Applications, registration and licensing. This section describes the information requirements for approval to construct, modify, and operate an emission unit. Any notice of construction (NOC) requires the submittal of the information listed in Appendix A. Complex projects may require additional information. The applicant should contact the department early in the conceptual design phase for guidance on applicable control technologies to consider.

Appendices B and C outline the procedures to demonstrate compliance with the BARCT and ALARACT standards. Based on the Appendix A information provided, the department may advise the applicant which subset of technologies to consider as candidates for meeting BARCT or ALARACT requirements.

For those facilities subject to the operating permit regulations in chapter 173-401 WAC, the radioactive air emissions license will be incorporated as an applicable portion of the air operating permit issued by the department of ecology or a local air pollution control authority. The department will be responsible for determining the facility’s compliance with and enforcing the requirements of the radioactive air emissions license.

1) Requirements for new construction or modification of emission units.
   (a) Early in the design phase, the applicant shall submit a NOC containing the information required in Appendix A.
   (b) Within thirty days of receipt of the NOC, the department shall inform the applicant if additional information is required. The department may determine, on the basis of the information submitted, that the requirements of BARCT or ALARACT have been met, or may require the applicant to submit a BARCT or ALARACT demonstration compatible with Appendix B or C, respectively.
   (c) Within sixty days of receipt of all required information, the department shall issue an approval or denial to construct. The department may require changes to the final proposed control technology.
   (d) The applicant may request a phased approval process by so stating and submitting a limited application. The department may grant a conditional approval to construct for such activities as would not preclude the construction or installation of any control or monitoring equipment required after review of the completed application.
   (e) The department shall issue a license, or amend an existing license, authorizing operation of the emission unit(s) when the proposed new construction or modification is complete. For facilities subject to the air operating permit requirements of chapter 173-401 WAC, the license shall become part of the air operating permit issued by the department of ecology or a local air pollution control authority. For new construction, this action shall constitute registration of the emission unit(s).

2) Requirements for modification of unregistered emission units that are not exempt from these regulations.
   (a) The applicant shall submit an application containing the information required in Appendix A.
   (b) Within thirty days of receipt of the application, the department shall inform the applicant if additional information is required. The department may determine, on the basis of the information submitted, that the requirements of BARCT or ALARACT have been met, or may require the applicant to submit a BARCT or ALARACT demonstration compatible with Appendix B or C, respectively.
   (c) Within sixty days of receipt of all required information, the department shall issue or amend the license. For facilities subject to
the air operating permit requirements of chapter 173-401 WAC, the li-
cense shall become part of the air operating permit issued by the de-
partment of ecology or a local air pollution control authority. This
action shall constitute registration of the emission unit(s). A deter-
mination of noncompliance may result in the issuance of a notice of
violation.

(d) The department reserves the right to require the owner of an
existing, unregistered emission unit to make modifications necessary
to comply with the applicable standards of WAC 246-247-040.

(3) If an emission unit is in violation of any standards con-
tained in WAC 246-247-040, the facility shall either submit a compli-
ance plan which describes how it intends to achieve compliance with
the standards, or cease operation of the emission unit(s). The facility
shall submit the compliance plan within forty-five days of the no-
tice of violation. The cessation of operation of the emission unit(s) shall
not necessarily exempt the facility from the requirements of
this chapter if active or passive ventilation and radioactive air
emission controls will still be required. The department reserves the
right to take further enforcement action, if necessary, in accordance
with WAC 246-247-100.

(4) The facility shall notify the department at least seven cal-
endar days prior to any planned preoperational tests of new or modi-
fied emission units that involve emissions control, monitoring, or
containment systems of the emission unit(s). The department reserves
the right to witness or require preoperational tests involving the
emissions control, monitoring, or containment systems of the emission
unit(s).

(5) The license shall specify the requirements and limitations of
operation to assure compliance with this chapter. The facility shall
comply with the requirements and limitations of the license.

(6) All radioactive air emissions licenses issued by the depart-
ment, except those issued to radioactive materials licensees, shall
have an expiration date of five years from date of issuance or as
specified in the air operating permit. For radioactive material licen-
sees, the requirements and limitations for the operation of emission
units shall be incorporated into their radioactive materials license,
and shall expire when the radioactive materials license expires.

(7) Each federal facility that comes under the authority of this
chapter shall hold one license for each site, base, or installation. When applicable, the license shall be part of the facility's air oper-
ating permit.

(8) Facilities may request a single categorical license which
identifies limits and conditions of operation for similar multipurpose
temporary or portable emission units. When applicable, the license
shall be part of the facility's air operating permit.

(9) All facilities with licensed emission units, except for radi-
active materials licensees, shall submit a request to the department
for renewal of their radioactive air emissions license at least sixty
days prior to expiration of the license or as required by the air op-
erating permit. All renewal requests shall include a summary of the
operational status of all emission units, the status of facility com-
pliance with the standards of WAC 246-247-040, and the status of any
corrective actions necessary to achieve compliance with the require-
ments of this chapter. Facilities with licensed emission units that
also hold a radioactive materials license issued by the department
shall submit this information along with their radioactive material
license renewal submittal. If the department is unable to renew a ra-
dioactive air emissions license before its expiration date, the exist-
ing license, with all of its requirements and limitations, remains in
force until the department either renews or revokes the license.

(10) For commercial nuclear power plants or any other thermal en-
ergy facility subject to chapter 80.50 RCW and to the requirements of
this chapter, the radioactive air emissions license and amendments
thereto shall be issued pursuant to a memorandum of agreement between
the energy facility site evaluation council (EFSEC) and the depart-
ment.

[Statutory Authority: RCW 70.98.050 and 70.98.080. WSR 18-01-083, §
246-247-060, filed 12/15/17, effective 1/15/18. Statutory Authority:
Chapters 70.98 and 70.94 RCW and chapter 173-480 WAC. WSR 94-07-010, §
43.70.040. WSR 91-02-049 (Order 121), recodified as § 246-247-060,
filed 12/27/90, effective 1/31/91. Statutory Authority: Chapter 70.98
RCW. WSR 88-17-060 (Order 2671), § 402-80-065, filed 8/17/88.]