WAC 173-460-040 New source review. (1) Applicability and exemp-
tions. This chapter supplements the new source review requirements of
WAC 173-400-110 by adding review requirements for new and modified
toxic air pollutant sources. An action that is exempt from new source
review under WAC 173-400-110 (4) or (5) is exempt under this chapter
as well, except that a local air authority may adopt its own list of
exemptions in accordance with RCW 70.94.331 (2)(b) to operate in lieu
of or in addition to the exemptions in WAC 173-400-110 (4) and (5). An
action that requires a notice of construction application under WAC
173-400-110 is subject to the review requirements of this chapter, un-
less the emissions before control equipment of each TAP (rounded to
two significant digits) from a new source or the increase in emissions
from each modification is less than the applicable de minimis emission
threshold for that TAP listed in WAC 173-460-150.

(2) New source review of a modification is limited to the emis-
sion unit or units proposed to be modified and the TAPs whose emis-
sions would increase as a result of the modification.

(3) The permitting authority that is reviewing a notice of con-
struction application for a new or modified toxic air pollutant source
must ensure that:

(a) The new or modified emission units use tBACT for emissions
control for the TAPs with emission increases that trigger the need to
submit a notice of construction application; and

(b) The new or modified emission units comply with WAC
173-460-070 as demonstrated by using the procedures established in WAC
173-460-080 or, failing that, demonstrates compliance by using the ad-
ditional procedures in WAC 173-460-090 and/or 173-460-100.