



## Executive Memorandum

**Date of Release:** March 5, 2020  
**Date of Consideration:** March 12, 2020  
**To:** Board of Directors  
**From:** Office of the Compliance, Engineering and Planning Division  
**Subject:** Draft Staff Report and Proposed Recommendations for updating YRCAA Regulation 1

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### Issue:

YRCAA Regulation 1 was last reviewed and updated in 2002. The regulation now requires updating for the following reasons:

- References Washington Administrative Codes (WACs) that are no longer in effect
- References outdated WACs
- References a control area that is no longer relevant to the agency's mission
- References repealed sections of the previously adopted Regulation 1
- Is required to be updated before the agency can submit the federally required updates to the Carbon Monoxide (CO) or PM<sub>10</sub> Limited Maintenance Plans (LMPs).

### Recommendation(s):

Accept and approve.

### Discussion:

On April 11, 2019, the Director presented the Board with the Preliminary Planning Report for updating YRCAA Regulation 1, which was adopted on March 8, 2000. The regulation were amended on October 9, 2002. Staff is providing the Board with the adoption history of YRCAA Regulation 1 (attached). Since the amendments of 2002, federal and state regulations have changed and the amended YRCAA Regulation 1 was not included in the State Implementation Plan (SIP). In addition, YRCAA has Limited Maintenance Plans (LMP), one for PM<sub>10</sub> and one for Carbon Monoxide (CO). Both LMP's have been approved by the United States Environmental Protection Agency (USEPA). YRCAA Regulation 1 also must be updated to address the revised National Ambient Air Quality Standards (NAAQS). In addition, our agency's last approved SIP was in 1995.

Preliminary planning discussions were conducted with the USEPA and the Washington State Department of Ecology (Ecology). These discussions resulted in agreement between YRCAA, USEPA and Ecology about what changes were needed for updating the regulation. The proposed changes are presented in the attached draft Regulation 1. The preliminary agreement on the proposed language between the USEPA, Ecology and the YRCAA assures the acceptance of the proposed draft into the SIP. In accordance with YRCAA Administrative Code attached is the proposed rule update, the schedule for public



involvement, an adoption history, and a Washington State Code Reviser Filing Calendar. As shown in the schedule, the agency will conduct two workshops, one in Sunnyside on April 17, 2020 and a second on April 29, 2020 at the agency office. In addition, we will post this report and all attachments on the agency website once the Board votes affirmatively to move forward with the proposed changes.

Attachments:

- Proposed Regulation 1
- Proposed Rule making Schedule
- Code Reviser Filing Calendar
- Adoption history

**REGULATION 1 OF THE  
YAKIMA REGIONAL CLEAN AIR ((AUTHORITY)) AGENCY**

**YAKIMA REGIONAL CLEAN AIR ((AUTHORITY)) AGENCY  
YAKIMA, WASHINGTON ((98901))**

Recommend Approval \_\_\_\_\_  
Keith M. Hurley, Air Pollution Control Officer      Date \_\_\_\_\_

Amended this      day of 2020 by the Board of Directors,

**Yakima Regional Clean Air Agency**

**Yakima, Washington**

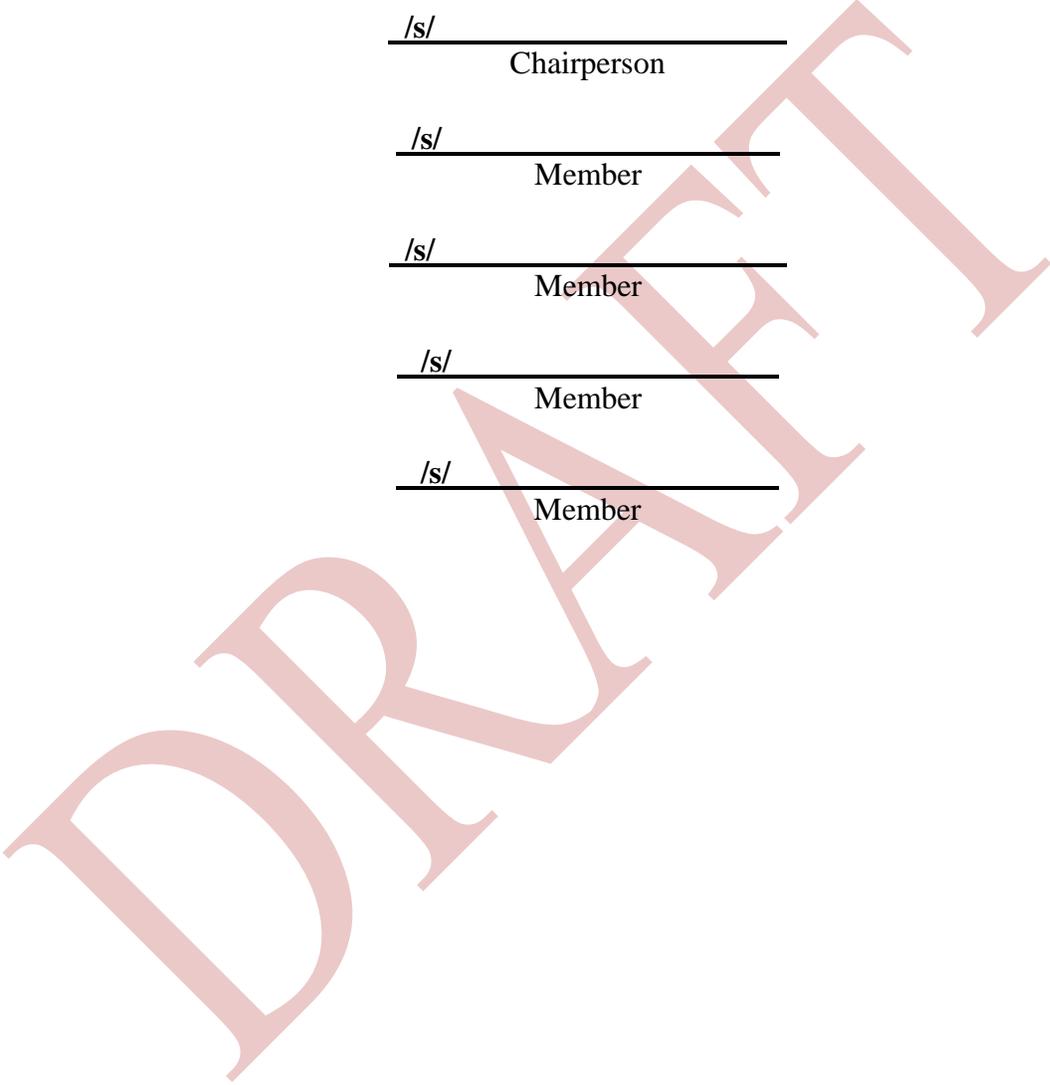
/s/ \_\_\_\_\_  
Chairperson

/s/ \_\_\_\_\_  
Member

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## AMENDATORY SECTIONS

### ARTICLE 1 - GENERAL ADMINISTRATIVE PROVISIONS

#### 1.01 NAME OF ~~((AUTHORITY))~~ AGENCY.

This agency is known as the Yakima Regional Clean Air ~~((Authority))~~ Agency, and in this regulation it is referred to as the ~~((“authority”))~~ “agency” or “YRCAA”

#### 1.02 SHORT TITLE.

This body of regulations is known as the "Regulation 1 of the Yakima Regional Clean Air ~~(( Authority))~~ Agency" and ~~((from this section forward it will be))~~ is referred to as ~~((the "regulations"))~~ “Regulation 1.”

#### 1.03 POLICY.

This section implements the Washington Clean Air Act (WCAA) by doing the following:

- A. PUBLIC POLICY.** Securing and maintaining levels of air quality that will:
1. Protect human health and safety;
  2. Prevent injury to plant and animal life and property;
  3. Foster comfort and convenience;
  4. Promote economic and social development;
  5. Facilitate the enjoyment of natural attractions;
  6. Prevent or minimize the transfer of air pollution ~~((App. A))~~ to other resources;
  7. Ensure equity and consistency with the FCAA ~~((App. B))~~ and WCAA ~~((App. B))~~;
  8. Educate and inform the citizens of Yakima ~~Co.~~ County on air quality matters;
  9. Maintain accurate and current policies, regulations, and rules;
  10. Perform administrative actions in a timely and effective manner; and
  11. Cooperate with the local governments, the Yakama Nation, organizations or citizens on air quality matters.
- B. PROCEDURES AND STANDARDS.** Controlling air pollution through procedures, standards, permits, and programs.
- C. COMPLIANCE WITH ADOPTED STANDARDS.** Ensuring compliance with all air quality rules and standards, permits, and programs.
- D. COOPERATION AND COORDINATION.** Cooperating and coordinating with federal, state, county, local, and tribal governments; governmental agencies;

organizations; businesses; and the public in all matters related to air pollution characterization, measurement, and control.

- E. STRATEGIC PLANNING.** Developing strategies to avoid, reduce, or prevent air pollution through:
  - 1. Innovative solutions;
  - 2. Early planning; and
  - 3. The integration of air pollution control in the work of other agencies and businesses.
- F. GUIDELINES.** Preparing guidelines which interpret, implement, and enforce these regulations.
- G. BUSINESS ASSISTANCE POLICY.** Providing reasonable business and technical assistance to the community.
- H. STATE ENVIRONMENTAL POLICY ACT (SEPA).** Fully complying with all the requirements of the SEPA ~~((App. B))~~ and holding other agencies, businesses, and individuals accountable for decisions within the jurisdiction of the ~~authority~~ agency.
- I. STATE IMPLEMENTATION PLAN (SIP).** Fully complying with the SIP ~~((App. B)-Changes in the SIP will be implemented through general rules or regulatory orders.))~~

#### **1.04 ((GENERAL)) APPLICABILITY.**

~~((All activities, persons, and businesses under the jurisdiction of this authority are subject to all provisions of these regulations except as described in a variance issued under subsection 3.00D (pg. 3-1), a specific exemption granted under subsection 3.03H (pg. 3-12), or granted exemptions from specific subsections. Implementation of these regulations may be through permits or orders that provide for equal or greater effectiveness in minimizing the effects of an existing or potential source of air pollution.))~~

- A.** The agency implements and enforces the Washington Administrative Code (WAC) adopted by Ecology under the authority in chapter 70A.94 RCW, as in effect now and including all future amendments, except where specific provisions of Regulation 1 apply;
- B.** The provisions of this regulation shall apply within Yakima County of Washington State, excluding all lands located within the external boundaries of the Yakama Indian Nation;
- C.** The agency is authorized to enforce this regulation and may also adopt standards or requirements;

- D.** The agency does not have jurisdiction over the following sources:
1. Specific source categories over which the state, by separate regulation, has assumed or hereafter does assume jurisdiction;
  2. Automobiles, trucks, aircraft; and
  3. Those sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC) through chapter 80.50 RCW.

## **1.05 ROLES AND RESPONSIBILITIES.**

- A. THE ((AUTHORITY)) AGENCY.** The ((authority)) agency is a municipal corporation with the vested powers and duties ((rights)) in RCW 70A.94.081 ((WCAA (App. B) and exercising)) within its jurisdiction ((within)) in Yakima County, ((, WA.))
- B. THE BOARD OF DIRECTORS.** The governing body of the ((authority)) agency is the board of directors. The board has the power to:
1. Adopt, amend and repeal its own rules and regulations in accordance with chapter ((RCW)) 42.30 RCW, Open Public Meetings Act and chapter ((RCW)) 34.05 RCW, Administrative Procedure Act;
  2. Hold hearings relating to any aspect related to the administration of the WCAA and other applicable law;
  3. Issue any orders necessary to carry out the functions of the WCAA and enforce them by all appropriate administrative and judicial proceedings;
  4. Require access to records, books, files and other information specific to the control, recovery or release of air pollutants into the atmosphere;
  5. Obtain necessary scientific, technical, administrative and operational services, including laboratory facilities, by contract or otherwise;
  6. Prepare and develop comprehensive plans for the prevention, abatement and control of air pollution;
  7. Encourage voluntary cooperation by persons or affected groups to achieve the purposes of the state and federal laws and regulations;
  8. Encourage and conduct studies, investigation and research relating to air pollution and its causes, effects, prevention, abatement and control;
  9. Collect and disseminate information and conduct educational and training programs relating to air pollution;
  10. Consult, cooperate, or contract with other agencies, departments, educational institutions, governments, and interested persons or groups.
  11. Accept, receive, disburse and administer grants or other funds or gifts from any source, including public and private agencies and the United States government for the purpose of carrying out the functions of WCAA and other applicable laws.
  12. Appoint an Air Pollution Control Officer (APCO) whose sole responsibility shall be to observe and enforce the provisions of chapter 70A.94 RCW and all orders, ordinances, resolutions, or rules and regulations of such activated authority pertaining to the control and prevention of air pollution.

13. The board may appoint an air pollution control advisory council to advise and consult with such board, and the control officer in effectuating the purposes of chapter 70A.94 RCW.
14. Approve legal action.

**C. DUTIES OF THE AIR POLLUTION CONTROL OFFICER.** The ~~((air pollution control officer))~~ ~~((APCO))~~ is appointed by the board and serves as the Executive Director of the agency. The APCO observes and enforces state and federal laws, orders, ordinances, and regulations of the ~~((authority))~~ agency pertaining to the control and prevention of air pollution. The APCO shall implement Regulation 1 consistent with:

1. Applicable federal and state laws and regulations;
2. County and/or city municipal ordinances where they are at least as stringent as those of the agency; and
3. Policies and directives of the board unless specifically limited elsewhere in this regulation or by other laws or regulations.

**D. SIGNING AUTHORITY.** The APCO shall take the following actions for the agency:

1. Sign official complaints, issue notices of violations, impose penalties, issue permits, sign regulatory or approval orders, sign contracts, and administrative correspondence.
2. Approve SEPA documents as the Responsible Official.
3. Apply to any court for necessary orders.

**E. ADVISORY COUNCIL.** The board may appoint an advisory council to advise and consult with the board and the APCO in implementing these regulations. The board may submit to the advisory council recommendations for the adoption or modification of regulations or emission standards or other matters that it considers appropriate.

## **1.06 RECORDS.**

**A. PURPOSE.** To define the policy for protecting records and making them available to the public.

**B. APPLICATION.** To provide access to any information available under federal or state law concerning the business of the ~~((authority))~~ agency. The provisions of this section shall be interpreted to assure continuing public confidence in the ~~((authority))~~ agency.

**C. PUBLIC RECORDS.**

1. **Availability.** All public records of the ~~((authority))~~ agency are available for public inspection and copying during normal working

hours at the office of the ((authority)) agency.

2. **Legal Exemptions.** Availability of public records is subject to exemptions and requirements of chapters 42.56 and 70A.94 RCW ((RCW 42.17.31056 and RCW 70.94.))
3. **Process.** All requests for records shall be processed according to chapter 42.56 RCW ((RCW 42.17.56)) and the current YRCAA Administrative Code part C ((fee schedule.))

**D. CONFIDENTIAL RECORDS.**

1. **Availability.** Whenever the ((authority)) agency obtains any information, other than ambient air quality data or emission data, which:
  - a. The owners or operators certify in writing that the information relates to unique processes or production or the release of the information will likely have an adverse effect on the competitive position of the source; and
  - b. Subject to review and approval by the ((authority)) agency; then
  - c. The information is only for the confidential use of the authority agency.
2. **Summaries for Publication.** The ((authority)) agency may use confidential information to compile or publish analyses or summaries of the outdoor atmosphere; if:
  - a. The analyses or summaries do not reveal any information otherwise confidential under the provisions of this subsection; and
  - b. The emission data given to the ((authority)) agency is correlated with applicable emission limitations and other control measures and shall be available for public inspection at the office of the ((authority)) agency.

**1.07 GENERAL PROVISIONS.**

**A. COMPLIANCE.** Failure to comply with any of the following is a violation of this regulation, and may result in either civil or criminal penalties;

1. Federal Clean Air Act (FCAA) ((~~App. B.~~))
2. Washington State Clean Air Act (WCAA) ((~~App. B.~~)),
3. Code of Federal Regulations (CFR) ((~~issued by EPA.~~))
4. Washington Administrative Code (WAC) issued by Ecology,
5. Any section, subsection, or appendix of this regulation,
6. Any permit requirement, or
7. Any order or approval issued by the ((authority)) agency.

**B. FALSE OR MISLEADING INFORMATION.** ((~~No person shall:~~

1. **False Statements.** (~~WAC 173-400-105 (7) Make any false materials-statement, representation or certification in any form, notice or report required under this regulation, resolution, permit or order of the authority or by WCAA (App. A);~~) No person shall make any false material statement, representation or certification in any form, notice or report required under chapter 70A.94 RCW, or any ordinance, resolution, regulation, permit or

order in force pursuant thereto.

2. **Monitoring Devices.** ~~((WAC 173-400-105 (8)) Render inaccurate any monitoring device or method required under this regulation, resolution, permit or order of the authority or by WCAA (App. A.))~~ No person shall render inaccurate any monitoring device or method required under chapter 70A.94 RCW, or any ordinance, resolution, regulation, permit, or order in force pursuant thereto.
- C. **ALTERED DOCUMENTS.** No person shall reproduce or alter any order, registration certificate, or other paper issued by the ~~((authority))~~ agency which evades or violates or aids the evasion or violation of any provision of this regulation or any other law.
- D. **AVAILABILITY OF ORDERS.** Any order or registration certificate required to be obtained by this regulation, shall be available on the premises designated on the order or certificate.
- E. **POSTING OF NOTICES.** No person shall mutilate, obstruct or remove any notice posted by the ~~((authority))~~ agency unless authorized by the board or the APCO.
- F. **SEVERABILITY.** If a section of this regulation is declared unconstitutional or the application of a section is held invalid, the remainder of the regulation shall not be affected.
- G. **WAIVER.** Nothing in this regulation is intended to impair any cause of action or legal remedy by a person or the public, for the injury or damage from the emission of any air contaminant.
- H. **REVISIONS.** The board may elect to open the entire regulation, an article, individual sections, specific subsections, or appendices for future revision at any time without opening the remainder of the regulation.
- I. **DISCLAIMER.** Nothing in this regulation relieves a person ~~((App. A.))~~ from the obligation to comply with laws, regulations, and standards of state or federal agencies.
- J. **DEFINITIONS, ACRONYMS, AND ABBREVIATIONS.**
  1. **Commonly Used Definitions.** ~~((The d-))~~ Definitions of terms ~~((and phrases))~~ used in ~~(( more than one section of the))~~ this regulation are located in appendix A<sub>2</sub> ~~((, and they are identified in the text with (App. A) following the term. When a definition is copied or abstracted from another source, the source is identified.))~~
  2. **Commonly Used Acronyms and Abbreviations.** Commonly used acronyms and abbreviations are defined in appendix B<sub>2</sub> ~~((, and they are identified in the~~

text with (*App. B*).))

3. (~~**(Specific Definitions.** The definitions of terms and phrases used in only one section of the regulation are located in the beginning of the section, and they are identified in text with a (\*) following the term.~~)
4. (~~**(Part of the Regulation.** The definitions of terms, phrases, acronyms, and abbreviations are an integral part of this regulation.~~)

**1.08 EFFECTIVE DATE.** These regulations are effective as of the date of adoption.

**REPEAL SECTIONS 1.09 REVOCATIONS.**

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**AMENDATORY SECTIONS**

**ARTICLE 2 - GENERAL REGULATIONS**

**2.01 AUTHORITY AND INVESTIGATION ~~((AIR POLLUTION CONTROL OFFICER-  
POWERS AND DUTIES.))~~**

- ~~((A. **POWERS AND DUTIES.** The board shall appoint an air pollution control officer (APCO) competent in the field of air pollution control whose responsibility shall be to implement these regulations in a manner consistent with:~~
- ~~1. Applicable federal and state laws and regulations;~~
  - ~~2. County and/or city municipal ordinances where they are at least as stringent and effective as those of the authority agency; and~~
  - ~~3. Policies and directives of the board unless specifically limited elsewhere in this regulation or by other laws or regulations.))~~
- A. DELEGATED AUTHORITY.** ~~((When))~~ In this regulation, the term “APCO” ~~((is used in this regulation, it also))~~ applies to any authorized representative of the ~~((authority))~~ agency conducting official business on behalf of ~~((for))~~ the APCO. ~~((App. B) and the authority.))~~
- B. INVESTIGATIONS.** The APCO may make ~~((reasonable))~~ investigations or inspections.
- 1. Purpose of Investigations.** To investigate or inspect conditions for the control, recovery or release of air pollutants into the atmosphere.
  - 2. Scope of Investigations.** These investigations or inspections shall be limited to investigating and/or enforcing the following:
    - a. *Bona fide* complaints about an alleged violation of this regulation, an amendment, or revision;
    - b. An alleged or actual violation of this regulation, an amendment, or revision;
    - c. An alleged or actual violation of a federal or state law or regulation enforced by the ~~((authority))~~ agency;
    - d. Any permit, order, or condition of approval issued by the ~~((authority))~~ agency;
    - e. Periodic testing and inspection of any source ~~((app. A))~~; or
    - f. Any other records, files, or other information obtained under B 1 above. ~~((that relate to subsection 2.01C1 (pg. 2-1)))~~
- C. RIGHT TO OBTAIN SAMPLES.**
- 1. Notification of Owner or Lessee.** If, during the course of an inspection, the APCO desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, the APCO shall notify the owner or lessee of the time and place of obtaining a sample.
  - 2. Owner/Operator Sampling.**

- a. The owner or operator may take a sample at the same time, place, and method as the sample taken by the APCO.
- b. As an alternative the owner or operator may request a representative portion of the sample taken by the APCO.
- c. The representative sample shall not be provided to the owner or operator if the actions needed to obtain the representative sample can compromise the ability of the APCO to obtain an accurate sample.

3. **Receipt for Sample.** If requested the APCO shall give a receipt to the owner or operator for the sample obtained.

**D. MAINTAIN RECORDS.** The APCO shall maintain appropriate records and prepare periodic reports to the board.

~~(E. **SIGNING AUTHORITY.** The APCO is authorized by the board to take the following actions for the authority:~~

- ~~1. To sign official complaints, issue notices of violations, impose penalties, issue permits, sign regulatory or approval orders, sign contracts, and administrative correspondence.~~
- ~~2. To approve SEPA (*App. B*) documents as the Responsible Official.~~
- ~~3. To apply to any court for necessary orders.)~~

**E. LEGAL ACTION.** When directed by the board (~~((approves))~~), the APCO may commence legal action. Nothing in this regulation may be construed to limit the APCO from using any other legal means to enforce the provisions of these regulations.

## 2.02 AUTHORITY TO COLLECT FEES.

**A. LEGAL AUTHORITY.** The WCAA (~~((App. B))~~) authorizes the ~~((authority))~~ agency to assess fees and recover costs for permits, registrations, and professional services.

**B. ~~((CHARGES))~~ FEES.** All fees will comply with the board approved fee schedule. ~~((Charges))~~ Fees may include but are not limited to the following:

1. Reimbursement of ~~((authority))~~ agency staff time for review of complex projects or lengthy enforcement actions;
2. Costs incurred by the ~~((authority))~~ agency for the implementation of the air operating permit program ~~((as defined))~~ in WAC 173-401-905 and WAC 173-401-940 (1).
3. Reimbursement of ~~((authority))~~ agency staff time for costs to prepare notices of construction and initial Synthetic Minor (SM) ~~((App. A & B))~~ regulatory orders;
4. Reimbursement ~~((to a minimum of 50%))~~ of ~~((the))~~ all costs incurred for administration of the annual registrations program, including periodic

inspections;

5. Charges from Ecology (~~((App. B))~~) for state level support and oversight work; and
6. (~~((Appropriate))~~) Charges incurred by other agencies and requested to be collected shall be billed as part of a penalty.

**C. REFUNDS.**

1. The following fees are non-refundable:
  - a. Actual costs incurred by the (~~((authority))~~) agency.
  - b. Application fees.
2. Fees collected in excess of actual costs will be refunded without interest.
3. Fees collected in error will be refunded with interest.

**D. FEES.**

1. **Adoption of Fee Schedules.** Fee schedules shall be adopted by board resolution ~~under~~ pursuant to the requirements (~~((authority))~~) of (~~((RCW))~~) chapter 42.30 RCW (Open Public Meetings Act) ((at any time after receiving public comment)).
2. **Availability of Fee Schedules and Related Information.** The fee schedule and billing rate schedule for reimbursable fees shall be made available upon request or may be obtained from the agency website.

**2.03 APPLICABLE STATE AND FEDERAL REGULATIONS.**

The (~~((authority))~~) agency implements and enforces the following air pollution rules. ((WAC (App. B) and CFR (App. B))) Definitions contained within the following listed rules in effect now and including all future amendments apply, except for specific definitions in Appendix A of YRCAA Regulation 1.

