by the owner or operator, and any applicable preliminary determinations, including analyses of the effect(s) on air quality, must be available for public inspection in at least one (1) location near the proposed project or on the Agency web site for the duration of the public comment period. Duration does not require uninterrupted web site access.
    - (b) The Agency must post the following information on their web site for the duration of the public comment period. Duration does not require uninterrupted web site access.
      - 1. Public notice must include the information described in Section 5.05(D)(4);
      - 2. Draft permit, order, or action; and
      - 3. Information on how to access the administrative record.
  - (3) Publication of comment period notice.
    - (a) Public notice of all applications, orders, hearings, or actions listed in Article V, Section 5.05(C) must be posted on the Agency's web site for the duration of the public comment period. Duration does not require uninterrupted web site access.
    - (b) The Agency may supplement Agency web site notification by advertising in a newspaper of general circulation in the area of the

- proposed action or by other methods appropriate to notify the local community.
- (4) Notice for a public comment period must include the following information:
    - (a) Date the public notice is posted;
    - (b) The name and address of the owner or operator and the affected facility;
    - (c) A brief description of the proposal and the type of facility, including a description of the facility's processes subject to the permit;
    - (d) A description of the air contaminant emissions including the type of pollutants and quantity of emissions that would increase under the proposal;
    - (e) The location where those documents made available for public inspection may be reviewed;
    - (f) Start date and end date for the thirty (30) day public comment period;
    - (g) A statement that a public hearing may be held if the Agency determines within a thirty (30) day period that significant public interest exists;
    - (h) The name, address, telephone number, and e-mail address of a person at the Agency where interested persons may obtain additional information, including copies of the permit draft, application, relevant supporting materials, compliance plan, permit, monitoring, compliance certification report, and all other materials available to the Agency that are relevant to the permit decision;
    - (i) For projects subject to special protection requirements for federal Class I areas in WAC 173-400-117, the public notice must explain the Agency's decision; and
    - (j) Any other information required under state or federal laws or regulations.
  - (5) The cost of publishing any public notice required by Article V, Section 5.05 must be paid by the owner or operator.
  - (6) EPA notification. The Agency must send a copy of the notice for all actions subject to a mandatory public comment period to the EPA Region 10 regional administrator.
  - (7) Consideration of public comment. The Agency must make a final decision after the public comment period has ended and comments received have been considered.
  - (8) Public hearings.
    - (a) The owner or operator, any interested governmental entity, group, or person may request a public hearing within the thirty (30) day public comment period. All hearing requests must be submitted to the Agency in writing via letter, fax, or electronic means. A request must indicate the interest of the entity filing it and why a hearing is warranted.
    - (b) The Agency may hold a public hearing if it determines significant public interest exists. The Agency will determine the location, date,

and time of the public hearing. If a public hearing is held, the public comment period will extend through the hearing date and thereafter for such period, if any, as the notice of public hearing may specify.

- (c) Notice of public hearings. At least thirty (30) days prior to the public hearing, the Agency must provide notice of the hearing as follows:
  - 1. Post a public hearing notice on the Agency's web site as directed by Section 5.05(D)(4) for the duration of the public comment period. Duration does not require uninterrupted web site access.
  - 2. Distribute by electronic means or postal service the notice of public hearing to any person who submitted written comments on the application or requested a public hearing, and in the case of a permit action, to the owner or operator.
  - 3. The notice must include the date, time, and location of the public hearing.
  - 4. The Agency may supplement Agency web site notification by advertising in a newspaper of general circulation in the area of the proposed action or by other methods appropriate to notify the local community.

- (E) Public Involvement for Integrated Review with an Air Operating Permit. Any NOC application designated for integrated review with an application to issue or modify an operating permit must be processed in accordance with the operating permit program procedures and deadlines (Chapter 173-401 WAC), as adopted by reference.
- (F) Other Requirements of Law. Whenever procedures permitted or mandated by law will accomplish the objectives of public notice and opportunity for comment, those procedures may be used in lieu of the provisions of this Section (e.g. SEPA).
- (G) Information for Public Review. All information must be made available for public inspection at the Agency, including copies of NOC applications, Orders of Approval, regulatory orders, and modifications thereof. Exemptions from this requirement include information protected from disclosure under any applicable law, including, but not limited to, RCW 70.94.205 and Regulation I, Article II, Section 2.03.

## **SECTION 5.06 APPLICATION COMPLETENESS DETERMINATION**

- (A) Application Complete or Information Required.
  - (1) Within thirty (30) days of receipt of a NOC or PSP application, the Agency must notify the owner or operator in writing that the application is complete or of any additional information necessary to complete the application. Designating an application complete for purposes of NOC or PSP



application processing does not preclude the Agency from requesting or accepting any additional information.

- (2) For a project subject to the special protection requirements for Federal Class I areas under WAC 173-400-117(2), a completeness determination includes a determination that the application includes all information required for review of that project under WAC 173-400-117(3). The owner or operator must send a copy of the application and all amendments to the application to EPA and the responsible federal land manager.
  - (3) For a project subject to the major new source review requirements in WAC 173-400-800 through 860, the completeness determination includes a determination that the application includes all information required for review under those sections.
- (B) Fee Payment. As a condition of completeness determination, the Agency requires payment of applicable fees, per SRCAA Regulation I, Article X, Section 10.07.

## **SECTION 5.07 PROCESSING NOC APPLICATIONS FOR STATIONARY SOURCES**

- (A) For New or Modified Stationary Sources.
- (1) Criteria for approval of a NOC application. An Order of Approval cannot be issued until the following criteria are met as applicable:
    - (a) The requirements of WAC 173-400-112;
    - (b) The requirements of WAC 173-400-113;
    - (c) The requirements of WAC 173-400-117;
    - (d) The requirements of Article V, Section 5.05;
    - (e) The requirements of WAC 173-400-200 and 205;
    - (f) The requirements of WAC 173-400-800 through 860;
    - (g) The requirements of Chapter 173-460 WAC; and
    - (h) All fees required under SRCAA Regulation I, Article X, Sections 10.07 and 10.08 have been paid.
  - (2) Within sixty (60) days of receipt of a complete NOC application, the Agency must either issue a final determination on the application or, when required, initiate public notice and comment procedures under Article V, Section 5.05. The Agency must issue a final determination as promptly as possible after the close of the comment period.
  - (3) The final determination may include:
    - (a) An Order of Denial, if the proposal is not in accordance with Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s); or
    - (b) An Order of Approval which may provide reasonable conditions necessary to assure compliance with Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s).
  - (4) The final determination on a NOC application must be reviewed and signed by a professional engineer prior to issuance.

- (5) The Agency must promptly mail a copy of each order, approving, denying, revoking, revising, or suspending an Order of Approval or Permit to Operate to the applicant and to any other party who submitted timely comments on the action. The approval, denial, revocation, revision, or suspension order must include a notice advising the parties of their rights of appeal to the Pollution Control Hearings Board.
  - (6) If the new source is a major stationary source, or the change is a major modification subject to the requirements of WAC 173-400-800 through 860, the Agency must:
    - (a) Submit any LAER control equipment determination included in a final Order of Approval to the RACT / BACT / LAER Clearinghouse maintained by the EPA; and
    - (b) Send a copy of the final Order of Approval, with the LAER control equipment determination, to EPA.
  - (7) The owner or operator of a stationary source must not begin actual construction, until the Agency approves the NOC application and issues an Order of Approval.
- (B) Replacement or Substantial Alteration of Control Equipment. An owner or operator proposing to replace or substantially alter the control equipment installed on an existing stationary source or emission unit must file a NOC application with the Agency. A project to replace or substantially alter control technology at an existing stationary source that results in an increase in emissions of any air contaminant is subject to new source review as provided in Section 5.07(A). For any other project to replace or substantially alter control equipment, the requirements of 5.07(B)(1) through (5) apply. Replacement or substantial alteration of control equipment does not include routine maintenance, repair, or similar parts replacement.
- (1) Within thirty (30) days of receipt of a complete NOC application, the Agency must issue a final determination. The final determination may include:
    - (a) An Order of Approval;
    - (b) An Order of Denial; or
    - (c) A proposed RACT determination for the project per WAC 173-400-114.
  - (2) The final determination may:
    - (a) Require that the owner or operator employ RACT for the affected emissions unit;
    - (b) Prescribe reasonable operation and maintenance conditions for the control equipment; and
    - (c) Prescribe other requirements as authorized by Chapter 70.94 RCW.
  - (3) The final determination on a NOC application must be reviewed and signed by a professional engineer prior to issuance.
  - (4) The Agency must promptly mail a copy of each order, approving, denying, revoking, revising, or suspending an Order of Approval or Permission to

Operate to the owner or operator, and to any other party who submitted timely comments on the action. The order must include a notice advising the parties of their rights of appeal to the PCHB.

- (5) Construction shall not commence until the Agency approves the NOC application and issues an Order of Approval. However, any NOC application, filed under Section 5.07(B), shall be deemed to be approved without conditions, if the Agency takes no action within thirty (30) days of receipt of a complete application.

## **SECTION 5.08 PORTABLE SOURCES**

### **(A) PSP Required for New or Modified Portable Sources.**

- (1) A PSP application must be filed by the owner or operator and an Permission to Operate issued by the Agency prior to the establishment of any portable sources, which locate temporarily at locations in Spokane County. Exemptions are provided in Section 5.08(D).
- (2) Each time that a portable source will relocate to operate at a new location in Spokane County, the owner or operator must submit a PSP application and obtain an approved Permission to Operate issued by the Agency.
- (3) The PSP application must be filed at least fifteen (15) calendar days prior to operating at a new location.
- (4) Information required in Article V, Section 5.04, must be supplied by the owner or operator to enable the Agency to determine that the operation is in accordance with Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s).
- (5) A PSP application cannot be approved and a Permission to Operate cannot be issued until the criteria given in Section 5.07(A), as applicable, has been met.
- (6) Nonroad engines are reviewed under the following:
  - (a) Except as provided in Article V, Section 5.08(D), nonroad engines are required to submit PSP application and obtain an approved Permission to Operate if:
    1. The nonroad engine is rated at 500 or more bhp; and
    2. The nonroad engine operates at the site for thirty (30) or more calendar days in any twelve (12) month period.Nonroad engines anticipated to operate more than thirty (30) days in any twelve (12) month period, but less than one (1) year are subject to the requirements of Article V, Section 5.08. When the nonroad engine operates at the site for more than three hundred sixty-four (364) consecutive days, a NOC application must be filed by the owner or operator and approved by the Agency.
  - (b) Nonroad engines required to obtain approval of a PSP application per Section 5.08 are reviewed under the following criteria:
    1. Emission impacts must comply with NAAQS;

2. Must meet applicable federal standards for nonroad diesel engines (40 CFR Part 89, if applicable);
3. Must use ultra low sulfur fuel (equal to or less than 0.0015% sulfur by weight);
4. Must be properly operated and maintained; and
5. Opacity from each nonroad engine must not exceed 10%, as determined per EPA Method 9.

(B) Permission to Operate.

- (1) Permission to Operate may be granted subject to conditions necessary to assure compliance with Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s). If any conditions listed in Article V, Section 5.05(C) are applicable to the proposal, a public comment period must be held according to Section 5.05(D).
- (2) Permission to Operate may be granted for a limited time, but in no case remains effective for more than three hundred sixty-four (364) consecutive days from the Permission to Operate approval date. If operation will exceed three hundred sixty-four (364) days, the owner or operator must submit an NOC application per Section 5.02, and receive an Order of Approval per Section 5.07.
- (3) The owner or operator of a portable source must not install or operate the portable source until the Agency approves the PSP application and issues a Permission to Operate.

(C) Permission to Operate Becomes Invalid if:

- (1) Construction, installation, or operation does not begin within ninety (90) days of receipt of Permission to Operate, unless approved by the Agency;
- (2) The operation is removed from the site;
- (3) The portable source is operated at a location after three hundred sixty-four (364) days from the Permission to Operate approval date; or
- (4) The owner or operator of a portable source establishes a permanent stationary source at that site for which the Permission to Operate was approved.

(D) Portable Sources Exempt from Article V, Section 5.08.

- (1) The following portable sources are exempt from the requirement to file a PSP application and obtain a Permission to Operate, prior to placing the portable source in operation.
  - (a) Portable sources listed in 1. through 4. Below, that emit pollutants below those presented in WAC 173-400-100:
    1. Abrasive blasting.
    2. Rock drilling operations.
    3. Blasting operations.
    4. Woodwaste chipping and grinding operations, except for operations that establish a permanent collection, storage, or processing facility at a site or sites for purpose of future

- processing, must obtain the Agency's approval of a NOC application, prior to establishment of the stationary source.
- (b) Soil and groundwater remediation projects that emit pollutants below those presented Article IV, Sections 4.04(A)(5)(a) through (d).
  - (c) All nonroad engines associated with portable rock crushing operations, portable asphalt production operations, and portable concrete production operations.
- (2) Exemption documentation. The owner or operator of any portable source exempted under Section 5.08(D) must maintain documentation in order to verify the portable source remains entitled to the exemption status and must present said documentation to an authorized Agency representative upon request. If an owner or operator of any source that is exempt from new source review under Article V as a result of the exemptions in 5.08(D)(1) exceeds the emission thresholds in those exemptions, the owner or operator must immediately notify the Agency of the exceedance and submit a PSP application and receive a Permission to Operate from the Agency.
  - (3) Compliance with SRCAA Regulation I. An exemption from new source review under Section 5.08(D) is not an exemption from Regulation I, however portable sources are exempt from registration [Section 4.03(A)(3)].
- (E) Prevention of Significant Deterioration. Except for nonroad engines, a portable source that is considered a major stationary source or major modification within the meaning of WAC 173-400-113, must also comply with the requirements in WAC 173-400-700 through 750, as applicable. If a portable source is locating in a nonattainment area and if the portable source emits the pollutants or pollutant precursor for which the area is classified as nonattainment, the portable source must acquire a site-specific Order of Approval.

## **SECTION 5.09 OPERATING REQUIREMENTS FOR ORDER OF APPROVAL AND PERMISSION TO OPERATE**

- (A) Proper Operation and Maintenance. All equipment, machines, devices, and other contrivances, constituting parts of, or called for in the information submitted per SRCAA Regulation I, Article V, Sections 5.02, 5.04, and 5.08 must be properly operated and be maintained in good working order. The control equipment must be operated at all times that air contaminant emissions may occur, except as otherwise provided in the Order of Approval or Permission to Operate.
- (B) Compliance. All conditions of approval established under Article V, Sections 5.07 and 5.08 must be complied with.

- (C) Back-up, Stand-by Internal Combustion Engine Operating Requirements. Operating requirements for internal combustion engines used for standby or back-up operations, are established by the Agency as follows:
- (1) The hours of operation for expected maintenance and testing purposes must be limited to the maximum allowable that will comply with the requirements of Chapter 173-460 WAC. Maintenance and testing purposes means operating the engine to:
    - (a) Evaluate the ability of the engine or its supported equipment to perform during an emergency;
    - (b) Train personnel on emergency activities;
    - (c) Test an engine that has experienced a breakdown, or failure, or undergone a preventative overhaul during maintenance; or
    - (d) Exercise the engine if such operation is recommended by the engine or generator manufacturer.
  - (2) No limit will be placed on the hours of operation of the internal combustion engine for emergency use. Emergency use means providing electrical power or mechanical work during any of the following events or conditions:
    - (a) The failure or loss of all or part of normal power service to the facility beyond the control of the facility; or
    - (b) The failure or loss of all or part of a facility's internal power distribution system.
  - (3) The testing and maintenance hours of operation and the emergency hours of operation for the internal combustion engine must be recorded by the owner or operator and reported to the Agency annually upon request.

#### **SECTION 5.10 CHANGES TO AN ORDER OF APPROVAL OR PERMISSION TO OPERATE**

- (A) Constructed or Operated Differently than Approved Order. The Agency may revoke, revise, or suspend an Order of Approval, coverage under a GOA, or a Permission to Operate, if the Agency determines the stationary or portable source is not constructed, installed, or operated as described in the application and information request forms.
- (B) Transfer of Ownership/Name Change.
- (1) If an existing stationary or portable source with a valid Order of Approval or Permission to Operate is transferred to new ownership or the business changes its name per Article IV, Section 4.02(E), and the source is unchanged by the transfer / name change, then the existing order is transferable to the new ownership / name change, as written.
  - (2) An existing Order of Approval is not transferable to a new stationary source that is installed or established at a site where a stationary source was previously located if the business nature of the new source is different from the previous stationary source.

- (C) Change in Conditions.
- (1) The owner or operator may request, at any time, a change in conditions of an Order of Approval or Permission to Operate, and the Agency may approve such a request provided the Agency finds the criteria given in Section 5.07(A), as applicable, has been met.
  - (2) Requests. Article V does not prescribe the exact form that change of condition requests must take. If the request is submitted in writing, the Agency must act upon the request consistent with the timelines in Article V, Sections 5.06 and 5.07 for an Order of Approval, or if a Permission to Operate, consistent with Section 5.08.
  - (3) Fee payment. The owner or operator requesting changes to an Order of Approval or Permission to Operate per Section 5.10 must pay applicable fees, as established in SRCAA Regulation I, Article X, Section 10.07.
- (D) Agency Initiated Changes in Conditions.
- (1) Order of Approval and Permission to Operate revisions may be initiated by the Agency, without fees charged to the owner or operator, provided the owner or operator of the stationary source has complied with all applicable requirements of Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s), and the Agency determines the Order of Approval or Permission to Operate has:
    - (a) Typographical errors;
    - (b) Conditions listed therein that are technically infeasible;
    - (c) Additional or revised provisions that are needed to ensure compliance with Chapter 70.94 RCW, the rules and regulation adopted thereunder by the state or Agency, and federal regulations; or
    - (d) Inaccurate ownership information, including name, address, phone number, or other minor administrative inaccuracies.
  - (2) The Agency may not modify, delete, or add conditions to an existing Order of Approval or Permission to Operate under Article V, Section 5.10(D), unless the owner or operator is notified in writing at least thirty (30) days in advance of the effective date of the change. Modified, deleted or added conditions may be appealed in accordance with Chapter 43.21B RCW.
- (E) Public Notice of Changes in Conditions. Changes to conditions in an Order of Approval or Permission to Operate are subject to the public involvement provisions of Article V, Section 5.05.

## **SECTION 5.11 NOTICE OF START-UP OF A STATIONARY SOURCE OR A PORTABLE SOURCE**

After obtaining an Agency issued Order of Approval or Permission to Operate, the owner or operator must notify the Agency at least seven (7) days prior to the expected startup date.

## **SECTION 5.12 WORK DONE WITHOUT AN APPROVAL**

- (A) Compliance Investigation Fee. The Agency may assess a compliance investigation fee to the owner or operator for operating a stationary source, portable source, or control equipment without an approved Agency Order of Approval, GOA, or Permission to Operate. The compliance investigation fee established in SRCAA Regulation I, Article X, Section 10.07, is in addition to the fees required in Article V, Section 5.03 as a part of the NOC, GOA, or PSP review. The compliance investigation fee applies when:
- (1) A stationary source is constructed, installed, modified, or operated prior to receiving an Order of Approval from the Agency or coverage under a GOA;
  - (2) Control equipment is replaced, installed, or substantially altered on an existing stationary source prior to receiving an Order of Approval from the Agency; or
  - (3) A portable source is established or startup at a location prior to receiving a Permission to Operate from the Agency.
- (B) Compliance with SRCAA Regulation I. Payment of the compliance investigation fee does not relieve any person from the requirement to comply with applicable regulations, nor from any penalties for failure to comply.

## **SECTION 5.13 ORDER OF APPROVAL CONSTRUCTION TIME LIMITS**

- (A) Time Limit. An Order of Approval, issued under SRCAA Regulation I, Article V, Section 5.07 becomes invalid if:
- (1) Construction is not commenced within eighteen (18) months after the receipt of the approval;
  - (2) Construction is discontinued for a period of eighteen (18) months or more; or
  - (3) Construction is not completed within eighteen (18) months of commencement.
- (B) Extension. The Agency may grant an extension beyond the eighteen (18) month period, as provided for in Article V, Section 5.13(A), upon a satisfactory showing that an extension is justified. The Agency may approve such a request provided that:
- (1) No new requirements, such as NSPS (40 CFR Part 60), NESHAP (40 CFR Parts 61 and 63), or state and local regulations, have been adopted under Chapter 70.94 RCW or the FCCA (42 USC 7401 et seq.) which would change the Order of Approval, had it been issued at the time of the extension;
  - (2) No control equipment required per WAC 173-400-112, WAC 173-400-113, or WAC 173-400-114; or Article V, have been subsequently identified which would change the Order of Approval, had it been issued at the time of the extension;



- (3) The information presented in the NOC application, associated documents, and the determinations by the Agency during review of the application continue to accurately represent the design, configuration, equipment, and emissions of the proposed stationary source; and
  - (4) The applicant certifies that the stationary source will comply with all applicable requirements of Chapter 70.94 RCW, the rules and regulations adopted thereunder, and the Agency's regulation(s).
- (C) Phased Projects. Article V, Section 5.13(A) does not apply to the time period between construction of the approved phases of a phased construction project. Each construction phase must commence construction within eighteen (18) months of the projected and approved commencement date.

## **SECTION 5.14 APPEALS**

Appeals. Decisions and orders of the Agency may be appealed to the PCHB of Washington within thirty (30) calendar days of receipt, as provided in Chapter 43.21B RCW and, where applicable, to the U.S. EPA Environmental Appeals Board.

## **SECTION 5.15 OBLIGATION TO COMPLY**

The absence of an ordinance, resolution, rule or regulation, or the failure to issue an order per SRCAA Regulation I, Article V, does not relieve any person from the obligation to comply with Regulation I or with any other provision of law.

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# ARTICLE VI

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## EMISSIONS PROHIBITED

**ADOPTED: June 9, 1969**

**REVISED: May 6, 2021**

**EFFECTIVE: June 21, 2021**

### SECTION 6.01 OUTDOOR BURNING

- (A) Purpose. [WAC 173-425-010(1-3)]  
SRCAA Regulation I, Article VI, Section 6.01 establishes controls for outdoor burning in Spokane County in order to:
- (1) Minimize or prohibit outdoor burning to the greatest extent practicable.
  - (2) Minimize or eliminate the impact of emissions from outdoor burning by defining conditions under which outdoor burning may be conducted.
  - (3) Encourage the development and specify the use of reasonable alternatives to outdoor burning. Reasonable alternatives are methods for disposing of organic refuse (such as natural vegetation) that are available, reasonably economical, and less harmful to the environment than burning.
  - (4) Geographically limit outdoor burning in order to assure continued attainment of the NAAQS for carbon monoxide (CO) and fine particulate matter (PM<sub>2.5</sub>) as specified in 40 CFR Part 50.
- (B) Applicability. [WAC 173-425-020]
- (1) Article VI, Section 6.01 applies to all outdoor burning in Spokane County except:
    - (a) Silvicultural burning. [RCW 70.94.6534(1) & Chapter 332-24 WAC]  
Silvicultural burning is related to the following activities for the protection of life or property and / or the public health, safety, and welfare:
      1. Abating a forest fire hazard;
      2. Prevention of a forest fire hazard;
      3. Instruction of public officials in methods of forest firefighting;
      4. Any silvicultural operation to improve the forest lands of the state; and
      5. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within

state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.

- (b) Agricultural Burning. [Article VI, Section 6.11]  
Agricultural burning is burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and / or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.6528 or other authoritative source on agricultural practices.
  - (c) Any outdoor burning on lands within the exterior boundaries of Indian reservations (unless provided for by intergovernmental agreement).
- (2) Article VI, Section 6.01 specifically applies to:
- (a) Firefighting Instruction Fires.
    - 1. Aircraft Crash Rescue Fire Training, Section 6.01(D)(1)(a)
    - 2. Extinguisher Training, Section 6.01(D)(1)(b)
    - 3. Forest Fire Training, Section 6.01(D)(1)(c)
    - 4. Structural Fire Training, Section 6.01(D)(1)(d)
    - 5. Types of Other Firefighting Instruction Fires, Section 6.01(D)(1)(e)
  - (b) Fire Hazard Abatement Fires, Section 6.01(D)(2)
  - (c) Flag Retirement Ceremony Fires, Section 6.01(D)(3)
  - (d) Indian Ceremonial Fires, Section 6.01(D)(4)
  - (e) Land Clearing Fires, Section 6.01(D)(5)
  - (f) Rare and Endangered Plant Regeneration Fires, Section 6.01(D)(6)
  - (g) Recreational Fires, Section 6.01(D)(7)
  - (h) Residential Fires, Section 6.01(D)(8)
  - (i) Social Event Fires, Section 6.01(D)(9)
  - (j) Storm or Flood Debris Fires, Section 6.01(D)(10)
  - (k) Tumbleweed Fires, Section 6.01(D)(11)
  - (l) Weed Abatement Fires, Section 6.01(D)(12)
  - (m) Other Outdoor Fires, Section 6.01(D)(13)
- (3) The provisions of Chapter 173-425 WAC (Outdoor Burning) are herein incorporated by reference.
- (4) The provisions of Article VI, Section 6.01 are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.
- (C) Definitions. [WAC 173-425-030]  
Words and phrases used in Article VI, Section 6.01 shall have the meaning defined in Chapter 173-425 WAC, unless a different meaning is clearly required by context or is otherwise defined in this Section.

- (1) Natural Vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood. It does not include dimensional lumber, mills ends, etc.
  - (2) Outdoor Burning means the combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purpose of this rule, "outdoor burning" means all types of outdoor burning except agricultural burning and silvicultural burning. [RCW 70.94.6511]
  - (3) Permitting Agency means the Spokane Regional Clean Air Agency (SRCAA or Agency) or Spokane County, any fire protection agency within Spokane County, Washington State Department of Natural Resources (DNR), or the Spokane County Conservation District; upon delegation by or signed agreement with SRCAA. [RCW 70.94.6530]
  - (4) Person means any individual(s), firm, public corporation, private corporation, association, partnership, political subdivision, municipality, or government agency. It includes any person who has applied for and received a permit for outdoor burning; any person allowing, igniting, or attending a fire; or any person who owns or controls property on which outdoor burning occurs.
  - (5) Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting, or attending to a fire, or any person who owns or controls property on which outdoor burning occurs.
- (D) Outdoor Burning Permitted.
- (1) Firefighting Instruction Fires. [WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)]  
Firefighting instruction fires are fires for the purpose of firefighter training, including, but not limited to aircraft crash rescue fire training, extinguisher training, forest fire training, and structural fire training. Unless specified otherwise, Article VI, Section 6.01(D)(1) serves as a general permit by the Agency.
    - (a) Aircraft Crash Rescue Fire Training. [RCW 70.94.6546(1-2), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)]
      1. Aircraft crash rescue training fires meeting all of the following criteria do not require a permit:
        - a. Firefighters participating in the training fires are limited to those who provide firefighting support to an airport that is either certified by the federal aviation administration or operated in support of military or governmental activities.
        - b. The fire training may not be conducted during an air pollution episode or any stage of impaired air quality

- declared under RCW 70.94.715 for the area where training is to be conducted.
- c. The number of training fires allowed each year without a written permit shall be the minimum number necessary to meet federal aviation administration or other federal safety requirements.
  - d. The facility shall use current technology and be operated in a manner that will minimize, to the extent possible, the air contaminants generated during the training fire.
  - e. The organization conducting the training shall notify the local fire district or fire department prior to commencement of the training. The organization conducting the training shall also notify the Agency prior to commencement of the training.
2. Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to all aircraft crash rescue fire training fires as listed below:
- a. Aircraft crash rescue fire training fires are exempt from the following:
    - i. (F)(2) Hauled Materials
    - ii. (F)(6) Containers
    - iii. (F)(8) Distances
    - iv. (F)(10) Burn Hours
    - v. (F)(11) Number of Piles
    - vi. (F)(12) Fuel Area
    - vii. (F)(13) Written Permits
    - viii. (F)(15) Areas Prohibited
  - b. Aircraft crash rescue fire training fires must comply with the following:
    - i. (F)(1) Prohibited Materials (except petroleum products)
    - ii. (F)(3) Curtailments
    - iii. (F)(4) Nuisance
    - iv. (F)(5) Burning Detrimental to Others
    - v. (F)(7) Extinguishing a Fire
    - vi. (F)(9) Landowner Permission
    - vii. (F)(14) Property Access
    - viii. (F)(16) Other Requirements
3. Persons conducting aircraft crash rescue fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- (b) Extinguisher Training. [WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)] Extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers may be conducted

without a written permit provided all of the following requirements are met:

1. Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to extinguisher training fires as listed below:
  - a. Extinguisher training fires are exempt from the following:
    - i. (F)(2) Hauled Materials
    - ii. (F)(6) Containers
    - iii. (F)(8) Distances
    - iv. (F)(10) Burn Hours
    - v. (F)(11) Number of Piles
    - vi. (F)(12) Fuel Area
    - vii. (F)(13) Written Permits
    - viii. (F)(15) Areas Prohibited
  - b. Extinguisher training fires must comply with the following:
    - i. (F)(1) Prohibited Materials (except as provided for in Section 6.01(D)(1)(b)2.))
    - ii. (F)(3) Curtailments
    - iii. (F)(4) Nuisance
    - iv. (F)(5) Burning Detrimental to Others
    - v. (F)(7) Extinguishing a Fire
    - vi. (F)(9) Landowner Permission
    - vii. (F)(14) Property Access
    - viii. (F)(16) Other Requirements
2. Flammable or combustible materials used during the fire extinguisher training shall be limited to:
  - a. Less than two (2) gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire protection agencies, fire marshals, or fire districts;
  - b. As much gaseous fuel (propane or natural gas) as required for the training exercise; or
  - c. Less than one-half (0.5) cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are seasoned wood, untreated scrap lumber, and unused paper.
3. All training must be conducted by fire training officials or an instructor qualified to perform fire training. A copy of the written training plan, and when applicable, instructor qualifications, must be provided to the Agency upon request.
4. Prior to the training, the responsible person(s) conducting the exercise must notify the local fire department, fire

marshal, or fire district and meet all applicable local ordinances and permitting requirements.

