

Proposal For Changes To

WAC Chapters 173-400 & 460

New Source Review

Purpose

The purposes of the current proposal to amend WAC 173-460 and -400 are to make editorial changes for clarity, to address the issue of *de minimus*, to consider new control technology requirements, to consolidate the NSR process, and to consider updates to the ASILs.

Issues

The general scope of this rule writing is NSR. Within that broad scope are many potential issues that may or may not be addressed. The rule writer should decide which NSR issues to address by the time the CR-101 is filed, after soliciting comments from various interested parties.

Control Requirements

1. Whether to update any of the three existing control technology requirements in [WAC 173-460-060](#). These requirements constitute “generic BACT” for petroleum solvent dry-cleaning, abrasive blasting, chromic acid plating, and solvent metal cleaners.
2. Whether to include more control technology requirements in [WAC 173-460-060](#), setting up generic requirements for small sources so they do not have to do anything else. These could, for example, be for welding operations and portable fertilizer plants.
3. Whether to tie together the requirements BACT and MACT requirements. This could involve providing for MACT standards in [WAC 173-460-060](#). This would be a substantive change. It would assume that MACT is as protective as BACT for TAPs. Should Ecology incorporate or depart from federal MACT standards, and if so how?
4. Whether sources with control technology requirements under [WAC 173-460-060](#) or with MACT standards should be categorically exempt from all ambient impact analysis. [WAC 173-460-030\(2\)\(c\)](#) presently exempts four technologies. This differs from the general scheme, where ambient impact analysis is required even after BACT for TAPs is applied. Eg., is there any assurance that a dry cleaner would have insignificant residual risk if it applies the designated technology?
 - Should a generic ambient impact analysis be a condition to adopting such “generic BACT”?
 - Should the authority reserve the right to require ambient impact analysis at its discretion?

Updating ASILs

5. Whether to address compounds in the table that do not have ASILs.
6. Whether to remove any compounds from the table.
7. Whether any of the existing numbers should be updated. This would involve determining the basis for each number in the table, and whether that basis has changed. Most all of the numbers were incorporated from other sources. Only in rare and special circumstances would Ecology independently evaluate any particular number.
8. Whether the list of compounds identified for regulation through the accidental release prevention program of FCAA 112(r), due late 1994, should be included on the ASIL list.

De minimus

9. Whether to adopt *de minimus* levels for TAPS. This may be required by a cross reference in the table at [WAC 173-400-110\(5\)\(d\)](#). This “exemption threshold table” includes levels for criteria pollutants, but only a cross-reference to nonexistent levels for TAPS.
10. Whether to tie the SQER tables into the proposed *de minimus* levels. It may be desirable to eliminate the SQER table by use of *de minimus* levels.

Editorial

11. Whether to combine all the ASIL tables into a single unified table. These changes would be editorial, not substantive.
12. Whether NSR for TAPs should be required within all industrial classifications. See [WAC 173-460-030\(1\)\(i\)](#). (Note that the U.S. Census Bureau is converting from the SIC system to the NAICS.) This would be in line with NSR for criteria pollutants. This would not change the substance of the rule if exemptions for industries are specified where appropriate. Identifying those industries for which exemption is appropriate would require stakeholder recommendations.
13. Whether to combine all new source review into its own chapter. This new chapter 460 could include the following.
 - non-major source NSR for criteria pollutants
 - non-major source NSR for TAPs
 - PSD
 - NSPS
 - NESHAPS
14. Whether to clarify and consolidate the applicability criteria of [WAC 173-460](#). These changes would be editorial, not substantive.

15. Whether to clarify and consolidate exemptions from WAC 173-460. These changes would be editorial, not substantive.
 16. Whether to choose between uniform use of either the term “contaminant” or the term “pollutant.” This would clarify the rule, without changing its substance. The Washington CAA uses the terms “contaminant” and “TAP,” while the federal CAA uses the terms “pollutant” and “HAP.” The EPA regulations use the terms of the Federal CAA, while the WAC uses “contaminant” and “pollutant” interchangeably,” and used TAP instead of HAP. The WAC should achieve internal consistency by adopting the terminology of either the Washington CAA or the federal CAA.
- Misc.**
17. Whether to streamline or simplify tier-2. There is some vague dissatisfaction with the tier-2 process. It may be misunderstood. It is an expensive process that may not provide added value to the permit. It is may not change the permit. More specific examples and information on the frequency of such instances would be useful.
 18. Whether to clarify NSR requirement for existing sources and modifications.

Stakeholder Strategy

Outreach to potential advisory committee resulted in mixed reactions. These included non-response, “understaffed,” “keep me informed,” and “sign me up.” Those willing and able to participate did not comprise a complete cross-section of interests. Therefore, an advisory committee is not presently warranted.

Those who have expressed interest should have ongoing opportunities to contribute, from the present scoping phase through adoption. This opportunity could be enhanced through an on-line comment form posted through the AQP homepage. The rule writer should disseminate information and updates through E-mail and U.S. mail. Comments should be organized and processed with the Access database developed by the Solid Waste Program. To clarify the interests of all stakeholders, the rule-writer should consider sending out a general announcement of its intention to revise WAC 173-400 and -460 to every person or entity who expressed an interest in the subject during the last revision to the rule.

The rule writer would then work with stakeholders to identify any issues that should be considered during rule-making and develop a schedule for doing so. The rule writer would document the results of this process, and make it available to people on the mailing list who request copies.