**A. STATE REGULATIONS.**

Chapter 173-400 WAC	General Regulations for Air Pollution Sources
Chapter 173-401 WAC	Operating Permit Regulation
Chapter 173-420 WAC	Conformity of Transportation Activities to Air Quality Implementation Plans
Chapter 173-425 WAC	Open Burning
Chapter 173-430 WAC	Agricultural Burning
Chapter 173-433 WAC	Solid Fuel Burning Device Standards
Chapter 173-434 WAC	Solid Waste Incinerator Facilities
Chapter 173-435 WAC	Emergency Episode Plans
Chapter 173-450 WAC	Establishing Requirements for the Receipt of Financial Aid
Chapter 173-460 WAC	Controls for New Sources of Toxic Air Pollutants
<del>Chapter 173-470 WAC</del>	<del>Ambient Air Quality Standards For Particulate Matter;</del>
<del>Chapter 173-474 WAC</del>	<del>Ambient Air Quality Standards for Sulphur Oxides ;</del>

<del>Chapter 173-475 WAC</del>	<del>Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide;))</del>
Chapter 173-476 WAC	<u>Ambient Air Quality Standards</u>
Chapter 173-481 WAC	Ambient Air Quality and Environmental Standards for Fluorides
Chapter 173-491 WAC	Emission Standards and Controls for Sources Emitting Gasoline Vapors
Chapter 173-806 WAC	Model Ordinance
Chapter 197-11 WAC	SEPA ( <del>(App. B)</del> ) Rules.

**B. FEDERAL REGULATIONS.**

For purposes of this regulation, the agency adopts by reference the following federal rules in effect on September 1, 2020:

40 CFR Part 51	Requirements for Preparation, Adoption, and Submittal of Implementation Plans
40 CFR Part 52 Subpart A Subpart WW	Approval and Promulgation of Implementation Plans; General Provisions; and Washington
40 CFR Part 58	Ambient Air Quality Surveillance
40 CFR Part 60	Standards of Performance for New Stationary Sources
40 CFR Part 61	National Emissions Standards for Hazardous Air Pollutants (NESHAPS)
40 CFR Part 63	National Emission Standards for Hazardous Air Pollutants for Source Categories
40 CFR Part 64	Compliance Assurance Monitoring;
40 CFR Part 68	Chemical Accident Prevention Provisions
40 CFR Part 70	State Operating Permit Programs
40 CFR Part 82	Protection of Stratospheric Ozone
40 CFR Part 503, Subpart A, Subpart E,	Standards for the Use or Disposal of Sewage Sludge General Provisions Incineration
40 FR Part 763	Asbestos Model Accreditation Plan.

**2.04 PUBLIC PARTICIPATION IN PERMITTING. (~~(WAC 173-400-171) – Repealed by Amendment 1)~~)**

- A. Public notices and opportunity for public comments concerning all general air pollution permits shall comply with WAC 173-400-171.
- B. Public notices and opportunity for public comments concerning all Title V Permits (Air Operating Permits) shall comply with Chapter 173-401 WAC, Part IX.

## 2.05 APPEALS

- A. **PURPOSE.** ~~This section ((Tø)) define((s the)) local policy for appeals of decisions by the APCO ((App-B)) or board.~~
- B. **APPLICABILITY.** This provision applies to an appeal of ((A)) any final written decision, order, penalty, fee, permit action, or resolution made by the APCO or board. ((may be appealed.))
- C. **PROCESS.**
1. **General Direction.** The specific details for appeals are in ~~((chap. 34.04 RCW, chap.)) RCW 34.05.060, chapter ((chap.)) 43.21B RCW, chapter ((chap.)) 70A.94 RCW, WAC 173-400-250 and WAC 173-401-735.~~
  - ~~2. **Agricultural Odors.** See subsection 3.01C3a4) for an appeal involving agricultural odors.)~~
  2. ~~3. **Mutual Settlement.**~~ **Voluntary Compliance** ~~((Nothing shall prevent the APCO or board from making efforts to obtain voluntary.))~~ Nothing in this regulation shall prevent the APCO or board from obtaining voluntary compliance through warning, mutual settlement or any other appropriate means.

**AMENDATORY SECTIONS**

**ARTICLE 3 – RULES**

**3.01 GENERAL RULES.**

- A. PURPOSE.** To establish ~~((define))~~ rules ~~((of a general nature.))~~ for sources of air pollution, outdoor and agricultural burning, use of wood heaters, burn bans, stratospheric ozone-depleting chemicals, asbestos and specific fugitive dust sources.
- B. APPLICABILITY.** ~~((Applies to the rules in articles 3 and 4))~~ This provision applies to all activities, persons and businesses under the jurisdiction of the agency as provided under RCW 70A.94.141.
- C. EXEMPTIONS.** None.
- D. VARIANCES PROCESS.** ~~((RCW 70.94.181))~~
- ~~((1. Purpose. To provide a process for obtaining relief from these regulations.))~~
- ~~((2. Applicability. Any person (App. A) who is subject to these regulations.))~~
- 1. Requests for Variances ~~((or Renewals)).~~**
- a. General Process.
- 1) Petitioner submits the written application or request and documentation to the APCO ~~((App. B))~~;
- 2) APCO reviews the application and submits it to the board with a recommendation;
- 3) Board makes a decision or recommendation to Ecology.
- a) If the requested variance is to an ~~((authority))~~ agency rule which is not duplicated in the SIP ~~((App. B))~~ or the WAC ~~((App. B))~~, the decision is made by the board.
- b) If the requested variance is to a state rule, the application is referred to Ecology ~~((App. B))~~ with a recommendation, and Ecology approves the request. If approved, Ecology will send the request to EPA ~~((App. B))~~ with a recommendation for final approval and inclusion in the SIP ~~((App. B))~~; and
- 4) The variance is granted by the ~~((authority))~~ agency after the final approval.
- b. Application. The following information is required in the application or request:
- 1) Specific regulation from which relief is requested;
- 2) Detailed explanation that justifies relief from compliance with the regulation;

- 3) Plans to bring the source into compliance with the regulation prior to the expiration of the variance;
  - 4) Air pollution source, equipment, and control apparatus (~~((App. A))~~) subject to the variance;
  - 5) Any equipment connected to, serving, or served by the air pollution source, equipment, and control apparatus subject to the variance;
  - 6) Plot plan showing the distance and height of buildings within 200 feet or other distance specified by the APCO from the location of the contaminants of the air pollution source; and
  - 7) Estimated amount that the emissions will exceed standards as a result of the variance.
- c. Additional Documentation.
    - 1) Any additional information required by the APCO.
    - 2) Any information volunteered by the petitioner.
  - d. Review Criteria. Before granting a variance, the board must consider the interests of:
    - 1) The applicant;
    - 2) Owners of adjacent property likely to be affected by the variance; and
    - 3) The general public.
  - e. Review Period. Any application for variance or renewal must be approved or disapproved by the board within 60 days of receipt unless the applicant and the board agree to a continuance.
  - f. Public Notice and Public Comment (~~((Involvement))~~). Public notice and the public comment period shall comply ((be done as required in section 2.04)) with WAC 173-400-171.
- 2. Conditions for Granting a Variance.**
- a. The emissions proposed do not endanger public health, safety, or the environment;
  - b. The emissions from the source proposing the variance either singularly or in combination with other sources in the vicinity will not cause a violation of a NAAQS (~~((App. B))~~) or a PSD (~~((App. B))~~) increment; and
  - c. Compliance with the rules or regulations without a variance would produce serious hardship without equal or greater public benefits.
- 3. Limitations for Granting a Variance (~~((or Renewal))~~).**
- a. No Practicable Technology Available.
    - 1) Adequate prevention, abatement or control of the pollution is not available;
    - 2) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate

measures that the department of Ecology or board may prescribe.  
~~((The variance is granted only until the necessary technology for prevention, abatement or control becomes available.))~~

- 3) The total time period for a variance and renewal of such variance shall not exceed one year.
- 4) When the control technology becomes reasonably available;
  - a) The variance may be rescinded; and
  - b) Ecology or the board may prescribe alternate measures.
- b. Compliance with Requirements will be Difficult.
  - 1) Will require taking measures which are extensive or costly;
  - 2) Must be accomplished over a long time period;
  - 3) The variance must be granted for a reasonable time to complete the required measures;
  - 4) The variance must contain a schedule for completing the measures in a timely manner; and
  - 5) Must include conditions requiring adherence to the schedule.
4. **Expiration.** Variances and renewals shall expire one year or less after the issuance, or sooner if;
  - a. The conditions of the variance or renewal are fulfilled; or
  - b. Replaced by a new law or regulation.
5. **Renewals.** ~~((RCW 70.94.181(1)))~~ Any variance may be renewed for the same terms, conditions, and period as when the variance was granted up to one year from the initial issuance of the variance.
  - a. Application for Renewal. Must be submitted at least 60 days prior to the expiration of the variance. Immediately upon the receipt of the application the board must give public notice of the application.
  - b. The process for the renewal will follow subsection 3.001D3 ~~((pg-31)))~~.  
Renewals After Complaints Concerning Variances. ~~((RCW 70.94.181(1)))~~ If Ecology or the board receives a complaint about the variance, a renewal must not be granted until the board issues a public notice and holds a public hearing on the complaint. Based upon results of the public hearing, the board will grant a renewal if it finds the renewal is justified.
  - d. Applications for renewals beyond one year must apply for a new variance.
6. **Judicial Review.** A variance or its renewal is not the right of the applicant or holder, but is granted at the discretion of the board. Any applicant who is adversely affected by the denial or the conditions of a variance or its renewal may obtain judicial review under the provisions of chapter 34.05 RCW.
7. **Emergency Provisions.** Nothing in this section or any variance or renewal granted under this section is construed to limit the applications of the

emergency provisions and procedures of air pollution episodes as described in the WCAA (~~((App. B))~~).

**E. OPERATION AND MAINTENANCE MANUAL OR PLAN.**

- 2. Purpose.** To define operation and maintenance standards for all process and control apparatus (~~((App. A))~~) to prevent avoidable emissions.
- 3. Applicability.** Any person or emission unit which is subject to these regulations.
- 4. Exemption.** Process or control apparatus which is out of service.
- 5. Requirement.** The owner or operator of an air pollution source shall:
  - a. Operate and maintain all process and control apparatus, which has the potential to allow emissions, according to the specifications and recommendations of the manufacturer;
  - b. Maintain this equipment in good repair and working condition;
  - c. Operate this equipment to minimize emissions; and
  - d. Keep a current copy of the manufacturer's manuals and specifications on the site or the nearest office and available for inspection by the APCO (~~((App. B))~~).

~~((3.01 EMISSION STANDARDS. -- Repealed by Amendment 1.))~~

**3.02 STANDARDS FOR SOURCES OF HAZARDOUS AIR POLLUTANTS.** (~~((WAC 173-400-075 & chap.173-460 WAC))~~)

- A. PURPOSE.** To control and prevent emissions of hazardous air pollutants.
- B. APPLICABILITY.** Applies to the owners or operators of any stationary source subject to the requirements of 40 CFR Parts 61 and 63.
- C. REFERENCES.**
  - 1.** (~~((Subsection 2.03B references))~~) 40 CFR Parts 61 and 63 and Chapter (~~((WAC))~~)173-400-~~((075))~~ WAC as applicable.  
~~((2. Hazardous air pollutants (HAP) are listed in app. L.))~~  
~~((3. Toxic air pollutants (TAP) are listed in app. K, para. B.))~~
- D. EMISSION STANDARDS FOR PERCHLOROETHYLENE (PCE) DRY CLEANERS.** (~~((WAC 173-400-075(6)))~~)
  - 1. Purpose.** To define (~~((specific))~~) standards for dry cleaners using the solvent Perchloroethylene (PCE), in accordance with (~~((App. B) which-supplement))~~) 40 CFR Part 63, Subpart M, National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities.
  - 2. Applicability.** Any dry cleaning operations using (~~((that uses))~~) PCE.
  - 3. Requirements.** The quantity of PCE used annually determines the source category and the venting and leak inspection frequency requirements.
    - a. Source Categories: (~~((A))~~)are shown in tables 3.02-1.

**Table 3.02-1 PCE Dry Cleaner Source Categories**

<b>Applicability</b>	<b>Small Area Sources (a)</b>	<b>Large Area Sources (b)</b>	<b>Major Area Sources (c)</b>
Dry cleaning Facilities with	Purchasing less than	Purchasing between:	Purchasing more than
<del>((1)) Only Dry-to-Dry Machines</del>	140 gallons PCE/yr	140-2,100 gallons PCE/yr	2,100 gallons PCE/yr
<del>((2) Only Transfer-Machines</del>	<del>((200 gallons PCE/yr))</del>	<del>((200-1,800 gallons PCE/yr))</del>	<del>((1,800 gallons PCE/yr))</del>
<del>((3) Both Dry to Dry &amp; Transfer-Machines))</del>	<del>((140 gallons PCE/yr))</del>	<del>((140-1,800 gallons PCE/yr))</del>	<del>((1,800 gallons PCE/yr))</del>

- b. **Change in PCE Consumption.** If there is an increase or decrease in the amount of PCE used that changes the source category, the owner or operator of the source must notify the ~~((authority))~~ agency within 180 days.
- c. **Venting and Leak Inspection.** The requirements are shown in table 3.02-2. During the inspection the systems must be operating. An inspection must include an examination of the following system components:
- 1) Hose and pipe connections, fittings, couplings, and valves;
  - 2) Door gaskets and seatings;
  - 3) Filter gaskets and seatings;
  - 4) Pumps;
  - 5) Solvent tanks and containers;
  - 6) Water separators; Muck cookers;
  - 7) Stills;
  - 8) Exhaust dampers;
  - 9) Diverter valves; and
  - 10) Cartridge filters housings.

**Table 3.02-2 PCE Dry Cleaner Venting and Leak Inspection Requirements.**

<b>Requirement</b>	<b>Small Area Sources (a)</b>	<b>Large Area Sources (b)</b>	<b>Major Area Sources (c)</b>
Air-PCE Vapor Venting System (1) Installed on or before Sept. 21, 1993.	No requirement	Through a refrigerated condenser.	Through a refrigerated condenser.
(2) Installed after Sept. 21, 1993.	Thru a refrigerated condenser.	Through a refrigerated condenser.	Through a refrigerated condenser followed by a small carbon adsorber.
(3) PCE Leak Inspection Frequency	Every other week.	Weekly	Weekly

- d. Registration is required as specified in section 4.01 (~~(pg. 4-1)~~).
- e. Operation and Maintenance Manual or Plan.
  - 1) As required by subsection 3.01E (~~(3.010E- (pg. 3-3))~~); and
  - 2) Close the door of each dry cleaning machine until dry. (~~(except when transferring articles to or from the machine.)~~)
- f. Leak Repair.
  - 1) Leaks must be repaired within 24 hours of detection unless repair parts cannot be ordered;
  - 2) Repair parts must be ordered within two working days of detecting the leak; and
  - 3) Repair parts must be installed within 5 working days after receiving them.
- g. Storage of PCE.
  - 1) Store all PCE and wastes containing PCE in a closed container; and
  - 2) Drain cartridge filters in the housing or other sealed container for at least 24 hours before discarding the cartridges.
- h. Recordkeeping Requirements. The following requirements are in addition to the requirements in section 3.11. The following listed documents and records must be kept on-site at the dry cleaning facility for at least:
  - 1) as long as the PCE dry cleaning and process vent or control systems are in operation:
    - a) Design specifications and operating manuals;
    - b) Maintenance plans;

- c) Design specifications and operating manuals for any modifications to these systems.
- 2) Five years after the close of the business year.
  - a) A record of dates and results of all monitoring, inspections, and repairs of the PCE dry cleaning system.
  - b) A record of the amount of PCE purchased each month including the receipts for the PCE purchases.
  - c) A record of the amount of PCE used for each machine during the previous 12 months.
  - d) A record of the total weight of articles cleaned for each machine during the same 12 month period used in subsection 3.02D3h(2)(c) (~~(pg. 3-6)~~).
  - e) If a refrigerated condenser is used on a dry-to-dry machine, dryer, or reclaimer, a weekly record of the air temperatures measured at the outlet of the refrigerated condenser during the cool-down period to verify compliance with subsection 3.02D3i (pg. 3-6).
  - f) If a refrigerated condenser is used on a washer, a weekly record of the differences between the air temperatures measured at the inlet and outlet of the refrigerated condenser to verify compliance with subsection 3.02D3i (~~(pg. 3-6)~~).
  - g) If a carbon adsorber is used on a dry cleaning system, a weekly record of measuring the concentration of outlet PCE to verify compliance with subsection 3.02D3j (~~(pg. 3-7)~~).
- i. Requirements for Refrigerated Condensers.
  - 1) Have temperature sensors permanently installed prior to September 23, 1996, if the PCE dry cleaning system was built prior to December 9, 1991;
  - 2) Have permanently installed temperature sensors that have a working range between 32°F and 120 °F (~~(App. B)~~) (0°C and 49°C (~~(App. B)~~)), can be seen at all times, and be accurate to within 2°F or 1.1°C.
  - 3) Have an air temperature at the outlet of the refrigerated condenser installed on a dry-to-dry machine, dryer or reclaimer  $\leq 45^{\circ}\text{F}$  (7°C) during the cool-down period;
  - 4) Have a difference in the air temperatures between the inlet and outlet of a refrigerated condenser installed on a washer  $\geq 20^{\circ}\text{F}$  (11°C).
  - 5) Provide a valve (~~(ing)~~) system which prevents air drawn into the dry cleaning machine from passing through the refrigerated condenser when the door of the machines is open; and
  - 6) Must not release the air-PCE-vapor stream into the atmosphere while the dry cleaning machine drum is rotating or, if installed on a washer, until the washer door is opened.
- j. Requirements for Carbon Adsorbers. Must meet all of the following

requirements:

- 1) Have PCE measurements at the exhaust of the carbon adsorber  $\leq$  100 ppm (~~((App. B))~~); and
  - 2) Weekly measure and record the concentration of PCE at the outlet of the carbon adsorber using a colorimetric detector tube that is accurate to within 25 ppm.
  - 3) Begun monitoring temperature sensors by September 23, 1996, if the PCE dry cleaning system was installed prior to December 9, 1991.
4. Additional Requirements for Major Area Sources.
- a. If a dry cleaning system is located at a source which emits 10 tons or more of PCE annually, the source must meet additional requirements in 40 CFR Part 63, Subpart M; and
  - b. Must comply with sections 4.024 (~~((pg. 4-5))~~) or 4.035 (~~((pg. 4-6))~~).
5. Additional requirements for dry cleaning systems located in a residential building. A residential building is a building where people live.
- a. It is illegal to locate a dry cleaning machine using PCE in a residential building.
  - b. If you installed a dry cleaning machine using PCE in a building with a residence before December 21, 2005, you must remove the system by December 21, 2020.
  - c. In addition to requirements found elsewhere in this rule, you must operate the dry cleaning system inside a vapor barrier enclosure. A vapor barrier enclosure is a room that encloses the dry cleaning system. The vapor barrier enclosure must be:
    1. Equipped with a ventilation system that exhausts outside the building and is completely separate from the ventilation system for any other area of the building. The exhaust system must be designed and operated to maintain negative pressure and a ventilation rate of at least one air change per five minutes.
    2. Constructed of glass, plexiglass, polyvinyl chloride, PVC sheet 22 mil thick (0.022 in.), sheet metal, metal foil face composite board, or other materials that are impermeable to PCE vapor.
    3. Constructed so that all joints and seams are sealed except for inlet make-up air and exhaust openings and the entry door.
  - d. The exhaust system for the vapor barrier enclosure must be operated at all times that the dry cleaning system is in operation and during maintenance. The entry door to the enclosure may be open only when a person is entering or exiting the enclosure.
- ~~((5. A new source must continue to use BACT (App. B) after the requirements of subsection 4.02G2 are met.))~~

### 3.03 OUTDOOR AND AGRICULTURAL BURNING. ~~((Statutory Authority: Chapter 70.94 RCW; IAW Chapter 173-425 WAC & Chapter 173-430 WAC))~~

- A. **PURPOSE.** To reduce and prevent air pollution from ~~((control))~~ outdoor and agricultural burning ~~((App. A))~~ and the resulting air pollution. ~~((Chaps. 173-425 & 173-430 WAC))~~
- B. **APPLICABILITY.** Applies to all outdoor and agricultural burning on private, county, state, and federal land unless exempted or another public agency has an effective program in place for the control of outdoor and agricultural burning, and the program has been delegated in accordance with subsection 3.02I ~~((3.03I (pg. 3-12)))~~.
1. This section applies to burning requiring a written permit, a general rule permit, or exempted from permitting.
  2. The agricultural burning portions of this section apply only to agricultural operations ~~((App. A))~~ and government agencies with burning requirements related to agriculture.
  3. Firefighting training fires are a type of outdoor burning, and subsections 3.02C ~~((3.03C (pg. 3-8)))~~ and 3.02D ~~((3.03D (pg. 3-9)))~~ are applicable unless modified or granted a limited exemption in another subsection.
  4. Exemptions. This section does ~~((is))~~ not apply~~((icable))~~ to:
    - a. ~~((Fire))~~ Fire training at enclosed fire training facilities that are permitted under ~~((Article))~~ section 3.02E below.
    - b. ~~((This section does not apply to))~~ Silvicultural burning ~~((App. A))~~ which is regulated by chapter 70A.94 RCW, ~~((WCAA (App. B), chap.))~~ chapter 332-24 WAC, and the Department of Natural Resources Washington ~~((s))~~ State ~~((s))~~ Smoke ~~((m))~~ Management ~~((p))~~ Plan (SMP).
- C. **GENERAL PROVISIONS FOR ALL BURNING.** The following applies to all outdoor and agricultural burning unless granted an ~~((limited or specific))~~ exemption by the APCO ~~((App. B, The 1))~~ Limited exemptions granted for various types of burning are shown in table 3.02-1 ~~((3.023-1 and the footnotes))~~:
1. ~~((Prohibition))~~ **Areas where prohibited.** Burning is prohibited in the following areas ~~((and conditions))~~:
    - ~~((a. Woodsmoke Control Zone (App. A). Prohibited during burn bans (App. A). The area is described in app. H (pg. H 1), and shown on the map in app. I (pg. I 2).))~~
    - ~~((b. Other Areas. Prohibited during a burn ban in any other geographic area designated by the board.))~~
    - ~~((c. Urban Growth Areas (App. A). Prohibited after December 31, 2000, and sooner if a reasonable alternate (App. A) disposal method exists for))~~
      - ~~((1) County-designated urban growth areas; and))~~
      - ~~((2) Cities having a population greater than 10,000 people:))~~

~~((3) Except urban growth areas for cities which have a population less than 5,000 people that are neither within nor contiguous with a nonattainment or former nonattainment area, outdoor burning is prohibited after December 31, 2006.))~~

~~((d. Yakima urban area as described in app. H (pg. H-2), the city of Selah, and the city of Sunnyside.))~~

a. Urban Growth Areas (UGA). All residential and land clearing burning is prohibited within the following UGAs:

1. Yakima
2. Selah
3. Union Gap
4. Moxee
5. Zillah
6. Granger
7. Grandview
8. Sunnyside
9. Tieton
10. Naches

b. Other Areas. All burning in any other geographic area is prohibited during a burn ban. ~~((in any other geographic area designated by the board.))~~

c. Burn Ignition. If an individual permit is required in tables 3.02-1 ~~((3.03-1))~~ or 3.02-2 ~~((3.03-2))~~ for any type of outdoor or agricultural burning, the fire shall not be ignited without first obtaining the permit.

d. Hours of Burning. All outdoor burning shall be conducted during daylight hours. ~~((App. A))~~

e. Burning Without a Permit or Limited Exemption. Burning is not allowed without an individual, annual, or general rule permit unless granted a limited exemption as per in tables 3.02-1 ~~((3.03-1))~~ or 3.02-2 ~~((3.03-2 and the footnotes for the tables)).~~

## **2. Requirements.**

a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.

b. Demonstration of No Reasonable Alternative. ~~((App. A))~~ Anyone applying for a burn permit must demonstrate that there is: ~~((no reasonable alternate for:))~~

- 1) No reasonable alternate technology or method of disposing of the organic refuse ~~((Safeguarding the environment)); and~~
- 2) In the case where an alternate technology or method exists, the applicant shall demonstrate that the technology or method is not economically reasonable or is more harmful to the environment than outdoor burning ~~((Economic viability)).~~

c. Minimize Adverse Effects. All burn permits issued by the ~~((authority))~~ agency shall ~~((must))~~ contain requirements that ~~((to insure that public~~

~~interest in air, water and land pollution and safety to life and property is fully considered and must be designed to and)) minimize air pollution to the greatest extent possible ((as practicable)). ((This includes the denial of permission to burn.))~~

- d. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
- e. Cessation of Burning.
  - 1) During Burn Bans. No burning may be done when the APCO (~~((App-B))~~) has declared an impaired air quality condition or Ecology (~~((App-B))~~) has declared an air pollution episode as described in section 3.04 (~~((3.05 (pg. 3-33)))~~).
  - (2) ~~Extinguishing the Fire. When burning is prohibited the person responsible for the fire must immediately start extinguishing the fire.)~~
  - 2) Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations. Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, [www.yakimacleanair.org](http://www.yakimacleanair.org). Notification of the prohibition of burning to the public shall also be accomplished via emails to:
    - a) Newspapers
    - b) Radio stations
    - c) Television stations
    - d) To all individuals who have requested email notification of burn bans; and
    - e) Other air agencies
  - 3) ~~Extinguishing the Fire. When burning is prohibited the person responsible for the fire must immediately start extinguishing the fire.~~
  - 4) Lapse Time to Legally Extinguish Fires During Burn Bans.
    - a) Land clearing, storm and flood debris, and orchard removal burns shall be extinguished within eight hours of notification of a burn ban.
    - b) All other burns shall be extinguished within three hours of the notification.
  - 5) ~~Extinguished Fire. A fire shall be considered extinguished when there is no visible flame or smoke coming from the fire, and the burned material can be handled with bare hands.~~
- f. Additional Requirements. Additional requirements for various types of burning are listed in subsections 3.02D2 (~~((3.03D2 (pg. 3-10)))~~), 3.02E (~~((3.03E (pg. 3-10)))~~), 3.02F2 (~~((3.03F2 (pg. 3-11)))~~), and the footnotes for tables 3.02-1 (~~((3.03-1 (pg. 3-17), table))~~), 3.02-2 (~~((3.03-2 (pg. 3-19)))~~), and table-3.02-3 (~~((3.03-3 (pg. 3-21)))~~).
- g. Requirements of Other Agencies. Any person responsible for fires must abide by all rules and procedures set by other agencies having any

jurisdiction over outdoor and agricultural burning.

