DRAFT WAC 173-400-035 Relocation of portable sources

(1) **Applicability**. Portable sources that meet the requirements of this section may relocate and operate without obtaining a site-specific or permitting authority-specific order of approval. This section applies only in those jurisdictions where it has been adopted by the permitting authority.

(2) **Portable sources in non-attainment areas.** Portable sources locating in non-attainment areas must acquire a site-specific order of approval from the permitting authority.

(3) **Relocation requirements.** Portable sources are allowed to operate in a new location without obtaining an order of approval from the permitting authority provided that:

(a) The affected emission units have a notice of construction order of approval order identifying the unit as a "portable source" from a permitting authority in Washington state;

(b) The owner/operator gives the permitting authority a relocation notice a minimum of fifteen calendar days before starting operation of the portable source;

(c) Portable sources that operate in more than one jurisdiction must notify each permitting authority. The owner/operator must follow the notification requirements of each permitting authority.

(d) Each year the applicant submits the data required by the permitting authority to calculate the portable source emissions. The data must be sufficient in detail to calculate the emissions within each permitting authority's jurisdiction and the yearly aggregate. The yearly aggregate must include the total emissions from all jurisdictions in the state.

Notes from April 29th RAC

Al Newman

In compliance with EPA's minor new source review, we could require only that the portable sources demonstrate NAAQS compliance. Suggested language, "The source must demonstrate that it will not cause or contribute to a violation of the NAAQS."

Steve Van Slyke

Obtaining an order of approval will allows mobility for some sources.

If compliance with the NAAQS is an issue, require that the applicant demonstrate compliance.

It could be difficult for a second permitting authority to determine the permit conditions. PSCAA requires applicants to comply with the mitigations proposed by the permit application, but they do not reiterate those conditions in the permit.

Beth Hodges

If portable sources need a site specific permit review, it will take a minimum of 90-days. The goal of a quick 15-day turnaround will be lost.

How will we handle the ambient impact analysis each time a portable source relocates?

Paul Mairose

The version presented today resolves his outstanding concerns. Consider inserting a date specific for those permits that have been issued to be viable. "Sources approved as portable sources after July 1, 2010."

Older orders of approval could be recognized if the source demonstrates NAAQS compliance.

If the source has demonstrated BACT at some point in the past, do not require a new BACT compliance review.

Details that give very specific criteria should be added to (3) (a,b,c).

Matt Cohen

Amend the language in (2) to note that the restriction applies only to those sources that emit the pollutants of concern for non-attainment.

Portable sources can relocate without addressing BACT if BACT review has been completed within the past XX years of relocation.

This would leave some portable sources subject to new source review procedures while others could relocate on short notice.

We should establish criteria for when permitting authorities can re-open the order of approval.

Policy question:

Do we want portable sources to be subject to a new BACT analysis each time they relocate? If the portable source triggers PSD then the source must not cause or contribute to an exceedance of the NAAQS.