

WAC 173-460-040 New source review. (1) Applicability and exemptions. 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, unless the emissions before control equipment of each toxic air pollutant 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 emission unit or units proposed to be modified and the TAPs whose emissions would increase as a result of the modification.

(3) The permitting authority that is reviewing a notice of construction 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 toxic air pollutants 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 additional procedures in WAC 173-460-090 and/or 173-460-100.

[Statutory Authority: Washington Clean Air Act, RCW 70.94.152. WSR 09-11-131 (Order 05-19), § 173-460-040, filed 5/20/09, effective 6/20/09. Statutory Authority: Chapter 70.94 RCW. WSR 94-03-072 (Order 93-19), § 173-460-040, filed 1/14/94, effective 2/14/94. Statutory Authority: RCW 70.94.331. WSR 91-13-079 (Order 90-62), § 173-460-040, filed 6/18/91, effective 9/18/91.]