**D. SPECIFIC PROVISIONS FOR OUTDOOR BURNING.**

**1. Prohibitions.**

- a. Prohibited Materials. ~~((WAC 173-425-040))~~ The following materials are prohibited from burning:
- 1) Garbage,
  - 2) Dead animals, or parts of dead animals,
  - 3) Asphalt,
  - 4) Petroleum products,
  - 5) Paints,
  - 6) Rubber products,
  - 7) Plastics,
  - 8) Paper other than what is necessary to start a fire,
  - 9) Cardboard,
  - 10) Treated wood,
  - 11) Construction / demolition debris,
  - 12) Metal, or
  - 13) Any substance that normally emits toxic emissions, dense smoke, or obnoxious odors when burned other than natural vegetation.
- b. Hauled Material. Other than firewood ~~((App. A))~~ for use in wood heaters ~~((App. A))~~, ceremonial fires, or recreational fires ~~((App. A))~~, material transported from an area prohibited for outdoor burning may not be burned in another area.

**2. Requirements.**

- a. All Outdoor Burning.
- 1) When the burn is primarily wood ~~((> App. B))~~ greater than 12 inches in diameter, the burn must not be ignited or fed after 12:00 noon of that day ~~((on the ignited))~~.
  - 2) Except for ceremonial ~~((, residential, tumbleweed))~~ and recreational burning not included in general rule permits, the person doing the burning shall inform the ~~((authority))~~ agency of the location, quantity and type of material to burn, and duration for the burn prior to setting the fire.
- b. Residential Burning.
- 1) Must be located on a non-combustible surface not less than 50 feet from buildings, fences, other combustible materials, and other fires.
  - 2) Burn one pile at a time.
  - 3) Pile size must be less than ~~((App. B))~~ 4ft. x 4ft. x 3ft. high.
- c. Storm and Flood Debris Burning.
- 1) Definition: Storm and Flood Debris Burning means natural vegetation ~~((Material))~~ proposed for burning that was deposited by

a storm or flood from ~~((debris that resulted in))~~ a declared emergency by a governmental authority.

- 2) The permit shall contain a time period for the burning.
- 3) The maximum time limit for this type of burning is two years after the event that deposited the debris or the date of the emergency proclamation.
- 4) The following variables shall be considered in determining an appropriate maximum time limit after the storm or flood event:
  - a) Size of the material and the amount of drying time needed to create good burning conditions with lower emissions; and
  - b) Time of year that the ~~((storm))~~ event occurred.

**E. ADDITIONAL SPECIFIC PROVISIONS FOR FIRE FIGHTING TRAINING FIRES.**

**1. Applicability.** Subsection 3.02 ~~((E (pg. 3-10)))~~ is applicable to any fire department, business, or organization ~~((App. A))~~ using firefighting training fires or any business using a fire to demonstrate fire equipment.

**2. Requirements for All Training Fires.**

- a. Must comply with any other permits, licenses, or approvals that are required;
- b. Must not be located in an area that is declared to be in an air pollution episode or impaired air quality condition;
- c. Nuisance ~~((App. A))~~ laws are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property; and
- d. Notify the ~~((authority))~~ agency of the type and location of each fire prior to starting the training fire.

**3. Additional Requirements for Structural or Natural Vegetation Training Fires.**

- a. These types of training fires are not allowed for a business demonstrating fire equipment.
- b. Notice of the fire must be ~~is~~ provided to the owners of property adjoining the property, and to the persons who potentially will be impacted prior to starting the training fire;
- c. On each parcel of land where an exercise is planned each structure to be burned or not burned must be identified to the ~~((authority))~~ agency; and;
- d. In compliance with ~~((A survey according to))~~ subsection 3.06F ~~((3.07E (pg. 3-37)))~~ an asbestos survey shall be completed ~~((must be conducted))~~ to determine if materials containing asbestos are present in the structures; The inspection must be documented in writing and provided ~~((forwarded))~~ to the ~~((authority))~~ agency; ~~((and))~~ ~~((a))~~ Asbestos that is found must be removed prior to the burning.

**4. Additional Requirements for Aircraft Crash Rescue Fire Training.**

- a. Participants in these training fires must be limited to fire fighters who provide support to an airport ~~which is~~:
    - 1) Certified by the FAA (~~App. B~~); or
    - 2) (~~Operated to s~~) Supports military or governmental aviation.
  - b. Number of training fires allowed per year without a permit is the minimum number required by FAA or other federal safety requirements.
  - c. The facility must use current technology and be operated in a manner that will minimize the release of air pollutants during the fire training.
  - d. Prior to the initial training exercise, written approval must be obtained from the (~~authority~~) agency.
- 5. Permitting and Limited Exemptions.** The types of permits required and limited exemptions granted are shown in table 3.02-1 (~~3.03-1 (pg. 3-16)~~)).

**F. SPECIFIC PROVISIONS FOR AGRICULTURAL BURNING.**

**1. Prohibitions.** No additional prohibitions.

**2. Requirements.**

- a. A farmer must show that the burning is an acceptable Best Management Practices (BMP) (~~App. B~~); or necessary to a successful operation; and there is no reasonably available practical alternative.
- b. Burning is limited to natural vegetation.
- c. Natural vegetation intended for agricultural burning may be transported to a stockpile site for drying and future burning providing there is no prohibition for burning at the stockpile site.
- d. Burning must be done only when the wind will take the smoke away from roads, homes, population centers, and other public areas.
- e. Prior to igniting a burn, the farmer must provide the (~~authority~~) agency with the location, size, and type of material for each burn.
- f. Farmers who fail to report burns may have an annual permit canceled.

**G. LIMITED EXEMPTIONS.**

**1. All Burning.**

- a. Individual Permit Required. The specific exemptions will be established in the permit after discussing the burn, the prohibitions, and the requirements with the proponent.
- b. General Rule Permits and Permits Exemptions (~~Not Required~~). Limited exemptions are identified in subsections 3.02G2 & 3 (~~3.03G2 & 3 (pg. 3-12)~~)), table 3.02-1 (~~3.023-1 (pg. 3-16)~~)), the footnotes for these tables, and general rule permits located at the end of this section.

**2. Outdoor Burning.**

- a. Diseased animals may be burned when a health officer orders the burning of all or part of the animal or other infected material to stop the spread of a

disease infestation.

- b. Dangerous materials may be burned when a fire protection authority orders the burning of dangerous materials because there is no approved alternative method of disposal.

**3. Agricultural Burning.** All exemptions are identified elsewhere.

**H. SPECIFIC EXEMPTIONS.** The APCO (~~((App-B))~~) may grant a written (~~((specific))~~) exemption for a subsection if the (~~((specific))~~)-exemption will:

1. Create no more air pollution than the requirements of the subsection; and
2. Create no adverse environmental, health, or public safety effects;
3. The document granting the specific exemption ~~shall~~ **must** contain:
  - a. The conditions of the specific exemption;
  - b. A duration of no more than 30 consecutive days; and
  - c. The signature of the owner or operator of the property indicating agreement to the conditions of the specific exemption.
4. Specific exemptions will not be extended.

**I. Burn PROGRAM Partnerships DELEGATIONS.** Table 3.02-2 (~~((3.03-2 (pg. 3-18)))~~) shows which types of entities agencies or businesses the (~~((authority))~~) agency may use to partner with (~~((use in order))~~) to efficiently ~~to~~ implement outdoor and agricultural burning programs if the cooperating entity (~~((agency/business))~~) agrees to comply(~~((ies))~~) with this subsection.

**1. Permitting for (~~((by))~~) Other (~~((Agencies))~~) Entities.** A local, county, state, or federal agency may qualify for a residential and recreational outdoor burning permit program if:

- a. The entity (~~((agency))~~) agrees to accept all of the outdoor burning program available for permitting as shown in table 3.02-2 (~~((3.03-2 (pg. 3-18)))~~);
- b. The entity (~~((agency))~~) enters into a written agreement with the (~~((authority))~~) agency to adopt and enforce the regulations of the (~~((authority))~~) agency;
- c. The (~~((authority))~~) agency finds that entity agency program is as or more effective;
- d. The entity (~~((agency))~~) provides an annual report(~~((s))~~) for the previous year by February 1<sup>st</sup> of each year (~~((which describe))~~) describing:
  - 1) Total number of permits issued;
  - 2) Total number of complaints received;
  - 3) Total number of NOV (~~((App-B))~~) issued;
  - 4) Total number of penalties issued;
  - 5) Total dollar receipts;
  - 6) Suggestions for improvement of the program in the future; and

7) An estimate of the total amount of material burned.

**2. Issuing Agents.**

- a. Local, county, state, or federal governmental agencies or businesses may be delegated the authority to issue residential burning permits after signing a written agreement defining the administrative procedures for the issuance of permits.
- b. The compliance and enforcement responsibility for these permits remains with the agency ~~((authority))~~.
- c. Violations or non-performance of the agreement may result in the cancellation of the vending agreement or a citation issued under article 5.

**J. PERMITTING BY THE AGENCY ~~((AUTHORITY))~~.** The ~~((authority))~~ agency shall use individual, annual, or general rule permits to authorize all forms of burning which require permits.

**1. Individual Permits.** Written or verbal individual permits shall be used when:

- a. Permits are required by law or regulation;
- b. The permits are needed for specific burning events;
- c. The ~~((authority))~~ agency believes the proposed burn needs specific requirements or prohibitions that are not available from an annual or general rule permit;
- d. The proposed burn cannot meet all of the conditions of an annual or general rule permit, or
- e. The permit fee is based on the specific conditions of the burn.

**2. Annual Permits.** Written annual permits shall be used when;

- a. Permits are required by law or regulation;
- b. All the requirements for burning during the year can be identified in the permit; and
- c. The same annual permit fee is charged for all similar permits.

**3. General Rule Permits.** General rule permits are appropriate~~((d))~~ when an individual or annual permit is not required, but the ~~((authority))~~ agency believes some controls are needed to minimize air pollution.

- a. General rule permits have no fees.
- b. A person using a general rule permit must comply with all conditions of the permit or obtain an individual or annual permit.
- c. The following general rule permits are adopted and included in the regulation:
  - 1) General Rule Permit No. 3.02-1 ~~((3.03—1))~~, Structural Fire Training Outside of Urban Growth Areas ~~((pg. 3-22))~~;
  - 2) General Rule Permit No. 3.02-2 ~~((3.03—2))~~, Wildland Training Fires ~~((pg. 3-24))~~;
  - 3) General Rule Permit No. 3.02-3 ~~((3.03—3))~~, Flammable Liquid or Gas Training Fires ~~((pg. 3-26))~~;
  - 4) General Rule Permit No. 3.02-4 ~~((3.03—4))~~, Other Training Fires

- ~~((pg. 3-28))~~; and
- 5) General Rule Permit No. 3.02-5 (~~(3.03—5)~~), Large Recreational Fires ~~((pg. 3-30))~~;
- 4. Specific Permit Conditions.** Special permit conditions may be added to a written or general rule permit to include additional requirements beyond the requirements of section 3.02 (~~(3.03)~~). They may include any of the following:
- a. All Burning.
    - 1) Restricting the hours of burning;
    - 2) Restricting burning to a defined season;
    - 3) Restricting the size of fires;
    - 4) Imposing requirements for good combustion practice ;or
    - 5) Restricting burning to specified weather conditions.
    - 6) The permittee agrees to allow the APCO to enter his / her property to conduct an investigation as defined in subsection 2.01C (~~((pg. 2-1))~~).
  - b. Agricultural Burning.
    - 1) Requiring the use of all or part of the agricultural burning BMPs approved ((established)) by the Agricultural Burning Practices and Research Task Force established under RCW 70A.94.6528 ~~((ag task force (App. A))~~.
    - 2) Encouraging the use of locally approved BMPs for specific crops.
- 5. Permit Duration.**
- a. Annual permits expire (~~(Dec-)~~) December 31<sup>st</sup> of the (~~(current)~~) calendar year they were issued.
  - b. General rule permits adopted into the regulation have an indefinite duration. These remain available for use until rescinded or modified by the regulation adoption process.
  - c. All other permits expire after 30 days (~~(maximum)~~) from the date of issuance, unless approved for an alternate duration.
  - d. Permits other than annual permits may be extended for an additional 30 days for due cause by the APCO.
- 6. Permit Conditions Added after Issuance.** If additional limitations are needed to prevent air pollution and/or protect property, health, safety, and comfort of persons from the effects of burning;
- a. The (~~(authority)~~) agency shall amend an individual or annual permit; and
  - b. The (~~(authority)~~) agency must notify the permittee or responsible person of the limitations.
  - c. Any limitation imposed will become a condition of the permit.
- 7. Permit Application Process.** Permit applications are available from the (~~(authority)~~) agency during normal working hours. The application may be submitted in person or by mail, and it must be accompanied by the application fee when one is required.

**K. FEES.**

1. Any person granted an individual permit shall pay a fee as shown in the current fee schedule adopted by the board.
2. General rule permits have no fees.
3. Annual agricultural burning permit fees are non-refundable unless the permittee can establish and the ((authority)) agency agrees that the following events happened:
  - a. The permitted agricultural burning did not occur;
  - b. The need for the burning was replaced by another treatment; and
  - c. The burning will not occur in the future.

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**Table 3.02-1 Limited Exemptions, Types of Permitting, and Specific Requirements for All Types of Burning.**

See footnotes at the end of the table.

Type of Burning	Type of Burning Permit Required A	Types of Burning Where Limited Exemptions Are Granted		
		Prohibited Areas Subsection 3.023C1 (pg. 3-8) b	Hours of Burning Subsection 3.023C1f (pg. 3-8) e	Prohibited Materials Subsection 3.023D1a & F2b (pg. 3-9 & 3-11) D
<b>Outdoor Burning</b>				
1. <u>Indian</u> ((€))ceremonial fires	Individual	1/	1/	No
2. Firefighting training fires	Individual GRP No. 3.023 - 1  GRP No. 3.023 - 2 GRP No. 3.023 - 3  GRP No. 3.023 - 4 N/A	Yes	Yes	2/
2.1 Structural training fires		Yes	Yes	2/
2.11 Inside an urban growth area		Yes	Yes	No
2.12 Outside an urban growth area		Yes	Yes	2/
2.2 Wildland training fires		Yes	Yes	2/
2.3 Flammable liquid or gas training fires		Yes	Yes	2/
2.4 Other training fires (10'x10'x8')	N/A	Yes	Yes	Yes
2.5 Aircraft crash rescue training fires				
3. Land clearing fires	Individual	No	1/	No
4. Rare & endangered plant regeneration fires.	Individual	1/	1/	No
5. Recreational fires	GRP No. 3.023 - 5 None  None	3/ Yes	4/ Yes	No
5.1 Large recreational fires <u>greater than (&gt;3'x2')</u>		5/	Yes	
5.2 ((Other))Recreational fires <u>smaller than or equal (&lt;3'x2')</u>			Yes	
5.3 Home barbecues				
6. Residential/ <u>Tumbleweed</u>	((Annual)) <u>Residential</u>	No	No	No
7. Silvicultural	N/A	N/A	N/A	N/A

8. Storm or flood debris	Individual	1/	1/	NO
<del>((9. Tumbleweed</del>	None	<del>No</del>	<del>No</del>	<del>No</del>
<del>((10.))</del> 9. Weed abatement	Individual	1/	No	No
<del>((11.))</del> 10. Other outdoor burning 6/	Individual	1/	1/	1/
<b>Agricultural Burning</b>				
<del>((12.))</del> 11.	None, 7/	<del>((No))</del> Yes	8/	No
<del>((13.))</del> 12.	None, 7/	<del>((No))</del> Yes	8/	No
<del>((14.))</del> 13. Orchard Management <del>((14.1))</del> 13.1 Orchard Prunings <del>((14.2))</del> 13.2 Orchard Removal	None, 7/ Individual	<del>((No))</del> Yes No	8/ 1/	No
<del>((15.))</del> 14. Annual agricultural burning	Annual	<del>((No))</del> Yes	No 8/	No
<del>((16.))</del> 15. Other agricultural burning 9/	Individual	1/	8/	1/
<b>Training Fires Not Considered Outdoor Burning</b>				
<del>((17.))</del> 16. Fires Conducted inside a fire training facility subject to a NSR approval order	None	N/A	N/A	N/A

Footnotes for table 3.023-1:

Yes - Limited exemption is granted.

No - Limited exemption is not granted

None - No permit is required

Individual - Individual permit required for a specific burn.

N/A - Not Applicable because the ~~((authority))~~ agency does not regulate this type of burning GRP - General Rule Permit.

Annual - Annual residential or agricultural burning permit.

1/ Type of burning ~~((S))~~ shall be identified in the permit issued by the ~~((authority))~~ agency.

2/ The burning of prohibited materials is limited to those materials and quantities needed for effective training.

3/ Nonprofit organizations are granted a limited exemption. There is no exemption for other groups or persons.

4/ A limited exemption for the hours of burning is granted, but the fire must be extinguished within three hours after the end of the event or use.

5/ Fueled only with charcoal, LP gas, natural gas, pellets, or natural fuels.

6/ Includes any type of outdoor burning not included in the table.

7/ Incidental quantities without permitting.

8/ When night burning is accepted by the Agricultural Burning Practices and Research Task Force ~~((ag task force- (App-A)))~~ as a BMP ~~((App-B))~~.

9/ Includes any type of agricultural burning not included in the table

**Table 3.02-2 ((3.03-2 Forms of)) Agency Delegation for All Types of Burning.**

See footnotes at the end of the table.

Type of Burning	Permitting Information				
	Delegated to the ((Authority)) <u>Agency</u> a	Type of Burning Permit Required  b	((Form of Delegation from the Authority))		
			<u>Delegation Retained by the</u> ((Authority)) <u>Agency</u> e	<u>Permitting Program Available</u> d	<u>Permit Vending</u> E
<b>Outdoor Burning</b>					
1. <u>Indian</u> ((C)) ceremonial fires	Yes	Individual	<del>((No))</del> Yes	Yes	No
2. Firefighting training fires 2.1 Structural training fires 2.11 Inside urban growth areas 2.12 Outside urban growth areas 2.2 Wildland training fires 2.3 Flammable liquid or gas training fires 2.4 Other training fires 2.5 Aircraft crash rescue training fires	Yes	Individual  GRP No. 3.023 - 1  GRP No. 3.023 - 2 GRP No. 3.023 - 3  GRP No. 3.023 - 4	Yes	No	No
3. Land clearing	Yes	Individual	Yes	No	No
4. Rare & endangered plant regeneration fires	Yes	Individual	Yes	No	No
5. Recreational fires 5.1 Large recreational fires 5.2 <del>Other</del> Recreational fires 5.3 Home barbecues	Yes	GRP No. 3.023 - 5 None None	Yes	No	No
6. Residential/ <u>Tumbleweed</u>	Yes	Annual	<del>((No))</del> Yes	Yes	Yes
7. Silvicultural	No	N/A	N/A	N/A	N/A
8. Storm or flood debris	Yes	Individual	Yes	No	No
<del>((9. Tumbleweed</del>	<del>Yes</del>	<del>None, 1/</del>	<del>No</del>	<del>Yes</del>	<del>No</del>
<del>((40))</del> 9. Weed abatement	Yes	Individual	<del>((No))</del> Yes	Yes	No
<del>((4))</del> 10. Other outdoor burning 2/	Yes	Individual	Yes	No	No

	Delegated to the ((Authority)) Agency ((a))	Type of Burning Permit Required ((b))	((Form of Delegation from the Authority))		
			Delegation Retained by the ((Authority)) Agency ((e))	Permitting Program Available ((d))	Permit Vending ((E))
<b>Agricultural Burning</b>					
1((2))1. Fence rows and windblown vegetation	Yes	None, 3/	Yes	No	No
1((3))2. Irrigation or drainage ditches	Yes	None, 3/	Yes	No	No
1((4))3. Orchard management 13.1 Orchard prunings 13.2 Orchard removal	Yes	None, 3/ Individual	Yes	No	No
1((5))4. Annual agricultural burning	Yes	Annual	Yes	No	No
1((6))5. Other agricultural burning 4/	Yes	Yes	Yes	No	No
<b>Training Fires Not Considered Outdoor Burning</b>					
1((7))6. Fires conducted inside a fire training facility subject to a NSR approval order	Yes	None	Yes	No	No

Footnotes for table 3.023-2:

Yes - The ((authority)) agency is delegated responsibility for this type of burning, a burning permit is required, or this type of burning may be delegated to another agency or business.

No - The ((authority)) agency is not delegated responsibility for this type of burning, or this type of burning may not be delegated to another agency or business.

None - No permit is required

Individual - Individual permit required for a specific burn.

N/A - Not Applicable because the ((authority)) agency does not regulate this type of burning GRP - General Rule Permit.

Annual - Annual residential or agricultural burning permit.

1/ Applies when only tumbleweeds are burned in the fire.

2/ Includes any type of outdoor burning not included in the table.

3/ Incidental quantities allowed without permitting.

4/ Includes any type of agricultural burning not included in the table.

**Table 3.02-3 ((3.03-3)) Notification Requirements Before Burning**

See footnotes at the end of the table

Type of Burning	Type of Burning Permit Required <b>a</b>	Prior Notification Required Before Igniting the Fire	
		<del>((Authority))</del> <b>Agency b</b>	Neighbors <b>e</b>
<b>Outdoor Burning</b>			
1. <u>Indian</u> ((C))ceremonial fires	Individual	No	No
2. Firefighting training fires			
2.1 Structural training fires			
2.11 Inside an urban growth area	Individual	Yes	1/
2.12 Outside an urban growth area	GRP No. 3.023 - 1	Yes	Yes, 2/
2.2 Wildland training fires	GRP No. 3.023 - 2	Yes	Yes, 2/
2.3 Flammable liquid or gas training fires	GRP No. 3.023 - 3	Yes	Yes, 2/
2.4 Other training fires	GRP No. 3.023 - 4	Yes, 3/	No
2.5 Aircraft crash rescue training fires	N/A		
3. Land clearing fires	Individual	Yes	1/
4. Rare & endangered plant regeneration fires	Individual	Yes	1/
5. Recreational fires			
5.1 Large recreational fires	GRP No. 3.023 - 5	Yes	Yes
5.2 ((Other r))Recreational fires	None	No	No
5.3 Home barbecues	None	No	No
6. Residential/ <u>Tumbleweed</u>	Annual	No	No
7. Silvicultural	N/A	N/A	N/A
8. Storm or flood debris	Individual	Yes	1/
<del>((9. Tumbleweed</del>	None	No	No))
<u>940.</u> Weed abatement	Individual	Yes	1/
<u>1044.</u> Other outdoor burning	Individual	Yes	1/
<b>Agricultural Burning</b>			
<u>1142.</u> Fence rows and windblown vegetation	None, 4/	No	No

<u>1243.</u> Irrigation or drainage ditches	None, 4/	No 6/	No
<u>1344.</u> Orchard management 13.1 Orchard prunings 13.2 Orchard removal	None, 4/ Individual	No <u>6/</u> Yes	No 1/
<u>1445.</u> Annual agricultural burning	Annual	Yes	No
<u>1546.</u> Other agricultural burning	Individual	Yes	1/
<b>Training Fires Not Considered Outdoor Burning</b>			
<u>1647.</u> Fires conducted inside a fire training facility subject to a NSR approval order	None	5/	5/

## Footnotes

1/ As required in the individual permit.