5. Persons conducting extinguisher training fires are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

- (c) Forest Fire Training. [RCW 70.94.6546(4), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)]

A fire protection agency may conduct forest fire training fires consisting of only natural vegetation without a written permit.

1. Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to forest fire training fires as listed below:

- a. Forest fire training fires are exempt from the following:

- i. (F)(2) Hauled Materials
- ii. (F)(6) Containers
- iii. (F)(8) Distances
- iv. (F)(10) Burn Hours
- v. (F)(11) Number of Piles
- vi. (F)(12) Fuel Area
- vii. (F)(13) Written Permits
- viii. (F)(15) Areas Prohibited

- b. Forest fire training fires must comply with the following:

- i. (F)(1) Prohibited Materials
- ii. (F)(3) Curtailments
- iii. (F)(4) Nuisance
- iv. (F)(5) Burning Detrimental to Others
- v. (F)(7) Extinguishing a Fire
- vi. (F)(9) Landowner Permission
- vii. (F)(14) Property Access
- viii. (F)(16) Other Requirements

2. Grassland or wildland fires used for the purpose of forest fire training fires qualify as forest firefighting instruction fires. Grassland or wildland fires not used for the purpose of forest fire instruction fires shall be performed pursuant to Section 6.01(D)(1)(e), Types of Firefighting Instruction Fires Not Listed Above.

3. Persons conducting forest fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.

- (d) Structural Fire Training. [RCW 52.12.150(4), RCW 70.94.6546(3), WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)]

A fire protection agency may conduct structural fire training without a written permit provided all of the following requirements are met:



1. Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to structural fire training fires as listed below:
  - a. Structural fire training fires are exempt from the following:
    - i. (F)(1) Prohibited Materials (except as provided for in Section 6.01(D)(1)(d)4.)
    - ii. (F)(2) Hauled Materials
    - iii. (F)(6) Containers
    - iv. (F)(8) Distances
    - v. (F)(10) Burn Hours
    - vi. (F)(11) Number of Piles
    - vii. (F)(12) Fuel Area
    - viii. (F)(13) Written Permits
    - ix. (F)(15) Areas Prohibited
  - b. Structural fire training fires must comply with the following:
    - i. (F)(3) Curtailments
    - ii. (F)(4) Nuisance
    - iii. (F)(5) Burning Detrimental to Others
    - iv. (F)(7) Extinguishing a Fire
    - v. (F)(9) Landowner Permission
    - vi. (F)(14) Property Access
    - vii. (F)(16) Other Requirements
2. The owner and fire protection agency(ies) must meet the requirements in SRCAA Regulation I, Article IX – Asbestos Control Standards and Article X, Section 10.09 – Asbestos Project And Demolition Notification Waiting Period And Fees, prior to conducting the training. This includes clearly identifying structures on the Notice of Intent that will be used for structural fire training.
3. The fire protection agency(ies) conducting the fire training must have a fire training plan available to the Agency upon request, and the purpose of the structural fire must be to train firefighters.
4. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile shall not be burned unless such materials are an essential part of the fire training exercise and are described as such in the fire training plan. Materials removed from the structure(s) must be disposed of in a lawful manner prior to the training exercise.
5. Structural fire training shall not be conducted if, in consideration of prevailing air patterns, emissions from the fire are likely to cause a nuisance.

6. The fire protection agency(ies) conducting the training must provide notice to the owners of property adjoining the property on which the fire training will occur, to other persons who potentially will be impacted by the fire, and to additional persons if specifically directed by the Agency.
  7. Structural fire training shall be performed in accordance with RCW 52.12.150.
  8. Persons conducting structural fire training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- (e) Types of Firefighting Instruction Fires Not Listed Above. [WAC 173-425-020(2)(f), WAC 173-425-030(5), WAC 173-425-050, WAC 173-425-060(1), (2)(f) & (3-4)]
- A fire protection agency may conduct firefighting instruction fires not provided for in Article VI, Section 6.01(D)(1)(a-d) (e.g., car rescue training fires, simulated fires at permanent fire training facilities, simulated fires via mobile fire training units, etc.) if all of the following are met:
1. Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to other firefighting instruction fires as listed below:
    - a. Other firefighting training fires are exempt from the following:
      - i. (F)(2) Hauled Materials
      - ii. (F)(6) Containers
      - iii. (F)(8) Distances
      - iv. (F)(10) Burn Hours
      - v. (F)(11) Number of Piles
      - vi. (F)(12) Fuel Area
      - vii. (F)(13) Written Permits
      - viii. (F)(15) Areas Prohibited
    - b. Other firefighting training fires must comply with the following:
      - i. (F)(1) Prohibited Materials (except as provided for in Section 6.01(D)(1)(e)3.)
      - ii. (F)(3) Curtailments
      - iii. (F)(4) Nuisance
      - iv. (F)(5) Burning Detrimental to Others
      - v. (F)(7) Extinguishing a Fire
      - vi. (F)(9) Landowner Permission
      - vii. (F)(14) Property Access
      - viii. (F)(16) Other Requirements
  2. The fire protection agency(ies) conducting the fire training must have a fire training plan available to the Agency upon request, and the purpose of the structural fire must be to train firefighters.

3. The prohibited materials described in Article VI, Section 6.01(F)(2) may not be burned in any fire unless such materials are an essential part of the fire training exercise and are described as such in the fire training plan.
  4. Persons conducting other firefighting training are responsible for responding to citizen inquiries and resolving citizen complaints caused by the training activity.
- (2) Fire Hazard Abatement Fires.
- (a) A permit from a permitting agency other than SRCAA is required pursuant to Article VI, Section 6.01(E) for fire hazard abatement fires. All fire hazard abatement fires require a written permit unless an alternate permitting method is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.
  - (b) Unless specifically authorized in writing by the permitting agency and pursuant to a written agreement between SRCAA and the permitting agency, the prohibitions / requirements in Section 6.01(F) apply as listed below:
    1. Fire hazard abatement fires may be exempt from the following at the permitting agency's discretion:
      - i. (F)(8) Distances
      - ii. (F)(11) Number of Piles
      - iii. (F)(12) Fuel Area
    2. Fire hazard abatement fires must comply with the following:
      - i. (F)(1) Prohibited Materials
      - ii. (F)(2) Hauled Materials
      - iii. (F)(3) Curtailments
      - iv. (F)(4) Nuisance
      - v. (F)(5) Burning Detrimental to Others
      - vi. (F)(6) Containers
      - vii. (F)(7) Extinguishing a Fire
      - viii. (F)(9) Landowner Permission
      - ix. (F)(10) Burn Hours
      - x. (F)(13) Written Permits
      - xi. (F)(14) Property Access
      - xii. (F)(15) Areas Prohibited
      - xiii. (F)(16) Other Requirements
- (3) Flag Retirement Ceremony Fires. [RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4)]
- A flag retirement ceremony fire is a ceremonial fire for the purpose of disposing of cotton or wool flags of the United States of America, by fire, pursuant to 36 United States Code 176(k). A flag retirement ceremony fire is a type of other outdoor fire as provided for in WAC 173-425-030(15). The ceremony generally involves placing the flags one at a time in a small fire during the ceremony until the last flag is burned.

- (a) Article VI, Section 6.01(D)(3) serves as a general permit by the Agency.
  - (b) The prohibitions / requirements in Section 6.01(F) apply to flag retirement ceremony fires as listed below:
    - 1. Unless specifically authorized in writing by the Agency, flag retirement ceremony fires are exempt from the following:
      - i. (F)(2) Hauled Materials
      - ii. (F)(6) Containers
      - iii. (F)(8) Distances
      - iv. (F)(10) Burn Hours
      - v. (F)(11) Number of Piles
      - vi. (F)(12) Fuel Area
      - vii. (F)(13) Written Permits
      - viii. (F)(15) Areas Prohibited
    - 2. Flag retirement ceremony fires must comply with the following:
      - i. (F)(1) Prohibited Materials (except for cotton or wool flags and minimal accelerant necessary to burn the flags)
      - ii. (F)(3) Curtailments
      - iii. (F)(4) Nuisance
      - iv. (F)(5) Burning Detrimental to Others
      - v. (F)(7) Extinguishing a Fire
      - vi. (F)(9) Landowner Permission
      - vii. (F)(14) Property Access
      - viii. (F)(16) Other Requirements
  - (c) A ceremony for disposal of unserviceable cotton or wool flags using methods other than burning (e.g. burying or recycling) or burning a small number of representative cotton or wool flags for the flag retirement ceremony is recommended, but not required.
  - (d) Burning flags made of synthetic materials (e.g. nylon) is prohibited.
- (4) Indian Ceremonial Fires. [RCW 70.94.6550, WAC 173-425-020(2)(h), WAC 173-425-030(8)), WAC 173-425-050, WAC 173-425-060(1), (2)(h) & (3-4)]
- Indian ceremonial fires are fires using charcoal or clean, dry, bare, untreated wood (for the purpose of this definition, it includes commercially manufactured fire logs) necessary for Native American Ceremonies (i.e. conducted by and for Native Americans) if part of a religious ritual.
- (a) Article VI, Section 6.01(D)(4) serves as a general permit by the Agency.
  - (b) Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply to Indian ceremonial fires as listed below:
    - 1. Indian ceremonial fires are exempt from the following:
      - i. (F)(2) Hauled Materials
      - ii. (F)(6)(b) Containers

- iii. (F)(10) Burn Hours
  - iv. (F)(13) Written Permits
  - v. (F)(15) Areas Prohibited
- 2. Indian ceremonial fires must comply with the following:
  - i. (F)(1) Prohibited Materials
  - ii. (F)(3) Curtailments
  - iii. (F)(4) Nuisance
  - iv. (F)(5) Burning Detrimental to Others
  - v. (F)(6)(a) Containers (burn barrels)
  - vi. (F)(7) Extinguishing a Fire
  - vii. (F)(8) Distances
  - viii. (F)(9) Landowner Permission
  - ix. (F)(11) Number of Piles
  - x. (F)(12) Fuel Area
  - xi. (F)(14) Property Access
  - xii. (F)(16) Other Requirements
- (5) Land Clearing Fires. [WAC 173-425-020(2)(b), WAC 173-425-030(9), WAC 173-425-040(1-5), WAC 173-425-050, WAC 173-425-060(1)(b) and WAC 173-425-060(1), (2)(b) & (3-4)]
  - (a) All land clearing burning, except for silvicultural-to-agricultural and residential land clearing burning, is prohibited effective January 13, 2002.
  - (b) Silvicultural-to-agricultural burning is prohibited after April 30, 2009.
  - (c) Residential land clearing burning is prohibited after December 31, 2010. Residential land clearing fires are limited to fires consisting of trees, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused) where the natural vegetation is cleared from less than one acre of forested land on a five (5) acre or larger parcel of land in non-commercial ownership. [RCW 70.94.6526(2)]. Residential land clearing fires may also have the effect of abating or prevention of a forest fire hazard and thereby fit the definition of silvicultural burning. In those situations where residential land clearing burning consists of materials cleared from less than one (1) acre of forested land on a five (5) acre or larger parcel of land in non-commercial ownership is determined by DNR to meet the criteria to be defined as silvicultural burning, SRCAA may defer the decision to DNR to approve the fire and issue a permit pursuant to a Memorandum of Understanding between SRCAA and DNR. In so doing, DNR acknowledges that the fire is silvicultural burning and subject to Chapter 332-24 WAC.
- (6) Rare and Endangered Plant Regeneration Fires. [RCW 70.94.6524, RCW 70.94.6534(2), WAC 173-425-020(2)(g), WAC 173-425-030(19), WAC 173-425-050, WAC 173-425-060(1), (2)(g), (3-4) & (6)]

Rare and endangered plant regeneration fires are fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in Chapter 79.70 RCW.

- (a) Pursuant to RCW 70.94.6534(2), the appropriate fire protection agency permits and regulates rare and endangered plant regeneration fires on lands where the department of natural resources does not have fire protection responsibility.
  - (b) Unless otherwise allowed or required by the fire protection agency, the prohibitions / requirements in Article VI, Section 6.01(F) apply to rare and endangered plant regeneration fires as listed below:
    - 1. Rare and endangered plant regeneration fires are exempt from the following:
      - i. (F)(8) Distances
      - ii. (F)(10) Burn Hours
      - iii. (F)(11) Number of Piles
      - iv. (F)(12) Fuel Area
      - v. (F)(13) Written Permits
      - vi. (F)(15) Areas Prohibited
    - 2. Rare and endangered plant regeneration fires must comply with the following:
      - i. (F)(1) Prohibited Materials
      - ii. (F)(2) Hauled Materials
      - iii. (F)(3) Curtailments
      - iv. (F)(4) Nuisance
      - v. (F)(5) Burning Detrimental to Others
      - vi. (F)(6) Containers
      - vii. (F)(7) Extinguishing a Fire
      - viii. (F)(9) Landowner Permission
      - ix. (F)(14) Property Access
      - x. (F)(16) Other Requirements
  - (c) Pursuant to WAC 173-425-060(6), any agency that issues permits, or adopts a general permit for rare and endangered plant regeneration fires is responsible for field response to outdoor burning complaints and enforcement of all permit conditions and requirements of Chapter 173-425 WAC unless another agency has agreed under WAC 173-425-060(1)(a) to be responsible for certain field response or enforcement activities. Except for enforcing fire danger burn bans as referenced in WAC 173-425-050(3)(a)(iii), the Agency may also perform complaint response and enforcement activities.
- (7) Recreational Fires. [WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (3-4)]  
A recreational fire is a small fire with a fuel area no larger than three (3) feet in diameter and two (2) feet in height and is limited to cooking fires, campfires, and fires for pleasure using charcoal or firewood in designated areas on public lands (e.g. campgrounds) or on private property. Firewood

refers to clean, dry (e.g., tree trunk wood that is split and seasoned and has less than 20% moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels unless determined otherwise by the Agency. Fires fueled by liquid or gaseous fuels (e.g. propane or natural gas barbecues) are not considered recreational fires. Fires used for debris disposal are not considered recreational fires.

(a) This Article VI, Section 6.01(D)(7) serves as a general permit by the Agency.

(b) The prohibitions / requirements in Section 6.01(F) apply to recreational fires as listed below:

1. Recreational fires are exempt from the following:
  - i. (F)(2) Hauled Materials
  - ii. (F)(6)(b) Containers
  - iii. (F)(10) Burn Hours
  - iv. (F)(13) Written Permits
  - v. (F)(15) Areas Prohibited
2. Recreational fires must comply with the following:
  - i. (F)(1) Prohibited Materials
  - ii. (F)(3) Curtailments
  - iii. (F)(4) Nuisance
  - iv. (F)(5) Burning Detrimental to Others
  - v. (F)(6)(a) Containers (burn barrels)
  - vi. (F)(7) Extinguishing a Fire
  - vii. (F)(8) Distances
  - viii. (F)(9) Landowner Permission
  - ix. (F)(11) Number of Piles
  - x. (F)(12) Fuel Area
  - xi. (F)(14) Property Access
  - xii. (F)(16) Other Requirements

(8) Residential Fires (also referred to as Residential Burning or Residential Yard and Garden Debris Burning). [WAC 173-425-020(2)(a), WAC 173-425-030(22), WAC 173-425-040(1-3) & (5), WAC 173-425-050, WAC 173-425-060(1), (2)(a) & (3-6)]

A residential fire is an outdoor fire consisting of natural yard and garden debris (i.e., dry garden trimmings, dry tree clippings, dry leaves, etc.) originating on the maintained / improved area of residential property (i.e. lands immediately adjacent and in close proximity to a human dwelling), and burned on such lands by the property owner and / or any other responsible person.

(a) A permit from a permitting agency other than SRCAA is required pursuant to Article VI, Section 6.01(E). All residential fires require a written permit unless an alternate permitting method (e.g. general permit adopted by rule) is specified in a written agreement (e.g. Memorandum of Understanding) between SRCAA and the permitting agency.

- (b) The prohibitions / requirements in Section 6.01(F) apply to residential fires as listed below:
  - 1. No exemptions apply to residential fires.
  - 2. Residential fires must comply with the following:
    - i. (F)(1) Prohibited Materials
    - ii. (F)(2) Hauled Materials
    - iii. (F)(3) Curtailments
    - iv. (F)(4) Nuisance
    - v. (F)(5) Burning Detrimental to Others
    - vi. (F)(6) Containers
    - vii. (F)(7) Extinguishing a Fire
    - viii. (F)(8) Distances
    - ix. (F)(9) Landowner Permission
    - x. (F)(10) Burn Hours
    - xi. (F)(11) Number of Piles
    - xii. (F)(12) Fuel Area (except as provided in Section 6.01(D)(8)(c))
    - xiii. (F)(13) Written Permits
    - xiv. (F)(14) Property Access
    - xv. (F)(15) Areas Prohibited
    - xvi. (F)(16) Other Requirements
- (c) The fuel area is limited to four (4) feet in diameter and three (3) feet in height unless the written permit issued by the permitting agency specifically states otherwise. Under no circumstance shall the fuel area be greater than ten (10) feet in diameter and six (6) feet in height.
- (d) No vegetation shall exceed four (4) inches in diameter unless the permitting agency provides a site-specific exemption in a written permit. If larger diameter vegetation is allowed, the fire shall be constructed using heavy equipment such as a track hoe or excavator with an operator on site at all times. Fans must be employed to improve combustion.
- (e) Residential fires must be at least five hundred (500) feet away from forest slash.
- (f) Residential fires must be at least fifty (50) feet away from any adjacent land under different ownership unless the permitting agency provides a site-specific exception in the written permit and the respective neighboring landowner or landowner's designated representative gives the person responsible for burning approval to burn within fifty (50) feet of his/her land.
- (g) In addition to the prohibitions in Section 6.01(F)(15), residential burning is prohibited within any area where a permitting agency does not administer a residential burning program.



- (9) Social Event Fires. [WAC 173-425-020(2)(i), WAC 173-425-030(21), WAC 173-425-050, WAC 173-425-060(1), (2)(i) & (4)]

A social event fire is a fire that may be greater than three (3) feet in diameter and two (2) feet in height and unless otherwise approved by the Agency, is limited to events or celebrations open to the general public. A social event fire is limited to using charcoal or firewood which occurs in designated areas on public lands or on private property. Firewood refers to clean, dry (e.g., tree trunk wood that is split and seasoned with less than 20% moisture content), bare, wood from trees. Commercially manufactured fire logs are acceptable fuels. Fires used for debris disposal are not considered social event fires.

- (a) A written permit from the Agency is required pursuant to Article VI, Section 6.01(E) and, unless otherwise approved by the Agency, must be submitted at least ten (10) working days prior to the first proposed burn date.
- (b) Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply as listed below:
  - 1. Social event fires may be exempt from the following at the Agency's discretion:
    - i. (F)(2) Hauled Materials
    - ii. (F)(6)(b) Containers
    - iii. (F)(8) Distances
    - iv. (F)(10) Burn Hours
    - v. (F)(11) Number of Piles
    - vi. (F)(12) Fuel Area
    - vii. (F)(15) Areas Prohibited
  - 2. Social event fires must comply with the following:
    - i. (F)(1) Prohibited Materials
    - ii. (F)(3) Curtailments
    - iii. (F)(4) Nuisance
    - iv. (F)(5) Burning Detrimental to Others
    - v. (F)(6)(a) Containers (burn barrels)
    - vi. (F)(7) Extinguishing a Fire
    - vii. (F)(9) Landowner Permission
    - viii. (F)(13) Written Permits
    - ix. (F)(14) Property Access
    - x. (F)(16) Other Requirements

- (10) Storm or Flood Debris Fires. [RCW 70.94.6514(2), WAC 173-425-020(2)(c), WAC 173-425-030(24), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(c) & (3-4)]

Storm and flood debris fires are fires consisting of natural vegetation deposited on lands by storms or floods that occurred within the previous twenty-four (24) months, and resulted in an emergency being declared or proclaimed in the area by city, county, or state government, and burned by the property owner or other responsible person on lands where the natural vegetation was deposited by the storm or flood.

- (a) A written permit from the Agency is required pursuant to Article VI, Section 6.01(E) and, unless otherwise approved by the Agency, must be submitted at least ten (10) working days prior to the first proposed burn date.
  - (b) Unless specifically authorized in writing by the Agency, the prohibitions / requirements in Section 6.01(F) apply as listed below:
    - 1. Storm or flood debris fires may be exempt from the following at the Agency's discretion:
      - i. (F)(12) Fuel Area
    - 2. Storm or flood debris fires must comply with the following:
      - i. (F)(1) Prohibited Materials
      - ii. (F)(2) Hauled Materials
      - iii. (F)(3) Curtailments
      - iv. (F)(4) Nuisance
      - v. (F)(5) Burning Detrimental to Others
      - vi. (F)(6) Containers
      - vii. (F)(7) Extinguishing a Fire
      - viii. (F)(8) Distances
      - ix. (F)(9) Landowner Permission
      - x. (F)(10) Burn Hours
      - xi. (F)(11) Number of Piles
      - xii. (F)(13) Written Permits
      - xiii. (F)(14) Property Access
      - xiv. (F)(15) Areas Prohibited
      - xv. (F)(16) Other Requirements
- (11) Tumbleweed Fires. [RCW 70.94.6554]  
 Tumbleweed fires are fires to dispose of dry plants (e.g., Russian Thistle and Tumbleweed Mustard Plants) that have been broken off, and rolled about, by the wind. Outdoor burning of tumbleweeds is prohibited. However, agricultural operations may burn tumbleweeds pursuant to Article VI, Section 6.11 and Chapter 173-430 WAC.
- (12) Weed Abatement Fires. [RCW 70.94.6552, Chapter 16-750 WAC, WAC 173-425-020(2)(e), WAC 173-425-030(27), WAC 173-425-040(5), WAC 173-425-050, WAC 173-425-060(1), (2)(e) & (3-4)]  
 A weed abatement fire is any outdoor fire undertaken for the sole purpose of disposing of noxious weeds identified in the state noxious weed list.
- (a) A written permit from a permitting agency other than SRCAA is required pursuant to Article VI, Section 6.01(E).
  - (b) The prohibitions / requirements in Section 6.01(F) apply to weed abatement fires as listed below:
    - 1. Weed abatement fires may be exempt from the following at the permitting agency's discretion:
      - i. (F)(11) Number of Piles (refer to Section 6.01(D)(11)(c), below)
      - ii. (F)(12) Fuel Area (refer to Section 6.01(D)(11)(c), below)

2. Weed abatement fires must comply with the following:
    - i. (F)(1) Prohibited Materials
    - ii. (F)(2) Hauled Materials
    - iii. (F)(3) Curtailments
    - iv. (F)(4) Nuisance
    - v. (F)(5) Burning Detrimental to Others
    - vi. (F)(6) Containers
    - vii. (F)(7) Extinguishing a Fire
    - viii. (F)(8) Distances
    - ix. (F)(9) Landowner Permission
    - x. (F)(10) Burn Hours
    - xi. (F)(13) Written Permits
    - xii. (F)(14) Property Access
    - xiii. (F)(15) Areas Prohibited
    - xiv. (F)(16) Other Requirements
  - (c) If burn piles are required by the permitting agency, the fuel area for each burn pile is limited to ten (10) feet in diameter and six (6) feet in height unless the written permit issued by the permitting agency specifically states otherwise.
  - (d) Burning shall be limited to Monday through Friday and shall not be conducted on federally observed holidays.
- (13) Other Outdoor Fires. [RCW 70.94.6522, WAC 173-425-020(2)(j), WAC 173-425-030(15), WAC 173-425-040(5), WAC 173-425-060(1)(b), and WAC 173-425-060(1), (2)(j) & (3-4)]
- Other outdoor fires are any type of outdoor fires not specified in WAC 173-425-020(2)(a-i).
- (a) Other outdoor burning will generally be limited by the Agency to outdoor fires necessary to protect public health and safety.
  - (b) Other outdoor burning will generally not be allowed unless the Agency determines that extenuating circumstances exist that necessitate burning be allowed.
  - (c) A permit application must be submitted at least ten (10) working days prior to the first proposed burn date unless the Agency waives the advance application period. A written permit from the Agency is required pursuant to Article VI, Section 6.01(E) unless the Agency approves a verbal or electronic permit in lieu of a written permit. The applicant is responsible for payment of a permit application fee in the amount specified in Article X, Section 10.13.
- (E) Application For and Permitting of Written Outdoor Burning Permits. Outdoor burning requiring a written permit pursuant to Article VI, Section 6.01(D) is subject to all of the following requirements:
- (1) Permit Application.
    - (a) It shall be unlawful for any person to cause or allow outdoor burning unless an application for a written permit, including the required fee specified by the permitting agency (SRCAA's outdoor burning

- permit fees are specified in SRCAA's the Consolidated Fee Schedule pursuant to Article X, Section 10.13) and any additional information requested by the permitting agency, has been submitted to the permitting agency on approved forms, in accordance with the advance application period as specified by the permitting agency.
- (b) Incomplete or inaccurate applications may be returned to the applicant as incomplete. The advance application period begins when a complete and accurate application, including the required fee, has been received by the permitting authority.
  - (c) Unless otherwise approved by the permitting agency or unless specified otherwise in Section 6.01, applications will be accepted no more than ninety (90) days prior to the first proposed burn date.
  - (d) A separate application must be completed and submitted to the appropriate permitting agency for each outdoor burn permit requested.
  - (e) A permit for outdoor burning shall not be granted on the basis of a previous permit history.
- (2) Denial or Revocation of a Permit.
- (a) The permitting agency may deny a permit if it is determined by the permitting agency that the application is incomplete or inaccurate. The advance application period in Article X, Section 10.13 does not begin until a complete and accurate application, including any additional information requested by the permitting agency, is received by the permitting agency.
  - (b) The permitting agency may deny a permit or revoke a previously issued permit if it is determined by the permitting agency that the application contained inaccurate information, or failed to contain pertinent information, and the information is deemed by the permitting agency to be significant enough to have a bearing on the permitting agency's decision to grant a permit.
  - (c) An application for a permit shall be denied if the permitting agency determines that the proposed burning will cause or is likely to cause a nuisance (refer to Article VI, Section 6.01(F)(4)). In making this determination, the permitting agency may consider if the permit can be conditioned in such a way that burning is not likely to cause a nuisance (e.g., limit burning to specific wind directions, restrict burn hours, restrict pile size, etc.).
  - (d) The permitting agency may deny a permit for other reasons and shall provide the reason(s) in the applicant's permit denial.
- (3) Permit Conditions. Permits may include requirements and restrictions beyond those specified in SRCAA Regulation I.
- (4) Permit Expiration. Written permits shall be valid for no more than thirty (30) consecutive calendar days unless specified otherwise in Section 6.01(D) or in the permit. In no circumstance will a permit be valid for more than one calendar year.

