

## **ARTICLE 2: REVIEW OF TOXIC AIR CONTAMINANT SOURCES**

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### **SECTION 2.01 APPLICABILITY TO TOXIC AIR CONTAMINANT SOURCES**

Adopted 08/09/90 (670)

Revised 06/13/91 (700), 01/09/92 (715), 04/14/94 (784), 12/12/96 (842), 03/09/00 (914), 09/13/01 (954), 07/24/03 (1003), 03/25/10 (1184)

- (a) Article 2 of this Regulation III shall apply to all sources of toxic air contaminants except that Section 2.05 shall not apply to the following:
- (1) Asbestos Removal Operations subject to Article 4 of Regulation III
  - (2) Hard and Decorative Chromium Electroplating and Chromium Anodizing subject to 40 CFR Part 63, Subpart N
  - (3) Perchloroethylene Dry Cleaners
  - (4) Gasoline Storage and Dispensing Operations subject to Article 2 of Regulation II
  - (5) Graphic Arts Systems subject to Section 3.05 of Regulation II
  - (6) Can and Paper Coating Operations subject to Section 3.03 of Regulation II
  - (7) Motor Vehicle and Mobile Equipment Coating Operations subject to Section 3.04 of Regulation II
  - (8) Polyester/Vinylester/Gelcoat/Resin Operations subject to Section 3.08 of Regulation II
  - (9) Ethylene Oxide Sterilizers and Aerators subject to Section 3.07 of Regulation III
  - (10) Shipyard Coating Operations where all the coatings employed comply with the requirements in Table 2 in Subpart II 40 CFR Part 63 of NESHAP Shipbuilding and Ship Repair (Surface Coating) Operations
- (b) Any demonstration required by this Article shall be conducted in accordance with Section 2.07 of this Regulation.

### **SECTION 2.02 NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS**

Adopted 08/12/93 (760)

Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (870), 09/09/99 (895), 07/13/00 (925), 09/13/01 (954), 09/26/02 (978), 09/25/08 (1132), 09/24/09 (1171), 04/23/15 (1322)

It shall be unlawful for any person to cause or allow the operation of any source in violation of any provision of Part 61 or Part 63, Title 40, of the Code of Federal Regulations (excluding Part 61, Subparts B, H, I, K, Q, R, T, and W; and Part 63, Subpart LL, the provisions of Subparts S and MM pertaining to kraft and sulfite pulp mills, and Subparts WWWW, CCCCC, HHHHH, WWWW, XXXXX, YYYYY, and ZZZZZ) in effect as of the federal regulation reference date listed in Section 3.25 of Regulation I herein incorporated by reference.

## **SECTION 2.05 SOURCES OF TOXIC AIR CONTAMINANTS**

Adopted 08/09/90 (670)

Revised 04/14/94 (784), 12/12/96 (842), 09/24/09 (1172)

- (a) This section applies to all sources of toxic air contaminants that are subject to Article 5 or Article 7 of Regulation I, unless covered by specific rules referenced in Section 2.01 above.
- (b) The Control Officer shall have the authority to conduct a screening evaluation of any source in accordance with Section 2.07 of this Regulation to determine if the toxic air contaminant emissions from the source would result in the exceedance of an ASIL contained in WAC 173-460-150. The owner or operator of the source shall be informed of the results of any such screening evaluation.
- (c) If, as a result of the screening evaluation conducted under (b) above, the Control Officer determines that the toxic air contaminant emissions from a source may result in the exceedance of an ASIL contained in WAC 173-460-150, the Control Officer may issue an order requiring the owner or operator of the source to perform an analysis in accordance with Section 2.07 of this Regulation and may establish a schedule for submission of the analysis.
- (d) It shall be unlawful for any person required to perform an analysis under (c) above, to cause or allow the continued operation of the source after the submission date established by the Control Officer, unless one of the following conditions is met:
  - (1) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL contained in WAC 173-460-150; or
  - (2) A dispersion modeling analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not result in the exceedance of any ASIL contained in WAC 173-460-150 after the installation of the Best Available Control Technology (BACT) and a compliance schedule for employing BACT is approved by the Control Officer; or
  - (3) BACT is employed on the source or a compliance schedule for employing BACT is approved by the Control Officer, and a risk analysis demonstrates to the Control Officer that the toxic air contaminant emissions from the source will not cause air pollution as defined in Section 1.07 of Regulation I.

## **SECTION 2.07 EVALUATING THE IMPACTS OF TOXIC AIR CONTAMINANTS**

Adopted 05/11/95 (815)  
Revised 03/25/04 (1024), 09/24/09 (1172), 12/15/16 (1357)

- (a) **Applicability.** This section describes the procedures that shall be used for quantifying emissions and analyzing impacts of toxic air contaminants in order to meet the requirements for new or modified toxic air contaminant sources (see Article 6 of Regulation I) and for existing toxic air contaminant sources (see Section 2.05 of this regulation). In addition, definitions and procedures contained in chapter 173-460 WAC and adopted by reference in Regulation I, Section 6.01(a) apply to this section.
- (b) **Quantifying Emissions of Toxic Air Contaminants.**
  - (1) The owner or operator of a new or modified toxic air contaminant source subject to Article 6 of Regulation I shall quantify toxic air contaminant emissions that may be discharged to the atmosphere after applying the required control technology, and shall submit this information as part of a Notice of Construction and Application for Approval.
  - (2) The owner or operator of an existing toxic air contaminant source subject to Section 2.05 of this regulation shall, upon request by the Agency, quantify toxic air contaminant emissions emitted by the facility and submit that information within 30 days.
  - (3) When quantifying toxic air contaminant emissions, the owner or operator shall assume that each toxic air contaminant is introduced into the atmosphere in an unaltered form continuously, at the maximum concentration known to exist at the source unless there is reliable data to the contrary or there is a physical or legal restriction.
- (c) **Analyzing Impacts of Toxic Air Contaminants.** The air quality impact analysis for toxic air contaminant sources shall be performed using one of the following procedures:
  - (1) **First Tier Review.**
    - (A) Emissions of each toxic air contaminant discharged to the atmosphere shall be shown to be below the corresponding SQER listed in WAC 173-460-150; or
    - (B) An EPA recommended screening dispersion model shall be used to demonstrate that the predicted concentration of each contaminant is below the corresponding ASIL listed in WAC 173-460-150. Stack parameters shall be submitted with the notice of construction application, or, for existing sources, within 30 days after the Agency requests the information. The maximum 1-hour concentration calculated by the model shall be converted with a

persistence factor of 0.4 to a 24-hour average concentration or 0.08 to an annual average concentration; or

- (C) The owner or operator shall submit a more comprehensive evaluation including the use of other EPA guideline models and more accurate emission estimation techniques to demonstrate that the predicted concentration of each contaminant is below the corresponding ASIL listed in WAC 173-460-150 in all areas where the general public has access; or
- (2) Second and Third Tier Reviews. If predicted ambient concentrations from the first tier review are not below the ASILs listed in WAC 173-460-150, the owner or operator shall submit a petition to the Department of Ecology requesting a second tier or third tier review, and must receive Ecology's recommendation of approval for either the second or third tier petition. Second tier petitions shall follow the procedures in WAC 173-460-090. Third tier petitions shall follow the procedures in WAC 173-460-100.