2/ As required by the general rule permit.

3/ Written approval required prior to the first training exercise.

4/ Incidental quantities without a permit.

5/ As required in the NSR approval order.

6/ Orchard prunings/irrigation or drainage ditches may not be burned during an air pollution episode or any stage of impaired air quality.

**GENERAL RULE PERMIT No. 3.02 -1 ((~~3.03-1~~))**  
**STRUCTURAL FIRE TRAINING OUTSIDE OF URBAN GROWTH AREAS**

- A. PURPOSE.** To control emissions from structural training fires and to satisfy the permitting requirements by a general rule.
- B. APPLICABILITY.**
1. Any fire department ((~~App-A~~)) planning to conduct structural training fire outside of an urban growth area.
  2. The owner or operator of the land where the training fire is conducted.
- C. REFERENCES.** Sections 3.00 ((~~3.01 (pg. 3-3)~~)), 3.02 ((~~3.03 (pg. 3-7)~~)), 3.04 ((~~3.05 (pg. 3-33)~~)), and 3.06 ((~~3.07 (pg. 3-36)~~)).
- D. DURATION.** Indefinite.
- E. REQUIREMENTS.**
1. **General.** ((~~Subsection 3.03C, pg. 3-8~~))
    - a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.
    - b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
    - c. ((~~During~~)) Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or Ecology has declared an air pollution episode as described in section 3.04 ((~~3.05 (pg. 3-33)~~)).
      - 1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.
      - 2) ((~~Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations~~)) Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, [www.yakimacleanair.org](http://www.yakimacleanair.org) Notification of the prohibition of burning to the public shall also be accomplished via emails to:
        - a) Newspapers
        - b) Radio stations
        - c) Television stations
        - d) To all individuals who have requested email notification of burn bans
        - e) Other air agencies
      - 3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.
  2. **Specific.** ((~~Subsections 3.03D & E, pg. 3-9 & 3-10~~))
    - a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.02D ((~~3.03D1a (pg. 3-9)~~)) is limited to those materials and quantities needed for effective structural training fire.
    - b. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the

depositing of particulate matter or ash on other property

- c. Structure Identification. On each parcel of land where an exercise is planned each structure to be burned or not burned must be identified to the ((authority)) agency.
  - d. Asbestos Survey and Removal. A survey ((is)) must be conducted in accordance with subsection 3.06 ((3.0F (pg. 3-37))) to determine if materials containing asbestos are present in the structures, ~~the survey is~~ documented in writing and forwarded to the ((authority)) agency.
  - e. Asbestos Removal. Any Asbestos Containing Material (ACM) that is found must be ((to)) removed prior to the burning.
- F. NOTIFICATION.** ((Subsection 3.03D2a2, pg. 3-10)) Prior to the start of the training the fire department conducting the training fire shall inform:
1. The ((authority)) agency of the location, quantity and type of material to burn, and duration for the training fire; and
  2. The owners of property adjoining the property, and persons who ((potentially)) will be potentially impacted.
- G. REQUIREMENTS OF OTHER AGENCIES.** ((Subsection 3.03C2h, pg. 3-9)) Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.
- H. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, and may be resolved by, but not limited to ((and)) the following ((are the remedies for a violation)):
1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and / or:
  2. Compliance and enforcement action under A((a))rticle 5.

**GENERAL RULE PERMIT No. 3.02-2 (~~3.03-2~~)**  
**WILDLAND TRAINING FIRES**

- A. PURPOSE.** To control emissions from wildland training fires and to satisfy the permitting requirements by a general rule.
- B. APPLICABILITY.**
1. Any fire department planning to conduct wildland training fires.
  2. The owner or operator of the land where the training fire is conducted.
  3. This general rule permit is not applicable to the following:
    - a. Silvicultural burning administered by the DNR, or:
    - b. Burning structures at the location of a wildland training fire.
- C. REFERENCES.** Sections 3.00 (~~3.01 (pg. 3-3)~~), 3.02 (~~3.03 (pg. 3-7)~~), and 3.04 (~~3.05 (pg. 3-33)~~).
- D. DURATION.** Indefinite.
- E. REQUIREMENTS.**
1. **General.** (~~Subsection 3.03C, pg. 3-8~~)
    - a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.
    - b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
    - c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or Ecology has declared an air pollution episode as described in section 3.04 (~~3.05 (pg. 3-33)~~).
      - 1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.
      - 2) Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, [www.yakimacleanair.org](http://www.yakimacleanair.org) Notification of the prohibition of burning to the public shall also be accomplished via emails to:
        - a. Newspapers
        - b. Radio stations
        - c. Television stations
        - d. To all individuals who have requested email notification of burn bans
        - e. Other air agencies
      - 3) (~~Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.~~)
      - 4) (~~Lapse Time. The fire must be extinguished within eight hours of notification of a burn ban.~~)

- 2. Specific.** ~~((Subsections 3.03D & E, pg. 3-9 & 3-10))~~
- a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.02D1a ~~((3.03D1a (pg. 3-9))~~) is prohibited.
  - b. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property
  - c. Land Identification. Each parcel of land where an exercise is planned must be identified to the ~~((authority))~~ agency.
- F. NOTIFICATION.** ~~((Subsections 3.03D2a2, pg. 3-10))~~ Prior to the start of the training fire the fire department conducting the training shall inform:
1. The ~~((authority))~~ agency of the location, quantity and type of material to burn, and duration for the training fire; and
  2. The owners of property adjoining the property persons who potentially will be impacted.
- G. REQUIREMENTS OF OTHER AGENCIES.** ~~((Subsection 3.03C2h, pg. 3-9))~~ Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.
- H. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, and may be resolved by, but not limited to the following ~~((and the following are the remedies for a violation))~~:
1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and / or:
  2. Compliance and enforcement action under ~~A((a))~~rticle 5.

**GENERAL RULE PERMIT NO. 3.02-3 ((3.03-3))**  
**FLAMMABLE LIQUID OR GAS TRAINING FIRES**

- A. Purpose.** The purpose of this section is to ((~~to~~)) control emissions from flammable or gas liquid fires for training or demonstrating the proper use of fire equipment and to satisfy the permitting requirements by a general rule.
- B. APPLICABILITY.** This section applies to:
1. Any fire department conducting flammable liquid or gas training fires;
  2. Any company demonstrating the use of fire suppression equipment; or
  3. Any company or organization training employees in the use of fire extinguisher; and
  4. The owner or operator of the land where the training fire is conducted.
- C. REFERENCES.** Sections 3.00 ((~~3.01 (pg. 3-3)~~)), 3.02 ((~~3.03 (pg. 3-7)~~)), and 3.04 ((~~3.05 (pg. 3-33)~~)).
- D. DURATION.** Indefinite.
- E. REQUIREMENTS.**
1. **General.** ((~~Subsection 3.03C, pg. 3-8~~))
    - a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.
    - b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
    - c. ((~~During~~)) Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or Ecology has declared an air pollution episode as described in section 3.04 ((~~3.05 (pg. 3-33)~~)).
      - 1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.
      - 2) Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, www.yakimacleanair.org Notification of the prohibition of burning to the public shall also be accomplished via emails to:
        - a. Newspapers;
        - b. Radio stations;
        - c. Television stations;
        - d. To all individuals who have requested email notification of burn bans; and
        - e. Other air agencies.
      - 3) ((~~Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations~~)).
    - 3) Lapse Time. The fire must be extinguished within 15 minutes of

notification of a burn ban.

**2) Specific.** ~~((Subsections 3.03D & E, pg. 3-9 & 3-10))~~

- a) Prohibited Materials. The burning of prohibited materials listed in subsection 3.02D1a ~~((3.03D1a (pg. 3-9))~~) is limited to those materials and quantities needed for effective structural training fire.
- b) Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property
- c) Container for the Fire. The training fire is contained within a noncombustible container or apparatus 4 ft. x 4 ft. in size.

**F. NOTIFICATION.** ~~((Subsection 3.03D2a2, pg. 3-10 ))~~ Prior to the start of the training the person doing the training or demonstration shall inform:

1. The ~~((authority))~~ agency of the location, quantity and type of material to burn, and duration for the training fire; and
2. The owners of property adjoining the property, and to the persons who potentially will be impacted.

**G. REQUIREMENTS OF OTHER AGENCIES.** ~~((Subsection 3.03C2h, pg. 3-9))~~ Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

**I. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, and may be resolved by, but not limited to ~~((and))~~ the following ~~((and the following are the remedies for a violation))~~:

1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and / or:
2. Compliance and enforcement action under A~~((a))~~rticle 5.

**GENERAL RULE PERMIT NO. 3.02-4**  
**~~((3.03-4))~~ OTHER TRAINING FIRES**

- A. PURPOSE.** To control emissions from other training fires and to satisfy the permitting requirements by a general rule.
- B. APPLICABILITY.**
1. Any fire department planning to conduct an training fire < 10 ft. x 10 ft. x 8 ft. high in size which is not covered by another general rule permit; and
  2. The owner or operator of the land where the training fire is conducted.
  3. This general rule permit is not applicable for training fires which do not meet all the requirements of this general rule.
- C. REFERENCES.** Sections 3.00 (~~((3.01 (pg. 3-3)))~~), 3.02 (~~((3.03 (pg. 3-7)))~~), and 3.04 (~~((3.05 (pg. 3-33)))~~).
- D. DURATION.** Indefinite.
- E. REQUIREMENTS.**
1. **General.** (~~((Subsection 3.03C, pg. 3-8)))~~
    - a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.
    - b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
    - c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or Ecology has declared an air pollution episode as described in section 3.04 (~~((3.045 (pg. 3-33)))~~).
      - 1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.
      - 2) Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, www.yakimacleanair.org Notification of the prohibition of burning to the public shall also be accomplished via emails to:
        - a. Newspapers
        - b. Radio stations
        - c. Television stations
        - d. To all individuals who have requested email notification of burn bans
        - e. Other air agencies
      - 2) (~~((Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.))~~
      - 3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.

- 2. Specific.** ~~((Subsections 3.03D & E, pg. 3-9 & 3-10))~~
- a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a ~~((pg. 3-9))~~ is limited to those materials and quantities needed for effective training fire.
  - b. Structures. The burning of any structure under this general rule permit is prohibited.
  - c. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property.
- F. NOTIFICATION.** ~~((Subsections 3.03D2a2, pg. 3-10))~~ Prior to the start of the training fire the fire department shall inform:
1. The ~~((authority))~~ agency of the location, quantity and type of material to burn, and duration for the training fire; and
  2. The owners of property adjoining the property, and to the persons who potentially will be impacted.
- G. REQUIREMENTS OF OTHER AGENCIES.** ~~((Subsection 3.03C2h, pg. 3-9))~~ Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.
- J. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, ~~((and may be resolved by, but not limited to ((and)) the following and the following are the remedies for a violation))~~:
1. Voiding any further training fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and / or:
  2. Compliance and enforcement action under A~~((a))~~rticle 5.

**GENERAL RULE PERMIT NO. 3.02-5 (~~3.03-5~~)  
LARGE RECREATIONAL FIRES**

- A. PURPOSE.** To control emissions from large recreational fires ~~and fires at exhibits~~, and to satisfy the permitting requirements by a general rule.
- B. APPLICABILITY.** This general rule is applicable for any ~~((a))~~ recreational ~~((or exhibition))~~ fire greater than ~~((>))~~ 3 feet ~~((ft.))~~ in diameter and 2 feet ~~((ft.))~~ high which is intended for any of the following uses:
1. Nonprofit organizations conducting social, athletic, or religious events;
  2. Persons having a recreational fire in a location that is not prohibited; or
  3. Persons using fires for exhibits at public events; and
  4. The rule is applicable to the owner or operator of the land where the large recreational fire occurs.
- C. REFERENCES.** Sections 3.00 ~~((3.001 (pg. 3-3)))~~, 3.02 ~~((3.023 (pg. 3-7)))~~, and 3.04 ~~((3.045 (pg. 3-33)))~~.
- D. DURATION.** Indefinite.
- E. REQUIREMENTS.**
1. **General.** ~~((Subsection 3.03C, pg. 3-8))~~
    - a. Confirmation of Daily Burning Status. Prior to igniting the fire and each subsequent day, the person supervising the fire must confirm the burn ban status.
    - b. Supervision of the Fire. The fire must be supervised by a person who is responsible for and capable of extinguishing the fire. The fire must not be left unattended.
    - c. During Burn Bans. No burning may be done when the APCO has declared an impaired air quality condition or Ecology has declared an air pollution episode as described in section 3.04 ~~((3.05 (pg. 3-33)))~~.
      - 1) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must extinguish the fire.
      - 2) Public Notification of Burn Bans. The agency shall immediately notify the public of any burn ban by announcement on the agency's website, www.yakimacleanair.org Notification of the prohibition of burning to the public shall also be accomplished via emails to:
        - f. Newspapers
        - g. Radio stations
        - h. Television stations
        - i. To all individuals who have requested email notification of burn bans
        - j. Other air agencies
  - ~~((2). Notification. Notification of the prohibition of burning is done by publishing a notice in a newspaper of general circulation in the area, and broadcasting the notice on radio or television stations.))~~
  - 3) Lapse Time. The fire must be extinguished within three hours of notification of a burn ban.

**2. Specific.** ~~((Subsections 3.03D & E, pg. 3-9 & 3-10))~~

- a. Prohibited Materials. The burning of prohibited materials listed in subsection 3.03D1a ~~((pg. 3-13))~~ is prohibited.
- b. Prohibited Areas. A limited exemption for subsection 3.03C1 ~~(pg. 3-8)~~ may be granted by the APCO if the proponent presents an acceptable proposal.
- c. Prohibited Hours.
  - 1) Persons conducting these types of fires are granted a limited exemption from subsection 3.02C1 ~~((3.023C1 (pg. 3-8))~~) to conduct the fire after sunset, ~~but~~
  - 2) The fire must be extinguished within three hours after the end of the event or use.
- d. Nuisance Rules. These rules are applicable to the fire, including nuisances related to the unreasonable interference with the enjoyment of life and property and the depositing of particulate matter or ash on other property
- e. Location of Fire. Located on a non-combustible surface not less than 50 feet from buildings, fences, other combustible materials, and other fires or 500 ft. from forest slash.
- f. Maximum Size of the Fire. The maximum size of the fire is 10 ft. x 10 ft. x 8 ft.

**F. NOTIFICATION.** ~~((Subsection 3.03D2a2, pg. 3-10))~~ Prior to the start of the large recreational fire the person conducting the fire shall inform:

1. The ~~((authority))~~ agency of the location, quantity and type of material to burn, and duration for the fire; and
2. The owners of the adjoining property and the persons who potentially will be impacted.

**G. REQUIREMENTS OF OTHER AGENCIES.** ~~((Subsection 3.03C2h, pg. 3-9))~~ Any person responsible for fires must abide by all rules and procedures set by other agencies having any jurisdiction over outdoor burning.

**K. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, and may be resolved by, but not limited to and the following ~~((and the following are the remedies for a violation))~~:

1. Voiding any further recreational or exhibition fires under general rule permits and obtaining individual written permits with the appropriate requirements and fees and /or:
2. Compliance and enforcement action under A~~((a))~~rticle 5.

### 3.04 WOOD HEATERS.

- A. PURPOSE.** To define a program to control and reduce wood smoke emissions from wood heaters. In this regulation a wood stove is a type of wood heater. The term “wood stove” does not include wood cook stoves.
- B. APPLICABILITY.** This section applies to any solid fuel burning device which, as defined by RCW 70A.94.453, burns wood, wood products, or other nongaseous or non-liquid fuels, ~~((and is))~~ including those rated less than one million Btu per hour. ~~((as defined by RCW 70.94.453.))~~
- C. SALES, ADVERTISEMENT, AND INSTALLATION OF WOOD HEATERS.**
1. **Restrictions on Advertisement and Sale.**
    - a. Uncertified wood heaters shall not be advertised or sold.
    - b. Any wood heater offered for sale shall meet the following PM ~~((App. A))~~ emission standards:
      - (1) Catalytic wood heaters less than or equal to ~~((≤))~~ 2.5 grams / hr.
      - (2) All other wood heaters less than or equal to ~~((≤))~~ 4.5 grams / hr.
  2. **Restrictions on Installation.** The enforcement of the installation requirements may also be enforced by other agencies.
  3. **Educational Materials.** Retailers who sell new wood heaters must provide educational materials to customers. The educational information should include that opacity levels of ten percent or less can be achieved through proper operation. If necessary, the retailer should verbally explain the educational materials to assure that the purchaser understands the information.
  4. **Installation of Uncertified Wood Heaters.** ~~((App. B))~~ It is unlawful to install an uncertified wood heater, unless granted a limited exemption in subsection 3.04D ~~((pg. 3-32))~~, in new or existing buildings or structures. Uncertified wood heaters installed after January 1, 1992, are a violation of this subsection and must be promptly removed from the structure.
  5. **Sale and Disposal of Uncertified Wood Heaters.** When an uncertified wood heater is to be permanently removed from its location it shall be made inoperable. A removed uncertified wood heater shall not be sold, bartered, traded, or given away for a purpose other than recycling of the materials.
- D. LIMITED EXEMPTIONS.** The following wood heaters are granted a limited exemption from the requirements of subsections 3.04 ~~((3.04C4 & 5 (pg. 3-32)))~~:  
~~((1. Boilers (App. A);))~~  
~~((2. Furnaces (App. A);))~~
1. **Antique Wood Stoves and Heaters.** An ~~((A))~~ antique wood ~~((cookstove and heaters is any wood heater ))~~ manufactured prior to 1940 ~~((may be installed and used in the manner of their original design))~~. Antique wood heaters which are currently installed, may be removed and re-installed in the same structure from which removed when part of an approved renovation. The device must be used in the same manner for which originally designed. New installation of an antique wood heater that does not meet the certification or emission limits of chapter 173-433 WAC is prohibited. ~~((1997 UBC, WAC 51-40-510.3))~~

~~(App. B))~~).

2. **Historic Sites.** Any building or structure listed on the National Register of Historic Sites or on the Washington State Register of Historic Places is allowed to burn wood, coal, or wood products in the same manner as when it was a functional facility. Use will not be permitted during a burn ban as described in section 3.05 ~~((pg. 3-33))~~
3. **Existing Uncertified Wood Heater.** Owners of uncertified wood heaters installed prior to January 1, 1992 may continue to use these devices at the original locations as long as they meet the provisions of the general requirements in subsection 3.04E ~~((pg. 3-33))~~

#### E. GENERAL REQUIREMENTS.

1. **Opacity.** Pursuant to WAC 173-433-110, ~~((it is a violation to operate a wood heater in a manner that emits a smoke plume exceeding the state opacity standard. ((The standard and test procedures are stated in app. D)). As specified in WAC 173-433-110 smoke visible from a chimney, flue or exhaust duct in excess of the opacity standard constitutes prima facie evidence of unlawful operation of an applicable solid fuel burning device. This presumption may be refuted by demonstration that the smoke was not caused by an applicable solid fuel burning device. The provisions of this requirement shall be enforceable on a complaint basis.~~
2. **Prohibitive Fuel Types.** It is prohibited to allow any of the following materials to be burned in a wood heater:
  - a. Garbage;
  - b. Treated wood;
  - c. Plastic and plastic products;
  - d. Rubber products;
  - e. Dead animals, or parts of dead animals;
  - f. Asphaltic products;
  - g. Waste petroleum products;
  - h. Paints and chemicals, or;
  - i. Any substance which normally emits dense smoke or obnoxious odors other than paper to start the fire, ~~((, other than))~~ properly seasoned fuel wood, or coal with sulfur content less than 1.0% by weight burned in a coal-only heater. ~~((App. A) and paper used to start the fire, which normally emits dense smoke or obnoxious odors.)~~
3. **Burning During Burn Bans.** Wood heaters must not be used during a burn ban called pursuant to ~~((as describe in))~~ section 3.05 ~~((pg. 3-32,))~~ unless such use complies with section 3.05. Smoke visible from a chimney, flue or exhaust duct after three hours has elapsed from the declaration of the episode or impaired air quality burn ban constitutes prima facie evidence of unlawful operation of an applicable solid fuel burning device. A person may refute this presumption with a demonstration that the smoke was not caused by a solid fuel burning device. ~~((Smoke visible from a chimney, flue or exhaust duct constitutes evidence of~~

~~unlawful operation. This presumption may be refuted by demonstration that the smoke was not caused by a wood heater. The provisions of this requirement are enforceable on a complaint or surveillance basis.)~~

4. ~~((General Standards. Wood heaters may not be operated in violation of subsections 3.01C1d and 3.01C1e.))~~

### 3.2 3.05 BURN BANS.

#### A. PURPOSE.

1. To prevent ((and avoid increasing unhealthful ambient)) air quality from worsening, or limit the time with poor air quality. ((conditions.))
2. To define the legal conditions for outdoor and agricultural burning and the use of wood heaters during burn bans ~~((App. A))~~.

B. **APPLICABILITY.** Applies to all outdoor and agricultural burning, and wood heater use unless exempted elsewhere in this section.

#### C. DECLARATION AND CRITERIA.

1. **Impaired Air Quality Burn Bans.** ~~((This is))~~ May be declared and terminated by the APCO in accordance with RCW 70A.94.473 and WAC 173-433-140 ((App. B)), and it applies to:
2. Impaired air quality burn bans declared by the APCO apply to:
  - a. Yakima County, excluding all lands located within the external boundaries of the Yakama Indian Nation. ((The woodsmoke control zone as defined in app. H (pg. H-1) and shown on the map in app. I (pg. I-2); and / or))
  - b. Any other area defined by the board.

~~((Table 3.05-1 Ambient Air Threshold Levels for an Impaired Air Quality Event))~~

((Pollutant	Threshold Level	
	First or Yellow Stage	Second or Red Stage
PM <sub>10</sub> <del>(App. B)</del>	>60 µg/m <sup>3</sup> <del>(App. B)</del> for a 24 hour average	>105 µg/m <sup>3</sup> for a 24 hour average
CO <del>(App. B)</del>	>8 ppm for an 8 hour average	No Level))

3. **Air Pollution Episodes.** (( These)) Air pollution episodes are declared in accordance with ~~((RCW))~~ Chapter 70A.94 RCW. ~~((during meteorological conditions when there is a possible danger that normal operations at air-~~

~~contaminant sources will be detrimental to public health and safety.)~~

- a. Stages. The four stages of an air pollution episode are forecast, alert, warning, and emergency as defined in RCW 70A.94.715 and ((WAC)) Chapter 173-435 WAC.
- b. Declaration and Termination. The director of Ecology may declare and terminate the first three stages. Only the governor may declare and terminate the emergency stage of an episode.

**D. REQUIREMENTS.**

1. **Outdoor and Agricultural Burning.** Extinguish all burning as required in subsection 3.03 C2 e and f. ((3.03C2)). ~~((pg. 3-8) and do not ignite any burns.)~~
2. **Fire Training Fires.** ~~((Do not ignite these fires.))~~ Prohibited during any declared impaired air quality burn ban.
3. **Wood Heaters.** Any person in a residence or commercial establishment which has an adequate source of heat other than a wood heater shall operate ~~burn~~ the wood heater according to table 3.05-1 ~~((3.05-2 (pg. 3-35)))~~.

**E. EXEMPTIONS.**

1. **Outdoor and Agricultural Burning.** There are no exemptions during a burn ban.
2. **Wood Heater is the Only Heat Source.** Homes or commercial establishments with no source of adequate heat as defined in chapter 173-433 WAC, other than a wood heater, are exempt from the prohibition in this section. Adequate heat means a system that can maintain a temperature of 70°F ~~((App. B))~~ three feet off the floor in normally inhabited areas of a dwelling when the heater is operating as designed.

**Table 3.05-1 ((3.05-2)) Outdoor and Agricultural Burning and Wood Heater Use Permitted in Designated Areas During Burn Bans.**

Yes - Burning or use is permitted((=)) ;No - Burning or use is not permitted.

Type of Burning ((1/))	Type of Burn Ban			
	Impaired Air Quality		Air Pollution Episode	
	First Stage ((a))	Second Stage ((b))	Forecast ((e))	Alert, Warning, or Emergency ((d))
1. Outdoor	No	No	No	No
2. Agricultural	No	No	No	No
3. Fire Fighting/ Training Fires	No	No	No	No
<b>4. Wood Heaters</b>				
4.1 Pellet Stove	Yes	No	Yes	No
4.2 EPA Certified Woodstove	Yes	No	Yes	No
4.3 Oregon DEQ Phase 2 Woodstove	Yes	No	Yes	No
4.4 EPA Exempted Device	No	No	Yes	No
4.5 Sole Source of Heat	Yes	Yes	Yes	Yes
4.6 All Others	No	No	Yes	No

((Footnotes for table 3.05-2))

((1/ Definitions of types of burning are in app. A.))