- (F) Prohibitions / Requirements. [WAC 173-425-050 & WAC 173-425-060(4)]  
All of the following apply to all outdoor burning unless specified otherwise in Article VI, Section 6.01 or pursuant to a written permit:
- (1) Prohibited Materials. [WAC 173-425-050(1)]  
It is unlawful to burn prohibited materials. Prohibited materials include all of the following: garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated or processed wood (other than commercially manufactured fire logs), construction and demolition debris (any material resulting from the construction, renovation, or demolition of buildings, roads, or other man made structures), metal, or any substance (other than natural vegetation or firewood) that releases dense smoke or obnoxious odors when burned, or normally releases toxic emissions when burned. (RCW 70.94.6512(1) and Attorney General Opinion 1993 #17).
  - (2) Hauled Materials. [WAC 173-425-050(2)]  
It is unlawful for a fire to contain material that has been hauled from an area where outdoor burning of that material is prohibited.
  - (3) Curtailments. [RCW 70.94.6512, RCW 70.94.6516, WAC 173-425-030(2), WAC 173-425-030(7), WAC 173-425-050(3), WAC 173-425-060(4) & WAC 173-433-140)]
    - (a) The person responsible for the fire must contact the permitting agency and / or any other designated source for information on the burning conditions for each day prior to igniting a fire.
    - (b) Outdoor burning is prohibited in specified geographical areas when one or more of the following occur:
      1. The Washington State Department of Ecology (Ecology) has declared an air pollution episode.
      2. Ecology or SRCAA has declared impaired air quality.
      3. A fire protection authority with jurisdiction has declared a fire danger burn ban, unless that authority grants an exception.
    - (c) The person responsible for outdoor burning must extinguish the fire when an air pollution episode, impaired air quality condition, or fire danger burn ban that applies to the burning is declared. In this regard:
      1. Smoke visible from all types of outdoor burning, except residential land clearing burning, after a time period of three (3) hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.
      2. Smoke visible from residential land clearing burning after a time period of eight (8) hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

- (4) Nuisance. [RCW 70.94.030(2) & WAC 173-425-050(4)]  
A nuisance refers to an emission of smoke or any other air contaminant that unreasonably interferes with the enjoyment of life and property. In addition to applicable odor nuisance regulations in Article VI, Section 6.04, it shall be unlawful for any person to conduct outdoor burning which causes a smoke or particulate nuisance. With respect to smoke or particulate from outdoor burning, the Agency may take enforcement action under Section 6.01 if the Control Officer or authorized representative has documented all of the following:
- (a) Visible smoke observed with natural or artificial light (e.g. flashlight) crossing the property line of the person making a complaint or particulate deposition on the property of the person making a complaint;
  - (b) An affidavit from a person making a complaint which demonstrates that they have experienced air contaminant emissions in sufficient quantities, and of such characteristics and duration, so as to unreasonably interfere with their enjoyment of life and property; and
  - (c) The source of the smoke or particulate.
- (5) Burning Detrimental to Others. [RCW 70.94.040, RCW 70.94.6528(1), RCW 70.94.6516, and WAC 173-425-050(4)]  
It is unlawful for any person to cause or allow outdoor burning that causes an emission of smoke or any other air contaminant that is detrimental to the health, safety, or welfare of any person, or that causes damage to property or business.
- (6) Containers. [WAC 173-425-050(5)]
- (a) Burn barrels are prohibited.
  - (b) Containers must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrester constructed of iron, heavy wire mesh, or other noncombustible material with openings no larger than one-half (0.5) inch.
- (7) Extinguishing a Fire. [WAC 173-425-050(6)(a) & WAC 173-425-060(4)]
- (a) A person(s) capable of completely extinguishing the fire must attend it at all times.
  - (b) Fire extinguishing equipment must be at the fire and ready to use (e.g., charged garden hose, dirt, sand, water bucket, shovel, fire extinguisher, etc.).
  - (c) All fires must be completely extinguished when the fire will be left unattended or when the activity for which the fire was intended is done, whichever occurs first.
  - (d) Any person(s) responsible for unlawful outdoor burning must immediately and completely extinguish the fire. If the person(s) responsible for unlawful outdoor burning are unable or unwilling to extinguish an unlawful fire, they may be charged for fire suppression costs incurred by a fire protection agency.

- (8) Distances. [WAC 173-425-050(6)(b) & WAC 173-425-060(4)]
  - (a) All fires subject to Article VI, Section 6.01 must be at least fifty (50) feet away from any structure.
  - (b) When material is burned on the ground, it must be placed on bare soil, green grass, or other similar area free of flammable materials for a distance adequate to prevent escape of the fire.
- (9) Landowner Permission. [WAC 173-425-050(6)(c)]

Permission from a landowner, or owner's designated representative, must be obtained before outdoor burning on landowner's property.
- (10) Burn Hours. [WAC 173-425-060(4)]

All burning must take place during daylight hours only. Burning shall not commence prior to sunrise, and all debris burning must be completely extinguished at least one hour prior to sunset. Smoke visible from burning within one hour of sunset will constitute prima facie evidence of unlawful outdoor burning.
- (11) Number of Piles. [WAC 173-425-060(5)(c)(x)]

Only one (1) pile at a time may be burned on contiguous parcels of property under same ownership. The pile must be extinguished before lighting another.
- (12) Fuel Area. [WAC 173-425-060(4)]

The fuel area shall be no larger than three (3) feet in diameter by two (2) feet in height.
- (13) Written Permits.
  - (a) A copy of the written permit must be kept at the permitted burn site during the permitted burn, and must be made available for review upon request of the permitting agency.
  - (b) All conditions of a written permit issued by the permitting agency must be complied with.
- (14) Property Access. [RCW 70.94.200 & SRCAA Regulation I, Article II]

The Control Officer, or authorized representative, shall be allowed to access property at reasonable times to inspect fires specific to the control, recovery, or release of contaminants into the atmosphere in accordance with Article II and RCW 70.94.200. For the purposes of outdoor burning, reasonable times include, but are not limited to, any of the following: when outdoor burning appears to be occurring, when the Control Officer or authorized representative is investigating air quality complaints filed with the Agency, and / or there is reason to believe that air quality violations have occurred or may be occurring. No person shall obstruct, hamper, or interfere with any such inspection.
- (15) Areas Prohibited. [WAC 173-425-040]

Outdoor burning is prohibited in all of the following areas:

  - (a) Within the Restricted Burn Area (also referred to as the No Burn Area), as defined by Resolution of the Board of Directors of SRCAA.
  - (b) Within any Urban Growth Area (land, generally including and associated with an incorporated city, designated by a county for

urban growth under RCW 36.70A.030), and with the exception of Fairchild Air Force Base, any area completely surrounded by any Urban Growth Area (e.g. "islands" of land within an Urban Growth Area).

- (c) Within any nonattainment area or former nonattainment area.
  - (d) In any area where a reasonable alternative to burning exists for the area where burning is requested. For burning organic refuse, a reasonable alternative is considered one where there is a method for disposing of the organic refuse at a cost that is less than or equivalent to the median of all county tipping fees in the state for disposal of municipal solid waste. SRCAA shall determine the median of all county tipping fees in the state for disposal of municipal solid waste by obtaining the most recent solid waste tipping fees data available from Ecology (e.g. state profile map of Washington solid waste tipping fees available at <https://fortress.wa.gov/ecy/swicpublic>) or other relevant sources. Reasonable alternatives may include, but are not limited to, solid waste curbside pick-up, on-site residential composting or commercial composting operations, public or private chipping/grinding operations, public or private chipper rental service, public or private hauling services, energy recovery or incineration facility, public or private solid waste drop box, transfer station, or landfill.
- (16) Other Requirements. All outdoor burning must comply with all other applicable local, state, and federal requirements.
- (G) Unlawful Outdoor Burning.
- (1) Failure of any person to comply with Chapter 70.94 RCW, Chapter 173-425 WAC, this Section, or permit conditions, shall be unlawful and may result in criminal or civil enforcement action taken, including penalties.
  - (2) Unlawful burning may result in any outdoor burning permit being permanently rescinded. This applies to written permits, general permits (permits by rule), and electronic and verbal permits. Once a permit is rescinded, new permit approval from the Agency must be obtained to burn again. Applicable fees for a new permit must be paid pursuant to Article X, Section 10.13.

## **SECTION 6.02 VISIBLE EMISSIONS**

- (A) Opacity Limit. It shall be unlawful for any person to cause or allow the emission of air contaminant from any emission point which equals or exceeds 20% opacity for an aggregate of more than three (3) minutes in any one (1) hour period except:
- (1) When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not equal or exceed 20%



opacity for more than fifteen (15) minutes in any eight (8) consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Agency shall be advised of the schedule.

- (2) When the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of SRCAA Regulation I, Article VI, Section 6.02(A).
  - (3) When otherwise specifically permitted by Article VIII, Section 8.05 (i.e. solid fuel burning devices).
- (B) Opacity Measurement. The opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.
  - (C) Test Method and Procedures. Visible emissions shall be determined by using Ecology Test Method 9A.
  - (D) Emission Point. The emission limits of this section shall apply to each emission point regardless of the number of emissions units connected to a common stack.

### **SECTION 6.03 INCINERATOR BURNING AND INCINERATION HOURS**

- (A) Applicability. The Agency adopts by reference WAC 173-400-050, in Spokane County, except 050(4)(c)(ix) and 050(5)(c)(xi). In addition, the provisions of SRCAA Regulation I, Article VI, Section 6.03 (B) through (E) apply.
- (B) Incinerators. It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Agency except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.
- (C) Operation During Daylight Hours. It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.

- (D) Exception to Daylight Hours. Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:
- (1) Full name and address of the applicant.
  - (2) Location of the incinerator.
  - (3) A description of the incinerator and its control equipment.
  - (4) Good cause for issuance of such approval.
  - (5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment.
  - (6) The length of time for which the exception is sought.
- (E) Prohibited. No one shall install or operate an "Air Curtain Incinerator" or "Wigwam Burner" within the Agency's jurisdiction.

#### **SECTION 6.04 EMISSION OF AIR CONTAMINANT: DETRIMENT TO PERSON OR PROPERTY**

- (A) Definitions. All definitions in SRCAA Regulation I, Article I, Section 1.04 apply to Article VI, Section 6.04, unless otherwise defined herein.
- (B) Applicability. The Agency adopts by reference WAC 173-400-040 in Spokane County, except WAC 173-400-040(6), which is replaced by 6.04(C) and WAC 173-400-040(8), which is replaced by Section 6.07. In addition to WAC 173-400-040, the provisions of Section 6.04 apply. The provisions of RCW 70.94.640 are herein incorporated by reference.
- (C) Emissions Detrimental to Persons or Property. It shall be unlawful for any person to cause or allow the emission of any air contaminant in sufficient quantities and of such characteristics and duration as is, or is likely to be:
- (1) Injurious to the health or safety of human, animal, or plant life;
  - (2) Injurious or cause damage to property; or
  - (3) Which unreasonably interferes with enjoyment of life and property.
- (D) Odors. With respect to odor, the Agency may take enforcement action, pursuant to Chapter 70.94 RCW, under this section if the Control Officer or authorized representative has documented all of the following:
- (1) The detection by the Control Officer or authorized representative of an odor at a Level 2 or greater, according to the following odor scale:
    - (a) Level 0 – no odor detected,
    - (b) Level 1 – odor barely detected,
    - (c) Level 2 – odor is distinct and definite, any unpleasant characteristics recognizable,
    - (d) Level 3 – odor is objectionable enough or strong enough to cause attempts at avoidance, and

- (e) Level 4 – odor is so strong that a person does not want to remain present.
  - (2) An affidavit from a person making a complaint that demonstrates that they have experienced air contaminant emissions in sufficient quantities and of such characteristics and duration so as to unreasonably interfere with their enjoyment of life and property (the affidavit should describe or identify, to the extent possible, the frequency, intensity, duration, offensiveness, and location of the odor experienced by the complainant); and
  - (3) The source of the odor.
- (E) Odor Violation. With respect to odor, the Agency will determine whether or not a violation of Article VI, Section 6.04(C) has occurred based on its review of the information documented under Section 6.04(D), as well as any other relevant information obtained during the investigation.
- (F) Enforcement Action. When determining whether to take formal enforcement action authorized in Section 6.04(D) and (E) above, the Agency may consider written evidence provided by the person causing the odors which demonstrates to the satisfaction of the Agency that all controls and operating practices to prevent or minimize odors to the greatest degree practicable are being employed. If the Agency determines that all such efforts are being employed by the person causing the odors and that no additional control measures or alternate operating practices are appropriate, the Agency may decline to pursue formal enforcement action.
- (G) Documentation. The Agency will document all the criteria used in making its determination in Section 6.04(F) above as to whether or not the person causing the odors is employing controls and operating practices to prevent or minimize odors to the greatest degree practicable. Said documentation, except information that meets the criteria of confidential in accordance with RCW 70.94.205, will be made available to any person making a public records request to the Agency for said documentation, including, but not limited to complaining parties.
- (H) Cause of Action or Legal Remedy. Nothing in Section 6.04 shall be construed to impair any cause of action or legal remedy of any person, or the public, for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

## **SECTION 6.05 PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE**

- (A) Deposition. It shall be unlawful for any person to cause or allow the discharge of particulates in sufficient numbers to unreasonably cause annoyance to any other person when deposited upon the real property of others.

- (B) Materials Handling, Transportation, Storage. It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.
- (C) Construction and Demolition of Buildings and Roads. It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired, or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne. Reasonable precautions to prevent particulate matter from becoming airborne must also be used on roads used as detour routes around roads, or section of road that are being constructed, altered, repaired, demolished, or closed for any purpose.
- (D) Deposition on Paved Roadways. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.
- (E) Fugitive Dust. It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions may include, but are not limited to, one or more of the following:
  - (1) The use of control equipment, enclosures, and wet (or chemical) suppression techniques, and curtailment during high winds;
  - (2) Surfacing roadways and parking areas with asphalt, concrete, or gravel;
  - (3) Treating temporary, low traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages and tires before they exit to prevent the track-out of mud or dirt onto paved public roadways; or
  - (4) Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

**SECTION 6.06 EMISSION OF AIR CONTAMINANTS OR WATER VAPOR,  
DETRIMENT TO PERSONS OR PROPERTY [SEE WAC  
173-400-040(6)] (Repealed 07/09/20, Res. 20-08)**

## **SECTION 6.07 EMISSION OF AIR CONTAMINANT CONCEALMENT AND MASKING RESTRICTED**

Conceal or Mask. No person shall cause or allow the installation of use of any means which conceals or masks an emission of an air contaminant which would otherwise violate any provisions of SRCAA Regulation I.

## **SECTION 6.08 REPORT OF BREAKDOWN**

- (A) Reporting. The owner or operator of a source which emits pollutant(s) exceeding any limit established by Ecology or the Agency in any order(s), rule(s) or regulation(s) that apply to the facility as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:
- (1) The upset or breakdown is reported to the Agency on the next regular working day.
  - (2) The owner or operator shall, upon request of the Control Officer, submit a report giving:
    - (a) The causes.
    - (b) The steps to be taken to repair the breakdown, and
    - (c) A time schedule for the completion of the repairs.
  - (3) The owner or operator can prove to the Control Officer that the excess emissions due to breakdown were unavoidable by adequately demonstrating that:
    - (a) The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
    - (b) The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
    - (c) The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emissions unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.
- (B) Agency Review. Upon receipt of a report [SRCAA Regulation I, Article VI, Section 6.08(A)(2)] from the owner and/or operator describing a breakdown, the Control Officer may:
- (1) Allow continued exempt operation, but only for a limited time period, after which the owner or operator will be required to comply with Section 6.08, or the applicable permit condition, or be subject to the penalties in Article II, Section 2.11. An exemption granted under Section 6.08, may be withdrawn if the exempt operation becomes a cause of complaints.

- (2) Require that the facility curtail or cease operations of the equipment, which emits pollutants exceeding any of the limits established by Section 6.08 or in any permit condition, until repairs are completed, if the Control Officer determines that the quantity of pollutants, or the nature of the pollutants, could endanger human health and safety, cause injury to plant and/or animal life, or cause damage to property.

## **SECTION 6.09 EXCEPTIONS TO THIS ARTICLE** (Repealed 3/4/04, Res. 04-01)

## **SECTION 6.10 GRASS FIELD BURNING** (Repealed 2/2/01, Res. 01-04)

## **SECTION 6.11 AGRICULTURAL BURNING**

- (A) Adoption by Reference. In addition to SRCAA Regulation I, Article VI, Section 6.11, the Agency adopts by reference Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser.
- (B) Purpose. The primary purpose of Section 6.11 is to establish specific requirements for agricultural burning in Spokane County, consistent with Chapter 173-430 WAC.
- (C) Applicability. Section 6.11 applies to agricultural burning in all areas of Spokane County unless specifically exempted. Section 6.11 does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Outdoor Burning (see Chapter 173-425 WAC).
- (D) Statement of Authority. The Spokane Regional Clean Air Agency is empowered, pursuant to Chapter 70.94 RCW, to administer the agricultural burning program in Spokane County. Included is the authority to:
  - (1) Issue and deny burning permits;
  - (2) Establish conditions on burning permits to ensure that the public interest in air, water, and land pollution, and safety to life and property is fully considered;
  - (3) Determine if a request to burn is consistent with best management practices, pursuant to WAC 173-430-050; or qualifies for a waiver, pursuant to WAC 173-430-045;
  - (4) Delegate local administration of permit and enforcement programs to certain political subdivisions;
  - (5) Declare burn days and no-burn days, based on meteorological, geographical, population, air quality, and other pertinent criteria; and
  - (6) Restrict the hours of burning, as necessary to protect air quality.

- (E) Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.11 shall have the following meaning:
- (1) Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.6528 or other authoritative source on agricultural practices.
  - (2) Authority means the Spokane Regional Clean Air Agency (SRCAA or Agency).
  - (3) Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.
  - (4) Extreme Conditions means conditions, usually associated with a natural disaster, that prevent the delivery and placement of mechanical residue management equipment on the field and applies only to the growing of field and turf grasses for seed, for which a waiver is requested.
  - (5) Impaired Air Quality, for purposes of agricultural burning, means a condition declared by the Agency when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
    - (a) Particulates that are ten (10) microns or smaller in diameter (PM<sub>10</sub>) are measured at any location inside Spokane County at or above an ambient level of sixty (60) micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined by Ecology or the Agency to have a reliable correlation to the federal reference method, 40 CFR Part 50 Appendix J, or equivalent.
    - (b) Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight (8) parts of contaminant per million parts of air by volume (ppm), measured on an eight (8) hour average by a method which has been determined by Ecology or the Agency to have a reliable correlation to the federal reference method, 40 CFR Part 50 Appendix C, or equivalent.
    - (c) Particulates that are two and one-half (2.5) microns or smaller in diameter (PM<sub>2.5</sub>) are measured at any location inside Spokane County at or above an ambient level of fifteen (15) micrograms per cubic meter of air, measured on a twenty-four (24) hour average, by a method which has been determined by Ecology or the Agency to have a reliable correlation to the federal reference method, 40 CFR Part 50 Appendix L, or equivalent.
    - (d) Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.

- (6) Nuisance means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property or public areas.
  - (7) Permitting Authority means the Spokane Regional Clean Air Agency (Agency), or one or more of the following entities, whenever the Agency has delegated administration of the permitting program, pursuant to RCW 70.94.6530, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, the Spokane County Conservation District, or any fire protection agency within Spokane County.
  - (8) Pest means weeds, disease, or insects infesting agricultural lands, crops, or residue.
  - (9) Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.
  - (10) Responsible Person means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.
- (F) Requirements. No person shall practice or permit the practice of Agricultural Burning, other than incidental agricultural burning pursuant to RCW 70.94.6524(7), unless the applicant demonstrates to the satisfaction of the Agency or permitting authority that burning, as requested:
- (1) Is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
  - (2) Constitutes a best management practice and no practical alternative is reasonably available.
- (G) Prohibitions. No person shall practice or permit the practice of agricultural burning in any of the following circumstances:
- (1) Where there is a practice, program, technique, or device, that Ecology has certified as a practical alternative to burning.
  - (2) When the materials to be burned include any prohibited materials.
  - (3) During an episode, as declared by Ecology, or during Impaired Air Quality, as declared by Ecology or the Agency for a defined geographical area.
  - (4) Where burning causes a nuisance or when the Agency or permitting authority determines that the creation of a nuisance would likely result from burning.
  - (5) Without a written permit, issued by the permitting authority, except for incidental agricultural burning, as provided in RCW 70.94.6524(7).



- (6) When the materials to be burned include any material other than natural vegetation generated on the property, which is the burning site, or was transported to the burning site by wind or water.
  - (7) In the case of growing of field or turf grasses for seed, unless the request to burn qualifies for a waiver for slope or extreme conditions pursuant to WAC 173-430-045(4).
  - (8) When a no-burn day is declared by the Agency or the permitting authority.
- (H) General Conditions. Considering population density and local conditions affecting air quality, the Agency or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum daily burn acreage or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with the general agricultural burning permit conditions and criteria in WAC 173-430-070 and all of the following conditions:
- (1) Whenever an episode or Impaired Air Quality is declared, or other meteorological condition occurs that the permitting authority determines is likely to contribute to a nuisance, all fires shall be extinguished by withholding new fuel or ceasing further ignition, as appropriate to allow the fire to burn down in the most expeditious manner. In no case shall a fire be allowed to burn longer than three (3) hours after declaration of an episode or Impaired Air Quality, or determination of the specific meteorological condition.
  - (2) Until extinguished, the fire shall be attended by a person who is responsible for the same, capable of extinguishing the fire, and has the permit or a copy of the permit in his or her immediate possession.
  - (3) Burning shall occur only during daylight hours, or a more restrictive period as determined by the Agency or the permitting authority.
  - (4) Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
  - (5) The fire district having jurisdiction shall be notified by the responsible person, prior to igniting a fire.
  - (6) If it becomes apparent at any time to the Agency or permitting authority that limitations need to be imposed to reduce smoke, prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Agency or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.
  - (7) Follow the smoke management guidelines of the permitting authority.

- (I) Administrative Requirements.
  - (1) All applicants for agricultural burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.
  - (2) The permitting authority may require additional information from the applicant, as necessary to determine if agricultural burning is reasonably necessary to carry out the enterprise, to determine how best to minimize air pollution, and as necessary to compile information for the annual program summary [Section 6.11(K)(10)].
  - (3) The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
  - (4) All applicants for agricultural burning permits shall pay a fee at the time of application, according to the Consolidated Fee Schedule, established by resolution of the permitting authority. When the permitting authority is the Spokane Regional Clean Air Agency, the fee shall be according to the schedule in Regulation I, Article X.
  - (5) No permit for agricultural burning shall be granted on the basis of a previous permit history.
  - (6) The permitting authority may waive or reduce the sixty (60) and thirty (30) day advance requirements for submitting and completing a waiver request, made pursuant to WAC 173-430-045(5), if the permitting authority determines that an alternate advance period will suffice for evaluating the request.
- (J) Responsibilities of Farmers. In order to make the required showing, referenced in Section 6.11(F), a farmer, as defined in WAC 173-430-030(7), is responsible for providing the following to the permitting authority, if applicable:
  - (1) Advance notice of the potential need to burn, including documentation of pest problems, which if possible, shall be given prior to crop maturity.
  - (2) For pest management burning requests, a plan establishing how a recurring pest problem will be addressed through non-burning management practices by the following year, if possible, but by no later than three (3) years.
  - (3) An evaluation of alternatives to burning, including those successfully and customarily used by other farmers in similar circumstances, with particular attention to alternatives customarily used in Spokane County, which evaluation shall include an explanation as to why the alternatives are unreasonable and burning is necessary.
  - (4) A showing as to how burning will meet the applicable crop-specific or general Best Management Practices, established pursuant to RCW 70.94.6528.

- (5) For residue management burn requests, a showing that the residue level meets the permitting authority's criteria for consideration of a residue management burn.
  - (6) For residue management burn requests, a showing that non-burning alternatives would limit attaining the desired level of water infiltration/retention, soil erodibility, seed/soil contact, seeding establishment or other desirable agronomic qualities.
  - (7) Field access to representatives of the permitting authority.
- (K) Responsibilities of Permitting Authorities. Permitting authorities are responsible for performing the following activities:
- (1) Evaluation of individual permit applications to determine whether the applicant has made the required showing, referenced in Section 6.11(F).
  - (2) Consultation with a trained agronomist on individual permit applications, as necessary, to evaluate the need to burn and non-burning alternatives.
  - (3) Field inspection, as necessary to verify the following:
    - (a) Accuracy of information in permit and waiver applications,
    - (b) Compliance with permit conditions and applicable laws and regulations, and
    - (c) Acreage and materials burned.
  - (4) Taking final action on permit applications within seven (7) days of the date the application is deemed complete.
  - (5) Incorporation of appropriate permit conditions, both general and specific, as referenced in Section 6.11(H) in order to achieve the following:
    - (a) Minimizing air pollution and emissions of air pollutants, and
    - (b) Ensuring that the public interest in air, water, and land pollution, and safety to life and property has been fully considered, in accordance with RCW 70.94.6528.
  - (6) Enforcement and compliance efforts, with the goal of assuring compliance with all applicable laws, regulations, and permit conditions, and ensuring that timely and appropriate enforcement actions are commenced, when violations are discovered.
  - (7) Complaint logging and appropriate level of response.
  - (8) Collection of fees.
  - (9) Declaration of burn days and no-burn days, taking into consideration, at a minimum, the following criteria:
    - (a) Local air quality and meteorological conditions;
    - (b) Time of year when agricultural burning is expected to occur;
    - (c) Acreage/volume of material expected to be burned per day and by geographical location;
    - (d) Proximity of burn locations to roads, homes, population centers, and public areas;
    - (e) Public interest and safety; and
    - (f) Risk of escape of fire onto adjacent lands, during periods of high fire danger.

- (10) Development of smoke management guidelines, that include procedures to minimize the occurrence of nuisance, and to facilitate making burn/no burn decisions.
- (11) Dissemination of burn decisions, as necessary to inform responsible persons and the public.
- (12) Compilation of an annual program summary, which at a minimum, includes the following:
  - (a) Permits and acres approved for burning;
  - (b) Permit/waiver requests and acres denied;
  - (c) Number and dates of complaints received; and
  - (d) Number of documented violations.
- (L) Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.11 does not ensure that agricultural burning complies with other applicable laws and regulations implemented by any other authority or entity.

## **SECTION 6.12 RESERVED (3/4/04, Res. 04-01)**

## **SECTION 6.13 SURFACE COATING**

- (A) Purpose. SRCAA Regulation I, Article VI, Section 6.13 establishes controls on surface coating operations in Spokane County to:
  - (1) Reduce particulate emissions from coating overspray;
  - (2) Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;
  - (3) Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
  - (4) Encourage pollution prevention.
- (B) Applicability. Section 6.13 applies to all commercial surface coating operations in Spokane County. Section 6.13 includes all surface preparation, surface coating, cleanup, and disposal associated with commercial surface coating operations in Spokane County, unless specifically exempted.
- (C) Definitions. Unless a different meaning is clearly required by context, words, and phrases used in Section 6.13, the following definitions apply to Section 6.13:
  - (1) Airless Spray means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1,000 and 3,000 psig and the coating is forced through a small orifice.
  - (2) Air-Assisted Airless Spray means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1,000 psig. Lower pressure

- air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).
- (3) Automated means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.
  - (4) Brush Coat Application means manual application of coatings by use of a paint brush.
  - (5) Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.
  - (6) Commercial Surface Coating means surface coaters related to or engaged in commerce; excluding non-commercial hobbyist surface coaters where coating is performed by either the owner or current household members on their own property or residence, coating an object they own, e.g. cabinet, motor vehicle, motor vehicle components.
  - (7) Container means the individual receptacle that holds a coating or coating component for storage and distribution.
  - (8) Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.
  - (9) Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.
  - (10) Exempt Solvent means a solvent, or solvent component, that is not a volatile organic compound (VOC).
  - (11) Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.
  - (12) General Surface Coating means any application of coatings to substrates, other than motor vehicle and/or motor vehicle component surface coating.
  - (13) High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 psig air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.
  - (14) Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of eight thousand-five hundred (8,500) pounds or less, or components thereof.
  - (15) Motor Vehicle and Motor Vehicle Component Surface Coating means the application of coatings to assembled motor vehicles, motor vehicle parts and components, and mobile equipment, including but not limited to any device that may be towed or driven on a roadway: light duty vehicles, golf carts, vans, motorcycles, heavy-duty trucks, truck trailers, fleet delivery trucks, buses, mobile cranes, bulldozers, construction equipment, agricultural equipment, street cleaners, motor homes, and other recreational vehicles (including camping trailers and fifth wheels).

