

1 **173-400-035 Temporary sources and non-road sources.**

2
3 **Applicability**

4 This section applies to temporary sources and nonroad engines. The only nonroad engines
5 regulated by this section are:

- 6 Portable asphalt batch plants
- 7 Portable concrete batch plants
- 8 Portable gravel crushers
- 9 Portable power generators
- 10 Portable fertilizer plants.

11
12 **Exemptions**

13 The following sources are exempt from this section:

14 Emission units and activities listed in WAC 173-400-110 (4).

15 Emission units with emission levels at or below the levels set by WAC 173-400-110(5).

16
17 **Permit process for temporary sources**

18 The owner or operator must notify the permitting authority of their intent to operate and obtain
19 written approval before placing a temporary source at a new location.

20
21 The notice must demonstrate compliance with WAC 173-400-113(1), (3), (4), and (6). Within
22 30 days of receipt of a complete notice, the permitting authority will notify the applicant in
23 writing that the temporary permit is approved, with or without conditions, or that the permit is
24 denied.

25
26 The permitting authority may allow installation or operation of a temporary source for a
27 maximum of one year within their jurisdiction. This restriction does not prohibit equipment
28 storage.

29
30 If the owner or operator wants to continue operation past the expiration date of the temporary
31 permit, then they must obtain an air discharge permit in compliance with WAC 173-400-110.

32
33 **Permit process for nonroad engine**

34 The owner or operator must notify the permitting authority of their intent to operate and obtain
35 written approval before placing a nonroad engine at a new location.

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37 The notice must demonstrate compliance with national and state ambient air quality standards.
38 Within 30 days of receipt of a complete notice, the permitting authority will notify the applicant
39 in writing that the non-road engine permit is approved, with or without conditions, or that the
40 permit is denied.

41
42 **Appeal procedure**

43 A temporary source permit or nonroad engine permit, any conditions contained in a temporary
44 source or nonroad engine permit, the denial of a temporary source or nonroad engine permit
45 application, or any other regulatory order issued pursuant to this section, may be appealed to the

1 Pollution Control Hearings Board within 30 calendar days of receipt as provided in Chapter
2 43.21B RCW.

3
4 **Definition of Portable**

5 Portable means designed and capable of being carried or moved from one location to another.
6 Indications of portability include but are not limited to wheels, skids, carrying handles, dolly,
7 trailer, or platform. Equipment is not portable if:

8 (1) the equipment is attached to a foundation.

9 (2) the equipment or a replacement resides at the same location for more than 12 consecutive
10 months.

11 (3) the equipment is located at a seasonal facility and operates during the full annual operating
12 period of the seasonal facility, remains at the facility for at least two years, and operates at that
13 facility for at least three months each year.

14 (4) the equipment is moved from one location to another in an attempt to circumvent the portable
15 residence time requirements of this definition.

16
17 **Definition of Nonroad**

18 Nonroad engine means:

19 (a) Except as discussed in (b) of this subsection, a nonroad engine is any internal combustion
20 engine:

21 (i) In or on a piece of equipment that is self-propelled or serves a dual purpose by both propelling
22 itself and performing another function (such as garden tractors, off-highway mobile cranes and
23 bulldozers); or

24 (ii) In or on a piece of equipment that is intended to be propelled while performing its function
25 ~~((such as lawnmowers and string trimmers))~~; or

26 (iii) That, by itself or in or on a piece of equipment, is portable or transportable, meaning
27 designed to be and capable of being carried or moved from one location to another. Indicia of
28 transportability include, but are not limited to, wheels, skids, carrying handles, dolly, trailer, or
29 platform.

30 (b) An internal combustion engine is not a nonroad engine if:

31 (i) The engine is used to propel a motor vehicle or a vehicle used solely for competition, or is
32 subject to standards promulgated under section 202 of the Federal Clean Air Act; or

33 (ii) The engine is regulated by a New Source Performance Standard promulgated under section
34 111 of the Federal Clean Air Act; or

35 (iii) The engine otherwise included in (a)(iii) of this subsection remains or will remain at a
36 location for more than twelve consecutive months or a shorter period of time for an engine
37 located at a seasonal source. A location is any single site at a building, structure, facility, or
38 installation. Any engine (or engines) that replaces an engine at a location and that is intended to
39 perform the same or similar function as the engine replaced will be included in calculating the
40 consecutive time period. An engine located at a seasonal source is an engine that remains at a
41 seasonal source during the full annual operating period of the seasonal source. A seasonal source
42 is a stationary source that remains in a single location on a permanent basis (i.e., at least two
43 years) and that operates at that single location approximately three months (or more) each year.
44 This paragraph does not apply to an engine after the engine is removed from the location.