### ~~3.3~~ 3.06 STRATOSPHERIC OZONE-DEPLETING CHEMICALS.

- A. **PURPOSE.** To prevent the unnecessary release of stratospheric ozone-depleting chemicals.
- B. **APPLICABILITY.**
- ~~1.~~ All persons who manufacture, handle, store, use, or dispose of stratospheric ozone depleting chemicals.
  - ~~2.~~ Those chemicals are listed in section 602 of Title VI of the FCAA.
- C. **PROHIBITION.** The willful release of ozone-depleting chemicals is prohibited.

### ~~3.4~~ 3.07 ASBESTOS CONTROL.

- A. **PURPOSE.** The purpose of this section is to ((~~To~~)) prevent asbestos emissions, which could jeopardize public health or safety; due to ((~~from~~)) the disturbance of asbestos-containing materials ((~~(\*)~~)).
- B. **APPLICABILITY.** ~~((This section applies to the use, maintenance, renovation, or demolition of any facility (\*) or vessel with ACM (\*) or suspect ACM (\*). It also applies to any activity which could disturb ACM.))~~ This section applies to any activity which could disturb ACM, to include use, maintenance, renovation, or demolition of any facility or vessel with ACM or suspect of ACM.
- C. **COMPLIANCE.** In addition to the requirements of this section, all sources are required to comply with the provisions of WAC 173-400-075 (1), 40 CFR Part 61, and 40 CFR Part 763. The additional requirements in 40 CFR Part 763 that pertains only to K-12 public and private schools are not included in this regulation, but the source must comply with them.
- ~~((D. **DEFINITIONS.** The following are the definitions for words and phrases used only in this section.))~~
- ~~((1. **AHERA (App. B) Building Inspector.** A person who has successfully completed the training requirements established by EPA (App. B) for a building inspector and whose certification is current.))~~
  - ~~((2. **AHERA Project Designer.** A person who has successfully completed the training requirements established by EPA for an abatement project designer and whose certification is current.))~~
  - ~~((3. **Asbestos.** The asbestiform varieties of actinolite, amosite, tremolite, chrysotile, crocidolite, or anthophyllite.))~~
  - ~~((4. **Asbestos-Containing Material (ACM).** Any material containing more than one percent (1%) asbestos.))~~
  - ~~((5. **Asbestos Project.** Any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of ACM or ACM waste or any other action that disturbs or is likely to disturb any ACM. It does not include the application~~

of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released; or the removal of sealants, coatings, and mastic bound in asphalt roofing with no felt layers containing ACM.)

- ~~((6. **Asbestos Survey.** A written report describing an inspection using the procedures in EPA regulations, or an alternate method that has received the prior written approval from the APCO (*App. B*), to determine whether materials or structures to be worked on, renovated, removed, or demolished contain asbestos (\*).))~~
- ~~((7. **Competent Person.** A person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy; has the authority to take prompt corrective measures to eliminate the hazards; and has been trained and is currently certified in accordance with the standards established by L&I (*App. B*), OSHA (*App. B*), or EPA. (*App. B*))~~
- ~~((8. **Component.** Any equipment, pipe, structural member, or other item covered or coated with, or manufactured from ACM.))~~
- ~~((9. **Demolition.** Wrecking, razing, leveling, dismantling, or burning of a structure, and making the structure permanently uninhabitable or unusable.))~~
- ~~((10. **Facility.** Any institutional, commercial, public, industrial, or residential structure, installation, or building.))~~
- ~~((11. **Friable Asbestos-Containing Material.** ACM that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure.))~~
- ~~((12. **Glove Bag.** A sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work-area enclosure typically used for small scale asbestos stripping operations.))~~
- ~~((13. **Leak-Tight Container.** A dust and liquid tight container at least 6 mil thick that encloses ACM waste and prevents solids or liquids from escaping. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic bags.))~~
- ~~((14. **Nonfriable Asbestos-Containing Material.** ACM that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand.))~~
- ~~((15. **Owner-Occupied, Single-Family Residence.** Any non-multiple unit building containing living space that is currently occupied by one family who owns the property as their domicile. This includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a “mother in law apartment” or “guest room”.))~~
- ~~((16. **Renovation.** Altering a structure or component (\*) any way, other than demolition.))~~
- ~~((17. **Suspect Asbestos-Containing Material.** Material that has historically contained asbestos.))~~

#### D. ~~(E.)~~ MANAGEMENT OF ACM.

##### 1. **Condition(s).**

- a. ACM which is not likely to be disturbed by renovation ((\*)) does not have to be removed.
- b. The ACM in these locations must be maintained in a stable and damage free condition to prevent asbestos emissions.

- c. ACM in an unstable, friable condition needs to be removed, encapsulated, or enclosed.
  - d. ACM in structures planned for demolition must be removed prior to the start of the demolition work.
- 2. Practices.** Acceptable practices are one or more of the following to insure stable ACM conditions:
- a. Avoiding the ACM by restricting access and/or ~~posting signage~~ ~~signing~~;
  - b. Enclosing the ACM with a wall or other barrier;
  - c. Treating the ACM with a bridging encapsulation compound; or
  - d. Conducting periodic inspections to insure the ACM is still in a stable condition.

**E. ~~(F.)~~ ASBESTOS SURVEY REQUIREMENTS.**

- 1. Survey Requirements.** Before doing any renovation or demolition an asbestos survey ~~((\*))~~ must be performed by an AHERA building inspector ~~((\*))~~ except renovation of ~~((for))~~ an owner-occupied, single-family residences. ~~((\*))~~
- 2. Records.** The owner or operator of the facility must do the following:
- a. Post a summary of the survey at the location on the work site where control of entry is maintained or communicate in writing to all persons who may come into contact with the ACM.
  - b. Retain a copy of all asbestos survey records for at least two years.
  - c. Record the condition and location of all known ACM remaining after completion of a renovation project.

**F. ~~(G.)~~ NOTIFICATION.**

- 1. General Requirements.** Work must not be done on any project which could disturb ACM unless a complete notification has been submitted by the owner or operator to the ~~((authority))~~ agency on approved forms.
- a. Duration of the project shall be commensurate with the amount of work.
  - b. All projects require notification except:
    - 1) Asbestos projects other than demolition involving less than 10 liner feet (lf) ~~((App. B))~~ or 48 square feet (sf) ~~((App. B))~~ per structure of ACM in a calendar year.
    - 2) Removal and disposal of caulking or window-glazing.
    - 3) Renovation or demolition of detached sheds, garages, or out-buildings located at owner-occupied single family dwellings.
  - c. Notification is required and the following apply:
    - 1) The renovation or demolition of a facility ~~((\*))~~ or vessel containing ACM or suspect ACM ~~((\*))~~ more than the limits in subsection 3.07G1b (1). ~~((3.067G1b (1) (pg. 3-38)))~~.
    - 2) A copy of the notification, all amendments, the asbestos survey, and any order of approval ~~((App. A))~~ for an alternate means of compliance must be available at all times during work at the asbestos project site.
    - 3) Notification or amendment must be filed at least ten business days prior to the planned start date.
    - 4) A copy of all asbestos notification records must be retained for at least two years by the owner or operator of the facility.

- d. Multiple Projects. Notification for multiple asbestos projects on contiguous properties may be filed on one form if:
  - 1) Work is performed by the same contractor; and
  - 2) A work plan is submitted that includes:
    - a) A map of the structures;
    - b) The site address for each structure;
    - c) The amount and type of ACM in each structure;
    - d) The schedule for performing the asbestos project work
- e. Annual Notification. A property owner or owner's agent may file one annual notification for asbestos projects at one or more facilities on contiguous properties in one calendar year if:
  - 1) The annual notification is filed at least ten business days prior to commencing work on any asbestos project; and
  - 2) The total amount of ACM for all asbestos projects is less than 260 lf or 160 sf.
- f. Duration. Notifications are valid for no more than twelve months from the original notification date.

## **2. Amendments.**

- a. Mandatory. Must be submitted for any of the following and must be accompanied by the appropriate fee.
  - 1) Increase in the project type or job size that increases the fee; or
  - 2) Changes in the type of ACM that will be removed; or
  - 3) Changes in the start date, completion date, or work schedule, including hours or days of work.
- b. Optional. May be submitted for any other change in a notification.
  - 1) Submitted by phone or fax and there is a minimal effort required to review it, an amendment fee will not be charged.
  - 2) Submitted in writing on notification forms, an amendment fee will be charged.
- c. Timing. Will not be accepted after the completion date on the current notification or latest amendment.

## **3. Emergencies.**

- a. Advance notification is not required, if:
  - 1) A sudden, unexpected event occurred that resulted in a public health or safety hazard; or
  - 2) The project must proceed immediately to protect equipment, ensure continuous vital utilities, or minimize property damage; or
  - 3) ACM was encountered that was not identified during the asbestos survey; or
  - 4) The project must proceed to avoid imposing an unreasonable financial burden.
- b. A notification shall be filed not later than the first working day after the asbestos project is commenced and must be accompanied by a written ((~~demonstration~~)) statement from the property owner or operator illustrating ((~~demonstrating~~)) the need for the emergency project.

**G. (~~H.~~) ASBESTOS REMOVAL.**

1. **Renovation Projects.** Except as provided in subsection 3.07I3 (~~(3.07I3 (pg. 3-39))~~), renovation work which does not remove ACM must:
  - a. Enclose or encapsulate the ACM in place; or
  - b. Leave the ACM in an unaltered and stable condition.
2. **Demolition Projects.** Except as provided in this subsection and subsection 3.07J3 (~~(3.07J3 (pg. 3-41))~~), work that could disturb ACM must not be done without first removing all ACM.
3. **Exceptions.** ACM need not be removed prior to demolition, if the property owner demonstrates that it is not accessible because of unsafe conditions. Examples and requirements for this are:
  - a. Facilities or vessels that are structurally unsound and in danger of imminent collapse, or
  - b. Other conditions which (~~that~~) are immediately dangerous to life and health.
  - c. Documentation for Unsafe Conditions.
    - 1) Submit written documentation of the hazard by a qualified government official or a licensed structural engineer, and
    - 2) Submit procedures that will be followed for controlling emissions during demolition and disposal of the ACM.

**H. (~~I.~~) PROCEDURES FOR ASBESTOS PROJECTS.**

1. **Training Requirements.** Work must be performed by persons trained and certified in accordance with the standards established by L&I, OSHA, or EPA and whose certification is current. This requirement does not apply to asbestos projects conducted in an owner-occupied, single-family residence performed by the resident owner.
2. **Asbestos Removal Work Practices.** Persons (~~(App. A)~~) removing any ACM must:
  - a. Conduct work in a controlled area, marked by barriers and asbestos warning signs;
  - b. Restrict access to authorized personnel only;
  - c. Equip with transparent viewing ports when a negative pressure enclosure is used, if feasible;
  - d. Saturate absorbent materials with a liquid wetting agent prior to removal;
  - e. Wet unsaturated surfaces exposed during removal immediately;
  - f. Coat nonabsorbent materials continuously with a liquid wetting agent;
  - g. Wet and seal all ACM waste (~~(\*)~~) in leak-tight containers as soon as possible after removal but no later than the end of each work shift;
  - h. Clean any asbestos residue from the exterior of all leak-tight containers and ensure that each container is labeled with an asbestos warning sign specified by L&I, OSHA, or EPA;
  - i. Immediately after sealing each leak-tight container, permanently mark the container with:
    - 1) Date the material was collected for disposal;
    - 2) Name of the waste generator; and
    - 3) Address where the ACM waste was generated.

This marking must be readable without opening the container;

- j. Do not drop, throw, slide, or otherwise damage ACM waste containers; and
- k. Store the ACM waste containers in a secure restricted ~~controlled~~ area if not immediately transported to an approved waste disposal site.

- 3. **Removal of Nonfriable ACM.** The following asbestos removal methods must be employed for ACM that has been determined to be nonfriable (~~((/\*))~~) by a competent person (~~((/\*))~~) or an AHERA building inspector:
  - a. The material must be removed using methods which do not render the material friable. Removal methods such as sawing or grinding must not be employed.
  - b. Dust control methods must be used as necessary to assure no fugitive dust is generated.
  - c. The material must be carefully lowered to the ground to prevent fugitive dust.
  - d. After being lowered to the ground, the material must be immediately transferred to a disposal container.
- 4. **Removal of Friable ACM.** Any combination of the following are acceptable work practices:
  - a. Negative Pressure Enclosure. ACM removal is done inside a negative pressure enclosure equipped with a local exhaust system that captures airborne asbestos fibers;
  - b. Glove Bag(~~((ging))~~). ACM removal of small quantities of ACM using a glove bag (~~((/\*))~~) system.
  - c. Wrap and Cut Procedures. ACM need not be removed from a component (~~((/\*))~~) if the component is wrapped and sealed prior to removal then removed and stored for reuse or disposal, or is transported without disturbing or damaging the ACM.

**I. ((J)) ALTERNATE MEANS OF COMPLIANCE.** An alternate asbestos removal method may be used after prior written approval from the APCO if the following actions are taken:

**1. Friable ACM Removal.**

- a. An AHERA project designer has evaluated the work area, the type of ACM, proposed work practices and engineering controls, and demonstrates to the APCO that the planned control method will be equally as effective as the work practices contained in subsection 3.07H (~~((3.07I (pg. 3-40)))~~); and
- b. The property owner or operator prepares a written air monitoring plan which includes PCM (~~((App-B))~~) air sampling. The sampling must demonstrate the asbestos fiber concentrations outside the controlled area do not exceed 0.01 fiber per cubic centimeter (f/cc) (~~((App-B))~~) for an 8 hour time weighted average.
- c. Dry removal may be approved if:
  - 1) It is necessary to avoid danger to workers or damage to equipment from wetting agents contacting high temperature steam lines or electrical components which cannot be disconnected or de-energized during abatement, and
  - 2) All wet removal methods have been evaluated by an AHERA project

designer.

**2. Nonfriable ACM.**

- a. A competent person or AHERA project designer has evaluated the work area, the type of ACM, the proposed work practices, and the engineering controls; and
- b. The planned control method will be equally as effective as the work practices contained in subsection 3.07H (~~(3.07I (pg. 3-40))~~) in controlling asbestos emissions.

**3. Leaving Nonfriable ACM in Place.** Nonfriable ACM may be left in place during renovation or demolition upon prior written approval by the APCO if:

- a. An AHERA project designer has evaluated the work area, the type of ACM, the proposed work practices, and the engineering controls; and
- b. The ACM will remain nonfriable during all renovation or demolition activities and subsequent disposal of the debris.
- c. This subsection does not apply to demolition by intentional burning.

**4. Approval of Alternate Methods.**

- a. The APCO will issue an order of approval requiring conditions that are reasonably necessary to assure the planned control method is as effective as the work practices in subsection 3.07H (~~(3.07I (pg. 3-40))~~).
- b. The APCO may revoke the order of approval for cause.

**J. (~~K.~~) DISPOSAL OF ACM WASTE.**

- 1. Prohibition.** It is unlawful for any person to dispose of ACM waste unless it is deposited within ten days of removal at an approved waste disposal site.
- 2. Waste Tracking Requirements.** It is unlawful for any person to dispose of ACM waste unless all of the following requirements are met:
  - a. Maintain shipment records starting prior to shipping the waste;
  - b. Use a form that includes all of the following information:
    - 1) The name, address, and telephone number of the waste generator;
    - 2) The approximate quantity in cubic meters or cubic yards;
    - 3) The name and telephone number of the disposal site operator;
    - 4) The name and physical location of the disposal site;
    - 5) The date transported;
    - 6) The name, address, and telephone number of the transporter; and
    - 7) A certification that the contents of the consignment are fully and accurately described by proper shipping name and are classified, packed, marked, and labeled, and are in all respects in proper condition to transport by highway according to applicable waste transport regulations.
  - c. Provide a copy of the waste shipment record to the disposal site owner or operator at the same time the ACM waste is delivered.
  - d. Return a signed copy of the waste shipment record to the waste generator within 30 days after receiving the waste at the disposal site.
  - e. Retain a copy of all waste shipment records for at least 2 years, including a copy of the waste shipment record signed by the owner or operator of the designated waste disposal site.
- 3. Temporary Storage Site.** A person may establish a facility to collect and store

ACM waste if the facility is approved by the APCO and the following conditions are met:

- a. Accumulated ACM waste is kept in a controlled storage area posted with asbestos warning signs and is accessible only to authorized persons;
- b. Stored in leak-tight containers which are maintained in leak-tight condition;
- c. Stored in a locked area except during transfer of ACM waste; and
- d. Storage, transportation, disposal, and return of the waste shipment record to the waste generator must not exceed 90 days

**K.** ~~(L.)~~ **FEES.** See current fee schedule for the notification fees.

### 3.08 SPECIFIC DUST CONTROLS.

#### A. CONSTRUCTION DUST.

1. **Purpose.** To prevent and reduce fugitive dust emissions from construction.
2. **Applicability.** Applies to any owner or operator engaged in the construction, repair, or demolition of any building; construction or maintenance of a road; site preparation; or landscaping work on a property.
3. **Exemptions.**
  - a. ~~((From Requirements in subsection 3.08A4 (pg. 3-43). None.))~~
  - a. From Submitting a Dust Control Plan.
    - 1) A single-family residence or duplex dwelling shall be exempt provided the site is not a phase of a project that involves more than one dwelling.
    - 2) Projects causing complaints of dust emissions that result in a determination by the ~~((authority))~~ agency that reasonable precautions to prevent dust emissions are not being used shall not be exempt from the requirement for a dust control plan.
  - b. **Emergencies.** Sources are granted exemptions from subsection 3.08A ~~((3.08A))~~ during the following emergency situations provided the source contacts the ~~((authority))~~ agency within 24 hrs. of the start of the emergency and uses reasonable precautions as soon as feasible after the emergency is resolved:
    - 1) Active operations conducted during emergency, life threatening situations, or in conjunction with an officially declared disaster or state of emergency; or
    - 2) Active operations conducted by public service utilities to provide electrical, natural gas, telephone, water, or sewer service during emergency outages.
4. **Requirements.**
  - ~~((a. Visible Emissions. Sources are required to comply with subsection 3.01C1a.))~~
  - ~~((b. Preventing Particulate Matter From Becoming Airborne. Sources are required to comply with subsection 3.01C1b.))~~
  - ~~((c. Construction, Demolition, or Repair Work. Sources are required to comply with subsection 3.01C1e.))~~
  - ~~((d. Emissions Detrimental to Persons or Property. Sources are required to comply with subsection 3.01C1e.))~~

~~((e. Fugitive Dust. Sources are required to comply with subsection 3.01C2e.))~~

- ~~a. ((f.))~~ Water for Dust Control. Any person doing construction, repair, remodeling or demolishing of any building; or road construction or repair must have an adequate supply of water available to control dust at all times.
- ~~b. ((g.))~~ Site or Project Dust Control Plans. Where the potential exists for fugitive dust emissions, an owner or operator must prepare a site dust control plan and submit it to the ~~((authority))~~ agency 15 days prior to the start of any work that will disturb soil stability, cover, or cause fugitive dust emissions.
- 1) Dust control plans must identify management practices and operational procedures which will effectively control fugitive dust emissions.
  - 2) Dust control plans must contain the following information:
    - a) A detailed map or drawing of the site;
    - b) A description of the water source to be made available to the site, if any;
    - c) A description of preventive dust control measures to be implemented, specific to each area or process;
    - d) A description of contingency measures to be implemented in the event any of the preventive dust control measures become ineffective;
    - e) A statement, signed by the owner or operator of the site, accepting responsibility for the implementation and maintenance of the dust control plan;
    - f) The name and telephone number of person(s) available 24 hours a day to mitigate any episodes of dust emissions; and
  - 3) If the ownership or control of all or part of the site changes, the plan must be resubmitted by the new party and approved by the ~~((authority))~~ agency. The ~~((authority))~~ agency will review the plan and either approve or require modification of the plan.
  - 4) An owner or operator must implement effective dust control measures outlined in approved plans.
- ~~c. ((h.))~~ Master Dust Control Plan. As an alternative to a site dust control plan, an owner or operator may submit a master dust control plan that applies to more than one site or project. The master plan must:
- 1) Address all the requirements in subsection 3.08A4b ~~((3.08A4g (pg. 3-43)))~~; and
  - 2) Provide for effective control of fugitive dust emissions to all sites and projects.
  - 3) Prior to the commencement of work at any site or project covered by the master plan, additional notification must be submitted as soon as possible. The master plan or the additional notification must:
    - a) Give the name and phone number of a person responsible for the implementation of dust control measures for each of the sites; and
    - b) Address any unique site qualities or project operations that would impair the effectiveness of dust control measures.

**5. Additional Information.** Additional information is available from the ~~((authority))~~ agency

6. **Fees.** See current fee schedule.

**B. DUST FROM CATTLE FEEDING OPERATIONS.**

1. **Purpose.** To prevent and reduce fugitive dust emissions from cattle feeding operations.
2. **Applicability.** Applies to any owner or operator of a beef or dairy replacement cattle feeding operation:
3. **Emergencies** (~~(Exemptions.)~~) Sources are granted exemptions from subsection 3.08B (~~(3.08B (pg. 3-44))~~) during an emergency situations provided:
  - a. The owner or operator of the source contacts the ~~((authority))~~ agency before the end of the next business day after the start of the emergency; and
  - b. The source uses reasonable precautions as soon as feasible after the emergency is resolved.
  - c. An emergency situation exists when compliance with subsection 3.08B (~~pg. 3-44) would~~) causes risk to human health or substantial crop damage or cattle loses.
4. **Requirements.**
  - ~~((a. Visible Emissions. Sources are required to comply with subsection 3.01C1a.))~~
  - ~~((b. Preventing Particulate Matter From Becoming Airborne. Sources are required to comply with subsection 3.01C1b.))~~
  - ~~((c. Odor. Sources are required to comply with subsection 3.01C1d.))~~
  - ~~((d. Emissions Detrimental to Persons or Property. Sources are required to comply subsection 3.01C1e.))~~
  - ~~((e. Fugitive Dust. Sources are required to comply with subsection 3.01C2e.))~~
    - a. ~~((f.))~~ Dust Control Plan Preparation. The following types of sources must prepare and submit an annual dust control plan to the ~~((authority))~~ agency no later than April 15<sup>th</sup> of each year.
      - 1) Any source with an average of 1,000 or more cattle confined and fed during the months of April through October and; or
      - 2) Any cattle feeding operation which receives a verified fugitive dust complaint.
    - b. ~~((g.))~~ Dust Control Plan Content. Dust control plans must include:
      - 1) A map or drawing of the feedlot;
      - 2) The operational capacity of the feedlot;
      - 3) The maximum number of cattle which are confined;
      - 4) The water available to the feedlot for dust control;
      - 5) The site-specific features which could complicate or prevent implementation of BMPs (~~((App.B))~~)
      - 6) Which BMPs will be used, and where they will be used;
      - 7) The equipment and materials to be used to implement a BMP;
      - 8) An operational and maintenance plan and schedule to implement each BMP; and
      - 9) An operation and maintenance plan which also includes BMPs for;
        - a) Hay chopping,
        - b) Grain processing,
        - c) Feed mixing, and

d) Feed handling.

c. ~~((h-))~~ Plan Implementation.

- 1) The ~~((authority))~~ agency will approve or require modification of the plan within 30 days of receipt.
- 2) A feedlot operator must implement an approved dust control plan.
- 3) A feedlot operator may change practices from those in an approved dust control plan as long as the effectiveness of the plan is not reduced, and the operator notifies the ~~((authority))~~ agency of the change.

**4. Additional Information.** Additional information is available from the ~~((authority))~~ agency.

**5. Fees.** See current fee schedule

~~((3.07 MOBILE SOURCE EMISSIONS. Reserved for later use.))~~

~~((3.08 GENERAL RULE FOR MINOR SOURCES. Reserved for later use.))~~

~~((3.09 MONITORING, RECORDKEEPING, AND REPORTING. Repealed by Amendment 1.))~~

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## AMENDATORY SECTIONS

### ARTICLE 4 - PERMITS & REGISTRATION

#### ~~4.0~~ ~~REQUIREMENTS COMMON TO ALL PERMITS.~~ Reserved for later use.

#### 4.01~~(0)~~ REGISTRATION PROGRAM

- A. **PURPOSE.** ~~((WAC 173-400-099))~~ To develop and maintain a current and accurate record of air contaminant sources.
- B. **APPLICABILITY.** Applies to the owner or operator of each source within the categories ~~((each source))~~ listed in WAC 173-400-100. ~~((within the categories in app. G. (pg. G-1).))~~
- C. **RESPONSIBILITY.** The owner or operator of the source is responsible to notify the ~~((authority))~~ agency of the existence of the source except when exempted in subsection 4.01D ~~((pg. 4-1)).~~
- D. **EXEMPTIONS.** All exemptions are based on following: ~~((emissions use, the actual emissions from the source.))~~
1. **Air Operating Permit Sources.** Sources or emission units which are permitted according to section 4.04 ~~((pg. 4-5)).~~
  - ~~((2. Criteria Exempt Sources. Sources which have actual emissions less than the rates shown in table 4.01-1 (pg. 4-1).))~~
  - ~~((3. Toxic Air Pollutant Sources (TAP). The de minimis emission rate specified for each TAP in WAC 173-460-150. Sources which do not emit a quantifiable amount of toxic air pollutants listed in app. K, para. B.))~~
- ~~((4.))~~ **2. Gasoline Marketing Operations.**
- a. Any loading terminal or bulk plant dispensing  $\leq 7,200,000$  gallons per year;
  - b. Any gasoline dispensing facility dispensing  $\leq 360,000$  gallons per year which started operation prior to August 31, 1991; or
  - c. Any gasoline dispensing facility with a total storage capacity of 10,000 gallons.