- (16) Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$\text{VOC}_{\text{TM}} = \frac{\text{VOC}_{\text{BC}} + \text{VOC}_{\text{X1}} + \text{VOC}_{\text{X2}} + \dots + \text{VOC}_{\text{Xn}} + 2\text{VOC}_{\text{CC}}}{n+3}$$

where:

$\text{VOC}_{\text{TM}}$  is the average sum of the VOC content, as applied to the surface, in a multi-coat system;  
 $\text{VOC}_{\text{BC}}$  is the VOC content, as applied to the surface, of the base coat;  
 $\text{VOC}_{\text{X}}$  is the VOC content, as applied to the surface, of each sequentially applied mid-coat;  
 $\text{VOC}_{\text{CC}}$  is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and  
 n is the total number of coats applied to the primer coat(s) surface.

- (17) Non-Spray Application means coatings that are applied using an application method other than spray application, including, but not limited to, flow coat, roll coat, dip coat, and brush coat methods.
- (18) Portable Surface Coating means an operation that travels with coating equipment and moves between customer locations to apply coatings to motor vehicles, motor vehicle components, and mobile equipment. The site where the coating takes place is not used by the coating operator as a fixed operating location.
- (19) Potential-to-Emit (PTE) means the maximum capacity of a stationary source to emit a pollutant under its physical and operational design. Any physical or operational limitation on the capacity of the stationary source to emit a pollutant, including air pollution control equipment and restrictions on hours of operation or on the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limitation or the effect it would have on emissions is enforceable. Secondary emissions are not included in determining the PTE of a stationary source.
- (20) Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.
- (21) Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.

- (22) Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.
- (23) Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.
- (24) Roll Coat Application means manual application of coatings by the use of a paint roller.
- (25) Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.
- (26) Spray Application means coatings that are applied using a device that creates an atomized mist of coating and deposits the coating on a substrate.
- (27) Standard Engineering Practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).
- (28) Surface Coating means the application of coating to a surface.
- (29) VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$\text{VOC}_{\text{CT}} = \frac{W_V}{V_M - V_W - V_{\text{ES}}}$$

where:

VOC<sub>CT</sub> is the VOC content of the coating, as applied to the surface;  
and

W<sub>V</sub> is the weight of VOC per unit volume of coating, as applied to the surface;

V<sub>M</sub> is the unit volume of coating, as applied to the surface;

V<sub>W</sub> is the volume of water per unit volume of coating, as applied to the surface; and

V<sub>ES</sub> is the volume of exempt solvents per unit volume of coating, as applied to the surface.

- (30) Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water, which is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.
- (31) Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

- (D) Prohibitions on Emissions.
- (1) No person shall cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.
  - (2) Light duty vehicle refinishing - prohibitions on VOC content. No person shall cause or allow the application of any coating or other agent to any light duty vehicle or motor vehicle components, with a VOC content in excess of the limits listed in 40 CFR Part 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings, except as provided in Section 6.13(F).
- (E) Requirements. All persons subject to the requirements of Section 6.13 must comply with all of the following, unless exempted under Section 6.13(F).
- (1) Enclosure and controls. Spray application must be conducted in a booth or area which is vented to a properly operating particulate control system. The particulate control system, including filtration, ducting, and fan must be installed and sized according to standard engineering practices and operated and maintained according to the manufacturer's recommendations and operating manuals.
    - (a) Acceptable filtration methods include:
      1. Filter banks supplied with filter media designed for spray booth applications.
      2. Water baths where the inlet air flow to the water bath is submerged.
      3. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.
      4. Other filtration methods that have received the prior written approval of the Control Officer.
    - (b) The control system must be equipped with a fan which is capable of capturing all visible overspray.
    - (c) Emissions must be vented to the atmosphere through a vertical stack. The top of the exhaust stack must be at least six (6) feet above the penetration point of the roof, or if the exhaust stack exits horizontally out the side of the building, then the exhaust stack must vent vertically at least six (6) feet above the eaves of the roof. A higher stack may be required if the Agency determines that it is necessary for compliance with Article VI, Section 6.04. Flow obstructions (elbows, tees, or stack caps) are prohibited inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.
    - (d) It is the owner and operator's responsibility to comply with other applicable federal, state, and local regulations for the stack.
  - (2) Visible emissions. Visible emissions from the stack must not exceed 10% opacity averaged over any six (6) minute period, as determined by EPA Method 9.



- (3) Application methods. Except as provided in Section 6.13(F), no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:
- (a) High Volume, Low Pressure coating system;
  - (b) Low Volume, Low Pressure coating system;
  - (c) Wet or Dry electrostatic application;
  - (d) Flow coat application;
  - (e) Dip coat application;
  - (f) Brush coat application;
  - (g) Pre-packaged aerosol can application;
  - (h) Roll coat application;
  - (i) A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Agency, exhibits that the spraying technique has a transfer efficiency of at least 65%; or
  - (j) Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants written approval. These methods include but are not limited to the following application methods and circumstances:
    - 1. Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:
      - a. When the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;
      - b. When the spraying operation is automated;
      - c. When spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (greater than 1,000 psig for airless, or greater than 300 psig for air-assisted airless) to the application system; or
      - d. Where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.
- (4) Cleanup.
- (a) Spray guns and paint equipment must be cleaned in an enclosed gun cleaner/washer; or if not using an enclosed gun cleaner, after wash solvent has made contact with the equipment being cleaned, the wash solvent must be immediately drained into a container that is kept closed.

- (b) All containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC must be kept closed, except when materials are being added, mixed, or removed. Empty containers as defined in WAC 173-303-160 are exempt.
  - (c) Spills must be cleaned up upon discovery. The cleaned up materials and collected waste must be stored in closed metal containers.
  - (d) All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents, must be stored in closed metal containers for disposal.
- (5) Recordkeeping. All persons subject to Section 6.13 must maintain the following records for the previous twenty-four (24) month period at the place of business where surface coating is performed:
  - (a) The most current safety data sheets (SDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system;
  - (b) Records of purchases or usage, including but not limited to primers, top coats, clear coats, coating additives, reducers, wipe-down agents, wash solvents, and other materials containing volatile organic compounds or volatile toxic air pollutants; and
  - (c) Waste materials disposal records, including volume of waste solvents and coatings transferred in sealed containers to authorized waste haulers.
- (F) Exemptions. Exceptions to all or parts of Article VI, Section 6.13:
  - (1) Coating process exemptions. Nothing in Section 6.13 applies to the following coating processes:
    - (a) The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;
    - (b) Fiberglass resin application operations;
    - (c) Gel coating operations;
    - (d) The application of asphaltic or plastic liners, including undercoating, sound deadening coating, and spray on bed lining for trucks;
    - (e) Spray plasma plating operations;
    - (f) Application of coatings to farming equipment; and
    - (g) Powder coating operations that do not exhaust outside.
  - (2) Low usage exemption. Section 6.13(E)(1) does not apply to low usage surface coating operations with PTE emissions less than one hundred (100) pounds per year, except as follows:
    - (a) If the Agency documents nuisance odors or emissions from a spray coating operation; or
    - (b) If total PTE toxic air pollutant emissions from the surface coating operation exceed any small quantity emission rate (SQER) given in Chapter 173-460 WAC.

- (3) Large object exemption. Section 6.13(E)(1) does not apply to the infrequent outdoor surface coating of large objects, where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous twelve (12) months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarps) must be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.
- (4) Stack exemption. The stack requirements in Section 6.13(E)(1) does not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of Toxic Air Pollutants (TAP) will not exceed the Acceptable Source Impact Levels (ASIL) as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.
- (5) Application exemption. Section 6.13(E)(1) does not apply to the non-spray and pre-packaged aerosol can application of any coating.
- (6) Enclosure and/or particulate control exemption. Section 6.13(E)(1) does not apply to:
  - (a) A portable surface coating operation that has obtained a General Order of Approval (GOA) from the Agency and complies with GOA conditions; or
  - (b) A surface coating operation where the Control Officer determines that such requirements would be ineffective or unreasonable in capturing or controlling particulate or volatile organic compound emissions from the facility.
- (7) Low VOC content exemption. Section 6.13(E)(3) does not apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.
- (8) Wash solvent exemption. Section 6.13(E)(4) does not apply to surface coating operations that:
  - (a) Use wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or
  - (b) Have wash solvent operations with a total wash solvent consumption of ten (10) gallons or less per year.
- (9) Lead or hexavalent chrome exemption. The prohibition in Section 6.13(D)(1) does not apply to a surface coating operation where the Control Officer determines that no practical alternative coating is available.

- (G) Compliance with Other Laws and Regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13(F) does not constitute an exemption from compliance with SRCAA Regulation I, or other federal, state, or local laws or regulations.

## **SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES**

- (A) Applicability. The provisions of SRCAA Regulation I, Article VI, Section 6.14 shall apply to any government agency of a state, county, city or municipal corporation that applies or contracts for application of sanding materials to or mechanically sweeps or vacuums or contracts for sweeping or vacuuming of paved surfaces within the PM<sub>10</sub> Nonattainment area, or within the PM<sub>10</sub> maintenance area after the nonattainment area is redesignated to attainment. Section 6.14 shall also apply to all suppliers of sanding materials to be used by these affected entities.
- (B) Definitions.
- (1) Affected Entity is any governmental agency of a state, county, city or municipal corporation as described in Section 6.14(A).
  - (2) Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
  - (3) The Agency is the Spokane Regional Clean Air Agency.
  - (4) Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM<sub>10</sub> Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Agency.
  - (5) Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.
  - (6) Full Deployment means that sanding materials have been applied to all priority roadways targeted for treatment during a snow/ice event.
  - (7) Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
  - (8) PM<sub>10</sub> Maintenance Area means the same as the PM<sub>10</sub> Nonattainment area unless otherwise defined in an approved PM<sub>10</sub> Maintenance Plan.
  - (9) PM<sub>10</sub> Nonattainment Area means the Spokane County PM<sub>10</sub> Nonattainment Area, defined in 40 CFR Part 81, as designated on November 15, 1990.

- (10) Priority Roadway means any street, arterial, or highway, within the PM<sub>10</sub> Nonattainment Area, with more than fifteen-thousand (15,000) average daily traffic count, and any connecting entrance or exit ramp.
  - (11) Recycled Sanding Materials means previously used sanding materials which have been collected from roadways or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.
  - (12) Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
  - (13) Season means the period beginning, November 1, in one (1) calendar year and concluding on April 30, the next calendar year.
- (C) Emission Reduction and Control Plans. Each affected entity shall submit to the Agency an initial plan, including an implementation schedule describing the programs and methods to be used to reduce PM<sub>10</sub> emissions from paved surfaces. If the affected entity incorporated after the effective date of this regulation, that entity shall submit an initial plan within one hundred eighty (180) days of incorporation. In reviewing each plan, the Agency shall allow consideration of mobility and transportation safety factors. In approving any initial plan, or plan revision, the Agency must make a finding, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will maintain at least a 70% reduction, from the 1992 - 1993 base season, in the twenty-four (24) hour PM<sub>10</sub> emissions from paved surfaces.
- (1) Each plan is subject to approval by the Agency and shall address, at a minimum, all of the following:
    - (a) Base sanding amount;
    - (b) Percent sanding reduction goal;
    - (c) Sanding materials specifications to be employed;
    - (d) Criteria for application of sanding materials. Where and when sanding materials are applied;
    - (e) Identification of priority roadways;
    - (f) Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
    - (g) Street sweeping frequency and technology to be employed;
    - (h) Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal of sanding materials from priority roadways when safety and mobility requirements have been satisfied;
    - (i) An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan; and
    - (j) A schedule for removal of sanding materials from all surfaces to which they are applied.
  - (2) The plans submitted shall be implemented by each affected entity upon approval of each plan.

- (3) Within forty-five (45) days of submittal of the reports required in Section 6.14(F), the Agency shall determine if the plan commitments have been met and shall notify each affected entity that has failed to fully implement its plan.
  - (4) If the Agency, after consultation with the affected entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM<sub>10</sub> emissions to achieve the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Agency may require any or all affected entities to modify their plans in order to achieve additional reductions.
  - (5) Each affected entity shall review their approved plan within ninety (90) days of the effective date of the amendment to Section 6.14 and every five (5) years thereafter and within ninety (90) days of the Agency's determination made pursuant to Section 6.14(C)(4) and revise the plan as appropriate to ensure that identified priority roadways reflect changes in traffic counts and driving patterns and that all aspects of the plan reflect current sanding and sweeping technologies, programs, and schedules of the affected entity and requirements of the Agency. All amended plans are subject to approval by the Agency.
- (D) Sanding Materials Specifications.
- (1) Material Standards. No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.
  - (2) Contractual Requirements. After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Section 6.14(E)(1).
- (E) Testing.
- (1) Supplier Testing Requirements.
    - (a) Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.
    - (b) The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Section 6.14(D).
  - (2) User Requirements. Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first two hundred-fifty (250) tons of recycled materials used each season and at least once for every five hundred (500) tons of recycled materials used thereafter during the same season.

- (3) Agency Audits. The Agency may enter the site of any affected entity or supplier of sanding materials subject to Section 6.14 for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Section 6.14(D).
- (F) Reporting.
- (1) Supplier Reporting Requirements. Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of Section 6.14 applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Section 6.14(D).
  - (2) Affected Entity Reporting Requirements.
    - (a) Affected entities that use recycled sanding materials shall submit to the Agency copies of the results of testing conducted according to Section 6.14(E)(2) no later than thirty (30) days after the tests are conducted.
    - (b) No later than June 30, of each year, affected entities shall submit a report to the Agency containing information for the preceding season on:
      - 1. The total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
      - 2. The number of lane miles sanded, salted and deiced; and
      - 3. The number of full deployment episodes; and
    - (c) Within seven (7) calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Agency of the supplier's name and location of the aggregate sources from which the materials will be supplied.
    - (d) Affected entities shall maintain on file reports received under the provisions of Section 6.14(F)(1) for a period of three (3) years.
  - (3) Sweeper Reporting Requirements.
    - (a) Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected entity shall submit a report to the Agency that shall contain the information described below.
      - 1. Date of each sweeping operation;
      - 2. Priority lane miles swept;
      - 3. All other lane miles swept;
      - 4. Type of equipment used; and
      - 5. Number of passes on priority roadways.
  - (4) Agency Audits. All records generated under the provisions of Section 6.14 shall be made available for inspection upon request by the Agency.

- (G) Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Agency should they be determined to provide a measure that is equivalent to the test procedures of Section 6.14.
- (H) Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Agency provided the Agency finds that the impact of such experiments will not cause a failure to maintain the 70% reduction in PM<sub>10</sub> emissions from the 1992-93 base season, as described in Section 6.14(C).

## **SECTION 6.15 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON UNPAVED ROADS**

- (A) Applicability. The provisions of SRCAA Regulation I, Article VI, Section 6.15 shall apply to:
  - (1) Any governmental agency of a state, county, city or municipal corporation, responsible for the maintenance of unpaved public roads within the PM<sub>10</sub> Nonattainment Area; and
  - (2) Those specific unpaved public roads which have been identified by Ecology or the Agency for inclusion in an implementation plan or a maintenance plan for control of PM<sub>10</sub> emissions.
- (B) Definitions.
  - (1) Agency means the Spokane Regional Clean Air Agency.
  - (2) Ecology means the Washington Department of Ecology.
  - (3) EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
  - (4) Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act (42 USC 7410).
  - (5) Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act (42 USC 7505).
  - (6) Palliative means salts and other hygroscopic materials, petroleum resins, asphalt emulsions, adhesives, chemical soil stabilizers or other surface treatment materials acting as a method of dust control, and not prohibited for use by any local, state, or federal law, rule, or regulation.
  - (7) Paved means application of concrete, asphaltic concrete, asphalt, or combination thereof as a means of forming a permanent surface for a road.
  - (8) PM<sub>10</sub> Nonattainment Area means the Spokane County PM<sub>10</sub> Nonattainment Area, defined in 40 CFR Part 81, as designated on November 15, 1990. This definition will remain in effect, even after EPA makes the determination that the PM<sub>10</sub> standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the EPA's Guidance for Implementing



the 1-Hour Ozone and Pre-Existing PM<sub>10</sub> NAAQS, dated December 29, 1997, by continuing implementation of control measures in the Implementation Plan and preserving air quality gains.

- (9) Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act (42 USC 7501).
- (C) Emission Reduction and Control Plan. Each applicable governmental entity shall submit an Emission Reduction and Control Plan for approval by the Agency, which includes the following for each applicable unpaved road:
- (1) A schedule for paving, periodic application of palliative, or implementation of other control measures.
  - (2) Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Agency to determine emission reductions.
- (D) Emission Reduction Contingency Plan. Each applicable governmental entity shall submit an Emission Reduction Contingency Plan for approval by the Agency which includes the following for each applicable unpaved road:
- (1) A schedule for paving, periodic application of palliative, or implementation of other control measures.
  - (2) Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Agency to determine emission reductions.
- (E) Effective Dates. The applicable governmental entities shall comply with the following effective dates whenever an unpaved road is identified by Ecology or the Agency for control of PM<sub>10</sub> emissions as part of an implementation plan:
- (1) For any unpaved road so identified prior to the effective date of Section 6.15, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within sixty (60) days after the effective date.
  - (2) For any unpaved road so identified after the effective date of Section 6.15, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within sixty (60) days after such identification.
- (F) Approval and Implementation.
- (1) The Agency shall review the Emission Reduction and Control Plan submitted pursuant to Section 6.15(C), and within sixty (60) days after approval by the Agency, the applicable governmental entity shall implement the plan.
  - (2) The Agency shall review the Emission Reduction Contingency Plan submitted pursuant to Section 6.15(D) and upon approval by the Agency and within sixty (60) days after the EPA makes the findings in Section 6.15(G), the applicable governmental entity shall implement the plan.

- (3) The Agency will not approve an Emission Reduction and Control Plan or an Emission Reduction Contingency Plan unless the Agency finds that the plans will achieve the total emission reductions required by the implementation plan. If the Agency finds that a plan will not achieve the required reductions, then the applicable governmental entity shall revise the plan to achieve the required reductions and resubmit the plan for review by the Agency.
- (G) Findings by EPA. In the event the EPA determines that the Spokane PM<sub>10</sub> Nonattainment Area has failed to make Reasonable Further Progress or has failed to timely attain a National Ambient Air Quality Standard for PM<sub>10</sub> or has violated a National Ambient Air Quality Standard for PM<sub>10</sub> after redesignation as an attainment area, and emissions from unpaved roads are determined by the EPA, in consultation with Ecology and the Agency, to be a contributing factor to such failure or violation, the applicable governmental entities shall comply with the requirements of Section 6.15(F)(2).
- (H) Reporting. Within six (6) months after the effective date of Section 6.15, and annually thereafter as determined by the Agency, each applicable governmental entity shall submit a written report to the Agency which demonstrates compliance with the Emission Reduction and Control Plans and the Emission Reduction Contingency Plans.
- (I) Failure to Comply. Failure to comply with Section 6.15 will subject affected entities to penalties as provided in SRCAA Regulation I, Article II.

#### **SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE** (Repealed 9/1/05, Res. 05-19)

#### **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.

## **SECTION 6.18 STANDARDS FOR MARIJUANA PRODUCTION AND MARIJUANA PROCESSING**

- (A) Purpose. The production and processing of marijuana emits air contaminants. Section 6.18 establishes standards to minimize air contaminants from stationary sources that produce or process marijuana.
- (B) Applicability. This Section applies to all persons or entities having an active Washington State Liquor and Cannabis Board (LCB) license for marijuana production operations and marijuana processing operations in Spokane County, unless exempted under Section 6.18(H)(1).
- (C) Definitions. All definitions in Regulation I, Article I, Section 1.04 apply to Section 6.18, unless otherwise defined in this Section. Unless a different meaning is clearly required by context, words and phrases used in this Section will have the following meaning:
- (1) Control of environmental conditions means modifying surroundings to facilitate plant growth, may include, but is not limited to; lighting, temperature, relative humidity, and carbon dioxide levels. For implementation of Section 6.18, watering plants and short term covering of plants for a portion of each day as needed for frost protection are not considered control of environmental conditions.
  - (2) Indoor marijuana production and indoor marijuana processing means production or processing occurring in a fully enclosed building that is permanently affixed to the ground, has permanent rigid walls, a roof that is permanent and non-retractable, and doors. The building is equipped to maintain control of environmental conditions. Hoop houses, temporary structures, or other similar structures are not considered indoor.
  - (3) Joint producers and processors means multiple marijuana production and processing operations on the same parcel.
  - (4) Marijuana means all parts of the cannabis plant, as defined in Chapter 69.50 RCW as it now exists or as amended.
  - (5) Marijuana concentrates means substances created by extracting oils from marijuana plant material.
  - (6) Other marijuana production means production that is not indoor or outdoor as defined in this Section. Examples of other marijuana production include production in hoop houses, temporary structures, or other similar structures.
  - (7) Outdoor marijuana production means production occurring on an expanse of open or cleared ground (no structure of any kind), during Spokane County's customary outdoor growing season, without control of environmental conditions.
  - (8) Processor (process, processing) means LCB licensed operations that dry, cure, extract, compound, convert, package, and label usable marijuana, marijuana concentrates, and marijuana-infused products.

- (9) Producer (production, producing) means LCB licensed operations that propagate, grow, harvest, and trim marijuana to be processed.
  - (10) Responsible person means any person who owns or controls property on which Section 6.18 is applicable.
- (D) Requirements. All persons or entities subject to the requirements of Section 6.18 must comply with the following:
- (1) Production must occur indoors or outdoors, as defined in 6.18(C), unless the operation has an Agency granted production exemption under Section 6.18(H)(2).
  - (2) All processing must occur indoors as defined in Section 6.18(C).
  - (3) Indoor production and processing requirements:
    - (a) Control equipment and facility design:
      - 1. Operations must be equipped with air pollution control equipment that is properly sized for the air flow to be controlled. Air pollution control equipment may include, but is not limited to, carbon adsorption within the facility, carbon filtration on facility exhaust points, vertical exhaust stacks. Air pollution control equipment is not required for windows, doors, or other openings, provided these openings are kept closed except as needed for active ingress or egress; or
      - 2. Operations must be designed to prevent exhaust from production and processing operations directly to the outside; or
      - 3. Both.
    - (b) Operations must meet Regulation I, Article VI, Section 6.04.
  - (4) Outdoor production requirements:
    - (a) Operations must meet Regulation I, Article VI, Section 6.04.
  - (5) Other marijuana production requirements:
    - (a) Other marijuana production, in-operation prior to Section 6.18 effective date (03/01/2018), must have an Agency granted production exemption under Section 6.18(H)(2), and comply with the conditions of the exemption.
    - (b) Other marijuana production operations with an Agency granted production exemption must meet the odor standard in Article VI, Section 6.04(D)(1), at the property line and beyond. This requirement applies to all marijuana production and processing operations at the facility.
  - (6) Operation and maintenance plan. Air pollution control equipment must be operated and maintained in accordance with the manufacturer's recommendations. An operation and maintenance plan for the air pollution control equipment must be available on-site. The plan must include written operating instructions and maintenance schedules. Records shall be kept of the dates and description of all maintenance and repair performed on the air pollution control equipment. Records must be kept on-site for the previous 24 months and provided to the Agency upon request.

- (7) Notification of change in operations. Written notification must be submitted to the Agency no later than thirty (30) days after operational changes occur. Operational changes include: change in registration information provided under Article IV, new installation of air pollution control equipment, modification or replacement of existing air pollution control equipment, or change in facility design to control air contaminant emissions.
  - (8) Harvest schedule. Written notification from outdoor producers and other marijuana producers must be submitted to the Agency no later than thirty (30) days prior to the start of harvest. The written notification must include harvest dates and locations.
- (E) Compliance with Other Laws and Regulations. Compliance with Regulation I, Article VI, Section 6.18, does not constitute an exemption from compliance with other Sections of Regulation I, or other laws or regulations.
- (F) Joint Producers, Processors and Responsible Persons. If there is a violation of Regulation I, Article VI, Section 6.04, a Notice of Violation may be issued to all joint producers and processors on the parcel, and all responsible persons.
- (G) Compliance Schedule. All persons or entities subject to the requirements of Article VI, Section 6.18 must be in compliance with Section 6.18 requirements as follows:
  - (1) Existing producers and processors in-operation before the Section 6.18 effective date (03/01/2018), have twelve (12) months from the effective date to achieve compliance with Section 6.18 requirements. Requirements of Article VI, Section 6.04 remain applicable during this twelve (12) month period.
  - (2) New producers and processors or expansion at existing producers and processors, that begin or expand operations after 03/01/2018, must be in full compliance with Section 6.18 requirements before production and/or processing begins.
- (H) Exemptions.
  - (1) Processing exemption. Processors that purchase only marijuana concentrates (e.g. marijuana oil) to manufacture marijuana-infused products may apply for an exemption to the standards given in Section 6.18. Production and direct processing of marijuana plants and plant material is not allowed at a processor with an Agency granted processing exemption.
    - (a) A complete processing exemption application must be submitted using Agency forms.
    - (b) The Agency will review the processing exemption application once all information the Agency deems necessary for a determination is received. The Agency may request additional information necessary to complete the review. Upon completion of the review,

- the Agency will make a determination to grant or deny the processing exemption in writing. If denied, compliance with Section 6.18 is required.
- (c) Once a processing exemption is granted, the processor must comply with the exemption conditions.
  - (d) Failure to comply with the processor exemption conditions may result in revocation of the processor exemption, issuance of a Notice of Violation, or both. If the processor exemption is revoked, compliance with Section 6.18 is required.
- (2) Production exemption. Other marijuana producers, in-operation prior to the Section 6.18 effective date (03/01/2018), may apply for an exemption from Section 6.18(D)(1). The exemption is not available to producers that begin or expand operations after 03/01/2018.
- (a) A production exemption application must be submitted within one hundred-eighty (180) days of the Section 6.18 effective date, using Agency forms. Each application must include the application fee, as listed in the Fee Schedule.
  - (b) Within thirty (30) days of receipt of a production exemption application the Agency will perform a completeness review. The Agency may request additional information necessary to complete the application. Once the application is determined to be complete, the Agency has sixty (60) days to grant or deny the production exemption in writing, unless the applicant is notified that additional time is needed. If a production exemption is denied, compliance with Section 6.18(D)(1) is required.
  - (c) Once a production exemption is granted, the producer must comply with the production exemption conditions.
  - (d) Failure to comply with the production exemption conditions may result in revocation of the exemption, issuance of a Notice of Violation, or both. If the production exemption is revoked, compliance with Section 6.18(D)(1) is required.



# ARTICLE VII RESERVED

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**ADOPTED:** June 9, 1969

**REVISED:** Repealed April 10, 2004

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# ARTICLE VIII

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## SOLID FUEL BURNING DEVICE STANDARDS

**ADOPTED:** April 7, 1988

**REVISED:** July 10, 2014

**EFFECTIVE:** September 2, 2014

### SECTION 8.01 PURPOSE

This article establishes emission standards, certification standards and procedures, curtailment rules, and fuel restrictions for solid fuel burning devices in order to attain the National Ambient Air Quality Standards for fine particulate matter (PM<sub>2.5</sub>) and to further the policy of the Agency as stated in Article I, Section 1.01 of this Regulation.

### SECTION 8.02 APPLICABILITY

The provisions of this article apply to solid fuel burning devices in all areas of Spokane County.

