

ARTICLE 7: OPERATING PERMITS

SECTION 7.01 PURPOSE Adopted 10/28/93 (766)

Revised 09/28/23 (1469)

The purpose of this article is to provide for a comprehensive operating permit program consistent with the requirements of Title V of the federal Clean Air Act Amendments of 1990 and its implementing regulation 40 CFR Part 70, and RCW 70A.15.2260 and its implementing regulation Chapter 173-401 of the Washington Administrative Code.

SECTION 7.03 APPLICABILITY Adopted 10/28/93 (766),

Revised 09/09/99 (895), 07/22/04 (1031)

The provisions of this article apply to all Chapter 401 sources subject to the requirements of chapter 173-401 WAC.

SECTION 7.05 COMPLIANCE Adopted 10/28/93 (766)

It shall be unlawful for any person to cause or allow the operation of any source subject to the requirements of WAC 173-401 without complying with the provisions of WAC 173-401 and any permit issued under its authority.

SECTION 7.07 OPERATING PERMIT FEES Adopted 10/28/93 (766)

Revised 09/08/94 (798), 09/14/95 (821), 09/12/96 (839), 09/11/97 (856), 09/10/98 (871), 09/09/99 (894), 07/13/00 (925), 06/14/01 (946), 10/11/01 (957), 05/23/02 (970), 05/22/03 (995), 07/22/04 (1031), 05/22/08 (1119), 05/24/12 (1244), 09/26/13 (1286), 04/28/22 (1449), 04/27/23 (1462), 04/25/24 (1477), 04/24/25 (1491)

- (a) The Agency shall assess annual operating permit fees as set forth in Section 7.07(b) below to cover the cost of administering the operating permit program.
- (b) Upon assessment by the Agency, the following annual operating permit fees are due and payable within 45 days of the invoice date. They shall be deemed delinquent if not fully paid within 90 days of the date of the invoice and will be subject to an additional delinquent fee equal to 25% of the original fee, not to exceed \$8,125. In addition, persons knowingly under-reporting emissions or other information used to set fees, or persons required to pay emission or permit fees who are more than 90 days late with such payments may be subject to a penalty equal to 3 times the amount of the original fee owed (in addition to other penalties provided by chapter 70A.15 RCW).
 - (1) Sources in the following North American Industry Classification System (NAICS) codes (*North American Industry Classification System Manual*, U.S. Executive Office of the President, Office of Management and Budget, 2012), or sources subsequently determined by the control officer to be assigned to either Section 7.07(b)(1)(i) or 7.07(b)(1)(ii) shall be subject to the following facility fees:

(i) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
221112	Fossil Fuel Electric Power Generation	
324110	Petroleum Refineries	
327213	Glass Container Manufacturing	
327310	Cement Manufacturing	
331110	Iron and Steel Mills and Ferroalloy Manufacturing	
336411	Aircraft Manufacturing	
336413	Other Aircraft Parts and Auxiliary Equipment Manufacturing	
562212	Solid Waste Landfill	
928110	National Security	
	\$91,346

(ii) Operating permit sources with the following NAICS codes:

NAICS	NAICS Description	Fee
311119	Other Animal Food Manufacturing	
311812	Commercial Bakeries	
321912	Cut Stock, Resawing Lumber, and Planing	
321918	Other Millwork (including Flooring)	
321999	All Other Miscellaneous Wood Product Manufacturing	
322220	Paper Bag and Coated and Treated Paper Manufacturing	
326140	Polystyrene Foam Product Manufacturing	
332996	Fabricated Pipe and Pipe Fitting Manufacturing	
	\$22,834