**((Table 4.01-1 Criteria for Defining Exempt Sources))**

<b>((Pollutant</b>	<b>TPY (App. B))</b>
<del>((CO (App. B))</del>	<del>((5.0))</del>
<del>((NO<sub>2</sub> (App. B))</del>	<del>((2.0))</del>
<del>((SO<sub>2</sub> (App. B))</del>	<del>((2.0))</del>
<del>((PM (App. A))</del>	<del>((1.25))</del>
<del>((PM<sub>10</sub> (App. A))</del>	<del>((0.75))</del>
<del>((VOC (App. B))</del>	<del>((2.0))</del>
<del>((Pb (App. B))</del>	<del>((0.005))</del>

**E. LIMITED EXEMPTIONS. ((RCW 70.94.151(3)))**

1. A grain warehouse or elevator emission source with an annual volume less than or equal to (( $\leq$ ))10((,000,000)) million bushels is granted an exemption from registering, reporting, or paying a registration fee after:
  - a. Filing ((an initial)) registration according to subsection 4.01F1 ((pg. 4-2));
  - b. Filing ((an initial)) report according to subsection 4.01F2 (pg. 4-2); and
  - c. Paying the ((initial)) registration fee according to subsection 4.01G ((pg. 4-5)).
2. The exemption remains until the source increases the licensed capacity.
3. If the licensed capacity is increased to greater than (( $\geq$ )) 10 million bushels, the source must register, report, and pay the registration fee again prior to the start of the first harvest season after the date of change in the licensed capacity.
4. The source is not exempted from the requirements of 4.01F5&6 ((pg. 4-5)).

**F. REGISTRATION AND REPORTING PROCEDURE. ((WAC 173-400-101, 102, & 103))****1. Registration.**

- a. ((Sources required to register are defined in subsections 4.01B, D, & E (pg. 4-1 & 4-2).))
- a. ((The r))Registrants shall use forms and directions supplied by the ((authority)) agency.
- b. ((The f)) Forms must be completed and returned within the time specified.
- c. Emission units within the facility must be listed separately unless they meet the following conditions:
  - 1) The ((authority)) agency determines that certain emission units may be combined into process streams for purposes of registration and reporting; or
  - 2) There are identical units of equipment or control facilities installed,

altered, or operated in an identical manner on the same process; the number of the units may be reported.

~~((2. Reporting. Reports must be filed during January using forms and directions supplied by the agency authority.))~~

~~((a. Detailed Annual Reporting.))~~

~~((1) The source emits one or more pollutants at rates greater than those listed in table 4.01-2 (pg. 4-4);))~~

~~((2) Reporting is necessary to comply with federal requirements and emission standards;))~~

~~((3) Reporting is required in a RACT (App. B) determination for the source category;))~~

~~((4) The APCO determines that the source poses a threat to human health and the environment; or))~~

~~((5) Sources who qualified for three year reporting, but failed to comply with the regulations or orders issued by the agency authority.))~~

~~((b. Three Year Reporting.))~~

~~1) ((The source emits one or more pollutants at rates greater than the rates in table 4.01-1 (pg. 4-2) but less than the rates in table 4.01-2 (pg. 4-4); or))~~

~~2) ((The source emits a quantifiable amount of one or more class A or B toxic air pollutants listed in app. K, para. B.))~~

## **2. Scope of registration and reporting requirements.**

a) **Administrative options.** A source in a listed source category that is located in Yakima County will be addressed in one of several ways:

1) The source will be required to register and report once each year. The criteria for identifying these sources are listed in subsection (b) of this section.

2) The source will be required to register and report once every three years. The criteria for identifying these sources are listed in subsection (c) of this section.

~~((3) The source will be exempted from registration program requirements. The criteria for identifying these sources are listed in subsection (4) of this section.))~~

b) **Sources requiring annual registration and inspections.** An owner or operator of a source in a listed source category that meets any of the following criteria shall register and report once each year:

1) The source emits one or more air pollutants at rates greater than the "emission threshold" rates defined in WAC 173-400-030;

2) Annual registration and reporting is necessary to comply with federal reporting requirements or emission standards; or

3) Annual registration and reporting is required in a reasonably available control technology (RACT) determination for the source category; or

4) The APCO determines that the source poses a potential threat to human health and the environment.

c) **Sources requiring periodic registration and inspections.** An owner or operator of a source in a listed source category that meets any of the following criteria shall register and report once every three years:

1) The source is subject to WAC 173-400-100, and emits air pollutants at rates less than the "emission threshold" rates defined in WAC 173-400-030 and Table 4.01-2; or

2) A source that is subject to WAC 173-400-100, but not subject to new source review under WAC 173-400-110(5) must register with the YRCAA.

~~((d) Sources exempt from registration program requirements. Any source included in a listed source category is not required to register if:))~~

~~((1) The source emits pollutants below emission rates specified in Table 4.01-1 of this section; and))~~

~~((2) The source or emission unit does not emit more than de minimis amounts of toxic air pollutants specified in WAC 173-460-150.))~~

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**Table 4.01-2 Significant Pollutant Emission Levels**

<b>Pollutant</b>	<b>TPY</b>
CO (( <del>App. B</del> ))	100
NO <sub>x</sub> (( <del>App. B</del> ))	40
SO <sub>x</sub> (( <del>App. B</del> ))	40
PM (( <del>App. A</del> ))	25
PM <sub>10</sub> (( <del>App. A</del> ))	15
<u>PM<sub>2.5</sub></u>	<u>10</u>
VOC (( <del>App. B</del> ))	40
Pb (( <del>App. B</del> ))	0.6
Fluorides	3
<u>Sulfuric Acid Mist (H<sub>2</sub>SO<sub>4</sub>)</u> (( <del>App. B</del> ))	7
<u>Hydrogen Sulfide (H<sub>2</sub>S)</u> (( <del>App. B</del> ))	10
<u>Total Reduced Sulfur (TRS)</u> (( <del>App. B</del> )) including H <sub>2</sub> S	10
<u>Reduced Sulfur Compounds</u> including H <sub>2</sub> S	<u>10</u>
Municipal waste combustor organics measured as total tetra- through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.	<u>0.0000035</u>
Municipal waste combustor metals measured as PM.	15
Municipal waste combustor acid gases measured as SO <sub>2</sub> and HCl ( <del>App. B</del> )	40

d. Registration Report Contents.

1) Detailed annual registration reports shall contain:

- a) Annual emissions inventory;
- b) Operation and maintenance plans;
- c) Plan showing the plant layout; and
- d) Changes in operations since the last detailed report.

2) Three-year registration reports shall also contain the annual emissions inventories.

3) The APCO ((~~App. B~~)) will schedule the detailed annual and three-year report cycles.

**3. Operational and Maintenance Plan.** Owners or operators of registered air contaminant sources must develop and maintain an operation and maintenance plan for process and control apparatus ((~~App. A~~)). The plan must:

- a) Reflect good industrial practice;

- b) Include a record of performance and periodic inspections of process and control apparatus;
- c) Be reviewed and updated by the source owner or operator at least annually; and
- d) Be made available to the ~~((authority))~~ agency upon request.

- 4. **Signature.** The owner, operator, or a designated representative must sign the registration or reporting form(s) for each source. The owner, operator or designated representative ~~((lessee))~~ of any ~~the~~ source is responsible for the accuracy, completeness, and timely submittal of ~~((this))~~ all information.
- 5. **Closure Report.** A closure report shall ~~((must))~~ be filed with the ~~((authority))~~ agency within 90 days ~~((when the operation))~~ of a source is permanently ceasing~~((ed))~~ operations.
- 6. **Change of Ownership.** A new owner or operator shall ~~((must))~~ report to the ~~((authority))~~ agency any change of ownership or operator within ~~((90))~~ 30 days of said change.

G. **FEES.** All registrants must pay a fee in accordance with the current fee schedule.

~~((4.02))~~ **NEW SOURCE REVIEW.** ~~((RCW 70.94.152, & WAC 173-400-1106/116))~~  
~~Repealed by Amendment 1.~~

~~((4.03))~~ **NEW SOURCE REVIEW FOR TOXIC AIR POLLUTANTS.** Reserved for later use.)

~~((4.04))~~ **4.02 AIR OPERATING PERMITS (AOP) ISSUED PURSUANT TO TITLE V OF THE FCAA.** ~~((Chap. 173-401 WAC))~~

~~((A.))~~ **PURPOSE.** ~~((WAC 173-401-100))~~ To reference the appropriate WAC citations and to define any additional requirements or changes to implement a local AOP ~~((App.B))~~ program in accordance with ~~chap. 173-401 WAC.~~

A. **APPLICABILITY.** As defined in WAC 173-401-300.

B. **REQUIREMENTS.** When multiple federal, state, or local laws or regulations contain requirements for an AOP source, all laws and regulations apply.

C. **DEFINITIONS.** ~~((As defined in WAC 173-401-200 otherwise as defined in WAC 173-400. When a term is not defined in WAC 173-401-200 see app. A for the definition.))~~ The definitions of terms contained in chapters 173-400 & 173-401 WAC are incorporated by reference. Any term not defined in chapters 173-400 & 173-401 WAC may be found in Appendix A.

D. **PERMIT APPLICATIONS.** ~~((As defined in))~~ All sources subject to Title V of the FCAA shall submit an initial permit application or a renewal application using the forms provided by YRCAA. These forms are designed to capture the

minimum essential data contained in chapter 173-401 WAC. ((As defined in chap. WAC 173-401 WAC, Part V.))

- E. PERMIT CONTENT.** All Title V Permits issued by YRCAA shall contain terms and conditions that assure compliance with all applicable requirements at the time of permit issuance. All Title V Permits issued by YRCAA will be based on the most stringent of the requirements listed in chapter 173-401 WAC, Part VI. ((As defined in chap. WAC 173-401 WAC, Part V.)) ((As defined in))

~~((1. Emissions Standards. As required in sections 3.01 and 3.02 (pg. 3-3) and app. D.))~~

~~((2. Monitoring, Recordkeeping, and Reporting. As required in section 3.11.))~~

~~((3. Terms and Conditions. As required in applicable local rules and this regulation.))~~

~~((4. Operation and Maintenance. As required in subsection 3.00E (pg. 3-3.))~~

~~((5. Outdoor and Agricultural Burning. As required in section 3.03 (pg. 3-7.))~~

~~((6. Compliance and Enforcement. As required in subsection 1.07A, article 5 (pg. 5-1), and section 2.05 (pg. 2-4.))~~

~~((7. Appeals. As required in section 2.05 (pg. 2-4.))~~

~~((8. Orders. Any relevant order issued by the authority, ecology, or EPA.))~~

- F. Appeals.** Any permit, or the terms or conditions of such a permit, issued by the agency may be appealed to the pollution control hearings board under chapter 43.21B RCW and RCW 70A.94.161(9)

- G. PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS.** All permits issued, renewed, reopened or revised will be accomplished in accordance with chapter ((As defined in chap.)) 173-401 WAC, Part VII.

- H. GENERAL PERMITS.** All general permits will be issued in accordance with chapter 173-401 WAC, Part VIII.

- I. PUBLIC INVOLVEMENT.** Public participation for the YRCAA Permit Program will be in accordance with chapter 173-401 WAC, Part IX and section 2.04 of this regulation.

- J. FEES.**

1. As defined by chapter 173-401 WAC, Part X; and
2. Section 2.02 ~~((pg. 2-2))~~ and current fee schedule.

~~((4.05))~~ **4.03 VOLUNTARY LIMITS ON EMISSIONS.** ~~((WAC 173-400-091))~~

- A.** Upon request by the owner or operator of a new or existing source or stationary source, the agency shall issue a regulatory order that limits the potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and the agency.

- B.** A condition contained in an order issued under this section shall be less than the source's or stationary source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of the chapter 70A.94 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.
- C.** Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or stationary source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.
- D.** Any order issued under this section must comply with WAC 173-400-171.
- E.** The terms and conditions of a regulatory order issued under this section are enforceable. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

~~((A. To establish a rule for any source who desires to voluntarily limit the potential to emit specified prescribed pollutants.))~~

~~((B. **APPLICABILITY.** Any source which volunteers to reduce the potential to emit to levels established by a regulatory order.~~

~~1. **Synthetic Minor (SM) Status.** This is available as an alternative to an AOP (*App. B*) if the source limits the potential to emit below the following levels:~~

~~a. 100 TPY (*App. B*) of criteria pollutants (*App. A*) from all point sources at the facility; or~~

~~b. 10 TPY of one HAP (*App. A*) listed in app. L from all point and / or fugitive sources; or~~

~~c. 25 TPY of two or more HAPs from all point and / or fugitive sources.~~

~~2. **All Other Sources.** The source does not reduce the potential to emit below the levels in subsection 4.05B1 (pg. 4-6.))~~

~~((C. **CONDITIONS OF THE REGULATORY ORDER.**~~

~~3. Limits the potential to emit any air pollutant to below voluntary and agreed levels.~~

~~4. The new limit for the potential to emit shall be < the annual emissions in subsection 4.05B1 (pg. 4-6) or any standard under WCAA (*App. B*), FCAA (*App. B*), or the SIP (*App. B*).~~

~~5. Shall require sufficient monitoring, record keeping, and reporting as defined in section 3.11 to assure continuous compliance with applicable requirements, including emissions limitations set by a regulatory order (*App. A*).~~

~~6. Shall be federally enforceable.~~

~~7. Shall require a revision or revocation of the order for any proposed deviation.))~~

~~((D. ADMINISTRATIVE PROCEDURES:~~

~~8. Public participation in the permitting is defined in section 2.04.~~

~~9. The conditions of the order or decision to grant or deny SM status may be appealed as defined in section 2.05 (pg. 2-4).)~~

F. FEES. ((See)) As per current fee schedule.

~~((4.06 EMISSION REDUCTION CREDITS AND BANKING. Reserved for later use.))~~

~~((4.07))~~ **4.04 ADMINISTRATIVE PERMITS**

A. **PURPOSE.** To provide control of emissions from sources, groups of sources, or activities which are not subject ~~((ed))~~ to any ~~((some))~~ other form of ~~((control))~~ regulation.

B. **APPLICABILITY.** Any lawful activity or source subject to the WCAA ~~((App. B))~~ within the jurisdiction of the ~~((authority))~~ agency. This section does not apply to any source or activity subject to any of the following: ~~((actions required in other sections))~~

1. Orders of approval issued pursuant to Chapter 70A.94 RCW, the WCAA;
2. Individual permits; or
3. General rule permits.

C. **PERMIT DURATION.**

1. ~~((The))~~ Administrative permits shall expires one year after issuance; or
2. When the board adopts a rule or issues an order to replace the permit.

D. **REQUIREMENTS.**

1. The permit requirements shall be as effective in controlling emissions as any other similar permit issued by the ~~((authority))~~ agency.
2. The APCO may use any lawful permit condition to control a source or activity permitted by this section.
3. Failure to comply with ~~((the))~~ all approval conditions shall ~~((requirements of this section))~~ voids the permit.

E. **AMENDMENT OF THE PERMIT.** If additional requirements are needed to prevent air pollution and / or protect property, health, safety and welfare ~~((, and comfort))~~ of persons from the effects of the permitted activity; the ~~((authority))~~ agency shall amend the permit. When an amendment is made, the ~~((authority))~~ agency ~~((must))~~ shall notify the responsible person of the limitations.; All new ~~and any~~ requirements contained within the amendment shall ~~((imposed will))~~ become a conditions of the permit.

F. FEES. As set by the current fee schedule.

## AMENDATORY SECTIONS

### ARTICLE 5 - COMPLIANCE AND ENFORCEMENT

#### 5.01~~(0)~~ GENERAL INFORMATION.

- A. **PURPOSE.** To establish ~~the~~ general compliance and enforcement procedures.
- B. **APPLICABILITY.** Applies to all sources regulated by the ~~((authority))~~ agency for any violation of this regulation, ~~((any applicable law, or))~~ any permit, order ~~((or condition))~~ of approval issued by the ~~((authority))~~ agency, or any applicable law.
- C. **INVESTIGATION.** The ~~((authority))~~ agency will conduct investigations for the purpose of determining compliance with this regulation, any of the laws or regulations enforced by the ~~((authority))~~ agency, any permit issued by the ~~((authority))~~ agency, any order issued by the ~~((authority))~~ agency, or any condition of approval issued by the ~~((authority))~~ agency.
- D. ~~((WRITTEN))~~ **NOTICES Of Violations (NOV)**
1. ~~((The authority agency will serve a written notice to any person that has caused or allowed an alleged violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority agency.))~~ At least thirty days prior to the commencement of any formal enforcement action, the agency shall cause written notice to be served upon the alleged violator or violators. The notice shall specify the provision of the rule alleged to be violated, the facts alleged to constitute a violation, and offer the alleged violator an opportunity to meet with the agency prior to the commencement of formal enforcement action. The notice may include one of the following:
- an order that necessary corrective action be taken within a reasonable time;
  - the agency may require that the alleged violator or violators appear before it for the purpose of providing the agency information pertaining to the alleged violation.

~~((2. See subsection 3.01C3a3) for a NOV (App. B) for agricultural odors.))~~

#### 5.02 ~~((1))~~ ADDITIONAL OR ALTERNATIVE ENFORCEMENT ACTIONS

- A. **PURPOSE.** To describe other provisions to use with or in addition to civil or criminal penalties to avoid a violation or gain compliance.
- B. **APPLICABILITY.** Applies to all sources regulated by the ~~((authority))~~ agency for any violation of this regulation, ~~((any applicable law, or))~~ any permit, order ~~((or condition))~~ of approval issued by the ~~((authority))~~ agency, or any applicable law.

- C. CORRECTIVE ACTION ORDER.** The ~~((authority))~~ agency may issue a corrective action order that describes the actions necessary to correct or avoid a violation. The order may be included as part of a NOV ~~((written notice))~~ or issued as a separate document.
- D. PROHIBITORY ORDER.** The ~~((authority))~~ agency may issue a prohibitory order for the purpose of protecting human health or safety. The order will prohibit specific actions from being taken at a specific location.
- E. INJUNCTIVE RELIEF.** Notwithstanding the existence or use of any other remedy, whenever any person has engaged in, or is about to engage in, any acts or practices which constitute or will constitute a violation of any provision of this regulation or order issued thereunder, the APCO ~~((App. B))~~ after providing notice to such person and an opportunity to comply, may petition the superior court of Yakima ~~((the county wherein the violation is alleged to be occurring or to have occurred))~~ for a restraining order, or a temporary or permanent injunction or other appropriate order.
- F. ASSURANCE OF DISCONTINUANCE.** As an additional means of enforcing ~~((these))~~ this regulation~~((s))~~, the APCO may accept an assurance of discontinuance of any act or practice deemed in violation of this regulation. The assurance must specify a time limit during which the discontinuance is to be accomplished.

### 5.03 ~~((2))~~ **PENALTIES**

- A. PURPOSE.** ~~((To d))~~ Describes the provisions for assessing penalties for violations.
- B. APPLICABILITY.** This section applies to any person found to be in violation of this regulation, any applicable law, ~~((or any))~~ permit, order or condition of approval issued by the ~~((authority))~~ agency.
- C. CRIMINAL PENALTIES.** Shall be imposed in accordance with ~~to~~ Chapter 70A.94 RCW.
- D. CIVIL PENALTIES.**
- 1. General Civil Penalty.** In addition to or as an alternate to any other penalty provided by law, any person who violates the provisions of Chapter 70A.94 RCW ~~((, chap. 70.120 RCW,))~~ or any other air pollution rules or regulations, the ~~((authority))~~ agency may impose ~~((enforce under the RCW- (App. B))~~ a civil penalty in an amount not to exceed \$12,000 per day for each violation. ~~((Each violation shall be a separate event, and, in the case of a continuing violation, each day shall be a separate violation.))~~ Each such violation shall be a separate and distinct offense, and in the case of a continuing violation, each day's continuance shall be a separate and distinct violation.
  - 2. Penalty for Failure to Comply with an Order.** Any person who fails to

take action as specified by an order issued under this article shall be liable for a civil penalty of not more than \$12,000 per day for each day of continued noncompliance.

- E. INTEREST ON PENALTIES.** Penalties incurred but not paid shall accrue interest beginning on the 91<sup>st</sup> day following the date that the penalty becomes due and payable at the highest rate allowed by RCW 19.52.020 on the date that the penalty becomes due and payable. If violations or penalties are appealed interest shall not begin to accrue until the 31st day following the final resolution of the appeal.
- F. AIDING OR ABETTING.** Each act of commission or omission which procures, aids or abets in the a violation shall be considered a separate violation and subject to penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.21(B).300 (~~(43.12(B).300)~~).
- G. UNDER-REPORTING.** In addition to the other penalties provided above, any person knowingly under-reporting emissions or other information used to set fees or persons required to pay emissions or permit fees who are more than 90 days late with payments may be subject to a penalty equal to three times the amount of the original fee owed.
- H. DISBURSEMENT.** All penalties recovered under this section by the ((authority)) agency shall be paid into the treasury of the ((authority)) agency and rendered into its funds.
- I. WITHHOLDING GRANTS.** Public or private entities that are recipients or potential recipients of grants from the ((authority)) agency, whether for air quality related activities or not, may have the grants rescinded or withheld by the ((authority)) agency for failure to comply with provisions of this regulation.
- J. PENALTY DETERMINATION.**
- 1. Evaluation Criteria.** The following criteria shall be used to evaluate a violation prior to assessing a penalty:
    - a. Gravity of the violation;
    - b. Economic benefit gained by the violator;
    - c. ((authority)) Agency expenses for investigating, notifying, and processing the documents for the violation; and
    - d. When requested, the costs incurred by a fire department (~~((App- A))~~) to respond or suppress an illegal outdoor or agricultural fire.
  - 2. ~~((Documentation. The APCO shall prepare and the board approve a policy and worksheets to implement the penalty determinations.))~~**

## APPENDIX A

### Definitions of Words and Phrases

This appendix contains a list of definitions for words and phrases not contained within the incorporated air pollution rules listed in Article 2, section 2.03. ~~((used in more than one section of the regulation. Defined words or phrases are identified with “(App. A)” in the text. The source of the definition is identified in *italics*. The d))~~ Definitions for terms not found in this appendix or within the Articles of this regulation ((are in)) shall have the same meaning as in ((chap-)) chapter 173-400 WAC.

~~((**Adequate Source of Heat** (WAC 173-433-030(1)) – The ability to maintain 70°F (App. B) at a point three feet above the floor in all normally inhabited areas of the dwelling.))~~

~~((**Agricultural Burning** (WAC 173-430-030(1)) – The burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.))~~

~~((**Agricultural Operation** (WAC 173-430-030(2)) – A farmer who can substantiate that the operation is commercial agriculture by showing the most recent year’s IRS (App. B) schedule F form or proof that the land is designated in a classification for agricultural use. It also includes burning conducted by irrigation district or drainage district personnel as part of water system management.))~~

~~((**Ag Task Force** (WAC 173-430-030(3)) – The state agricultural burning practices and research task force.))~~

~~((**Air Pollution Episode** – A period when a forecast, alert, warning, or emergency air pollution stage is declared, as stated in chap. 173-435 WAC.))~~

~~((**Authority**)) Agency- The Yakima Regional Clean Air ((Authority)) Agency.~~

~~((**Best Management Practice (BMP)** (WAC 173-430-030 (4)) – The criteria established by the state ag task force.))~~

**Board** - The Board of Directors of the Yakima Regional Clean Air ((Authority)) Agency

**Burn Bans** - Periods when Ecology or the ((authority)) agency determine air contaminant levels are approaching or have reached a level which is harmful to public health or safety. Outdoor burning, agricultural burning, and burning with wood or coal heaters are severely curtailed during these periods.

~~((**Ceremonial Fires** – Fires necessary for Native American ceremonies (i.e. conducted by and for~~

Native Americans) if part of a religious ritual.))

**Construction / Demolition Debris** - All material resulting from the construction, renovation, or demolition of buildings, roads, and other man-made structures.