### SECTION 8.03 DEFINITIONS

Unless a different meaning is clearly required by context, words and phrases used in this article shall have the following meaning:

- A. Agency means the Spokane Regional Clean Air Agency.
- B. Coal stove means an enclosed, coal burning appliance capable of and intended for residential space heating, domestic water heating or indoor cooking, which has all the following characteristics:
  - 1. An opening for loading coal which is located near the top or side of the appliance; and
  - 2. An opening for emptying ash which is located near the bottom or the side of the appliance; and
  - 3. A system which admits air primarily up and through the fuel bed; and
  - 4. A grate or other similar device for shaking or disturbing the fuel bed; and

5. Listing by a nationally recognized safety testing laboratory for use of coal only, except for coal ignition purposes; and
  6. Not configured or capable of burning cordwood.
- C. Commercial establishment is defined to include an establishment possessing a valid business license issued by a governmental entity.
- D. Cook stove means an appliance designed with the primary function of cooking food and containing an integrally built in oven with a volume of 1 cubic foot or greater where the cooking surface measured in square inches or square feet is one and one-half times greater than the firebox measured in cubic inches or cubic feet (e.g. a firebox of 2 cubic feet would require a cooking surface of at least 3 square feet). It must have an internal temperature indicator and oven rack, around which the fire is vented, as well as a shaker grate ash pan and an ash cleanout below the firebox. Any device with a fan or heat channels used to dissipate heat into the room shall not be considered a cook stove. A portion of at least four sides of the oven must be exposed to the flame path during the oven heating cycle, while a flue gas bypass will be permitted for temperature control. Devices designed or advertised as room heaters that also bake or cook do not qualify as cook stoves.
- E. Ecology means the Washington State Department of Ecology.
- F. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
- G. EPA Certified means a woodstove certified and labeled by EPA under “40 CFR 60 Subpart AAA - Standards of Performance for Residential Wood Heaters”
- H. Fireplace means a permanently installed masonry fireplace; or a factory-built solid fuel burning device designed to be used with an air-to-fuel ratio greater than or equal to thirty-five to one and without features to control the inlet air-to-fuel ratio other than doors or windows such as may be incorporated into the fireplace design for reasons of safety, building code requirements, or aesthetics.
- I. National Ambient Air Quality Standards (NAAQS; 40 CFR 50) means outdoor air quality standards established by the United States Environmental Protection Agency under authority of the federal Clean Air Act. EPA set standards for six principal air pollutants, called “criteria” pollutants, under the NAAQS. The criteria pollutants are carbon monoxide, sulfur dioxide, nitrogen dioxide, lead, ozone and particulate matter (PM<sub>2.5</sub> and PM<sub>10</sub>).
- J. Non-affected pellet stove means that a pellet stove has an air-to-fuel ratio equal to or greater than 35:1 when tested by an accredited laboratory in accordance

with methods and procedures specified by the EPA in "40 C.F.R. 60 Appendix A, REFERENCE METHOD 28A - MEASUREMENT OF AIR TO FUEL RATIO AND MINIMUM ACHIEVABLE BURN RATES FOR WOOD-FIRED APPLIANCES" as amended through July 1, 1990.

- K. Nonattainment Area means a clearly delineated geographic area which has been designated by the Environmental Protection Agency because it does not meet, or it affects ambient air quality in a nearby area that does not meet, a national ambient air quality standard or standards for one or more of the criteria pollutants defined in 40 CFR 50, National Ambient Air Quality Standards.
- L. Oregon Certified means a woodstove manufactured prior to 1989 which meets the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340-21-115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 – Woodstove Certification" dated November 1984.
- M. PM2.5 means particulate matter with a nominal aerodynamic diameter of two and one half micrometers and smaller measured as an ambient mass concentration in units of micrograms per cubic meter of air. Also called fine particulate matter.
- N. PM10 means particulate matter with a nominal aerodynamic diameter of ten micrometers and smaller measured as an ambient mass concentration in units of micrograms per cubic meter of air.
- O. Seasoned Wood means wood of any species that has been sufficiently dried so as to contain twenty percent or less moisture by weight.
- P. Solid Fuel Burning Device means a device that is designed to burn wood, coal, or any other nongaseous or nonliquid fuels, and includes woodstoves, coal stoves, cook stoves, pellet stoves, and fireplaces, or any similar device burning any solid fuel. It includes devices used for aesthetic or space-heating purposes in a private residence or commercial establishment, which have a heat input less than one million British thermal units per hour.
- Q. Smoke Control Zone means the Spokane/Spokane Valley Metropolitan area and surrounding geographic areas affected by combustion smoke from solid fuel burning devices, after consideration of the contribution of devices that are not Washington certified devices, population density and urbanization, and effect on the public health (RCW 70.94.477(2)(a),(b) and (c)), is defined as follows:

Sections 1 through 6, Township 24 N, Range 42 E;  
Townships 25 and 26 N, Range 42 E; Sections 1 through 24,  
Township 24 N, Range 43 N; Townships 25, 26 and 27 N,  
Range 43 E; Sections 19 through 36, Township 28 N, Range  
43 E; Sections 1 through 24, Township 24 N, Range 44 E;  
Township 25 N, Range 44 E; Sections 19 through 36,

Township 26 N, Range 44 E; Township 25 N, Range 45 E; Sections 1 through 4, 9 through 16 and 19 through 36, Township 26 N, Range 45 E; Sections 33 through 36, Township 27 N, Range 45 E; Sections 6, 7, 18, 19, 30, and 31, Township 25 N, Range 46 E; Sections 6, 7, 18, 19, 30 and 31, Township 26 N, Range 46 E; Section 31, Township 27 N, Range 46 E.

- R. Treated Wood means wood of any species that has been chemically impregnated, painted, or similarly modified to improve resistance to insects, fungus or weathering.
- S. Washington Certified Device means a solid fuel burning device, other than a fireplace, which has been determined by Ecology to meet emission performance standards, pursuant to RCW 70.94.457 and WAC 173-433-100(3).
- T. Woodstove means an enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in "40 C.F.R. 60 Subpart AAA - Standards of Performance for Residential Wood Heaters" as amended through July 1, 1990:
1. An air-to-fuel ratio in the combustion chamber averaging less than 35:1 as determined by EPA Reference Method 28A; and
  2. A useable firebox volume of less than twenty cubic feet; and
  3. A minimum burn rate less than 5 kg/hr as determined by EPA Reference Method 28; and
  4. A maximum weight of 800 kg, excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.

Any combination of parts, typically consisting of but not limited to: doors, legs, flue pipe collars, brackets, bolts and other hardware, when manufactured for the purpose of being assembled, with or without additional owner supplied parts, into a woodstove, is considered a woodstove.

## **SECTION 8.04 EMISSION PERFORMANCE STANDARDS**

The Agency adopts Chapter 173-433 WAC by reference and Title 40, Part 60, Subpart AAA of the Code of Federal Regulations "Standards of Performance for New Residential Wood Heaters" by reference.

## **SECTION 8.05 OPACITY STANDARDS**

- A. Opacity Limit

A person shall not cause or allow emission of a smoke plume from any solid fuel burning device to exceed an average of twenty percent opacity for six consecutive minutes in any one-hour period.

B. Test Method and Procedures

EPA reference method 9 – Visual Determination of Opacity of Emissions from Stationary Sources – shall be used to determine compliance with Section 8.05.A.

C. Enforcement

Smoke visible from a chimney, flue or exhaust duct in excess of the opacity limit shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall not apply during the starting of a new fire for a period not to exceed twenty minutes in any four-hour period.

## **SECTION 8.06 PROHIBITED FUEL TYPES**

A person shall not cause or allow any of the following materials to be burned in a solid fuel burning device:

- A. Garbage;
- B. Treated wood (defined in Section 8.03);
- C. Plastic products;
- D. Rubber products;
- E. Animals;
- F. Asphaltic products;
- G. Waste petroleum products;
- H. Paints;
- I. Any substance, other than properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal stove, which normally emits dense smoke or obnoxious odors; or
- J. Paper, other than an amount of non-colored paper necessary to start a fire.

## **SECTION 8.07 CURTAILMENT (BURN BAN)**

- A. Except as provided in Section 8.08, no person shall operate a solid fuel burning device within a defined geographical area under any of the following conditions:

1. Air Pollution Episode

Whenever Ecology has declared curtailment under an alert, warning, or emergency air pollution episode for the geographical area pursuant to Chapter 173-435 WAC and RCW 70.94.715.

2. Stage 1 Burn Ban

Whenever the Agency has declared curtailment under a first stage of impaired air quality for the Smoke Control Zone or other geographical area unless the solid fuel burning device is one of the following:

- a. A nonaffected pellet stove; or
- b. A Washington Certified Device; or
- c. An EPA Certified Woodstove; or
- d. An Oregon Certified Woodstove.

In Spokane County as allowed by RCW 70.94.473(1)(b)(i) a first stage of impaired air quality is reached and curtailment may be declared when the Agency determines that particulate matter with a nominal aerodynamic diameter of two and one half micrometers and smaller (PM<sub>2.5</sub>), measured as an ambient mass concentration at any location within Spokane County using a method which has been determined by Ecology or the Agency to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, and updated hourly as a twenty-four hour running average, is likely to exceed thirty-five micrograms per cubic meter of air within forty-eight hours based on forecasted meteorological conditions.

3. Stage 2 Burn Ban

Whenever the Agency has declared curtailment under a second stage of impaired air quality for the Smoke Control Zone or other geographical area. In Spokane County as allowed by RCW 70.94.473(1)(c)(ii) a second stage of impaired air quality is reached and curtailment may be declared whenever all of the following criteria are met:

- a. Issuing a Stage 2 Burn Ban Following a Stage 1 Burn Ban
  - 1) A first stage of impaired air quality has been in force for a period of twenty-four hours or longer and, in the Agency's judgment, has not reduced the PM<sub>2.5</sub> ambient mass concentration, measured as a twenty-four hour running average, sufficiently to prevent it from exceeding thirty-five micrograms per cubic meter of air at any location inside Spokane County within twenty-four hours; and
  - 2) A twenty-four hour running average PM<sub>2.5</sub> ambient mass concentration equal to or greater than twenty-five micrograms per cubic meter of air is measured at any



location inside Spokane County using a method which has been determined by Ecology or the Agency to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent; and

- 3) The Agency does not expect meteorological conditions to allow ambient mass concentrations of PM<sub>2.5</sub> measured as a twenty-four hour running average to decline below twenty-five micrograms per cubic meter of air for a period of twenty-four hours or more from the time that it is measured at that concentration.

b. Issuing a Stage 2 Burn Ban Without First Declaring a Stage 1 Burn Ban

A second stage burn ban may be issued without an existing first stage burn ban as allowed by RCW 70.94.473 (1)(c)(ii) whenever all of the following criteria are met:

- 1) The ambient mass concentration of PM<sub>2.5</sub> at any location inside Spokane County has reached or exceeded twenty-five micrograms per cubic meter, measured as a running twenty-four hour average using a method which has been determined, by Ecology or the Agency, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent; and
- 2) Meteorological conditions have caused PM<sub>2.5</sub> ambient mass concentrations to rise rapidly; and
- 3) The Agency predicts that meteorological conditions will cause PM<sub>2.5</sub> ambient mass concentrations measured as a twenty-four hour running average to exceed thirty-five micrograms per cubic meter of air within twenty-four hours; and
- 4) Meteorological conditions are highly likely to prevent smoke from dispersing sufficiently to allow PM<sub>2.5</sub> ambient mass concentrations to decline below twenty-five micrograms per cubic meter of air within twenty-four hours.

Issuance of a second stage burn ban without an existing first stage burn ban shall require the Agency to comply with RCW 70.94.473(3).

4. The following matrix graphically illustrates the applicability of Sections 8.07.A.1-3 of this Regulation.

Burn Condition	Impaired Air Quality		Air Pollution Episode
Type of Device	First Stage Burn Ban	Second Stage Burn Ban	
EPA Certified Woodstove	Allowed	Prohibited	Prohibited
Oregon Certified Woodstove	Allowed	Prohibited	Prohibited
Pellet Stove (nonaffected)	Allowed	Prohibited	Prohibited
Washington Certified Device	Allowed	Prohibited	Prohibited
All Other Devices	Prohibited	Prohibited	Prohibited

5. After July 1, 1995, if the limitation in RCW 70.94.477(2) is exercised, following the procedure in Section 8.09\_(Procedure to Geographically Limit Solid Fuel Burning Devices), and the solid fuel burning device is not one of the following:
  - a. A nonaffected pellet stove; or
  - b. Washington Certified Device; or
  - c. EPA Certified Woodstove; or
  - d. Oregon Certified Woodstove.
  
- B. In consideration of declaring curtailment under a stage of impaired air quality, the Agency shall consider the anticipated beneficial effect on ambient concentrations of PM<sub>2.5</sub>, taking into account meteorological factors, the contribution of emission sources other than solid fuel burning devices, and any other factors deemed to affect the PM<sub>2.5</sub> mass concentration.
  
- C. Any person responsible for a solid fuel burning device which is subject to curtailment and is already in operation at the time curtailment is declared under an episode or a stage of impaired air quality shall extinguish that device by withholding new solid fuel for the duration of the episode or impaired air quality. Smoke visible from a chimney, flue or exhaust duct after a time period of three (3) hours has elapsed from the time of declaration of curtailment under an episode or a stage of impaired air quality shall constitute prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that smoke was not caused by an applicable solid fuel burning device.
  
- D. The Agency, Ecology, Spokane County Health District, fire departments, fire districts, Spokane County Sheriff's Department, or local police having jurisdiction in the area may enforce compliance with solid fuel burning device curtailment after a time period of three (3) hours has elapsed from the time of declaration of curtailment under an episode or a stage of impaired air quality.

## SECTION 8.08 EXEMPTIONS

### A. Categories

The provisions of Section 8.07 shall not apply to any person who possesses a valid written exemption for his/her residence, issued by the Agency. The Agency may issue written exemptions for residences if any one of the following is demonstrated to the satisfaction of the Agency:

#### 1. Low Income

An economic need to burn solid fuel for residential space heating purposes by qualifying through Spokane Neighborhood Action Partners (SNAP) for energy assistance according to economic guidelines established by the U.S. Office of Management and Budget under the low income energy assistance program (L.I.E.A.P.).

#### 2. No Adequate Source of Heat

An exemption may be issued if all of the following apply:

- a. The residence was constructed prior to July 1, 1992; and
- b. The residence was originally constructed with a solid fuel burning device as a source of heat; and
- c. A person in a residence does not have an adequate source of heat without using a solid fuel burning device (RCW 70.94.477(6)(a)).
  - 1) Adequate source of heat means the ability to maintain seventy degrees Fahrenheit at a point three feet above the floor in all normally inhabited areas of a dwelling (WAC 173-433-030(1)); and
  - 2) If any part of the heating system has been disconnected / removed, damaged, or is otherwise nonfunctional, the Agency shall base the assessment of the adequacy of design for providing an adequate source of heat in Section 8.08A.2.c.1), above, on the system's capability prior to the disconnection/removal, damage, improper maintenance, malfunction, or occurrence that rendered the system nonfunctional.

A person's income level is not a determining factor in the approval or denial of an exemption under this provision. Exemptions based on income level are addressed in Section 8.08A.1.

3. Primary Heating Source Temporarily Inoperable

That his/her heating system, other than a solid fuel burning device, is temporarily inoperable for reasons other than his/her own actions. When applying for this exemption, the applicant must submit a compliance schedule for bringing his/her heating system, other than a solid fuel burning device, back into operation to be used as his/her primary heating source. Unless otherwise approved by SRCAA, exemptions will be limited to 30 calendar days. A person's income level is not a determining factor in the approval or denial of an exemption under this provision.

4. State of Emergency

If a state of emergency is declared by an authorized local, state, or federal government official due to a storm, flooding, or other disaster, which is in effect during a burn ban declared pursuant to Section 8.07 of this Regulation, the Control Officer may temporarily issue a State of Emergency exemption. The State of Emergency exemption shall serve as a general exemption from burn ban provisions in Section 8.07. The temporary approval shall reference the applicable state of emergency, effective date, expiration date, and limitations, if any (e.g. specific geographic areas affected).

B. Exemption Duration and Renewals

Written exemptions shall be valid for a period determined by the Agency, which shall not exceed one (1) year from the date of issuance. Exemptions in Section 8.08.A.1 & 2 may be renewed by the Agency, provided the applicant meets the applicable requirements at the time of exemption renewal. For renewals under Section 8.08.A.1, the applicant must demonstrate the low income status is met each time application is made. Exemption requests may be denied by the Agency, regardless of the applicant's exemption history.

C. Fees

Exemption requests must be accompanied by fees specified in Article X Section 10.10 and SRCAA's fee schedule. For exemptions which are requested and qualify under the low income exemption in Section 8.08.A.1, the fee is waived.

D. One-Time, 10-Day Temporary Exemption

SRCAA may issue one-time, 10-day temporary solid fuel burning device exemptions if persons making such requests qualify and provide all of the information below. Unless required otherwise by SRCAA, such exemptions requests may be taken via telephone.

1. Full name; and
2. Mailing address; and
3. Telephone number; and
4. Acknowledgement that he/she believes he/she qualifies for an exemption pursuant to Section 8.08.A.1, 2, or 3; and
5. Physical address where the exemption applies; and
6. Description of the habitable space for which the exemption is being requested; and
7. Acknowledge that s/he has not previously requested such an exemption for the same physical address, except as provided below, and that all of the information provided is accurate.

One-time, 10-day temporary solid fuel burning device exemptions are not valid for any physical address for which a one-time, 10-day temporary solid fuel burning device exemption has previously been issued unless a past exemption was issued for a residence under different ownership or there is a temporary breakdown that qualifies under Section 8.08.A.3.

**E. Residential and Commercial Exemption Limitations**

Except for commercial establishments qualifying under Section 8.08.A.3 or 8.08.D, exemptions are limited to residences. Exemptions are limited to normally inhabited areas of a residence, which includes areas used for living, sleeping, cooking and eating. Exemptions will not be issued for attached and detached garages, shops, and outbuildings. For commercial establishments, exemptions will be limited to areas identified in exemption approvals issued by SRCAA pursuant to Section 8.08.A.3 or 8.08.D.

**SECTION 8.09 PROCEDURE TO GEOGRAPHICALLY LIMIT SOLID FUEL BURNING DEVICES**

- A. If the EPA finds that the Spokane PM10 Maintenance Area has violated a National Ambient Air Quality Standard for PM10 and emissions from solid fuel burning devices are determined by the EPA, in consultation with Ecology and the Agency, to be a contributing factor to such failure or violation, then one year after such determination, the use of solid fuel burning devices not meeting the standards set forth in RCW 70.94.457 and WAC 173-433-100, is restricted to areas outside the Smoke Control Zone.
- B. Within 30 days of the determination pursuant to Section 8.09 A., the Agency shall publish a public notice in a newspaper of general circulation, informing the public

of such determination and of the date by which such restriction on the use of solid fuel burning devices becomes effective.

- C. Nothing in Section 8.09 shall apply to persons who have obtained an exemption pursuant to Section 8.08.

## **SECTION 8.10 RESTRICTIONS ON INSTALLATION AND SALES OF SOLID FUEL BURNING DEVICES**

A. Installation of Solid Fuel Burning Devices

No person shall install a new or used solid fuel burning device that is not a Washington certified device in any new or existing building or structure unless the device is a cook stove or a device which has been rendered permanently inoperable.

B. Sale or Transfer of Solid Fuel Burning Devices

No person shall sell, offer for sale, advertise for sale, or otherwise transfer a new or used solid fuel burning device that is not a Washington certified device to another person unless the device is a cook stove or a device which has been rendered permanently inoperable (RCW 70.94.457(1)(a)).

C. Sale or Transfer of Fireplaces

No person shall sell, offer for sale, advertise for sale, or otherwise transfer a new or used fireplace to another person, except masonry fireplaces, unless such fireplace meets the 1990 United States environmental protection agency standards for wood stoves or equivalent standard that may be established by the state building code council by rule (RCW 70.94.457(1)(b)).

D. Sale or Transfer of Masonry Fireplaces

No person shall build, sell, offer for sale, advertise for sale, or otherwise transfer a new or used masonry fireplace, unless such fireplace meets Washington State building code design standards as established by the state building code council by rule (RCW 70.94.457(1)(c)).

## **SECTION 8.11 REGULATORY ACTIONS AND PENALTIES**

A person in violation of this article may be subject to the provisions of Article II, Section 2.11 – Penalties.

# ARTICLE IX

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## ASBESTOS CONTROL STANDARDS

**ADOPTED:** September 5, 1991

**REVISED:** May 1, 2014

**EFFECTIVE:** September 2, 2014

### SECTION 9.01 PURPOSE

The Board of Directors of the Spokane Regional Clean Air Agency recognizes that airborne asbestos is a serious health hazard. Asbestos fibers released into the air can be inhaled and cause lung cancer, pleural mesothelioma, peritoneal mesothelioma or asbestosis. The Board of Directors has adopted this regulation to control asbestos emissions primarily resulting from asbestos projects, renovation projects, and demolition projects in order to protect the public health.

### SECTION 9.02 DEFINITIONS

- A. AHERA Building Inspector means a person who has successfully completed the training requirements for a building inspector established by United States Environmental Protection Agency (EPA) Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.
- B. AHERA Project Designer means a person who has successfully completed the training requirements for an abatement project designer established by EPA Asbestos Model Accreditation Plan: Interim Final Rule (40 CFR Part 763, Appendix C to Subpart E) and whose certification is current.
- C. Asbestos means the asbestiform varieties of actinolite, amosite (cummingtonite-grunerite), tremolite, chrysotile (serpentine), crocidolite (riebeckite), or anthophyllite.
- D. Asbestos-Containing Material (ACM) means any material containing more than one percent (1%) asbestos as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or

required by EPA. It includes all loose vermiculite (e.g., vermiculite attic insulation, vermiculite block fill) and any material presumed to be asbestos-containing.

- E. Asbestos-Containing Waste Material (ACWM) means any waste that contains or is contaminated with asbestos-containing material. Asbestos-containing waste material includes asbestos-containing material that has been removed from a structure, disturbed, or deteriorated in a way that it is no longer an integral part of the structure or component, asbestos waste from control equipment, materials used to enclose the work area during an asbestos project, asbestos-containing material collected for disposal, asbestos-contaminated waste, debris, containers, bags, protective clothing, or high efficiency particulate air (HEPA) filters. Asbestos-containing waste material does not include samples of asbestos-containing material taken for testing or enforcement purposes.
- F. Asbestos Project means any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of asbestos-containing material, or any other action or inaction that disturbs or is likely to disturb any asbestos-containing material. It includes the removal and disposal of asbestos-containing material or asbestos-containing waste material. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released.
- G. Asbestos Survey means a written report resulting from a thorough inspection performed pursuant to Section 9.03 of this Regulation.
- H. Asphalt Shingles means asphalt roofing in shingle form, composed of glass felt or felts impregnated and coated on both sides with asphalt, and surfaced on the weather side with mineral granules. Some asphalt shingle styles are commonly referred to as three-tab shingles.
- I. Competent Person means a person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy, has the authority to take prompt corrective measures to eliminate the hazards, and has been trained and is currently certified in accordance with the standards established by the Washington State Department of Labor and Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction).
- J. Component means any equipment, pipe, structural member, or other item or material.
- K. Contiguous means touching or adjoining.



- L. Controlled Area means an area to which only certified asbestos workers, representatives of the Agency, or other persons authorized by the Washington Industrial Safety and Health Act (WISHA), have access.
- M. Demolition means wrecking, razing, leveling, dismantling, or burning of a structure, making the structure permanently uninhabitable or unusable in part or whole. It includes any related handling operations. It also includes moving a structure (except a mobile home which remains intact) and wrecking or taking out of any load-supporting structural member (except in an owner-occupied, single-family residence).
- N. Disposal Container means a carton, bag, drum, box, or crate designed for the purpose of safely transporting and disposing of asbestos-containing waste material.
- O. Friable Asbestos-Containing Material means asbestos-containing material that, when dry, can be crumbled, pulverized, or reduced to powder by hand pressure or by the forces expected to act upon the material in the course of demolition, renovation, or disposal. Each of these descriptions is separate and distinct, meaning the term includes asbestos-containing material that, when dry, can be:
1. Crumbled by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal;
  2. Pulverized by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal; or
  3. Reduced to powder by hand pressure or by the forces expected to act upon the material in the course of renovation, demolition, or disposal.
- Such materials include, but are not limited to, thermal system insulation, surfacing material, Nicolet roofing paper and similar asbestos papers, and cement asbestos products.
- P. Homogeneous Area means an area of surfacing material, thermal system insulation material, or a miscellaneous material that is uniform in color or texture. Unless approved otherwise by SRCAA, rubble piles, debris piles, ash, soil, and similar materials are not homogeneous areas.
- Q. Leak-Tight Container means a dust-tight and liquid tight disposal container, at least 6-mil thick, that encloses asbestos-containing waste material and prevents solids or liquids from escaping or spilling out. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic.
- R. Nonfriable Asbestos-Containing Material means asbestos-containing material that is not friable (e.g. when dry, cannot be crumbled, pulverized, or reduced to

powder by hand pressure or by the forces expected to act on the material in the course of demolition, renovation, or disposal).

- S. Nonfriable Asbestos-Containing Roofing means an asbestos-containing roofing material where all of the following apply:
1. The roofing is a nonfriable asbestos-containing material;
  2. The roofing is in good condition and is not peeling, cracking, or crumbling;
  3. The roofing binder is petroleum-based and asbestos fibers are suspended in that base with individual fibers still encapsulated; and
  4. The roofing binder exhibits enough plasticity to prevent the release of asbestos fibers in the process of removing and disposing of it.
- T. Owner-Occupied, Single-Family Residence means any non-multiple unit building containing space for uses such as living, sleeping, preparation of food, and eating that is used by one family who owns the property as their domicile (permanent and primary residence) both prior to and after renovation or demolition, and can demonstrate such to the Agency upon request (e.g. utility bills). This term includes houses, mobile homes, trailers, detached garages, outbuildings, houseboats, and houses with a “mother-in-law apartment” or “guest room”. This term does not include rental property, multiple unit buildings (e.g. duplexes and condominiums with two or more units) or multiple-family units, nor does this term include any mixed-use building (e.g. a business being operated out of a residence), structure, or installation that contains a residential unit. This term does not include structures used for structural fire training exercises (Regulation I, Article VI, Section 6.01 and 40 CFR Part 61, Subpart M), structures previously subject to the federal asbestos NESHAP (40 CFR Part 61, Subpart M), structures that are part of a larger installation (e.g., military base, company housing, apartment complex, housing complex, institution, industrial operation, etc.), or government ordered demolitions.
- U. Owner’s Agent means any person who leases, operates, controls, or is responsible for an asbestos project, renovation, demolition, or property subject to Article IX of this Regulation. It also includes the person(s) submitting a notification pursuant to Section 9.04 of this Regulation and/or performing the asbestos survey.
- V. Person means any individual, firm, public or private corporation, association, partnership, political subdivision, municipality, or government agency.
- W. Renovation means altering a structure or component in any way, other than demolition.

- X. Structure means something built or constructed, in part or in whole. Examples include, but are not limited to, the following in part or in whole: houses, garages, commercial buildings, mobile homes, bridges, "smoke" stacks, pole-buildings, canopies, lean-tos, and foundations. This term does not include normally mobile equipment (e.g., cars, recreational vehicles, boats, etc.).
- Y. Surfacing Material means material that is sprayed-on, troweled-on, or otherwise applied to surfaces including, but not limited to, acoustical plaster on ceilings, paints, fireproofing material on structural members, or other material on surfaces for decorative purposes.
- Z. Suspect Asbestos-Containing Material means material that has historically contained asbestos including, but not limited to, surfacing material, thermal system insulation, roofing material (excluding asphalt shingles), fire barriers, gaskets, flooring material, and cement siding. Suspect asbestos-containing material must be presumed to be asbestos-containing material unless demonstrated otherwise (e.g. as determined using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993).
- AA. Thermal System Insulation (TSI) means material applied to pipes, fittings, boilers, tanks, ducts, or other structural components to prevent heat loss or gain.
- AB. Visible Emissions means any emissions that are visually detectable without the aid of instruments. The term does not include condensed uncombined water vapor.
- AC. Wallboard System means joint compound and tape specifically applied to cover nail holes, joints and wall corners. It does not mean "add on materials" such as sprayed on materials, paints, textured ceilings or wall coverings. A wallboard system where joint compound and tape have become an integral system (40 CFR Part 61 FRL4821-7) may be analyzed as a composite sample for determining if it is an asbestos-containing material.
- AD. Waste Generator means any owner or owner's agent that generates, produces, or is in part or whole, responsible for an activity that results in asbestos-containing waste material.
- AE. Workday means Monday through Friday 8:00 a.m. to 4:30 p.m. excluding legal holidays observed by the Agency. For purposes of filing a notification or notification amendment via SRCAA's website pursuant to Section 9.04, and unless specified otherwise on SRCAA's website, a workday means any day of the week and any time of the day.