(iii) Operating permit sources with NAICS codes
other than listed above\$45,679

- (2) Additional emission rate fees shall be paid in addition to the annual operating permit fees of Section 7.07(b)(1):
 - \$30 for each ton of CO reported in the previous calendar year, and
 - \$60 for each ton of NO_x reported in the previous calendar year, and
 - \$60 for each ton of PM₁₀ reported in the previous calendar year, and
 - \$60 for each ton of SO_x reported in the previous calendar year, and
 - \$60 for each ton of VOC reported in the previous calendar year, and
 - \$60 for each ton of HAP reported in the previous calendar year.
- (c) In addition to the fees under Sections 7.07(b)(1) and (b)(2) above, the Agency shall, on a source-by-source basis, assess the following fees:
 - (1) \$500 for administrative permit amendments [WAC 173-401-720], and
 - (2) for minor permit modifications [WAC 173-401-725(2) and (3)], a fee equal to 10% of the annual operating permit fee, not to exceed \$8,125, and
 - (3) for the original issuance [WAC 173-401-700], significant modification [WAC 173-401-725(4)], reopening for cause [WAC 173-401-730], or renewal [WAC 173-401-710] of an operating permit, a fee equal to 20% of the annual operating permit fee, not to exceed \$16,250, and
 - (4) to cover the costs of public involvement under WAC 173-401-800, and
 - (5) to cover the costs incurred by the Washington State Department of Health in enforcing 40 CFR Part 61, Subpart I and chapter 246-247 WAC.
- (d) In addition to the fees described under Sections 7.07(b) and (c) above, the Agency shall collect and transfer to the Washington State Department of Ecology a surcharge established by the Department of Ecology under chapter 173-401 WAC to cover the Department of Ecology's program development and oversight costs.
- (e) Continued payment to the Agency of the annual operating permit fee maintains the operating permit and the status of the source as an operating facility.

SECTION 7.09 GENERAL REPORTING REQUIREMENTS FOR OPERATING PERMITS

Adopted 09/12/96 (839)
Revised 09/11/97 (856), 09/10/98 (870), 09/25/08 (1133), 12/15/16 (1356), 10/26/23 (1470)

- (a) **Emission Reporting.** An emission report shall be required from each owner or operator of an operating permit source, listing those air contaminants emitted during the previous calendar year that equal or exceed the following (tons/year):

carbon monoxide (CO) emissions.....	25
facility combined total of all toxic air contaminant (TAC) emissions	6
any single toxic air contaminant (TAC) emissions (excluding lead, but including lead compounds)	2
nitrogen oxide (NOx) emissions	25
particulate matter (PM10) emissions	25
particulate matter (PM2.5) emissions	25
sulfur oxide (SOx) emissions	25
volatile organic compounds (VOC) emissions	25
lead	0.5

Annual emission rates shall be reported to the nearest whole tons per year for only those air contaminants that equal or exceed the thresholds above, except lead which must be reported to the nearest tenth of a ton. The owner or operator of a source requiring a Title V operating permit under this Article shall maintain records of information necessary to document any reported emissions or to demonstrate that the emissions were less than the above amounts.

- (b) **Operation and Maintenance Plan.** Owners or operators of air contaminant sources subject to Article 7 of this regulation shall develop and implement an operation and maintenance plan to assure continuous compliance with Regulations I, II, and III. A copy of the plan shall be filed with the Control Officer upon request. The plan shall reflect good industrial practice and shall include, but not be limited to, the following:

- (1) Periodic inspection of all equipment and control equipment;
- (2) Monitoring and recording of equipment and control equipment performance;
- (3) Prompt repair of any defective equipment or control equipment;
- (4) Procedures for start up, shut down, and normal operation;
- (5) The control measures to be employed to assure compliance with Section 9.15 of this regulation; and

(6) A record of all actions required by the plan.

The plan shall be reviewed by the source owner or operator at least annually and updated to reflect any changes in good industrial practice.

- (c) **Compliance Reports.** Owners or operators of air contaminant sources subject to Article 7 of this regulation shall submit complete copies of all required compliance reports to this Agency in electronic format as an attachment to an e-mail message. The date the report is received by the Agency e-mail system shall be considered the submitted date of the report. An email message to the Agency with a link to a file-sharing or folder-sharing site requiring a document download by the Agency will not meet the requirement in this section. Nothing in this section waives or modifies any requirements established under other applicable regulations.