**Control Apparatus** - Any device which prevents or controls the emission of any air contaminant

**Corrective Action Order** - An order issued by the ((authority)) agency for the purpose of causing a person to be in compliance with cited ((authority,)) federal, state or local federal laws and regulations. The order will specify actions to be taken within a specific time.

**Daylight Hours** - 30 minutes before and 30 minutes after the published sunrise and sunset times. ((in a newspaper of general circulation in the area.))

~~((**De Minimis** - The minimum threshold levels that exempts sources or source categories from complying with specific requirements.))~~

~~((**DEQ Phase 2 Woodstove** (WAC 173 433 150 (1)(e)) - A woodstove meeting the "Oregon Department of Environmental Quality Phase 2" emissions standards contained in Subsections (2) and (3) of Section 340 21 115, and certified in accordance with "Oregon Administrative Rules, Chapter 340, Division 21 - Woodstove Certification" dated November 1984.))~~

~~((**Eight Hours** (WAC 173 435 020 (5)) - Any consecutive eight hours starting at any clock hour.))~~

~~((**EPA Certified Woodstove** (WAC 173 433 030(2)) - A woodstove that meets the emission performance standards when tested by an accredited independent laboratory and labeled according to procedures specified by the EPA (App. B) under 40 CFR Part 60, Subpart AAA (App. B) - Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.))~~

**EPA Exempted Device** - A device that is not required to be tested under 40 CFR Part 60, Subpart AAA.

**Equipment** - Any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the ambient air.

~~((**Farmer** (WAC 173 430 030(7)) - Any person engaged in the business of growing or producing for sale upon their own lands, or upon the land in which they have a present right of possession, any agricultural product. Farmer does not mean persons using such products as ingredients in a manufacturing process, or persons growing or producing such products primarily for their own consumption.))~~

**Fire Department** - Fire control agency such as city fire departments, local fire districts or the DNR (~~((App. B))~~).

~~((**Fire Fighting Training Fires**— Fires for the instruction in methods of firefighting, including but not limited to training to fight structural fires, aircraft crash rescue fires, and forest fires.))~~

~~((**Fireplace** (*RCW 70.94.453(3)*)— Any permanently installed masonry fireplace; or any factory-built metal solid fuel burning device designed to be used with an open combustion chamber and without features to control the air to fuel ratio.))~~

**Firewood** - Bare untreated wood used as fuel in a wood heater, solid fuel burning device, Indian ceremonial fire, or a recreational fire.

~~((**PM<sub>10</sub> First Stage of Impaired Air Quality**— Can be declared by the authority when PM<sub>10</sub> is at an ambient level of  $60 \mu\text{g}/\text{m}^3$  (*App. B*) of air measured on a 24 hour average, or when CO (*App. B*) is at an ambient level of eight ppm of contaminant of air by volume measured on an eight-hour average.))~~

**Furnace** (~~((*40 CFR 60.531*)~~)) A solid fuel burning appliance that is designed to be located outside of ordinary living areas and that warms spaces other than the space where the appliance is located, by the distribution of air heated in the appliance through ducts. The appliance must be tested and listed as a furnace under accepted American or Canadian safety testing codes unless exempted from this provision by the EPA. A manufacturer may request an exemption in writing from the EPA by stating why the testing and listing requirement is not practicable and demonstrating that his appliance is otherwise a furnace.

**Garbage** - Putrescible animal and vegetable wastes resulting from the handling, preparation, cooking or serving of food.

~~((**Hazardous Air Pollutant**— Any air pollutant listed in accordance with section 112(b), FCAA (*App. B*).))~~

**Home Barbecues** - A small wood, charcoal, LP (~~((*App. B*))~~) gas, or natural gas fire for the purpose of cooking.

~~((**Hour** (*WAC 173-435-020(4)*)— A 60-minute period, beginning and ending on a clock hour.))~~

~~((**Impaired Air Quality**— A first or second stage impaired air quality condition declared by ecology or the authority in accordance with *WAC 173-433-140*.))~~

~~((**Land Clearing Burning**— Outdoor burning of trees, stumps, shrubbery, or other natural-vegetation from land clearing projects (i.e. projects that clear the land surface so it can be developed, used for a different purpose, or left unused).))~~

**Maximum Available Control Technology (MACT)** - A standard developed for the control of

hazardous air pollutant emissions from specific source categories regulated under 40 CFR Part 63. The full definitions for MACT for existing sources, MACT for new sources and MACT floor are in 40 CFR 63.51.

**Minor Source** - Any stationary source which is not a major stationary source (~~((App. A))~~).

**Natural Vegetation** - Unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.

**New Wood Stove** (~~RCW 70.94.453(4)~~) - A wood stove or wood heater that is sold at retail, bargained, exchanged, or given away for the first time by the manufacturer, the manufacturer's dealer or agency, or a retailer; and has not been so used to have become what is commonly known as "second hand" within the ordinary meaning of that term.

**Nuisance** - An emission of smoke or any other air pollutant that unreasonably interferes with the use or enjoyment of the property upon which it is deposited.

**Order** - An order issued by Ecology or the ~~((authority))~~ agency under chapter 70A.94 RCW ~~((App. B))~~, including, but not limited to sections ~~((RCW))~~ 70A.94.141(3) ~~((332, RCW))~~ 70A.94.1512, RCW 70A.94.1523, 70A.94.153 and RCW 70A.94.332-441(3), and includes, where used in the generic sense, the terms "order", "corrective action order", "order of approval", and "regulatory order".

~~((**Outdoor Burning** WAC 173 425 030(16)) - The combustion of material of any type in an open fire or in an outdoor container without providing for the control of combustion or the control of emissions from the combustion. For the purposes of this regulation, "outdoor burning" includes all types of outdoor burning except agricultural burning and silvicultural burning.))~~

~~((**Other Outdoor Burning** - Any type of outdoor burning not specified in WAC 173 425 020 including, but not limited to, any outdoor burning necessary to protect public health and safety.))~~

~~((**Pellet Stove** (WAC 173 433 030 (6)) - A pellet stove with an air to fuel ratio ~~of~~ ~~((App. B))~~ 35.0 when tested by an accredited laboratory in accordance with methods and procedures specified by the EPA in 40 CFR Part 60 Appendix A, Reference Method 28A - Measurement of Air to Fuel Ratio and Minimum Achievable Burn Rates for Wood-fired Appliances as amended through July 1, 1990.))~~

~~((**Rare and Endangered Plant Regeneration Fires** (WAC 173 425 030 (19)) - Fires necessary to promote the regeneration of rare and endangered plants found within natural area preserves as identified in chap. 79.70 RCW.))~~

**Reasonable Alternative** - A method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning.

**Recreational Fire** - Cooking fires, campfires and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or Indian ceremonial purposes. Fires used for debris disposal are not considered recreational fires.

**Regulation** - Any regulation and subsequently adopted amendments of the Regulation 1 of Yakima Regional Clean Air ((~~Authority~~) Agency).

**Residential Burning** - The outdoor burning of leaves, clippings, prunings, and other yard and gardening refuse originating on lands immediately adjacent and in close proximity to a human dwelling and burned on such lands by the property owner or his or her designee.

~~((**Seasoned Wood** (WAC 173-433-030(8))—Wood of any species that has been sufficiently dried so as to contain #20% or less moisture by weight.))~~

~~((**PM<sub>10</sub> Second Stage of Impaired Air Quality**—Can be declared by the authority when PM<sub>10</sub> is at an ambient level of 105 µg/m<sup>3</sup> (App. B) of air measured on a 24 hour average.))~~

~~((**Silvicultural Burning**—Outdoor burning relating to the following activities for the protection of life or property and/or the public health, safety, and welfare:~~

- ~~1. Abating a forest fire hazard;~~
- ~~2. Prevention of a forest fire hazard;~~
- ~~3. Instruction of public officials in methods of forest fire fighting;~~
- ~~4. Any Silvicultural operation to improve the forest lands of the state; and~~
- ~~5. Silvicultural burning used to improve or maintain fire dependent ecosystems for rare plants or animals within state, federal, and private natural area preserves, natural resource conservation areas, parks, and other wildlife areas.))~~

~~((**Solid Fuel Burning Device** (WAC 173-433-030(9))—A device that burns wood, coal, or other nongaseous or non-liquid fuels, which includes any device burning any solid fuel except those prohibited by WAC 173-433-120. This also includes any devices used for aesthetic or space heating purposes in a private residence or commercial establishment which has a heat input less than one million Btu per hour. In this regulation the phrase “wood or coal heater” is intended to have the same meaning as solid fuel burning device.))~~

~~((**Storm and Flood Debris Burning**—Outdoor burning of natural vegetation from storms or floods that have occurred in the previous two years and resulted in an emergency being declared or proclaimed in the area by the city, county, or state government.))~~

**Threshold Level** - The level that delineates whether or not a source must comply with specific requirements.

~~((**Treated Wood** (WAC 173-433-030(10))—Any species of wood that has been chemically impregnated, painted, or similarly modified to prevent weathering and deterioration.))~~

~~((**Twenty-four (24) Hours** WAC 173-435-020 (8))—Any consecutive 24 hours starting at any clock hour.))~~

~~((**Tumbleweed Burning**—Outdoor burning to dispose of dry plants (typically Russian thistle and tumbleweed mustard plants), that have been broken off, and rolled about, by the wind.))~~

~~((**Uncertified Wood Stove** (WAC 173-433-030 (2))—A woodstove that does not meet emission-performance standards when tested by an accredited independent laboratory or is not labeled according to procedures specified by EPA in 40 CFR Part 60, Subpart AAA, Standards of Performance for Residential Wood Heaters as amended through July 1, 1990.))~~

**Urban Growth Area** - Land generally including and associated with an incorporated city which is designated by the county for urban growth under RCW 36.70.030.

~~((**Weed Abatement Fire**—Outdoor burning to dispose of weeds that is not regulated under chap. 173-430 WAC, which applies to agricultural burning.))~~

**Wood Heater** - Has the same meaning as “solid fuel burning device.”

~~((**Wood smoke Control Zone**—An area where the use of wood heaters and outdoor and agricultural burning is further restricted to reduce the impact of air pollution during an impaired air quality or air pollution episode. The legal land description is located in app. H (pg. H 1), and it is shown on the map in app. I (pg. I 2.))~~

~~((**Wood Stove** (WAC 173-433-030(11))—An enclosed solid fuel burning device capable of and intended for residential space heating and domestic water heating that meets the following criteria contained in 40 CFR 60 Subpart AAA—Standards of Performance for Residential Wood Heaters as amended through July 1, 1990:~~

- ~~1. An air-to-fuel ratio in the combustion chamber averaging less than 35.0, as determined by EPA Reference Method 28A;~~
- ~~2. A useable firebox volume of less than 20 cubic feet;~~
- ~~3. A minimum burn rate less than 11 lbs./hr. (5 kg/hr) as determined by EPA Reference Method 28;~~
- ~~4. A maximum weight of 1764 lbs. (800 kg), excluding fixtures and devices that are normally sold separately, such as flue pipe, chimney, and masonry components not integral to the appliance.~~

~~A wood stove is a type of wood heater in this regulation. The term “wood stove” does not include wood cook stoves.))~~

**Yakima CO ((~~Nonattainment~~)) Maintenance Area** - The legal description is located in appendix D ((~~pg. H 4~~)), and it is shown on the map in appendix E ((~~pg. I 4~~)).

**Yakima PM<sub>10</sub> ((~~Nonattainment~~)) Maintenance Area** - The legal description is located in Appendix. D ((~~pg. H 4~~)), and it is shown on the map in Appendix E ((~~pg. I 5~~)).

**Yakima Urban Area** - The legal land description is located in Appendix H (~~(pg. H-4))~~), and it is shown on the map in app. I (~~(pg. I-3)~~.)

**The following definitions apply solely to Article 3, section 3.07 (Asbestos Control)**

**AHERA Building Inspector.** A person who has successfully completed the training requirements established by EPA for a building inspector and whose certification is current.

**AHERA Project Designer.** A person who has successfully completed the training requirements established by EPA for an abatement project designer and whose certification is current.

**Asbestos.** The asbestiform varieties of actinolite, amosite, tremolite, chrysotile, crocidolite, or anthophyllite.

**Asbestos-Containing Material (ACM).** Any material containing more than one percent (1%) asbestos.

**Asbestos Project.** Any activity involving the abatement, renovation, demolition, removal, salvage, clean-up or disposal of ACM or ACM waste or any other action that disturbs or is likely to disturb any ACM. It does not include the application of duct tape, rewettable glass cloth, canvas, cement, paint, or other non-asbestos materials to seal or fill exposed areas where asbestos fibers may be released; or the removal of sealants, coatings, and mastic bound in asphalt roofing with no felt layers containing ACM.

**Asbestos Survey.** A written report describing an inspection using the procedures in EPA regulations, or an alternate method that has received the prior written approval from the APCO, to determine whether materials or structures to be worked on, renovated, removed, or demolished contain asbestos.

**Competent Person.** A person who is capable of identifying asbestos hazards and selecting the appropriate asbestos control strategy; has the authority to take prompt corrective measures to eliminate the hazards; and has been trained and is currently certified in accordance with the standards established by L&I, OSHA or EPA.

**Component.** Any equipment, pipe, structural member, or other item covered or coated with, or manufactured from ACM.

**Demolition.** Wrecking, razing, leveling, dismantling, or burning of a structure, and making the structure permanently uninhabitable or unusable.

**Facility.** Any institutional, commercial, public, industrial, or residential structure, installation, or building.

**Friable Asbestos-Containing Material.** ACM that, when dry, can be crumbled, disintegrated, or reduced to powder by hand pressure.

**Glove Bag.** A sealed compartment with attached inner gloves used for the handling of ACM. Properly installed and used, glove bags provide a small work area enclosure typically used for small-scale asbestos stripping operations.

**Leak-Tight Container.** A dust and liquid tight container at least 6-mil thick which encapsulates ACM waste and prevents solids or liquids from escaping. Such containers may include sealed plastic bags, metal or fiber drums, and sealed polyethylene plastic bags.

**Nonfriable Asbestos-Containing Material.** ACM that, when dry, cannot be crumbled, disintegrated, or reduced to powder by hand.

**Owner-Occupied, Single-Family Residence.** Any non-multiple unit building containing living space that is currently occupied by one family who owns the property as their domicile. This includes houses, mobile homes, trailers, detached garages, houseboats, and houses with a “mother-in-law apartment” or “guest room”.

**Renovation.** Altering a structure or component any way, other than demolition.

**Suspect Asbestos-Containing Material.** Material that has historically contained asbestos.

## APPENDIX B Definitions of Acronyms and Abbreviations

This appendix contains the definitions for acronyms and abbreviations used in more than one section of the regulation. (~~Defined acronyms or abbreviations are identified with “(App. B)” in the text. The source is identified in *italics*.)~~)

**ac. - Acre.**

**ACM - Asbestos Containing Material.**

**AHERA - Asbestos Hazard Emergency Response Act** also known as Title II of Toxic Substances Control Act (TSCA).

**AOP - Air Operating Permit.**

**APCO - Air Pollution Control Officer.**

**ASIL - Acceptable Source Impact Level.**

**ASTM - American Society for Materials Testing.**

**BACT - Best Available Control Technology.**

**BMP - Best Management Practice.**

**BTU - British Thermal Unit.**

**cf - Cubic Feet.**

**CFR - Code of Federal Regulations.**

**CO - Carbon Monoxide.**

**EC - Degrees Centigrade.**

**EF- Degrees Fahrenheit.**

**DNR - Washington State Department of Natural Resources.**

**DOA - Washington State Department of Agriculture.**

**DOT - Washington State Department of Transportation.**

**dscf - Dry Standard Cubic Foot.**

**dscm - Dry Standard Cubic Meter.**

**Ecology - Washington State Department of Ecology**

**EPA- U. S. Environmental Protection Agency.**

**ERC - Emission Reduction Credit(s).**

**FAA - Federal Aviation Administration.**

**f/cc- Fibers per cubic centimeter.**

**FCAA - Federal Clean Air Act.** (~~also know as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.~~)

**ft. - Feet.**

**GEP - Good Engineering Practice.**

**GIS - Geographic Information System.**

**HAP - Hazardous Air Pollutant.**

**HCl - Hydrogen Chloride.**

**Hg - Mercury.**

**hr. - Hour.**

**H<sub>2</sub>S - Hydrogen Sulfide.**

**H<sub>2</sub>SO<sub>4</sub> - Sulfuric Acid.**

**IAW- In Accordance With**

**IRS - Internal Revenue Service.**

**kg - Kilogram.**

**L&I - Washington State Department of Labor and Industries.**

**LAER - Lowest Achievable Emission Rate.**

**lbs - Pounds.**

**lbs./hr. - Pounds per Hour.**

**lbs./yr. - Pounds per Year.**

**lf - Linear Feet.**

**LP - Liquid Propane.**

**MACT - Maximum Available Control Technology.**

**m - Meter.**

**µg/m<sup>3</sup> - Micrograms per Cubic Meter.**

**mg/m<sup>3</sup> - Milligrams per Cubic Meter.**

**ml - Milliliter.**

**mm - Millimeter.**

**MTBE - Methyl Tertiary Butyl Ether.**

**NAAQS - National Ambient Air Quality Standard.**

**NESHAPS - National Emission Standards for Hazardous Air Pollutants.**

**NF - National Forest.**

**NH<sub>3</sub> - Ammonia.**

**NOC - Notice of Construction.**

**NOV - Notice of Violation.**

**NO<sub>2</sub> - Nitrogen Dioxide.**

**NO<sub>x</sub> - Oxides of Nitrogen.**

**NPDES - National Pollution Discharge Elimination System.**

**NSPS - New Source Performance Standards.**

**NSR - New Source Review.**

**O<sub>2</sub> - Oxygen.**

**O<sub>3</sub> - Ozone.**

**OSHA - Occupational Safety and Health Administration.**

**Pb- Lead.**

**PCE - Perchloroethylene.**

**PLM - Polarized Light Microscopy.**

**ppm - Parts per Million.**

**PSD - Prevention of Significant Deterioration.**

**QC/QA - Quality Control/Quality Assurance.**

**RACT - Reasonably Available Control Technology.**  
**RCW - Revised Code of Washington.**  
**SEPA - State Environmental Policy Act, chap. 43.21c RCW & chap. 197-11 WAC.**  
**sf - Square Feet.**  
**SFBD - Solid Fuel Burning Device.**  
**SIP - State Implementation Plan.**  
**SO<sub>2</sub> - Sulphur Dioxide.**  
**SO<sub>x</sub> - Oxides of Sulphur.**  
**SM - Synthetic Minor.**  
**TAP - Toxic Air Pollutant.**  
**TPY - Tons per Year.**  
**TRS - Total Reduced Sulfur Compounds.**  
**TSP - Total Suspended Particulate.**  
**UBC - Uniform Building Code.**  
**USC - United States Code.**  
**USDA - United States Department of Agriculture.**  
**USDA-FS - U. S. Department of Agriculture, Forest Service.**  
**UTM - Universal Transverse Mercator.**  
**VOC - Volatile Organic Compound.**  
**VOCs - Volatile Organic Compounds.**  
**VP - Vapor Pressure.**  
**WAC - Washington Administrative Code.**  
**WCAA - Washington Clean Air Act, chapter 70A.94 RCW.**  
**YRCAA - Yakima Regional Clean Air ((Authority)) Agency.**  
~~> - Greater Than.~~  
~~< - Less Than.~~  
~~\$ - Equal to or More Than.~~  
~~# - Equal to or Less Than.~~  
~~= - Equals.~~

Appendix C repealed

Appendix D repealed by Amendment 1 in 2002

**APPENDIX ((E)) C**  
**Cross Reference Between Restated Regulation I of 1995 and Regulation 1**

SECTION & SUBSECTION NO.		COMMENTS
<b>EXISTING</b>	<b>PROPOSED</b>	
<b>ARTICLE I</b>		
Section 1.01	1.03	Reference to cooperation w/ YIN was removed.
Section 1.02	1.02	
Section 1.03	App. A App. H	Common definitions used in more than one section. Specific definitions used in only one section is in that section. Legal land descriptions for Woodsmoke Control Zone, Yakima Urban Area & Yakima PM <sub>10</sub> Nonattainment Area are in App. H.
<b>ARTICLE II</b>		
Section 2.01	1.04	Rewritten extensively.
2.01		
Section 2.02		
2.02A	1.05C	
2.02B	2.01C 2.01E	
2.02C	2.01C162	2.01C3&4 deleted. ((Authority)) <u>Agency</u> will use RCW 70A.94.200 if needed.
2.02D	2.01D163	Split into subsections.
2.02E	2.01A3	Powers broadened to include unless limited by the board.
Section 2.03		
2.03A	1.07B	
2.03B	1.07C	

SECTION & SUBSECTION NO.		COMMENTS
<b>EXISTING</b>	<b>PROPOSED</b>	
Section 2.05	1.05D	
<b>Article III</b>		
Section 3.01	5.01	
Section 3.02	-----	Not included. Use state law and WAC.
Section 3.03	-----	Not included. Use state law and WAC.
Section 3.04	2.05C3	
<b>Article IV</b>		
Section 4.01		
4.01A	4.01B App. G, A&B	
4.01B	4.01F5	
4.01C	-----	No longer applicable technology.
4.01D	4.01C	
4.01E	4.01F1&2	
4.01F	4.01F1d	
4.01G	4.01F4	
4.01H	4.01G	Fee schedules not included in the regulation.
Section 4.02	4.02	Regulation 1 text repealed by Amendment 1 and replaced by various section of chap. 173-400 WAC.
Section 4.03	4.01D, 4.01E, & 4.02C	Sec. 4.02, Regulation 1 repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
4.03A		
4.03B		

SECTION & SUBSECTION NO.		COMMENTS	
EXISTING	PROPOSED		
4.03C			
4.03D			
4.03E			
4.03F			
4.03G			
4.03H			
4.03I			
4.03J			
4.03K			
4.03L			
<b>ARTICLE V</b>			
Section 5.01	3.03C2c, tab. 3.03-1 & 2		
5.01A	3.03I		
5.01A1 5.01A2 5.01A3	tab. 3.03-2 ----- tab. 3.03-2		Requirement dropped.
5.01B	3.03B		This section is not applicable to Silvicultural burning.
5.01C	tab. 3.03-2		
5.01D	1.07A		
5.01E	5.01K		
Section 5.02A	3.03B		Similar language.
5.02A1	3.03C1, 3.03D1, & 3.03F1		

SECTION & SUBSECTION NO.		COMMENTS	
EXISTING	PROPOSED		
5.02A1a	3.03D1a & 3.03F2b		
5.02A1b & 5.02A1c	3.03C2f(1) & 3.05C2a		
5.02B	-----	Subsection deleted.	
Section 5.03			
5.03A	3.03A		
5.03B	3.03C1c	Added the city of Sunnyside to recognize the existing city ordinance.	
5.03C 5.03C1 5.03C2	3.03C1b(2) ----- 3.03C2b	Not needed. Covered by 3.03C1c	
5.03D 5.03D1 5.03D2 5.03D3	3.03C2c(1) & tab. 3.03-2 tab. 3.03-1&2 tab. 3.03-1&2 tab. 3.03-1&2	Reference to flares, torches, gas burners, incense burners, & insect pots dropped.	
5.03Da6f	3.03E1, 2, & 3 & GRP No. 3.03 - 1		
Section 5.04			
5.04A	3.03C,D, E, & F		
5.04A1	tab. 3.03-1		
5.04A1a	N/A	Offering farmers the choice of a annual permit or specific burning permits.	
5.04A1b	tab. 3.03-1	Deleted requirement for certification by an agricultural extension agent.	
5.04A2	tab. 3.03-1&2 & No. 1 6 4	GRP	

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
5.04B	3.03C2d	
5.04C	3.03C2d	
5.04D	3.03C2b	
Section 5.05	3.03C1 & 3.03D2a(1) 3.03C2g	Exemptions are in Table 3.03-1.
5.05 Last sentence		Adds “no smoke” to the definition for an extinguished fire.
5.05A	3.03C2f(1) 3.05C2a	
5.05A1	3.03Cf(2)6(4)	
5.05B	3.03C2i	
Section 5.06	3.01B & C	Regulation 1 text repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
Section 5.07	3.01D & E & App. D	Regulation 1 text repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
Section 5.08	3.01E	Regulation 1 text repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
Section 5.09		
5.09A - D	3.01, 4.02, & App. D	Regulation 1 text repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
5.09E	3.07	This is a total rewrite patterned after the SCAPCA Sect. 9.01 69.08
5.09E1	3.076K	
5.09E2	3.07	
5.09E3	3.07F	
5.09E4	-----	Fee schedules no longer included in the regulations
5.09F	-----	Deleted. Obsolete technology.
5.09G & H	3.01 C & F & App. D	Regulation 1 text repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
Section 5.10	-----	Deleted. This section has not been used and there is no foreseeable use for it.