## **SECTION 9.03 ASBESTOS SURVEY REQUIREMENTS**

- A. Except as provided for in Section 9.03.F of this Regulation, it shall be unlawful for any person to cause or allow any renovation, demolition, or asbestos project unless the property owner or the owner's agent first obtains an asbestos survey, performed by an AHERA building inspector.
- B. Asbestos Survey Procedures.
  - 1. An asbestos survey must consist of a written report resulting from a thorough inspection performed by an AHERA building inspector. The AHERA building inspector must use the procedures in EPA regulations 40 CFR 763.86 or an alternate asbestos survey method pursuant to Section 9.03.F.3 of this Regulation. The inspection, and resulting asbestos survey report, must be performed to determine whether materials, components, or structures to be worked on, renovated, removed, disturbed, impacted, or demolished (including materials on the outside of structures) contain asbestos.
  - 2. Except as provided for in Section 9.03.F of this Regulation, only an AHERA building inspector may determine, by performing an asbestos survey, that a material is not a suspect asbestos-containing material and that a suspect asbestos-containing material does not contain asbestos.
  - 3. The required number of bulk asbestos samples must be collected per the sampling procedures detailed in EPA regulations 40 CFR Part 763.86 and analyzed pursuant to this Article to determine that suspect asbestos-containing material does not contain asbestos.
    - a. An AHERA building inspector shall collect, in a statistically random manner, a minimum of three bulk samples from each homogeneous area of any surfacing material that is not assumed to be asbestos-containing material, and shall collect the samples as follows:
      - 1) At least three (3) bulk samples shall be collected from each homogeneous area that is 1,000 square feet or less.
      - 2) At least five (5) bulk samples shall be collected from each homogeneous area that is greater than 1,000 square feet but less than or equal to 5,000 square feet.
      - 3) At least seven (7) bulk samples shall be collected from each homogeneous area that is greater than 5,000 square feet.
    - b. Except as provided for in 40 CFR 763.86(b)(2)-(4), an AHERA building inspector shall collect, in a statistically random manner, at

least three (3) bulk samples from each homogeneous area of thermal system insulation that is not assumed to be asbestos-containing material.

- c. An AHERA building inspector shall collect, in a manner sufficient to determine whether material is asbestos-containing material or not asbestos-containing material, at least two (2) bulk samples from each homogeneous area of any miscellaneous material that is not assumed to be asbestos-containing material.
- d. Bulk samples must be analyzed by laboratories accredited by the National Institute of Standards and Technology's (formerly the National Bureau of Standards) National Voluntary Laboratory Accreditation Program (NVLAP) or an equivalent standard approved by SRCAA. Except for wallboard systems as defined in Section 9.02.AC, bulk samples shall not be composited for analysis.
- e. Bulk samples shall be analyzed for asbestos content by polarized light microscopy (PLM) using the method specified in the EPA publication, *Method for the Determination of Asbestos in Building Materials*, EPA/600/R-93/116, July 1993 or a more effective method as approved or required by EPA.

C. Asbestos Survey Report.

These requirements apply to asbestos surveys, regardless of when they were performed. Except where additional information is required pursuant to EPA Regulation 40 CFR Part 763.85, asbestos surveys shall contain, at a minimum, all of the following information:

- 1. General Information.
  - a. Date that the inspection was performed;
  - b. AHERA Building Inspector signature, certification number, date certification expires, and name and address of entity providing AHERA Building Inspector certification;
  - c. Site address(es) / location(s) where the inspection was performed;
  - d. Description of the structure(s) / area(s) inspected (e.g., use, approximate age and approximate outside dimensions);

- e. The purpose of the inspection (e.g., pre-demolition asbestos survey, renovation of 2<sup>nd</sup> floor, removal of acoustical ceiling texturing due to water damage, etc.), if known;
  - f. Detailed description of any limitations of the asbestos survey (e.g., inaccessible areas not inspected, survey limited to renovation area, etc.);
  - g. Identify and describe all homogeneous areas of suspect asbestos-containing materials, except where limitations of the asbestos survey identified in Section 9.03.C.1.f (paragraph above) prevented such identification and include whether each homogeneous material is surfacing material, thermal system insulation, or miscellaneous material;
  - h. Identify materials presumed to be asbestos-containing material;
  - i. Exact location where each bulk asbestos sample was taken (e.g., schematic and/or other detailed description sufficient for any person to match the material(s) sampled and tested to the material(s) on site);
  - j. Complete copy of the laboratory report for bulk asbestos samples analyzed, which includes all of the following:
    - 1) Laboratory name, address and NVLAP certification number;
    - 2) Bulk sample numbers;
    - 3) Bulk sample descriptions;
    - 4) Bulk sample results showing asbestos content; and
    - 5) Name of the person at the laboratory that performed the analysis.
2. Information Regarding Asbestos-Containing Materials (including those presumed to contain asbestos).
- a. Describe the color of each asbestos-containing material;
  - b. Identify the location of each asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project (e.g. schematic and/or other detailed description);

- c. Provide the approximate quantity of each asbestos-containing material (generally in square feet or linear feet); and
- d. Describe the condition of each asbestos-containing material (e.g. good, damaged). If the asbestos-containing material is damaged, describe the general extent and type of damage (e.g., flaking, blistering, crumbling, water damage, fire damage).

D. Asbestos Survey Posting.

Except as provided for in Section 9.03.F of this Regulation, a complete copy of an asbestos survey must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SRCAA and all persons at the work site. This applies even when the asbestos survey performed by an AHERA Building Inspector states there are no asbestos-containing materials in the work area. During demolition, if it is not practical to post the asbestos survey, it must be readily accessible and made readily available for inspection by SRCAA and all persons at the demolition site.

E. Asbestos Survey Retention.

The property owner, owner's agent, and the AHERA building inspector that performed the asbestos survey (when the asbestos survey has been performed by an AHERA building inspector), shall retain a complete copy of the asbestos survey for at least 24 months from the date the inspection was performed and provide a copy to the Agency upon request.

F. Exceptions.

- 1. Owner-Occupied, Single-Family Residence Renovation Performed by the Owner-Occupant.

For renovation of an owner-occupied, single-family residence performed by the owner-occupant, an asbestos survey is not required. An owner-occupant's assessment for the presence of asbestos-containing material prior to renovation of an owner-occupied, single-family residence is adequate. A written report is not required.

- 2. Presuming Suspect Asbestos-Containing Materials are Asbestos-Containing Materials.

It is not required that an AHERA building inspector evaluate (e.g. sample and test) any material presumed to be asbestos-containing material. If material is presumed to be asbestos-containing material, this determination shall be posted by the property owner or the owner's agent in a readily accessible and visible area at the work site for all persons at

the work site. The determination shall include a description, approximate quantity, and location of presumed asbestos-containing material within a structure, on a structure, from a structure, or otherwise associated with the project. The property owner, owner's agent, and the person that determined that material would be presumed to be asbestos-containing material, shall retain a complete copy of the written determination for at least 24 months from the date it was made and shall provide a copy to the Agency upon request. Except for Section 9.03.A-E, all other requirements of this Regulation remain in effect.

3. Alternate Asbestos Survey.

A written alternate asbestos survey method shall be prepared and used on occasions when conventional sampling methods required in EPA regulations 40 CFR 763.86 cannot be exclusively performed (all other asbestos survey requirements in Section 9.03 of this Regulation apply). For example, conventional sampling methods may not be possible on fire damaged buildings or portions thereof (e.g. when materials are not intact or homogeneous areas are not identifiable). Conventional sampling methods shall not be used for rubble or debris piles, and ash or soil unless approved otherwise in writing by the Agency. If conventional sampling methods cannot exclusively be used and material is not presumed to be asbestos-containing material, alternate asbestos survey methodology must be used alone or, when possible, in combination with conventional survey methodology. An alternate asbestos survey methodology typically includes random sampling according to a grid pattern (e.g. random composite bulk samples at incremental 1' depths from 10' x 10' squares of a debris pile), but is not limited to such. An illustration of how the principles of such sampling techniques are applied can be found in the EPA publication, *Preparation of Soil Sampling Protocols: Sampling Techniques & Strategies*, EPA/600/R-92/128, July 1992.

4. Demolition by Fire Fighting Instruction Fires.

Pursuant to RCW 52.12.150(6), asbestos surveys need not be performed by an AHERA Building Inspector. However, pursuant to Section 9.04.A.7.f of this Regulation, the project fee referenced in Section 10.09 and specified in the fee schedule is waived for any demolition performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

5. Underground Storage Tanks.



An asbestos survey is not required prior to renovation or demolition of an underground storage tank. However, if suspect asbestos-containing material is identified during the renovation or demolition of an underground storage tank, work shall cease until it is determined pursuant to Section 9.03 of this Regulation whether or not the suspect asbestos-containing material is asbestos-containing material. All other requirements of this Regulation remain in effect.

## **SECTION 9.04 NOTIFICATION (PERMIT) REQUIREMENTS**

### **A. General Requirements.**

Except as provided for in Section 9.04.A.7, it shall be unlawful for any person to cause or allow any work on an asbestos project or demolition unless a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, has been submitted to the Agency, in accordance with the notification waiting period requirements in Article X, Section 10.09 of this Regulation. Unless otherwise approved or required by SRCAA, the notification must be submitted by the property owner or owner's agent on approved forms through the Agency's website or submitted at the Agency's place of business in person or via U.S. mail. Notifications will not be accepted if the earliest project start date is greater than 365 days from the date of submittal.

#### **1. When the Notification Waiting Period Begins.**

The notification waiting period shall begin on the workday a complete notification is received by the Agency and shall end after the notification waiting period in Section 10.09 has passed (e.g., The notification waiting period for a notification submitted at the Agency's place of business after 4:30 p.m. on a Friday shall not begin until the following Monday, provided Monday is not a holiday observed by the Agency. A 10-day notification period means work on an asbestos project or demolition can begin on day 11.). A notification is considered complete when all information requested on the notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, is received by the Agency. The notification waiting period shall not begin for incomplete notifications (e.g., unpaid fees, notifications where the asbestos project start date and/or completion date and/or demolition start date is listed as "To Be Determined", when types and quantities of asbestos to be removed are unknown, etc.).

#### **2. Project Duration.**

The duration of an asbestos project shall be commensurate with the amount of work involved. The duration of the project may take into

account applicable scheduling limitations (e.g. asbestos removal that needs to be done in phases, based on scheduling limitations determined by the property owner). The daily asbestos project work schedule must be provided by the owner or owner's agent to the Agency upon request.

3. Multiple Asbestos Projects or Demolitions.

Notification for 5 or fewer structures may be filed by a property owner or owner's agent on one form if all the following criteria are met:

- a. The notification applies only to asbestos projects or demolitions on contiguous real properties having the same owner or real properties with the same owner separated only by a public right-of-way (e.g. alley or roadway).
- b. The work will be performed by the same abatement and/or demolition contractor.
- c. The notification includes the specific site address for each structure. Where a specific site address isn't available for each structure (e.g. at a large commercial site with multiple structures), provide a detailed description / location for each structure.
- d. The notification includes the amount and type of asbestos-containing material associated with each structure and indicates which structures will be demolished.

4. Notification Expiration.

Notifications are valid for no more than 365 days from the earliest original notification start date. A new notification shall be submitted to the Agency for work to be performed beginning or continuing more than 365 days from the earliest original notification start date and shall be accompanied by the appropriate nonrefundable fee as referenced in Section 10.09 of this Regulation and as specified in the fee schedule. SRCAA may revoke a notification for cause (e.g. providing any false material statement, representation, or certification). Reason(s) for revocation shall be provided to the owner or owner's agent. If a notification is revoked, a new notification shall be submitted with the appropriate non-refundable fee pursuant to this Regulation and SRCAA's fee schedule.

5. Notification Posting.

A copy or printout of the notification and all amendments to the notification must be posted by the property owner or the owner's agent in a readily accessible and visible area at all times for inspection by SRCAA and all

persons at the asbestos project or demolition site. During demolition, if it is not practical to post the asbestos survey, it must be readily accessible and made readily available for inspection by SRCAA and all persons at the demolition site.

6. Notification Retention

The property owner and owner's agent (including the person that filed the notification), shall retain a complete copy of all notification records for at least 24 months from the date the notification was filed with the Agency and provide a copy to the Agency upon request.

7. Notification Exceptions.

a. Asbestos Project Thresholds.

Notification is not required for asbestos projects involving less than 10 linear feet or 48 square feet (per structure, per calendar year) of any asbestos-containing material. Owners and/or owner's agents must file notification once the 10 linear feet or 48 square feet has been reached on any asbestos project or multiple asbestos project (per structure, per calendar year).

b. Nonfriable Asbestos-Containing Materials: Caulking, Window-Glazing, Roofing.

Except for nonfriable roofing removed in accordance with Section 9.08.B (Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition) or Section 9.08.C (Exception for Hazardous Conditions), notification is not required for removal and disposal of the following nonfriable asbestos-containing materials: caulking, window-glazing, or roofing (roofing used on roofs versus other applications). All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

c. Owner-Occupied, Single-Family Residences.

For an asbestos project involving an owner-occupied, single-family residence performed by someone other than the resident owner (e.g. an asbestos removal contractor), it shall be the responsibility of the person performing the asbestos project to submit a complete notification, including the required fee and any additional information requested by the Control Officer or his/her authorized representative, to the Agency, in accordance with the notification waiting period requirements in Article X, Section 10.09 of this Regulation. The notification must be submitted by the owner's

agent on approved forms. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

d. Underground Storage Tanks.

Notification is not required for demolition of underground storage tanks with no asbestos. All other asbestos project and demolition requirements remain in effect except as provided by Article IX.

e. Demolition of Structures With a Projected Roof Area  $\leq$  120 Square Feet.

Notification is not required for demolition of structures with a projected roof area less than or equal to 120 square feet, unless asbestos-containing material is present. If asbestos-containing material is present, asbestos project notification requirements apply. All other requirements remain in effect except as provided by Article IX.

f. Demolition by Fire Fighting Instruction Fires.

The notification fee in the fee schedule is waived for any demolition (when the notification project type is for asbestos removal and demolition or the notification project type is demolition with no asbestos removal) performed in accordance with RCW 52.12.150(6), where the good faith inspection referred to in RCW 52.12.150(6) is an asbestos survey performed by an AHERA Building Inspector, as required in Section 9.03.A-E of this Regulation.

g. Abandoned Asbestos-Containing Material.

The Control Officer may waive part or all of the notification waiting period and project fee, by written authorization, for removal and disposal of abandoned (without the knowledge or consent of the property owner) asbestos-containing materials and for demolition of abandoned structures. All other requirements remain in effect.

h. Emergencies.

The advance notification period may be waived pursuant to Section 10.09.A if an asbestos project or demolition must be conducted immediately because of any of the following:

- 1) There was a sudden, unexpected event that resulted in a public health or safety hazard;

- 2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage;
- 3) Asbestos-containing materials were encountered that were not identified during the asbestos survey; or
- 4) The project must proceed to avoid imposing an unreasonable financial burden.

i. State of Emergency.

If a state of emergency is declared by an authorized local, state, or federal governmental official due to a storm, flooding, or other disaster, the Control Officer may temporarily waive part or all of the project fee(s) by written authorization. The written authorization shall reference the applicable state of emergency, what fee(s) will be waived, to what extent the fee(s) will be waived, and the effective date(s) of the fee(s) waiver.

j. Annual Notification.

A property owner or owner's agent may file one or more annual notifications if all of the following conditions are met:

- 1) If more than one annual notification is filed for the same real property, there must not be duplication of structures listed on the annual notifications.
- 2) The total amount of asbestos-containing material for all asbestos projects performed under an annual notification is less than or equal to 259 linear feet and less than or equal to 159 square feet per structure, per calendar year. If any quantity of asbestos-containing material is removed from a structure which is below notification thresholds of 10 linear feet and/or 48 square feet per structure per calendar year, and an annual notification is filed after the removal occurred, the quantity of asbestos-containing material removed from each structure must be applied towards the annual notification removal limits for each structure.
- 3) The annual notification is valid for one calendar year.

- 4) The annual notification is exempt from the requirements in Sections 9.04.A.2, 9.04.A.3.b, 9.04.A.3.d, and 9.04.A.4. All other requirements apply.
- 5) Quarterly reporting forms approved by SRCAA shall be completed and received by SRCAA for the first calendar quarter by April 15, for the second calendar quarter by July 15, for the third calendar quarter by October 15, and for the fourth calendar quarter by January 15. Quarterly reports shall be filed with SRCAA even when no asbestos-containing material is removed for the respective reporting period.

B. Amendments.

Mandatory Amendments.

Amendments must be submitted by the person or party that originally submitted the notification unless that person or party explicitly names another person or party that is authorized to file an amendment. An amendment shall be submitted to the Agency for any of the following changes in notification, must be submitted in accordance with Section 9.04.A and the advance notification requirements in Section 10.09 of this Regulation, and if applicable, shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule:

1. Project Type.

Changes in the project type (e.g. from asbestos removal only to asbestos removal and demolition) or cancellation of a project filed under a notification.

2. Job Size.

Increases in the job size category, which increase the fee or changes the advance notification period. For an amendment where the project type or job size category is associated with a higher fee, a fee equal to the difference between the fee associated with the most recently submitted notification and the fee associated with the increased project type or job size category shall be submitted. When there is an increase in the job size category which increases the fee or changes the advance notification period, the additional quantities of asbestos-containing material must be itemized on the amendment form. If the job size increases the 3-day waiting period to a 10-day waiting period, the 10-day waiting period starts from the original notification filing date. If the original notification was filed as an emergency and there is an increase in the job size category which

increases the notification fee category, the emergency fee applies to the new fee category.

3. Type of Asbestos.

Changes in the type or new types of asbestos-containing material that will be removed. All types (except as provided for in Section 9.04.A.7.b) and quantities of asbestos-containing material must be itemized on the amendment form.

4. Start / End Dates.

Changes in the asbestos project date (i.e. asbestos removal start date, asbestos removal end date or earliest demolition start date). This includes placing a project “on hold” (e.g. an asbestos project is temporarily delayed and a new project date has not been determined). Placing a project “on hold” is limited to asbestos projects where the remaining types and quantities of asbestos-containing material to be removed are known. When placing a project “on hold”, the remaining types and quantities of asbestos-containing material to be removed from each structure shall be itemized on the amendment form. If an asbestos project date is placed “on hold”, an amendment taking it “off hold” must be filed prior to work on the asbestos project resuming.

5. Completion Date.

Except as provided below, in the case of additional work to be performed after the last completion date on record, a new notification shall be submitted to the Agency and shall be accompanied by the appropriate nonrefundable fee as set forth in the fee schedule. Where the notification project type indicates asbestos removal only, the last completion date on record refers to the last asbestos removal completion date on record. Where the notification project type indicates asbestos removal and demolition or demolition with no asbestos removal, the last completion date on record is 365 days from the earliest original notification start date.

a. Completion Date Extension.

Where the notification project type indicates asbestos removal only or asbestos removal and demolition, the last asbestos removal completion date on record has already passed, when an asbestos survey was performed that was designed to address the full scope of the renovation or demolition being performed, and when asbestos-containing materials are discovered unexpectedly prior to or during renovation or demolition and those materials were not identified in an asbestos survey, the owner or owner’s agent may

request that SRCAA accept an amendment under this section for removal of additional asbestos-containing material. In making the request, the owner or owner's agent shall submit a copy of the asbestos survey to SRCAA. If SRCAA does not approve an amendment under this section, a new notification must be submitted pursuant to Article IX and Section 10.09 for removal of additional asbestos-containing material.

6. Adding Structures.

Adding one or more structures to a previously submitted notification.

- a. Amendments cannot be used to add structures to a previously submitted notification unless one or more of the following applies:
  - 1) The structure(s) meet(s) the definition of an owner-occupied, single-family residence and the last completion date on record has not passed; or
  - 2) The structure(s) is/are added prior to the earliest start date listed on the original notification.
- b. If the addition of one or more structures will increase the original advance notification waiting period (e.g. 3 day to 10 day), a new notification is required.
- c. The multiple asbestos project and demolition requirements in Section 9.04.A.3 and other applicable requirements apply.

## **SECTION 9.05 ASBESTOS DISTURBANCE**

A. Removal to Prevent Disturbance.

Except as provided in Sections 9.05.E and 9.08 of this Regulation, it shall be unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may:

- 1. Disturb asbestos-containing material without first removing all asbestos-containing material in accordance with the requirements of this Regulation; or
- 2. Damage a structure so as to preclude access to asbestos-containing material for future removal, without first removing all asbestos-containing material in accordance with the requirements of this Regulation.

B. Conditions that will Likely Result in Disturbance.



Except as provided in Sections 9.05.E and 9.08 of this Regulation, it shall be unlawful for any person to create or allow a condition, involving an existing structure or component, that will likely result in the disturbance of asbestos-containing material (e.g., not removing all asbestos-containing material in a structure scheduled for demolition; not completely removing asbestos-containing material identified for removal by the last asbestos removal completion date on record; leaving asbestos-containing material in a state that makes it more susceptible to being disturbed; asbestos-containing material that is peeling, delaminating, crumbling, blistering, or other similar condition; etc.).

C. Reuse.

Asbestos-containing material in good condition (as determined in Section 9.03.C.2.d when an asbestos survey is performed) may be removed for reuse, stored for reuse, or transported for reuse provided it is not disturbed or likely to be disturbed. Asbestos-containing material that is damaged or likely to be disturbed shall not be removed for reuse, stored for reuse or transported for reuse. Asbestos-containing material which is stored or transported for reuse must be kept in a secure location and clearly labeled with asbestos warning signs until reuse occurs. If the asbestos-containing material will not be reused or is likely to be disturbed, it must be handled and disposed of in accordance with this Regulation.

D. If Disturbance Occurs.

Suspect asbestos-containing material that has been disturbed must be removed as soon as possible and disposed of in accordance with this Regulation unless an asbestos survey, performed in accordance with Section 9.03 of this Regulation, demonstrates that suspect asbestos-containing materials are not asbestos-containing materials.

E. Vermiculite.

Except as provided in Sections 9.08.A and 9.08.C, it shall be unlawful for any person to cause or allow any renovation, demolition, or other action or inaction that may disturb loose vermiculite containing one percent or less asbestos, including damaging a structure so as to preclude access for future removal, without first removing it to the extent practicable in accordance with Section 9.06.C and other applicable requirements of this Regulation. Furthermore, it shall be unlawful for any person to create or allow a condition, involving an existing structure or component that will likely result in the disturbance of loose vermiculite containing one percent or less asbestos (e.g. not removing it to the extent practical in a structure scheduled for demolition; not removing visible vermiculite to the extent practical by the last asbestos removal completion date

on record; leaving loose vermiculite containing one percent or less asbestos in a state that makes it more susceptible to being disturbed).

## **SECTION 9.06 PROCEDURES FOR ASBESTOS PROJECTS**

### **A. Training Requirements.**

It shall be unlawful for any person to cause or allow any work on an asbestos project unless it is performed by persons trained and certified in accordance with the standards established by the Washington State Department of Labor & Industries, the federal Occupational Safety & Health Administration, or the United States Environmental Protection Agency (whichever agency has jurisdiction) and whose certification is current. This certification requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner of the dwelling.

### **B. Standard Asbestos Project Work Practices.**

Standard asbestos project work practices require manual removal methods unless otherwise approved by SRCAA. Examples of mechanical work practices approved by SRCAA include, but are not limited to, the use of a stationary fixed blade attached to a motorized vehicle for removal of asbestos-containing floor tile (see also WISHA Interim Interpretive Memorandum #97-7-G) and self-contained shot blasting equipment fitted and operated with HEPA filtration. Standard asbestos work practices require removal of asbestos-containing material using all procedures described in Section 9.06.B.1-6. Except as provided in Sections 9.08.A-C of this Regulation, it shall be unlawful for any person to cause or allow the removal or disturbance of asbestos-containing material unless all the following requirements are met:

#### **1. Controlled Area.**

The asbestos project shall be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g. when workers are on break or off-site).

#### **2. Negative Pressure Enclosure.**

If a negative pressure enclosure is employed it shall be equipped with transparent viewing ports, if feasible, and shall be maintained in good working order.

#### **3. Wetting Asbestos-Containing Material Prior to and During Removal.**

- a. Absorbent asbestos-containing materials, such as surfacing material and thermal system insulation, shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated absorbent asbestos-containing material exposed during removal shall be immediately saturated with a liquid wetting agent and kept wet until sealed in leak-tight containers.
- b. Nonabsorbent asbestos-containing materials, such as cement asbestos board or vinyl asbestos tile, shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during removal. Any dry surfaces of nonabsorbent asbestos-containing material exposed during removal shall be immediately coated with a liquid wetting agent and kept wet until sealed in leak-tight containers.
- c. Metal components (such as valves, fire doors, and reactor vessels) that have internal asbestos-containing material do not require wetting of the asbestos-containing material if all access points to the asbestos-containing materials are welded shut or the component has mechanical seals, which cannot be removed by hand, that separate the asbestos-containing material from the environment.

4. Handling.

Except for surfacing material being removed inside a negative pressure enclosure, asbestos-containing material that is being removed, has been removed, or may have fallen off components during an asbestos project shall be carefully lowered to the ground or the floor, not dropped, thrown, slid, or otherwise damaged.

5. Asbestos-Containing Waste Material.

- a. All absorbent, asbestos-containing waste material shall be kept saturated with a liquid wetting agent until sealed in leak-tight containers. All nonabsorbent, asbestos-containing waste material shall be kept coated with a liquid wetting agent until sealed in leak-tight containers.
- b. All asbestos-containing waste material resulting from an asbestos project shall be sealed in leak-tight containers as soon as possible after removal, but no later than the end of each work shift.
- c. The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an

asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.

- d. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.
- e. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
- f. Asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material.

6. Visible Emissions

No visible emissions shall result from an asbestos project.

C. Procedures for Loose Vermiculite Containing One Percent or Less Asbestos

Except as provided in Sections 9.08.A and 9.08.C, all of the following asbestos procedures shall be employed for removal or demolition of loose vermiculite containing one percent or less asbestos:

1. Removal

- a. The asbestos project shall be conducted and maintained in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only, including occasions when asbestos abatement is not actively occurring (e.g. when workers are on break or off-site).
- b. Vermiculite shall be misted or wetted to the extent practicable with a liquid wetting agent prior to and during removal.
- c. Vermiculite shall be removed using manual methods or using vacuum systems with HEPA filtered exhaust systems designed for the vacuum system on which it is used. The HEPA filtered exhaust system shall be operated and maintained according to manufacturer specifications.

- d. Following vermiculite removal, the work space shall be treated with a post abatement encapsulant (e.g., lock-down encapsulant, penetrating encapsulant).
- 2. Handling & Disposal
  - a. After being removed, vermiculite shall immediately be transferred to a leak-tight container.
  - b. The exterior of each leak-tight container shall be free of all vermiculite residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
  - c. Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be made at the site where the waste was generated and must be readable without opening the container.
  - d. Leak-tight containers shall not be dropped, thrown, slid, or otherwise damaged.
  - e. Asbestos-containing waste material shall be stored in a controlled area until transported to, and disposed of at, a waste disposal site approved to accept asbestos-containing waste material and in accordance with Section 9.09 of this Regulation.
- 3. Except as provided for in Section 9.06.C.1.b, no visible emissions shall result from an asbestos project.

## **SECTION 9.07 PROCEDURES FOR NONFRIABLE ASBESTOS-CONTAINING ROOFING MATERIAL**

All of the following asbestos removal methods shall be employed for nonfriable asbestos-containing roofing material as defined in Section 9.02.S of this Regulation:

- A. The nonfriable asbestos-containing roofing material shall be removed using methods, such as spud bar and knife, which do not render the material friable. Removal methods such as sanding, grinding, abrading, or sawing shall not be employed under this Section.
- B. After being removed, nonfriable asbestos-containing roofing material shall be carefully lowered to the ground or the floor, not dropped, thrown, or otherwise

damaged and transferred to a disposal container as soon as possible after removal. In no case shall the transfer occur later than the end of each work shift.

- C. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with Section 9.09 and applicable local, state, and federal regulations.
- D. No visible emissions shall result from an asbestos project.

## **SECTION 9.08 ALTERNATE MEANS OF COMPLIANCE**

- A. Alternate Asbestos Project Work Practices for Removing Asbestos-Containing Material Prior to Renovation or Demolition.

