

WAC 173-434-110 Standards of performance. (1) Notwithstanding WAC 173-400-115, the following sections of 40 C.F.R. part 60, subpart Eb, in effect on July 1, 2003, are hereby incorporated by reference with the exceptions in subsection 110(2):

(a) 40 C.F.R. part 60, subpart Eb, subsections 60.52b (a)(3), (a)(5), (b)(2), (c)(1), and (c)(2);

(b) All the rest of 40 C.F.R. part 60, subpart Eb.

(2) Exceptions.

(a) The 250 tons per day figures throughout 40 C.F.R. part 60, subpart Eb shall be 12 tons per day;

(b) The terms "municipal solid waste," "municipal type solid waste," and "MSW" in subpart Eb shall include all materials that fit the definition of solid waste in this chapter;

(c) 40 C.F.R. part 60, subpart Eb, subsection 60.50b(j) shall not be incorporated by reference with respect to facilities constructed, reconstructed or modified after December 1, 2003;

(d) The November 20, 1997, dates in subsection 60.52b(c) are changed to November 20, 2005.

(3) Except for WAC 173-434-130 (4)(c), the following sections, WAC 173-434-090, 173-434-130, 173-434-160, 173-434-170, 173-434-190 and 173-434-200 shall not apply to:

(a) An incinerator facility regulated under this section; and

(b) An incinerator facility that elects to become subject to this section in an order of approval or other regulatory order from the permitting agency.

(4) The effective date of this section shall be May 1, 2004.

[Statutory Authority: RCW 70.94.331 and 70.94.510. WSR 04-01-159 (Order 02-05), § 173-434-110, filed 12/22/03, effective 1/22/04. Statutory Authority: RCW 70.94.331. WSR 90-19-062 (Order 90-10), § 173-434-110, filed 9/17/90, effective 10/18/90. Statutory Authority: Chapter 70.94 RCW. WSR 87-07-041 (Order 86-38), § 173-434-110, filed 3/16/87.]