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
Section 5.11	3.11	Some text in 2.01. Sec. 3.11, Regulation 1 repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
5.11B	2.01D1	Reference to 2.01D in subsection 3.11E2b2)
5.11A	3.11E1a&b	
Section 5.12	3.01	
5.12A & B	3.01C1b(2) & (3)	Sec. 3.01, Regulation 1 repealed by Amendment 1 and replaced by various sections of chap. 173-400 WAC.
5.12C	1.07H	
5.12D	3.08A4f	
<b>ARTICLE VI</b>		
Section 6.01	4.04A	
Section 6.02	4.04J	Fee schedules no longer included in the regulations
<b>ARTICLE VII</b>		
Section 7.01	3.00E	
7.01A 7.01A1 7.01A2 7.01A3 7.01A4	3.00E2 3.00E3e(1) 3.00E3e(2) 3.00E6 3.00E7	
7.01B	3.00E3b	
7.01C 7.01C1 7.01C2 7.01C3	3.00E4 3.00E4a 3.00E4b -----	Duplicated by other subsections.
7.01D	3.00E8	
7.01E	3.00E9	

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
7.01G	3.00E3c	
<b>ARTICLE VIII</b>		
Section 8.01	5.02	
8.01A	----	Deleted. Refer to Chap. 70.94 RCW.
8.01B	----	Deleted. Refer to Chap. 70.94 RCW.
8.01C	----	Deleted. Refer to Chap. 70.94 RCW.
8.01D	----	Deleted. Refer to Chap. 70.94 RCW.
Section 8.02	5.02	
8.02A	5.02D1&2	
8.02B	5.02E	
8.02C	5.02F	
8.02D	5.02G	
8.02E	5.02H	
8.02F	5.02J	Delete table on Pg. 8-3.
8.02G	5.02I	
Section 8.03	5.01F	
Section 8.04	5.01E	
Section 8.05	1.07G	
<b>ARTICLE IX</b>		
Section 9.01	3.04A	
Section 9.02	3.04E1 & App. D	Reference to 10% opacity standard for education dropped. App. D deleted by Amendment 1.
Section 9.03	3.04E2	
Section 9.04		

<b>SECTION &amp; SUBSECTION NO.</b>		<b>COMMENTS</b>
<b>EXISTING</b>	<b>PROPOSED</b>	
9.04A	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04B	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04C	3.04D1	Definitions of certified stoves removed because this is a UBC requirement. Definitions are still in appendix A.
9.04D	3.04D2	
9.04E	3.04C	
Section 9.05	3.05	
9.05A	3.05B & 3.05D2	
9.05A1	3.05C2b & tab. 3.05-1	
9.05A2	tab. 3.05-1 & 3.05C1a(1)	
9.05A3	tab. 3.05-1 & 3.05C1a(2)	
<b>ARTICLE X</b>		
Section 10.01	3.06	
<b>ARTICLE XI</b>		
	1.08	
<b>ARTICLE XII</b>		
	2.03	
Section 2.01	2.03A	
Section 12.02	2.03B	
<b>Article XIII</b>		
Section 13.01	_____	
Section 13.02	_____	
Section 13.03	_____	
Section 13.04	_____	

SECTION & SUBSECTION NO.		COMMENTS
<b>EXISTING</b>	<b>PROPOSED</b>	
Section 13.05		
13.05A	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05B	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05C	_____	Not included in the regulation. Fees will be adopted by board resolution.
13.05D	2.02D3	
<b>SIGNATURE PAGE</b>		Page following the table of contents.

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**Appendix G repeal Registration Program Information**  
**((Appendix F (reserved for later use) repealed))**

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**APPENDIX ((H)) D**  
**Legal Land Descriptions**

This appendix provides the legal land descriptions for geographic areas cited in the regulation ((*App. A*)).

~~((A. — **WOODSMOKE CONTROL ZONE** — An area located in Yakima County, Washington, as shown in Attachment 1, which is legally described as follows:))~~

~~((Beginning at a point on a line which is herein called the Western boundary, and which line is a straight line drawn through the following points:))~~

~~((Point A — Where the South right of way line of Highway 410 intersects with the North right of way line of Highway 12.))~~

~~((Point B — Where the South right of way line of the North Fork of Ahtanum Road intersects with the North right of way line of the South Fork of Ahtanum Road.))~~

~~((Which line further extends in a Southwesterly direction to a point where it intersects with the South boundary line of Sections 19, 20, 21, 22, 23, 24 or Township 12 N., Range 16 E., W.M. as such boundary line is extended both Easterly and Westerly, and thence Easterly along said South boundary line of said Sections as extended to the Southeast corner of Section 19, Township 12 N., Range 18 E., W.M.; thence North along the East boundary line of said section to the Northeast corner thereof; thence East along the North boundary line of Sections 20, 21, 22, 23, 24, of Township 12 N., Range 18 E., W.M. as extended Easterly to the Northeast corner of Section 21, Township 12 N., Range 20 E., W.M.; thence North along the East boundary line of Sections 16, 9 and 4 of Township 12 N., Range 20 E., W.M.; thence East to the Southeast corner of Section 34, Township 13 N, Range 20 E., W.M.; thence North along the Easterly boundary line of said Section to the intersection with the U.S. Military Reservation, Yakima Training Center; thence Northerly and Westerly along the boundary line of the U.S. Military Reservation to the Southern boundary of Kittitas County; thence West to the Southeast corner of Section 36, Township 15 N., Range 18 E., W.M.; thence North to the Northeast corner of Section 24, Township 15 N., Range 18 E., W.M.; thence West to the Southeast corner of Section 18, Township 15 N, Range 18 E. W.M. thence West to the intersection of the West boundary line as herein described; thence Southwesterly along said West boundary line to the point of beginning.))~~

**A. YAKIMA URBAN GROWTH AREA LEGAL DESCRIPTION** - An area located in Yakima County, Washington which is legally described in (Yakima City Code-Title 15((A, Ord.# 10-1985,)) Appendix A), as follows:

(Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 N., Range 19 E., W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7, Township 12 N., Range 19 E., W.M.; thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek; thence following Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the south east quarter of Section 2, Township 12 N., Range 18 E., W.M.; thence north along said west line to the northwest corner of the southwest quarter of the southeast quarter of said Section 2; thence west along the east west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east west centerline of the south half of Section 3, Township 12 N., Range 18 E., W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3, Township 12 N., Range 18 E., W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 N., Range 18 E., W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 N., Range 18 E., W.M.; thence continuing west along the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east west centerline of Sections 32 and 33, Township 13 N., Range 18 E., W.M.; thence west along said east west centerline to the north south centerline of the west half of said Section 32; thence north along said north south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north south centerline to the east west centerline of said Section 30; thence west along said east west centerline to the north south centerline of the west half of said Section 30; thence north along said north south centerline to the Yakima Valley Canal; thence following the Yakima Valley Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 N., Range 18 E., W.M.; thence north along the west section line of said Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north  $89^{\circ}33'$  East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north south centerline of the east half of said Section 19; thence north along said north south centerline to the north south centerline of the east half of Section 18, Township 13 N., Range 18 E., W.M.; thence north along said north south centerline of said Section 18 to the east west centerline of the south half of said Section 18; thence east along said east west centerline to the west line of Section 17, Township 13 N., Range 18 E., W.M.; thence north along said west line to the east west centerline of said Section 17; thence east along said east west centerline to the east line of said Section 17; thence north along said east line to the

south right of way line of the former Burlington Northern Railroad, Cowiche Branch; thence following said south right of way line in a generally northeasterly direction to the north right of way line of State Route 12; thence following said north right of way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 N., Range 18 E., W.M.; thence north along said north-south centerline to Rest Haven Road; thence following Rest Haven Road in a generally southeasterly direction to the south line of Section 8, Township 13 N., Range 19 E., W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence North  $0^{\circ}02'23.4''$  east 270.51 feet; thence north  $38^{\circ}30'50''$  east 146.66 feet; thence north  $47^{\circ}30'24''$  east 63.80 feet; thence north  $77^{\circ}58'20''$  east 1,026.46 feet; thence north  $71^{\circ}00'$  east 255.38 feet; thence north  $59^{\circ}00'$  east to the north line of the southwest quarter the southwest quarter of Section 10, Township 13 N., Range 19 E., W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the south-west quarter of the southwest quarter of said Section 10 to the south-east corner of said subdivision; thence westerly along the south line of said Section 10 to the northwest corner of Section 15, Township 13 N., Range 19 E., W.M., thence southerly along the west line of said Section 15 to the southwest corner of the northwest quarter of said Section 15; thence easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 N., Range 19 E., W.M. to the northeast corner of the northwest quarter of the southwest quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 N., Range 19 E., W.M.; thence southerly along the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 N., Range 19 E., W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right of way line of Interstate Highway 82; thence westerly to the point where the west right of way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 N., Range 19 E., W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the south-west corner of said Government Lot 5 and the point of beginning:))

Beginning at the southwest corner of Government Lot 5, Section 17, Township 12 North,

Range 19 East W.M.; thence north along the west line of said Section 17 to the southeast corner of Section 7, Township 12 North, Range 19 East W.M., thence west along the south line of said Section 7 to the southwest corner of the southeast quarter of said Section 7; thence north along the west line of the east half of said Section 7 to Ahtanum Creek, thence following Ahtanum Creek in a generally westerly direction to the west line of the southwest quarter of the southeast quarter of Section 2, Township 12 North, Range 18 E.M.W.; thence north along said west line to the northwest corner of the southwest quarter of the southeast quarter of said Section 2; thence west along the east-west centerline of the south half of said Section 2 to the west line of said Section 2; thence continuing west along the east-west centerline of the south half of Section 3, Township 12 North, Range 18 East W.M. to South 34th Avenue; thence north along South 34th Avenue to Ahtanum Road—thence west along Ahtanum Road to 38th Avenue; thence north along 38th Avenue to the north line of Section 3, Township 12 North, Range East W.M.; thence west along said north line to the northeast corner of Section 4, Township 12 North, Range 18 East W.M.; thence continuing west along the north line of said Section 4 to the southeast corner of Section 33, Township 13 North, Range 18 East W.M.; thence continuing west along the south line of said Section 33 to 64th Avenue; thence north along 64th Avenue to the east-west centerline of Sections 32 and 33, Township 13 North, Range 18 East W.M.; thence west along said east-west centerline to the north-south centerline of the west half of said Section 32; thence north along said north-south centerline to Zier Road; thence west along Zier Road to South 80th Avenue; thence north along South 80th Avenue to Wide Hollow Road; thence west along Wide Hollow Road to the north-south centerline of the east half of Section 30, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to the east-west centerline of said Section 30; thence west along said east-west centerline to the north-south centerline of the west half of said Section 30; thence north along said north-south centerline to the Yakima Valley Canal; thence following the Yakima Canal in a generally westerly direction to its intersection with Tieton Drive; thence west on Tieton Drive to 96th Avenue; thence north on 96th Avenue to the northwest corner of the southwest quarter of Section 19, Township 13 North, Range 18 East W.M.; thence north along the west section line of said Section 19 to a point 250 feet south of the northwest corner of the southwest quarter of the northwest quarter of said Section 19; thence north 89°33' East to the Tieton Canal; thence following the Tieton Canal in a generally northeasterly direction to the north-south centerline of the east half of said Section 19; thence north along said north-south centerline to the north-south centerline of the east half of Section 18, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline of said Section 18 to the east-west centerline of the south half of said Section 18; thence east along said east-west centerline to the west line of Section 17, Township 13 North, Range 18 East W.M.; thence north along said west line of the east-west centerline of said Section 17; thence east along said east-west centerline to the east line of said Section 17; thence north along said east line to the south right-of-way line of the Burlington Northern Railroad, Cowiche Branch; thence following said south right-of-way line in a generally northeasterly direction to the north right-of-way line of State

Route 12; thence following said north right-of-way line in a generally southeasterly direction to Cowiche Creek; thence following Cowiche Creek in a generally northeasterly direction to its confluence with the Naches River; thence following the south bank of the Naches River and the south bank of the Yakima River in a generally easterly direction to the north-south centerline of the east half of Section 12, Township 13 North, Range 18 East W.M.; thence north along said north-south centerline to Rest Haven Road; thence following Rest Haven Road in a generally south-easterly direction to the south line of Section 8, Township 13 North, Range 19 East W.M.; thence east along the south line of Sections 8 and 9 to the southwest corner of Lot 3 of that certain short plat recorded in Volume 81, Page 133, Short Plat Records of Yakima County; thence continuing east 260 feet along said south section line; thence north 0°22'34" east 270.51 feet; thence north 38°30'50" east 146.66 feet; thence north 47°30'24" east 63.80 feet; thence north 77°58'20" east 1,026.46 feet; thence north 71°00' east 255.38 feet; thence north 59°00' east to the north line of the southwest quarter of the southwest quarter of Section 10, Township 13 north, Range 19 E.W.M., thence easterly along said north line to the Northeast corner of said subdivision; thence southerly along the east line of the southwest quarter of the southwest quarter of said Section 10 to the southeast corner of said subdivision; thence westerly along the south line of the said Section 10 to the northwest corner of Section 15, Township 13 North, Range 19 E.W.M., thence southerly along the west line of said Section 15 to the southwest corner of the northwest quarter of said Section 15; thence easterly along said east-west centerline to the southeast corner of the northeast quarter of said Section 15; thence easterly along the east-west centerline of Section 14, Township 13 North, Range 19 E.W.M. to the northeast corner of the northwest quarter of the southwest quarter of said Section 14; thence southerly along the north-south centerline of the west half of said Section 14 to the southeast corner of the southwest quarter of the southwest quarter of said Section 14; thence easterly along the south line of said Section 14 to the northeast corner of Section 23, Township 13 North, Range 19 E.W.M.; thence southerly along the east line of said Section 23 to the southeast corner of said Section 23; thence westerly along the south lines of Sections 23, 22, 21 and 20, Township 13 North, Range 19 E.W.M. to the west bank of the Yakima River; thence following said west bank in a generally southerly direction to a point where it intersects the east right-of-way line of Interstate Highway 82; thence westerly to the point where the west right-of-way line of said interstate highway intersects the south line of Government Lot 2 of Section 17, Township 12 North, Range 19 E.W.M.; thence westerly along the south line of said Government Lot 2 and of Government Lot 5 of said Section 17 to the southwest corner of said Government Lot 5 and the point of beginning. (Ord. 2016-029 § 1 (Exh. A) (part), 2016: Ord. 2947 Appendix A, 1986).

**B. YAKIMA CO MAINTENANCE ((NONATTAINMENT)) AREA. (40 CFR 81.348)**

The boundaries and UTM ((App-B)) coordinates are described as the following:

UTMW	UTMN	Street – Intersection
689.06	5160.91	S 16th Ave / W Mead Ave
688.92	5165.05	S 16 <sup>th</sup> Ave / Hthwy Ave
690.35	5465.10	E “I” St / N 1 <sup>st</sup> St
690.49	5164.63	N 1 <sup>st</sup> St / E “G” St
691.31	5165.01	E “G” St N N 8th St
691.70	5164.07	N 8 <sup>th</sup> St / Pitcher St
692.42	5164.09	Pitcher St / I-82 Intrchge
693.18	5162.80	Nob Hill Blvd Intrchge
693.58	5161.61	Nob Hill Blvd Intrchge
693.66	5159.57	Rudkin Road Intrchge
693.06	5159.55	S 1 <sup>st</sup> Old Town Rd / Mn St
692.43	5160.32	W Washington / S 1 <sup>st</sup> St
682.05	5161.07	E Mead Ave / S 1 <sup>st</sup> St
689.06	5160.91	S 16 <sup>th</sup> Ave / W Mead Ave

**C. YAKIMA PM<sub>10</sub> MAINTENANCE ((NONATTAINMENT)) AREA. (40 CFR 81.349)**

The corners and UTM coordinates are:

Corner	UTMW	UTMN
Southeast	694.00	5157.00
Southwest	681.00	5157.00
Northwest	681.00	5172.00
Northeast	694.00	5172.00

**APPENDIX E (F)**  
**Maps**

Name	Page Number
<del>Woodsmoke Control Zone</del>	<del>I-2</del>
Yakima Urban <u>Growth</u> Area	<u>EI-3</u> 1
<del>Yakima CO Nonattainment Area</del>	<del>I-4</del>
Yakima PM <sub>10</sub> Nonattainment Area	I-5

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~~APPENNDIX J (Reserved for later use) repealed~~

~~APPENNDIX K (Reserved for later use)~~ REPEALED BY AMENDMENT 1

APPENNDIX L REPEALED

DRAFT

**ADOPTION HISTORY REGULATION 1 OF THE YAKIMA REGIONAL CLEAN AIR AGENCY (AUTHORITY)**

Amend. No.	Dates		Action	Sections / Appendix	Comments
	Adopted	Effective			
N/A	March 8, 2000	May 1, 2000	Adoption of Regulation 1	All	Initial local adoption.
Amend. - 1	October 9, 2002	December 1, 2002	Repeal sections and appendices in full.	2.04 ----- 3.01 ----- 3.11 ----- 4.02 ----- app. D ----- app. K	Replaced by WAC 173-400-171 for all public participation except for air operating permits. Public participation for air operating permits is replaced by WAC 173-401, Part IX. ----- Replaced by Chap. 173-400 WAC & RCW 70A.94.640 & 645. Replaced by Chap. 173-400 WAC. ----- Replaced by Chap. 173-400 WAC. ----- Replaced by Chap. 173-400 WAC and 40 CFR Parts 51, 60, 61, & 63. ----- Replaced by WAC 173-400-110 and WAC 173-460-150 & 160 -----
Amend. - 1	October 9, 2002	December 1, 2002	Removes definitions included in chap. 173-400 WAC, and makes minor edits.	app. A.	Replaced by definitions in WAC 173-400-030, 112, & 113

### **Rulemaking Timeline (tentative)**

**April 11, 2019 Board meeting:** Presented Preliminary Planning Report for updating YRCAA Regulation 1.

**March 12, 2020 Board meeting:** will present draft staff report with proposed recommendations and supporting information for updating YRCAA Regulation 1.

### **Public Review Stage**

**April 17, 2020 First Public Administrative Workshop:** will present and discuss the draft staff report and board recommendations with the public at the Snipe Mountain Brewery in Sunnyside.

**April 29, 2020 Second Public Administrative Workshop:** will present and discuss the draft staff report and board recommendations with the public at the Yakima Regional Clean Air Agency's Conference room in Terrace Heights

Complete the proposed final staff report and proposed recommendations after conducting workshops.

**Public Comment Period:** Final staff report and proposed recommendations will be publically noticed in the Yakima Herald and Sunnyside Sun newspapers and on the YRCAA Website for consideration by the Board of Directors for a minimum of thirty days following release of the report. Tentatively scheduled for May 4<sup>th</sup> through June 5<sup>th</sup>, 2020.

**June 17, 2020 (tentative) Agency will file CR-102 with the office of the Washington State Code Reviser (OCR):**

### **Public Hearing Stage**

Public hearing will be held on July 9<sup>th</sup>, 2020 during the regularly scheduled YRCAA Board of Directors Meeting. (22 days after filing CR102, IAW RCW34.05.320(1)); public testimony will be accepted.

CR 103P July 10<sup>th</sup>, 2020- Must be filed at least 31 days before rule can become effective. (IAW RCW34.05.380(1))

Earliest Possible effective date will be August 11, 2020.

## 2019 - 2020

## DATES FOR REGISTER CLOSING, DISTRIBUTION, AND FIRST AGENCY ACTION

Issue Number	Closing Dates <sup>1</sup>			Publication Date	First Agency Hearing Date <sup>3</sup>	Expedited Adoption <sup>4</sup>
	OTS and/or 34 p. or more Non-OTS	OTS and/or 15 to 33 p. Non-OTS	OTS and/or 14 p. max. Non-OTS <sup>2</sup>			
<i>For Inclusion In -</i>	<i>File no later than 12:00 noon -</i>			<i>Count 20 days from -</i>	<i>For hearing on or after</i>	<i>First Expedited Adoption Date</i>
19-13	5/22/2019	6/5/2019	6/19/2019	7/3/2019	7/23/2019	8/20/2019
19-14	6/5/2019	6/19/2019	7/3/2019	7/17/2019	8/6/2019	9/3/2019
19-15	6/26/2019	7/10/2019	7/24/2019	8/7/2019	8/27/2019	9/24/2019
19-16	7/10/2019	7/24/2019	8/7/2019	8/21/2019	9/10/2019	10/8/2019
19-17	7/24/2019	8/7/2019	8/21/2019	9/4/2019	9/24/2019	10/22/2019
19-18	8/7/2019	8/21/2019	9/4/2019	9/18/2019	10/8/2019	11/5/2019
19-19	8/21/2019	9/4/2019	9/18/2019	10/2/2019	10/22/2019	11/19/2019
19-20	9/4/2019	9/18/2019	10/2/2019	10/16/2019	11/5/2019	12/3/2019
19-21	9/25/2019	10/9/2019	10/23/2019	11/6/2019	11/26/2019	12/24/2019
19-22	10/9/2019	10/23/2019	11/6/2019	11/20/2019	12/10/2019	1/7/2020
19-23	10/23/2019	11/6/2019	11/20/2019	12/4/2019	12/24/2019	1/22/2020
19-24	11/6/2019	11/20/2019	12/4/2019	12/18/2019	1/7/2020	2/4/2020
20-01	11/20/2019	12/4/2019	12/18/2019	1/2/2020	1/22/2020	2/19/2020
20-02	12/5/2019	12/19/2019	1/2/2020	1/15/2020	2/4/2020	3/3/2020
20-03	12/26/2019	1/8/2020	1/22/2020	2/5/2020	2/25/2020	3/24/2020
20-04	1/8/2020	1/22/2020	2/5/2020	2/19/2020	3/10/2020	4/7/2020
20-05	1/22/2020	2/5/2020	2/19/2020	3/4/2020	3/24/2020	4/21/2020
20-06	2/5/2020	2/19/2020	3/4/2020	3/18/2020	4/7/2020	5/5/2020
20-07	2/19/2020	3/4/2020	3/18/2020	4/1/2020	4/21/2020	5/19/2020
20-08	3/4/2020	3/18/2020	4/1/2020	4/15/2020	5/5/2020	6/2/2020
20-09	3/25/2020	4/8/2020	4/22/2020	5/6/2020	5/26/2020	6/23/2020
20-10	4/8/2020	4/22/2020	5/6/2020	5/20/2020	6/9/2020	7/7/2020
20-11	4/22/2020	5/6/2020	5/20/2020	6/3/2020	6/23/2020	7/21/2020
20-12	5/6/2020	5/20/2020	6/3/2020	6/17/2020	7/7/2020	8/4/2020
20-13	5/20/2020	6/3/2020	6/17/2020	7/1/2020	7/21/2020	8/18/2020
20-14	6/3/2020	6/17/2020	7/1/2020	7/15/2020	8/4/2020	9/1/2020
20-15	6/24/2020	7/8/2020	7/22/2020	8/5/2020	8/25/2020	9/22/2020
20-16	7/8/2020	7/22/2020	8/5/2020	8/19/2020	9/8/2020	10/6/2020
20-17	7/22/2020	8/5/2020	8/19/2020	9/2/2020	9/22/2020	10/20/2020
20-18	8/5/2020	8/19/2020	9/2/2020	9/16/2020	10/6/2020	11/3/2020
20-19	8/26/2020	9/9/2020	9/23/2020	10/7/2020	10/27/2020	11/24/2020
20-20	9/9/2020	9/23/2020	10/7/2020	10/21/2020	11/10/2020	12/8/2020
20-21	9/23/2020	10/7/2020	10/21/2020	11/4/2020	11/24/2020	12/22/2020
20-22	10/7/2020	10/21/2020	11/4/2020	11/18/2020	12/8/2020	1/5/2021
20-23	10/21/2020	11/4/2020	11/18/2020	12/2/2020	12/22/2020	1/19/2021
20-24	11/4/2020	11/18/2020	12/2/2020	12/16/2020	1/5/2021	2/2/2021

<sup>1</sup> All documents are due at the code reviser's office by 12:00 noon on or before the applicable closing date for inclusion in a particular issue of the Register; see WAC 1-21-040.

<sup>2</sup> A filing of any length will be accepted on the closing dates of this column if it has been prepared and completed by the order typing service (OTS) of the code reviser's office and the CR form is limited to fourteen pages; see WAC 1-21-040. Agency-typed material is subject to a fourteen page limit for these dates; longer agency-typed material is subject to the earlier non-OTS dates.

<sup>3</sup> At least twenty days before the rule-making hearing, the agency shall cause notice of the hearing to be published in the Register; see RCW 34.05.320(1). These dates represent the twentieth day after the distribution date of the applicable Register.

<sup>4</sup> A minimum of forty-five days is required between the distribution date of the Register giving notice of the expedited adoption and the agency adoption date. No hearing is required, but the public may file written objections. See RCW 34.05.230 and 1.12.040.