Unless otherwise approved by SRCAA in writing, alternate means of compliance must be used where standard asbestos project work practices in Section 9.06.B cannot be utilized to remove asbestos-containing material (financial considerations aside) prior to renovation or demolition; when asbestos-containing material has been disturbed or is otherwise no longer intact (e.g., when demolition has already occurred or a similar situation exists, typically leaving a pile / area of debris, rubble, ash, or soil); or when mechanical methods are used for removal. Projects performed under this section must be performed under the alternate asbestos project work practice notification category and must comply with all of the following:

- 1. Qualifications of Person(s) Preparing an Alternate Work Plan (AWP).

An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be as effective as the work practices in Section 9.06.B of this Regulation.

- 2. AWP Contents.

The AWP must contain all of the following information:

- a. Reason(s) why standard work practices cannot be utilized;
- b. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
- c. Site address(es) / location(s) where the inspection was performed;

- d. The purpose of the evaluation (e.g., asbestos removal from an electrical structure or component where standard wet methods cannot be utilized, removal and disposal of a debris pile resulting from a fire-damaged structure, etc.);
- e. If an asbestos survey was performed, include a copy or incorporate it by reference;
- f. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
- g. Procedures that will be followed for the final inspection of the property to ensure that asbestos-containing material has been removed and disposed of in accordance with applicable regulations;
- h. A statement that the AWP will be as effective as the work practices in Section 9.06.B;
- i. Signature(s) of the person(s) that prepared the AWP; and
- j. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.

3. Asbestos Survey.

If an asbestos survey is not performed pursuant to Section 9.03 of this Regulation, it must be presumed that the asbestos project involves friable and nonfriable asbestos-containing material.

4. AWP Procedures.

The AWP must identify in detail all procedures that will be followed for controlling asbestos emissions during the asbestos project (e.g., during asbestos removal, when workers are off-site, etc.). All procedures and requirements in the AWP must be followed. Unless alternate procedures are specified in the AWP by an AHERA Project Designer, the AWP shall include all of the requirements in Section 9.08.A.4.a-f, below.

a. Controlled Area.

The asbestos project shall be conducted in a controlled area, clearly marked by barriers and asbestos warning signs. Access to the controlled area shall be restricted to authorized personnel only.

The controlled area shall protect persons outside the controlled area from potential exposure to airborne asbestos.

b. Wetting.

All materials and debris shall be handled in a wet condition.

- 1) Absorbent materials shall be saturated with a liquid wetting agent prior to removal. Wetting shall continue until all the material is permeated with the wetting agent. Any unsaturated surfaces exposed during removal shall be wetted immediately.
- 2) Nonabsorbent materials shall be continuously coated with a liquid wetting agent on any exposed surface prior to and during the removal. They shall be wetted after removal, as necessary, to assure they are wet when sealed in leak-tight containers. Any dry surfaces exposed during removal shall be wetted immediately.

c. Asbestos-Containing Waste Materials.

- 1) All asbestos-containing waste material and/or asbestos contaminated waste material shall be kept wet and shall be sealed in leak-tight containers while still wet, as soon as possible after removal but no later than the end of each work shift.
- 2) The exterior of each leak-tight container shall be free of all asbestos residue and shall be permanently labeled with an asbestos warning sign as specified by the Washington State Department of Labor and Industries or the federal Occupational Safety and Health Administration.
- 3) Immediately after sealing, each leak-tight container shall be permanently marked with the date the material was collected for disposal, the name of the waste generator, and the address at which the waste was generated. This marking must be readable without opening the container.
- 4) Leak-tight containers shall be kept leak-tight.
- 5) The asbestos-containing waste material shall be stored in a controlled area until transported to an approved waste disposal site.



d. Air Monitoring.

Procedures that shall be followed for air monitoring at the outside perimeter of the controlled area, both upwind and downwind, to ensure that the asbestos fiber concentrations do not exceed a net difference (between concurrent upwind and downwind monitoring results) of 0.01 fibers per cubic centimeter (f/cc) as determined by the NIOSH Manual of Analytical Methods, Method 7400 (asbestos and other fibers by PCM).

- 1) The procedures shall require that any air sampling cassette(s) that become(s) overloaded with dust be immediately replaced. Work shall stop until an AHERA Project Designer has re-evaluated the engineering controls for dust control, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.
- 2) The Agency shall immediately be notified by the owner or owner's agent if the airborne fiber concentrations exceed a net difference of 0.01 f/cc and work shall stop until an AHERA Project Designer has re-evaluated the engineering controls, revised the AWP as necessary, and the owner or owner's agent implements all revisions to the AWP.

e. Competent Person.

- 1) A competent person shall be present for the duration of the asbestos project (includes demolition) and shall observe work activities at the site.
- 2) The competent person shall stop work at the site to ensure that friable asbestos-containing material found in the debris, which can readily be separated, is removed from the main waste stream and is placed and maintained in leak-tight containers for disposal.
- 3) The competent person shall stop work if AWP procedures are not being followed and shall ensure that work does not resume until procedures in the AWP are followed.

f. Separation of Materials.

If the project involves separation of clean(ed) materials from debris piles (e.g., rubble, ash, soil, etc.) that contain or are contaminated with asbestos-containing materials, the material separation

procedures shall be included in the AWP. In addition to these procedures, the following requirements apply:

- 1) The AWP shall identify what materials will be separated from the asbestos-containing material waste stream and shall describe the procedures that will be used for separating and cleaning the materials. All materials removed from the asbestos-containing waste material stream shall be free of asbestos-containing material.
- 2) A competent person shall ensure that materials being diverted from the asbestos-containing waste material stream are free of asbestos-containing material.

5. Visible Emissions.

No visible emissions shall result from an asbestos project.

6. Record Keeping.

- a. The AWP shall be kept at the work site for the duration of the project and made available to the Agency upon request. The property owner or owner's agent and AHERA Project Designer that prepared the AWP shall retain a complete copy of the AWP for at least 24 months from the date it was prepared and make it available to the Agency upon request.
- b. Complete copies of other asbestos-related test plans and reports (e.g., testing soil for asbestos, air monitoring for asbestos, etc.) associated with the project shall also be retained by the property owner or owner's agent for at least 24 months from the date it was performed and made available to the Agency upon request. The person(s) preparing and performing such tests shall also retain a complete copy of these records for at least 24 months from the date it was prepared and make it available to the Agency upon request.

7. Other Requirements.

All applicable local, state, and federal regulations must be complied with.

B. Leaving Nonfriable Asbestos-Containing Roofing Material in Place During Demolition.

Nonfriable asbestos-containing roofing material as defined in Section 9.02.S of this Regulation may be left in place during demolition, except for demolition by

burning, if it remains nonfriable during all demolition activities (including handling and disposal) and all of the following are met:

1. A signed and dated written determination was made by an AHERA Project Designer that includes all of the following:
  - a. A summary of the evaluation performed within the past 12 months, including a description of the type and current condition of asbestos-containing roofing materials;
  - b. A summary of the work practices and engineering controls that will be used;
  - c. A determination that nonfriable asbestos-containing roofing material will remain nonfriable during all demolition activities and subsequent disposal of the debris; and
  - d. The property owner or owner's agent and the AHERA Project Designer that performed the determination shall retain a complete copy of the determination for at least 24 months from the date it was performed and make it available to the Agency upon request.
2. Appropriate dust control methods as provided in Article VI, Section 6.05 of this Regulation shall be used to control fugitive dust emissions.
3. Each disposal container shall have a sign identifying the material as nonfriable asbestos-containing roofing material and shall be transported to, and disposed of at, an approved waste disposal site in compliance with Section 9.09 and applicable local, state, and federal regulations.

C. Exception for Hazardous Conditions.

When the exception for hazardous conditions is being utilized, all of the following apply:

1. Friable and nonfriable asbestos-containing material need not be removed prior to demolition, if it is not accessible (e.g. asbestos cannot be removed prior to demolition) because of hazardous conditions such as structures or buildings that are structurally unsound, structures or buildings that are in danger of imminent collapse, or other conditions that are immediately dangerous to life and health.
2. An authorized government official or a licensed structural engineer must determine in writing that a hazard exists, which makes removal of asbestos-containing material dangerous to life or health. The determination must be retained for at least 24 months from the date it was

prepared and made available to SRCAA by the property owner or owner's agent upon request.

3. An AHERA Project Designer must evaluate the work area, the type and quantity (known or estimated) of asbestos-containing material, the projected work practices, and the engineering controls and develop an AWP that ensures the planned control methods will be protective of public health. The AWP must contain all of the following information:
  - a. Date(s) the work area was evaluated by the person(s) that prepared the AWP;
  - b. Site address(es) / location(s) where the inspection was performed;
  - c. A copy of the hazardous conditions determination from a government official or licensed structural engineer;
  - d. If an asbestos survey was performed, include a copy or incorporate it by reference;
  - e. All procedures that will be followed for controlling asbestos emissions during the asbestos project;
  - f. A statement that the AWP will be protective of public health;
  - g. Signature(s) of the person(s) that prepared the AWP; and
  - h. Certification(s) and/or license number(s), and date(s) that certification(s) and/or license(s) expire(s), for the person(s) that prepared the AWP.
4. AWP Procedures.

The requirements of Section 9.08.A.3-7 of this Regulation and all other applicable requirements, including those specified in the AWP, shall be complied with.

## **SECTION 9.09 DISPOSAL OF ASBESTOS-CONTAINING WASTE MATERIAL**

### **A. Disposal Within 10 Days of Removal.**

Except as provided in Section 9.09.C (Temporary Storage Site) of this Regulation, it shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless it is deposited within 10 calendar days of removal at a waste disposal site authorized to accept such waste.

B. Waste Tracking Requirements.

It shall be unlawful for any person to cause or allow the disposal of asbestos-containing waste material unless all of the following requirements are met:

1. Maintain waste shipment records, beginning prior to transport, using a separate form for each waste generator that includes all of the following information:
  - a. The name, address, and telephone number of the waste generator.
  - b. The approximate quantity in cubic meters or cubic yards.
  - c. The name and telephone number of the disposal site operator.
  - d. The name and physical site location of the disposal site.
  - e. The date transported.
  - f. The name, address, and telephone number of the transporter.
  - g. Accurate detailed description of the type of asbestos-containing waste material being disposed of.
  - h. A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.
2. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered. If requested by the disposal site operator, a copy of the AWP or written determination as specified pursuant to Sections 9.08.A-C of this Regulation shall also be provided to the disposal site owner or operator at the same time the asbestos-containing waste material is delivered.
3. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 35 calendar days of the date the waste was accepted by the initial transporter, contact the transporter and/or the owner or operator of the disposal site to determine the status of the waste shipment.
4. If a copy of the waste shipment record, signed by the owner or operator of the disposal site, is not received by the waste generator within 45 calendar days of the date the waste was accepted by the initial transporter, report in

writing to the Control Officer. Include in the report, a copy of the waste shipment record and cover letter signed by the waste generator, explaining the efforts taken to locate the asbestos waste shipment and the results of those efforts.

5. Retain a copy of all waste shipment records for at least 24 months from the date it was generated, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site. A copy of asbestos project notifications and corresponding waste shipment records shall be provided to the Agency upon request.

C. Temporary Storage Site.

A person may establish a temporary storage site for the purpose of collecting and temporarily storing asbestos-containing waste material if it is approved by the Control Officer and all of the following conditions are met:

1. A complete application for Temporary Storage of asbestos containing waste material is submitted to and approved by the Agency.
2. The application must be accompanied by a non-refundable fee as set in the fee schedule.
3. Accumulated asbestos-containing waste material shall be kept in a controlled storage area posted with asbestos warning signs and accessible only to authorized persons, including Agency representatives and persons authorized by WISHA.
4. All asbestos-containing waste material shall be stored in leak-tight containers which are maintained in leak-tight condition.
5. The storage area must be locked except during transfer of asbestos-containing waste material.
6. Storage, transportation, disposal, and return of the waste shipment record to the waste generator shall not exceed 90 calendar days.
7. Asbestos-Containing Waste Material Temporary Storage Permits approved by the Agency are valid for one calendar year unless a different time frame is specified in the permit.

D. Disposal of Asbestos Cement Pipe.

Asbestos cement pipe used on public right-of-ways, public easements, and places receiving the prior written approval of the Control Officer may be buried in place if the pipe is left intact (e.g., not moved, broken or disturbed) and covered

with at least 3 feet or more of non-asbestos fill material. All asbestos cement pipe fragments that are 1 linear foot or less and other asbestos-containing waste material shall be disposed of at a waste disposal site authorized to accept such waste. Pipe bursting asbestos cement pipe or other asbestos-containing material is prohibited.

#### **SECTION 9.10 COMPLIANCE WITH OTHER RULES**

Other government agencies have adopted rules that may apply to asbestos regulated under these rules including, but not limited to, the U.S Environmental Protection Agency, the U.S. Occupational Safety and Health Administration, and the Washington State Department of Labor and Industries. Nothing in the Agency's rules shall be construed as excusing any person from complying with any other applicable local, state, or federal requirement.

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# ARTICLE X

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## FEES AND CHARGES

**ADOPTED: September 12, 1991**

**REVISED: May 6, 2021**

**EFFECTIVE: June 21, 2021**

### SECTION 10.01 DEFINITIONS

- (A) Unless a different meaning is clearly required by context, words and phrases used in Regulation I, Article X, shall have the following meaning:
  - (1) Emission Fee means the component of a registration fee or operating permit fee, which is based on total actual annual emissions of criteria and toxic air pollutants, except as provided in Section 10.06(B)(2). In the case of a new or modified source or a source being registered initially, the emission fee is based on projected emissions as presented in an approved NOC or registration form.
  - (2) Registration Period means the calendar year for which an annual fee has been assessed per Section 10.06(B)(1).

### SECTION 10.02 FEES AND CHARGES REQUIRED

- (A) **Additional Fee for Failure to Pay.** Any fee assessed under Article X shall be paid within forty-five (45) days of assessment. Failure to pay an assessed fee in full within ninety (90) days of assessment will result in the imposition of an additional fee equal to three (3) times the amount of the original fee assessed.
- (B) **Revenues Collected per RCW 70.94.161.** Revenues collected per RCW 70.94.161 shall be deposited in the operating permit program dedicated account and shall be used exclusively for the program.
- (C) **Method of Calculating Fees in Article X.** Invoice totals will be rounded-up to the nearest one (1) dollar, except for public records fees per Section 10.05(A) and Annual AOP Fees per Section 10.06(C).
- (D) **Periodic Fee Review.** The Board shall periodically review all agency fees in the Fee Schedule and determine if the total projected fee revenue to be collected is

sufficient to fully recover direct and indirect program costs. If the Board determines that the total projected fee revenue significantly exceeds or is insufficient for the program costs, then the Board shall amend the Fee Schedule to more accurately recover program costs. Any proposed fee revisions shall include opportunity for public review and comment.

### **SECTION 10.03 FEES OTHERWISE PROVIDED**

All fees and charges provided for in Article X are in addition to fees otherwise provided for or required to be paid by Regulation I, PROVIDED, the Control Officer shall waive payment of any fee or service charge hereby required if the Control Officer determines that such fee is duplicative of a fee charged or required to be paid by another Article of this Regulation.

### **SECTION 10.04 FEE WAIVER (Repealed 10/7/10, Res. 10-15)**

### **SECTION 10.05 GENERAL ADMINISTRATIVE FEES**

- (A) Public Records Fees. The Agency charges the standard fees and costs authorized in RCW 42.56.120.
- (B) Other Services. For other administrative services requested and performed by Agency staff, which are not provided to the public generally, the Control Officer shall determine such charge as reasonably reimburses the Agency for time and materials expended in providing the service.

### **SECTION 10.06 ANNUAL REGISTRATION AND ANNUAL AIR OPERATING PERMIT (AOP) FEES**

- (A) Annual Fee. Each source required by SRCAA Regulation I, Article IV, Section 4.01 to be registered, each AOP source, and each source required by Article V, Section 5.02 to obtain an approved and NOC and Application for Approval is required to pay an annual fee for each calendar year, or portion of each calendar year, during which it operates. The owner, operator, or both, shall be responsible for payment of the fee per the requirements in Article X, Section 10.06. Fees received as part of the registration program or the operating permit program shall not exceed the actual costs of program administration.
- (B) Annual Registration Fee. The annual fee for each source required by Article IV, Section 4.01 to be registered and that is not subject to Article X, Section 10.06(C) shall be determined by adding all of the applicable fees below:

(1)	Registration Fee Categories	Fee	Fee Applicability
	Facility Fee <sup>A</sup>	Per the Fee Schedule	Per Source
	Emissions Fee <sup>B</sup>	Per the Fee Schedule	Per Ton
	Emission Point Fee <sup>C</sup>	Per the Fee Schedule	Per Stack/Point
	Synthetic Minor Fee <sup>D</sup>	Per the Fee Schedule	Per Source

<sup>A</sup> Each source is subject to the fee listed in the Fee Schedule.

<sup>B</sup> The additional fee applies to each ton (rounded to the nearest one-tenth of a ton) of each criteria pollutant, volatile organic compound (VOC), and non-VOC toxic air pollutant emitted.

<sup>C</sup> The additional fee applies to each stack and other emission points, including sources of fugitive emissions (e.g., fugitive dust emissions from crushing operations; storage piles; mixing and clean-up associated with surface coating). For gasoline stations, each gasoline tank vent is an emission point.

<sup>D</sup> The additional fee applies to each Synthetic Minor.

(2) Calculating Annual Registration Fee without Required Registration Information. When registration information required in Article IV, Section 4.02 is not provided by the form due date, the annual registration fee will be based on the source's maximum potential production rate.

(C) Annual AOP Fee. The annual fee for each AOP source shall be determined as follows:

- (1) AOP Annual Fee. For sources that are subject to the AOP program during any portion of the calendar year, the annual fee shall be determined by adding all of the applicable fees described below:
  - (a) Annual base fee per the Consolidated Fee Schedule.
  - (b) Emission fee per the Consolidated Fee Schedule.
  - (c) Agency time fee, as determined per the Consolidated Fee Schedule.
  - (d) AOP Program Cost Correction, as determined per the Consolidated Fee Schedule.
  - (e) A share of the assessment by Ecology per RCW 70.94.162(3), as determined per the Consolidated Fee Schedule.
- (2) Acid Deposition Fee. For affected units under Section 404 (Acid Deposition Standards) of the Federal Clean Air Act (42 USC 7401 et seq.), the air operating permit fee shall be determined by adding all of the applicable fees described below:
  - (a) The AOP Acid Deposition Fee shall be calculated as follows:

1. Hourly Fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request (rounded-up to the nearest half-hour) by the hourly rate as listed in the Fee Schedule, for time expended in carrying out the fee eligible activities specified in Chapter 70.94 RCW; and
  2. Ecology Assessment. A share of the assessment by Ecology per RCW 70.94.162(3), as determined per the Fee Schedule.
- (b) Hourly Rate. The hourly rate is calculated by:
- $$\text{Hourly Rate} = \frac{\text{Total AOP Program Costs}}{\text{Total AOP Program Hours}}$$
- (c) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

## **SECTION 10.07 NOTICE OF CONSTRUCTION (NOC) AND PORTABLE SOURCE PERMIT (PSP) APPLICATION FEES**

- (A) NOC and PSP Fees.
- (1) NOC / PSP Class, Base Fee, Fee for Additional NOC / PSP Review Hours, SEPA Fee, and Fee Determination. For each project required by SRCAA Regulation I, Article V, to file a NOC or a PSP application, the owner or operator must pay the following applicable fees in (b) through (d) below:
- (a) NOC / PSP Class. Each NOC / PSP application will be assigned a Class, as follows:
1. Class I – PSP to install and operate portable sources include the following:

<b>Article IV Source/Source Category Description</b>
Asphalt plant
Concrete production operation / ready mix plant
Rock crusher

2. Class II – Simple NOCs include the following:

<b>Article IV Source/Source Category Description</b>
Coffee roaster
Degreaser / solvent cleaner (not subject to 40 CFR Part 63, Subpart T) subject to Article IV
Dry cleaner (non halogenated solvent)
Evaporator subject to Article IV

Gasoline dispensing facility with maximum annual gasoline throughput less than or equal to 1.5 million gallons
Graphic art system, including lithographic and screen printing operation, subject to Article IV
Material handling operation that exhausts greater than 1,000 and less than 10,000 acfm to the ambient air
Organic vapor collection system within commercial or industrial facility that is subject to Article IV
Rock, asphalt, or concrete crusher
Spray booth / surface coating operation that exhausts less than or equal to 10,000 acfm to the ambient air
Sterilizer subject to Article IV
Wood furniture stripping operation subject to Article IV

3. Class III – Standard NOCs include the following:

<b>Article IV Source/Source Category Description</b>
Soil and groundwater remediation operation subject to Article IV
Bakery subject to Article IV
Bed lining or undercoating operation subject to Article IV
Boiler and other fuel-burning equipment with maximum per unit heat input less than 100 MMBtu/hr
Brick and clay products manufacturing operations
Burn out, kiln, and curing oven
Chrome plating operation
Concrete production operation
Dry cleaner (halogenated solvent)
Gasoline dispensing facility with maximum annual gasoline throughput greater than 1.5 million gallons
Grain handling; seed, pea and lentil processing facility
Incinerator / crematory
Internal combustion engine used for standby, back-up operations rated greater than or equal to 500 bhp
Internal combustion engine, other than engines used for standby or backup operation rated greater than or equal to 100 bhp
Material handling operation that exhausts greater than or equal to 10,000 acfm to the ambient air
Metal casting facility / foundry
Metal plating or anodizing operation
Metallurgical processing operation
Mill; lumber, plywood, shake, shingle, woodchip, veneer operation, dry kiln, wood products, grain, seed, feed, or flour

Plastic and fiberglass operations using greater than 55 gallons per year of all VOC and toxic air pollutant containing materials
Spray booth / surface coating operation that exhausts greater than 10,000 acfm to the ambient air
Storage tank for organic liquid with capacity greater than 20,000 gallons
Stump / woodwaste grinder
Tire recapping operation

4. Class IV – Complex NOCs include the following:

<b>Article IV Source/Source Category Description</b>
Asphalt plant
Boiler and other fuel-burning equipment with maximum per unit heat input greater than or equal to 100 MMBtu/hr
Bulk gasoline and aviation gas terminal, plant, or terminal
Cattle feedlot subject to Article IV
Chemical manufacturing operation
Composting operation
Natural gas transmission and distribution facility
Paper manufacturing operation, except Kraft and sulfite paper mills
Petroleum refinery
Pharmaceutical production operation
Refuse systems
Rendering operation
Semiconductor manufacturing operation
Sewerage systems
Wholesale meat/fish/poultry slaughter and packing plant

5. For sources / source categories not listed in Section 10.07(A)(1)(a), each NOC / PSP application will be assigned to Class I, II, III or IV by the Control Officer on a case-by-case basis.
- (b) Base fee. A base fee must be paid to the Agency with the submission of each completed NOC / PSP application. The base fee applicable for each NOC / PSP Class is listed in the Consolidated Fee Schedule.
- For each NOC / PSP application, the base fee covers staff time spent in reviewing and processing the application up to the listed number of base-fee hours provided in the Fee Schedule for each class of NOC / PSP.
  - For sources with one or more emission points under one NOC application, a separate base fee applies to each emissions unit, or each group of like-kind emissions units,

being installed or modified. A group of emissions units will be considered as like-kind if the same set of emission calculations can be used to characterize emissions from each of the emissions units.

- (c) Fee for Additional NOC / PSP Review Hours. When the staff time hours spent reviewing and processing a NOC / PSP application exceeds the listed number of base-fee hours provided in the Consolidated Fee Schedule for the applicable class of NOC / PSP, an additional fee will be charged. The additional fee is calculated by multiplying the total staff time spent in reviewing and processing the NOC / PSP application that exceeds the listed number of review hours (rounded up to the nearest half-hour) by the hourly rate as listed in the Consolidated Fee Schedule.
  - (d) SEPA Review Fee. Where submittal of an Environmental Checklist, per the State Environmental Policy Act (SEPA) Chapter 197-11 WAC is required in association with a NOC or a PSP, and SRCAA is the lead agency, the applicant must pay a SEPA review fee as listed in the Consolidated Fee Schedule. The SEPA review fee must be paid with the submission of the Environmental Checklist to the Agency.
  - (e) Fee Determinations.
    - 1. The base fee is calculated by multiplying the number of base-fee hours for the NOC / PSP class by the hourly rate listed in the Fee Schedule.
    - 2. Hourly Rate. The hourly rate is calculated by:  
$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$
    - 3. Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.
- (2) Fees for Replacement or Substantial Alteration of Control Technology and for Changes to an Order of Approval or Permission to Operate.
- (a) The following NOC applications or requested changes to an Order of Approval or Permission to Operate must pay a fee as listed in the Fee Schedule. The fee will be assessed each time a request is submitted and will be invoiced to the owner or operator with the final determination.
    - 1. NOC applications for replacement or substantial alteration of control technology under WAC 173-400-114.
    - 2. An owner or operator requesting a modification, revision, and/or change in conditions of an approved Order of Approval or Permission to Operate, under Article V, Section 5.10(C).

- (b) The fee is calculated by adding all the applicable fees described below:
  - 1. Minimum Fee. The minimum fee, as listed in the Consolidated Fee Schedule, will be assessed for all NOCs reviewed under WAC 173-400-114 and revision request reviews. The minimum fee includes the first three (3) hours of staff time spent in reviewing and processing the request; and
  - 2. Hourly Fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request beyond the first three (3) hours covered in 10.07(A)(2)(b)1. (rounded-up to the nearest half-hour), by the hourly rate as listed in the Consolidated Fee Schedule.
- (c) Fee Determinations.
  - 1. Flat Fee. The revision flat fee is calculated by multiplying three (3) hours by the hourly rate listed in the Consolidated Fee Schedule.
  - 2. Hourly Rate. The hourly rate is calculated by:  

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$
  - 3. Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(B) Payment of Fees.

- (1) Upon Submission of Application. The base fee and SEPA fee (if applicable) must be paid at the time the NOC / PSP application is submitted to the Agency. Review of the NOC / PSP application will not commence until the applicable base fee is received.
- (2) After Application.
  - (a) Complete Applications. The Agency will invoice the owner, operator, or both, for Fees for Additional NOC / PSP Review Hours, if applicable. The fees shall be paid whether the application is approved or denied.
  - (b) Incomplete Applications.
    - 1. If an owner, operator, or both, notifies the Agency in writing that an application will not be completed or cancels the application; or the application remains incomplete for more than three (3) months; the Agency will invoice the owner, operator, or both, for payment of applicable fees.
    - 2. Applications not accompanied by the base fee will be considered incomplete. If information requested by the Agency is not provided, the application will be considered incomplete and review of the application will be suspended.



Review of the application will commence or recommence, when all required fees and information requested by the Agency is received. An application will be cancelled if it remains incomplete for more than eighteen (18) months from initial receipt. For review of the cancelled application to resume, the applicant must pay all outstanding invoice fees, if applicable, and resubmit the applicable base fee.

- (C) Compliance Investigation Fee. When a compliance investigation is conducted per Article V, Section 5.12, the compliance investigation fee shall be assessed per the Consolidated Fee Schedule. The fee shall be assessed for each emissions unit, or group of like-kind emissions units, being installed or modified. A group of emissions units shall be considered as like-kind if the same set of calculations can be used to characterize emissions from each of the emissions units.

## **SECTION 10.08 MISCELLANEOUS FEES**

(A) Miscellaneous Fees.

(1) Emission Reduction Credit Fee.

- (a) Review of emission reduction credits per WAC 173-400-131 shall require the applicant to pay an emission reduction credit fee per the Consolidated Fee Schedule.
- (b) The fee is calculated by multiplying the total staff time spent reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, per the Consolidated Fee Schedule.
- (c) Hourly Rate. The hourly rate is calculated by:
- $$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$
- (d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

(2) Variance Request Fee.

- (a) Processing a variance request per RCW 70.94.181 or SRCAA Regulation I, Article III, shall require the applicant to pay a variance request fee per the Consolidated Fee Schedule. The fee will be assessed each time a request is submitted and will be invoiced to the applicant with the final determination.
- (b) The variance request fee is calculated by adding all of the applicable fees described below:
1. Filing fee per the Consolidated Fee Schedule.
  2. Agency legal fees related to the variance request.
  3. Public notice fees.

4. Hourly fee. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Consolidated Fee Schedule.
- (c) Fee Determination.
1. The hourly rate is calculated by:  

$$\text{Hourly Rate} = \frac{\text{Total Program Costs}}{\text{Total Program Hours}}$$
  2. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.
- (3) Alternate Opacity Fee.
- (a) Review of an alternate opacity limit per RCW 70.94.331(2)(c) shall require the applicant to pay an alternate opacity fee per the Consolidated Fee Schedule.
  - (b) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Consolidated Fee Schedule.
  - (c) Hourly Rate. The hourly rate is determined by:  

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$
  - (d) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.
- (4) Other Services Fee.
- (a) Applicants of other services including:
    1. Requests under the following sections of Regulation I, Article VI, Sections 6.13(E)(3)(j); 6.13(F)(3); 6.13(F)(4); 6.13(F)(6) and 6.13(F)(9).
    2. Registration exemption requests.
    3. Other.
  - (b) Applicants shall pay a fee per the Consolidated Fee Schedule.
  - (c) The fee is calculated by multiplying the total staff time spent in reviewing and processing the request, rounded-up to the nearest half-hour, by the hourly rate, as listed in the Fee Schedule.
  - (d) Hourly Rate. The hourly rate is calculated by:  

$$\text{Hourly Rate} = \frac{\text{Total NOC and PSP Program Costs}}{\text{Total NOC and PSP Program Hours}}$$
  - (e) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal

years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

- (B) **Payment of Fees.** The Agency will invoice the owner, operator, or both, for all applicable fees. The fees shall be paid without regard to whether the request(s) associated with Article X, Section 10.08(A)(1), (2), (3) and (4) are approved or denied; except Section 10.08(A)(2) as provided in Article III, Section 3.02.B.

## **SECTION 10.09 ASBESTOS PROJECT AND DEMOLITION NOTIFICATION WAITING PERIOD AND FEES**

- (A) Written notification, as required in Article IX, Section 9.04, shall be in accordance with the waiting period in the tables that follow and shall be accompanied by the appropriate nonrefundable fee, as specified in the Fee Schedule. Refunds are allowable for overpayments which are identified within thirty days of the notification filing date.

<b>Owner-occupied, single-family residence</b>	<b>Waiting Period</b>
> 0 ln ft and/or > 0 sq ft asbestos performed by residing owner	Notification Not Required
< 10 ln ft and/or < 48 sq ft asbestos not performed by residing owner	Notification Not Required
≥ 10 ln ft and/or ≥ 48 sq ft asbestos not performed by residing owner	Prior Notice
All Demolition	3 Days

<b>Not owner-occupied, single-family residence</b>	<b>Waiting Period</b>
< 10 ln ft and/or < 48 sq ft asbestos, but asbestos removal threshold of ≥ 10 ln ft and/or ≥ 48 sq ft has not been exceeded for structure in calendar year and project WILL NOT exceed threshold of ≥ 10 ln ft and/or ≥ 48 sq ft asbestos removal from structure in calendar year	Notification Not Required
Project consists of < 10 ln ft and/or < 48 sq ft of asbestos removal, but ≥ 10 ln ft and/or ≥ 48 sq ft asbestos has already been removed from structure in calendar year or project WILL exceed threshold of ≥ 10 ln ft and/or ≥ 48 sq ft asbestos removal from structure in calendar year	Prior Notice

10-259 ln ft and/or 48-159 sq ft asbestos	3 Days
260-999 ln ft and/or 160-4,999 sq ft asbestos	10 Days
≥ 1,000 ln ft and/or ≥ 5,000 sq ft asbestos	10 Days
All Demolition	10 Days

<b>Additional categories</b>	<b>Waiting Period</b>	<b>Reference</b>
Emergency	Prior Notice*	Sect. 9.04.A.7.h.
Annual Notification ( $\leq 259$ ln ft and/or $\leq 159$ sq ft)	Prior Notice	Sect. 9.04.A.7.j
Amendment	Prior Notice	Section 9.04.B.
Alternate Asbestos Project Work Practices	10 days	Section 9.08.A.
Demolition with Nonfriable Asbestos Roofing	10 days	Section 9.08.B.
Exception for Hazardous Conditions	10 days	Section 9.08.C.

- \* If prior notice isn't possible because of life endangerment or other serious consequences, the Agency may accept, at its discretion, a completed emergency notification if it is filed no later than the first regular Agency work day after the asbestos project and/or demolition commenced.

## **SECTION 10.10 SOLID FUEL BURNING DEVICE EXEMPTIONS**

- (A) An initial, nonrefundable fee of \$25 shall be paid for review of any exemption request to use a solid fuel combustion device during periods of impaired air quality. An annual, nonrefundable renewal fee of \$10 will be required each year thereafter. These fees may be waived for emergency situations.
- (B) Fees shall be paid without regard to whether the request(s) associated with this Section are approved or denied.

## **SECTION 10.11 OXYGENATED GASOLINE** (Repealed 9/1/05, Res. 05-19)

## SECTION 10.12 AGRICULTURAL BURNING FEES

- (A) For agricultural burning permits issued by the Agency per Regulation I, Article VI, Section 6.11, a fee equal to the maximum fee provided for in Chapter 173-430 WAC shall be submitted with a complete agricultural burning permit application.
- (B) Refunds of fees collected by the Agency will be provided for acres or tons permitted but not burned, provided that the total nonrefundable fee is no less than the minimum fee specified in Chapter 173-430 WAC.
- (C) Acreage equivalency, if applicable, shall be in accordance with the determination of the agricultural burning practices and research task force per Chapter 173-430 WAC.
- (D) Fees shall be paid without regard to whether the request(s) associated with Article X, Section 10.12 are approved or denied.

## SECTION 10.13 OUTDOOR BURNING WAITING PERIOD AND FEES

- (A) Permit Application. An outdoor burning permit application must be completed and submitted to the Agency per SRCAA Regulation I, Article VI, Section 6.01. Incomplete applications and applications received without the applicable fee will be returned to the applicant.
- (B) Advance Application Period. A complete and accurate application must be received by the Agency in advance of the first proposed burn date by the number of working days specified in the table below.

Type of Outdoor Burning	Working Days*
Social Event Fires [Section 6.01(D)(9)]	10
Storm or Flood Debris Burning [Section 6.01(D)(10)]	10
Types of Other Outdoor Burning Not Listed in Sections 6.01(D)(1 through 12) [Section 6.01(D)(13)]	10

\*Unless otherwise approved by the Agency.

- (C) Permit Application Fees.
  - (1) Review Fee. A nonrefundable review fee per the Consolidated Fee Schedule shall accompany all outdoor burning permit applications. The fee shall be paid whether or not burning is conducted.
  - (2) Hourly Fee for Other Outdoor Burning Permits [Section 6.01(D)(13)]. The hourly fee is calculated by multiplying the total staff time spent in reviewing and processing the outdoor burning application beyond the first one (1) hour covered in Section 10.13(C)(1) (rounded-up to the nearest half-hour) and multiplied by the hourly rate, as listed in the Consolidated Fee

Schedule. A billing invoice for the hourly fee will be sent to the applicant. The entire fee assessed on the invoice is nonrefundable, and shall be paid whether or not burning is conducted.

(3) Fee Determination.

(a) Hourly Rate. The hourly rate is determined by:

$$\text{Hourly Rate} = \frac{\text{Total Outdoor Burning Program Costs}}{\text{Total Outdoor Burning Program Hours}}$$

(b) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) preceding fiscal years, rounded-up to the nearest one (1) dollar.

#### **SECTION 10.14 PAVING WAIVER FEES**

(A) Review Fee.

(1) A minimum nonrefundable review fee as specified in the Fee Schedule shall accompany all paving waiver requests submitted to the Agency. The fee shall be paid whether or not the paving waiver is approved or denied.

(2) Paving waiver review fee is calculated by multiplying the hourly rate by one (1) hour.

(3) Hourly Rate. The hourly rate is determined by:

$$\text{Hourly Rate} = \frac{\text{Average of compliance activities program costs}}{\text{Average of compliance activities program hours}}$$

(4) Hourly Rate Revision. Revisions to the hourly rate are based on a three (3) year average of the three (3) most representative fiscal years out of the four (4) recent fiscal years, rounded-up to the nearest one (1) dollar.

#### **SECTION 10.15 MARIJUANA PRODUCTION AND MARIJUANA PROCESSING REGISTRATION AND APPLICATION FEES**

(A) Initial Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an initial registration fee for the first calendar year or portion of calendar year that the source is part of the Agency registration program. The owner or operator will be responsible for payment of the initial registration fee. After the first year, the owner or operator will pay an annual registration fee under Section 10.15(B).

(1) The initial registration fee is determined by each unique LCB number, license type, and tier level. A separate initial registration fee is required for each unique LCB license number regardless of location. The initial registration fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	LCB Tier 1	LCB Tier 2	LCB Tier 3
Producer with processor license	Per the Fee Schedule	Per the Fee Schedule	Per the Fee Schedule
Processor only	Per the Fee Schedule		
Producer only	Per the Fee Schedule		

LCB = WA State Liquor and Cannabis Board

- (B) Annual Registration Fee. Each source required by Article IV, Exhibit R to be registered is required to pay an annual registration fee for each calendar year or portion of each calendar year during which it operates. The owner or operator will be responsible for payment of the annual registration fee. Fees received as part of the marijuana registration program will not exceed the actual costs of program administration.
- (1) The annual registration fee is required for each LCB licensed producer and LCB licensed processor. The fee is determined by each unique LCB number, license type, and tier level. A separate registration fee is required for each unique LCB license number regardless of location. The annual fee will be determined by the fee table below:

<u>Registration Fee Categories</u>	<u>LCB Producer Tier Size</u>		
	LCB Tier 1	LCB Tier 2	LCB Tier 3
Producer indoor only	Per the Fee Schedule	Per the Fee Schedule	Per the Fee Schedule
Producer outdoor only	Per the Fee Schedule	Per the Fee Schedule	Per the Fee Schedule
Producer indoor and outdoor	Per the Fee Schedule	Per the Fee Schedule	Per the Fee Schedule
Producer w/ Agency granted production exemption	Per the Fee Schedule	Per the Fee Schedule	Per the Fee Schedule
Processor with producer license	Per the Fee Schedule		
Processor only	Per the Fee Schedule		

LCB = WA State Liquor and Cannabis Board

- (2) Calculating Marijuana Annual Registration Fee without Required Registration Information. When registration information required in Article IV, Section 4.02 is not provided, the annual registration fee will be based on fees listed in Section 10.15(B)(1), plus an additional fee equal to two (2) times the amount of original fee assessed. This method will be used:
- (a) When registration information is not received within ninety (90) days of request, or
  - (b) Prior to the registration fee invoice date, whichever is later.



# ARTICLE XI

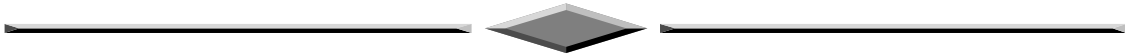
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## **SPOKANE ENVIRONMENTAL ORDINANCE**

**UNDER SEPARATE COVER**

**REVISED:   October 4, 1984**

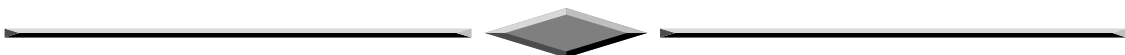
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**REGULATION II**  
**SPOKANE COUNTY AIR POLLUTION**  
**CONTROL AUTHORITY**

**Repealed in its Entirety**

**April 10, 2004**



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## **Appendix**

### **Adoption History for Spokane Regional Clean Air Agency Regulation I**

#### **Article I**

- Section 1.01: Adopted 6/9/69; Amended on 4/16/92-Res. 92-06; 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 1.02: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 1.03: Adopted 6/9/69; Amended on 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 1.04: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 1/6/75-Res. 75-01; 12/5/78-Res. 78-10; 4/3/86-Res. 86-02; 11/3/94-Res. 94-28; 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 1.05: Adopted 7/9/20-Res. 20-08;

#### **Article II**

- Section 2.01: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.02: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 1/3/02-Res. 02-01; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.03: Adopted 6/9/69; Amended on 4/9/92-Res. 92-06; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.04: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 4/9/92-Res. 92-06; 4/3/97-Res. 97-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.05: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.06: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.07: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Deleted & Reserved); 7/9/20-Res. 20-08;
- Section 2.08: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 4/3/97-Res. 97-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.09: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 3/4/04-Res. 04-01 (Deleted & Reserved); 2/7/08-Res. 08-05; 7/9/20-Res. 20-08;
- Section 2.10: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.11: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 8/2/84-Res. 84-05; 7/12/90-Res. 90-07; 4/9/92-Res. 92-06; 4/3/97-Res. 97-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 2.12: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/13/06-Res. 06-08; 7/9/20-Res. 20-08;

Section 2.13: Adopted 3/4/04; Amended on 7/13/06-Res. 06-08; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;  
Section 2.14: Adopted 8/3/06-Res. 06-10; Amended on 5/3/07-Res. 07-15; 6/7/07-Res. 07-18; 7/9/20-Res. 20-08;  
Section 2.15: Adopted 12/7/17-Res. 17-18; 7/9/20-Res. 20-08;  
Section 2.16: Adopted 7/9/20-Res. 20-08;  
Section 2.17: Adopted 7/9/20-Res. 20-08;  
Section 2.18: Adopted 7/9/20-Res. 20-08;  
Section 2.19: Adopted 7/9/20-Res. 20-08;

### **Article III**

Section 3.01: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; Amended on 9/4/14-Res. 14-13;  
Paragraph A: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; Amended on 9/4/14-Res. 14-13;  
Paragraph B: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (As New Section); Amended on 9/4/14-Res. 14-13;  
Paragraph C: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Previously B); Amended on 9/4/14-Res. 14-13;  
Paragraph D: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Previously C); Amended on 9/4/14-Res. 14-13;  
Paragraph E: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09; 3/4/04-Res. 04-01 (Previously D); Amended on 9/4/14-Res. 14-13;  
Paragraph F: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Previously E); Amended on 9/4/14-Res. 14-13;  
Paragraph G: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Previously F); Amended on 9/4/14-Res. 14-13;  
Paragraph H: Adopted 3/4/04-Res. 04-01; Amended on 9/4/14-Res. 14-13;  
Paragraph I: Adopted 3/4/04-Res. 04-01; Amended on 9/4/14-Res. 14-13;  
Paragraph J: Adopted 9/4/14-Res. 14-13;  
Section 3.02: Adopted 3/4/04-Res. 04-01; Amended on 9/4/14-Res. 14-13;  
Paragraph A: Adopted 9/4/15-Res. 14-13;  
Paragraph B: Adopted 9/4/14-Res. 14-13;

### **Article IV**

Section 4.01: Adopted 6/9/69; Amended on 5/1/79-Res. 79-06; 4/12/90-Res. 90-04; 8/13/92-Res. 92-18; 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 4.02: Adopted 6/9/69; Amended on 4/12/90-Res. 90-04; 8/13/92-Res. 92-18; 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 12/7/06-Res. 06-20; 2/1/07-Res. 07-04; 7/9/20-Res. 20-08;

- Section 4.03: Adopted 8/13/92-Res. 92-18; Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 4.04: Amended on 7/9/20-Res. 20-08 (Previously Exhibit R, Adopted 6/9/69);  
Section 4.05: Adopted 7/9/20-Res. 20-08;

## **Article V**

- Paragraph A: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09 (Deleted);  
Paragraph B: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09 (Deleted);  
Paragraph C: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09 (Deleted);  
Paragraph D: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09 (Deleted);  
Paragraph E: Adopted 6/9/69; Amended on 4/1/74-Res. 74-09 (Deleted);  
Section 5.01: Adopted 1/6/75-Res. 75-02; Amended on 9/1/94-Res. 94-20; 5/4/00-Res. 00-04; 3/4/04-Res. 04-01 (Deleted & Reserved); 7/9/20-Res. 20-08;  
Section 5.02: Adopted 1/6/75-Res. 75-02; Amended on 9/1/94-Res. 94-20 (Previously 5.01); 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 12/7/06-Res. 06-20; 1/4/18-Res. 17-19; 7/9/20-Res. 20-08;  
Section 5.03: Adopted 1/6/75-Res. 75-02; Amended on 9/1/94-Res. 94-20 (As New Section); 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.04: Adopted 1/6/75-Res. 75-02; Amended on 9/1/94-Res. 94-20 (Previously 5.02); 5/4/00-Res. 00-04; 1/3/02-Res. 02-01; 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;  
Section 5.05: Adopted 1/6/75-Res. 75-02; Amended on 5/2/91-Res. 91-04 (As New Section); 9/1/94-Res. 94-20 (Previously 5.03); 5/4/00-Res. 00-04; 7/9/20-Res. 20-08;  
Section 5.06: Adopted 1/6/75-Res. 75-02; Amended on 9/1/94-Res. 94-20 (As New Section); 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.07: Adopted 5/2/91-Res. 91-04; Amended on 9/1/94 Res. 94-20 (Previously 5.04); 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.08: Adopted on 9/1/94-Res. 94-20 (Previously 5.05); Amended on 5/4/00-Res. 00-04; 1/3/02-Res. 02-01; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.09: Adopted on 9/1/94 Res. 94-20 (Previously 5.06); Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.10: Adopted 9/1/94-Res. 94-20; Amended on 9/2/99-Res. 99-18; 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.11: Adopted 9/1/94-Res. 94-20; Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.12: Adopted 9/1/94-Res. 94-20; Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.13: Adopted 9/1/94-Res. 94-20; Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.14: Adopted 9/1/94-Res. 94-20; Amended on 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;  
Section 5.15: Adopted on 9/1/94-Res. 94-20 (Previously 5.07); Amended on 5/4/00-Res. 00-04; 7/9/20-Res. 20-08;

## **Article VI**

- Section 6.01: Adopted 6/9/69; Amended on 11/5/73-Res. 73-20; 1/6/75-Res. 75-03a; 1/6/75-Res. 75-3b; 4/3/86-Res. 86-02; 11/3/94-Res. 94-29; 2/1/01-Res. 01-03; 12/6/01-Res. 01-15; 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 11/6/08-Res. 08-28; 10/3/13-Res. 13-17; 7/9/20-Res. 20-08;
- Section 6.02: Adopted 6/9/69; Amended on 1/6/75-Res. 75-03a; 1/6/75-Res. 75-03c; 4/7/88-Res. 88-03; 12/1/88-Res. 88-09; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 6.03: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 6.04: Adopted 6/9/69; Amended on 4/2/87-Res. 87-02; 3/4/04-Res. 04-01; 4/1/10-Res.10-05; 7/9/20-Res. 20-08;
- Section 6.05: Adopted 6/9/69; Amended on 12/5/78-Res. 78-10; 5/4/89-Res. 89-07; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 6.06: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/9/20-Res. 20-08 (Repealed);
- Section 6.07: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 6.08: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01; 7/9/20-Res. 20-08;
- Section 6.09: Adopted 6/9/69; Amended on 1/6/75-Res. 75-01; 4/7/88-Res. 88-03; 11/3/94-Res. 94-28; 3/4/04-Res. 04-01 (Deleted & Reserved); 7/9/20-Res. 20-08;
- Section 6.10: Adopted 5/3/90-Res. 90-07; Amended on 5/6/93-Res. 93-10; 2/2/01-Res. 01-04 (Repealed);
- Section 6.11: Adopted 11/3/94-Res. 94-29; Amended on 2/2/01-Res. 01-04; 3/4/04-Res. 04-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 6.12: Intentionally Blank; Amended on 3/4/04-Res. 04-01 (Reserved); 7/9/20-Res. 20-08;
- Section 6.13: Adopted 11/3/94-Res. 94-30; Amended on 5/7/98-Res. 98-07; 3/4/04-Res. 04-01; 7/9/20-Res. 20-08; 5/6/21-Res. 21-16;
- Section 6.14: Adopted 10/7/93-Res. 93-21; Amended on 1/7/99-Res.99-01; 10/7/04 Res. 04-21; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 6.15: Adopted 8/4/94-Res. 94-17; Amended on 1/7/99-Res 99-01; 5/3/07-Res. 07-15; 7/9/20-Res. 20-08;
- Section 6.16: Adopted 7/6/95-Res. 95-03; Amended on 9/1/05-Res. 05-19 (Repealed); 7/9/20-Res. 20-08;
- Section 6.17: Adopted 12/4/97-Res. 97-17 (The standards contained in this rule become effective one year after EPA approval of the state plan submitted under 40 CFR Part 60, Subparts B and Cb.); Amended on 11/5/98 – Res.98-21; 4/5/07 – Res.07-10; 7/9/20-Res. 20-08;
- Section 6.18: Adopted 1/4/18-Res. 17-19;

## **Article VII**

- Paragraph A: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Repealed & Reserved);



Paragraph B: Adopted 6/9/69; Amended on 3/4/04-Res. 04-01 (Repealed & Reserved);

## **Article VIII**

- Section 8.01: Adopted 4/7/88-Res. 88-03; Amended on 1/6/94-Res. 94-02; 9/6/07-Res. 07-32;
- Section 8.02: Adopted 4/7/88-Res. 88-03; Amended on 9/6/07-Res. 07-32;
- Section 8.03: Adopted 4/7/88-Res. 88-03; Amended on 7/12/90-Res. 90-08; 1/6/94-Res. 94-02; 8/4/94-Res. 94-18; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.04: Adopted 4/7/88-Res. 88-03; Amended on 7/12/90-Res. 90-08; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.05: Adopted 4/7/88-Res. 88-03; Amended on 7/12/90-Res. 90-08; 1/6/94-Res. 94-02; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.06: Adopted 4/7/88-Res. 88-03; Amended on 1/6/94-Res. 94-02; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.07: Adopted 4/7/88-Res. 88-03; Amended on 7/12/90-Res. 90-08; 1/6/94-Res. 94-02; 8/4/94-Res. 94-18; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.08: Adopted 4/7/88 Res. 88-03; Amended on 7/12/90-Res. 90-08; 1/6/94-Res. 94-02; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.09: Adopted 4/7/88 Res. 88-03; Amended on 7/12/90-Res. 90-08; 1/6/94-Res. 94-02; 8/4/94-Res. 94-18; 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.10: Adopted 1/6/94-Res. 94-02; Amended on 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;
- Section 8.11: Adopted on 1/6/94-Res. 94-02 (Previously 8.09); Amended on 9/6/07-Res. 07-32; 7/10/14-Res. 14-08;

## **Article IX**

- Section 9.01: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26;
- Section 9.02: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;
- Section 9.03: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;
- Section 9.04: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;
- Section 9.05: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 5/1/14-Res. 14-04; 5/1/14-Res. 14-04;
- Section 9.06: Adopted 9/5/91-Res. 91-09; Amended on 2/5/98-Res. 98-01; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;

- Section 9.07: Adopted 2/5/98-Res. 98-01; Amended on 7/12/07-Res. 07-26 (Renamed New Section); 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 5/1/14-Res. 14-04;
- Section 9.08: Adopted 2/5/98-Res. 98-01; Amended on 7/12/07-Res. 07-26 (Previously 9.07); 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;
- Section 9.09: Adopted 2/5/98-Res. 98-01; Amended on 7/12/07-Res. 07-26 (Previously 9.08); 9/4/08-Res. 08-26; 8/6/09-Res. 09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04;
- Section 9.10: Adopted 7/12/07-Res. 07-26; Amended on 9/4/08-Res. 08-26; 8/6/09-Res. 09-19;

## **Article X**

- Section 10.01: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/1/94-Res. 94-21; 7/6/95-Res. 95-12; 4/3/97-Res. 97-05; 3/4/04-Res. 04-01; 2/1/07-Res. 07-04; 6/1/17-Res. 17-12;
- Section 10.02: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/1/94-Res. 94-21; 3/4/04-Res. 04-01; 2/1/07-Res. 07-04; 6/1/17-Res. 17-12; 11/1/18-Res. 18-14; 7/9/20-Res. 20-08;
- Section 10.03: Adopted 8/1/91-Res. 91-08; Amended on 7/6/95-Res. 95-12; 3/4/04-Res. 04-01; 6/1/17-Res. 17-12;
- Section 10.04: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/1/94-Res. 94-21; 7/6/95-Res. 95-12; 4/3/97-Res. 97-05; 3/4/04-Res. 04-01; 10/7/10, Res. 10-15; 11/1/18-Res. 18-14;
- Section 10.05: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/2/99-Res. 99-18; 3/4/04-Res. 04-01; 6/1/17-Res. 17-12; 11/1/18-Res. 18-14;
- Section 10.06: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/1/94-Res. 94-21; 7/6/95-Res. 95-12; 4/3/97-Res. 97-05; 9/2/99-Res. 99-18; 5/4/00-Res. 00-04; 11/1/01-Res. 01-19; 3/4/04-Res. 04-01; 9/7/06-Res. 06-16; 12/7/06-Res. 06-19; 7/12/07-Res. 07-26; 7/12/07-Res. 07-27; 7/3/08-Res. 08-18; 10/7/10, Res. 10-15; 10/3/13-Res. 13-19 & 13-20; 6/1/17-Res. 17-12; 7/9/20-Res. 20-08;
- Section 10.07: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 9/1/94-Res. 94-21; 7/6/95-Res. 95-12; 4/3/97-Res. 97-05; 9/2/99-Res. 99-18; 5/4/00-Res. 00-04; 3/4/04-Res. 04-01; 9/7/06-Res. 06-16; 6/7/07-Res. 07-18; 7/3/08-Res. 08-18; 10/7/10, Res. 10-15; 6/1/17-Res. 17-12; 11/1/18-Res. 18-14; 7/9/20-Res. 20-08;
- Section 10.08: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 7/6/95-Res. 95-12; 9/2/99-Res. 99-18; 1/3/02-Res. 02-01; 3/4/04-Res. 04-01; 6/7/07-Res. 07-18; 10/7/10, Res. 10-15; 6/1/17-Res. 17-12; 7/9/20-Res. 20-08; 5/6/21-Res. 21-16;
- Section 10.09: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 4/3/97-Res. 97-05; 2/5/98-Res. 98-01; 12/6/01-Res. 01-15; 3/4/04-Res. 04-01; 7/13/06-Res. 06-09; 7/12/07-Res. 07-26; 9/4/08-Res. 08-26; 8/6/09-Res.

09-19; 8/5/10-Res. 10-10; 5/1/14-Res. 14-04; 5/1/14-Res. 14-04; 6/1/17-Res. 17-12;  
Section 10.10: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 3/4/04-Res. 04-01; 10/7/10, Res. 10-15; 6/1/17-Res. 17-12;  
Section 10.11: Adopted 8/1/91-Res. 91-08; Amended on 9/2/93-Res. 93-18; 7/1/99-Res. 99-14; 3/4/04-Res. 04-01; 9/1/05-Res. 05-19 (Repealed); 10/7/10, Res. 10-15; 7/9/20-Res. 20-08;  
Section 10.12: Adopted 8/5/93-Res. 93-13; Amended on 4/3/97-Res. 97-05; 3/4/04-Res. 04-01; 10/7/10, Res. 10-15; 6/1/17-Res. 17-12;  
Section 10.13: Adopted 12/6/01-Res. 01-15; Amended on 3/4/04-Res. 04-01; 11/6/08-Res. 08-28; 10/7/10, Res. 10-15; 10/3/13-Res. 13-17 & 13-18; 6/1/17-Res. 17-12; 7/9/20-Res. 20-08;  
Section 10.14: Adopted 1/3/02-Res. 02-01; Amended on 3/4/04-Res. 04-01; 10/7/10, Res. 10-15; 6/1/17-Res. 17-12;  
Section 10.15: Adopted 1/4/18-Res. 17-19;

## **Article XI**

Adopted 10/4/84 - Res. 84-07;

## **Adoption History for Regulation II – Repealed In Its Entirety 3/4/04 – Resolution 04-01**

### **Article I**

Section 1.01: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Section 1.02: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Section 1.03: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Section 1.04: Adopted 9/7/71; Amended on 1/6/75-Res. 75-01; 3/4/04-Res. 04-01 (Deleted);

### **Article II**

Section 2.01: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);

### **Article III**

Paragraph A: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Paragraph B: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Paragraph C: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Paragraph D: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Paragraph E: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Paragraph F: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);

### **Article IV**

Section 4.01: Adopted 9/7/71; Amended on 5/1/79-Res. 79-06; 3/4/04-Res. 04-01 (Deleted);  
Section 4.02: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Section 4.03: Adopted 9/7/71; Amended on 10/4/71; Amended 3/4/04-Res. 04-01 (Deleted);  
Section 4.04: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);

### **Article V**

Section 5.01: Adopted 9/7/71; Amended on 3/4/04-Res. 04-01 (Deleted);  
Section 5.02: Adopted 9/7/71; Amended on 1/6/75-Res. 75-01; 3/4/04-Res. 04-01 (Deleted);