

REGULATION 1 OF THE YRCAA - Engrossed Format
Amendment 1, Adopted - October 9, 2002

REGULATION 1
OF THE
YAKIMA REGIONAL CLEAN AIR AUTHORITY

YAKIMA REGIONAL CLEAN AIR AUTHORITY
YAKIMA, WASHINGTON 98901

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Recommend Approval /s/ Les Ornelas October 9, 2002
Les Ornelas, Air Pollution Control Officer **Date**

Repealed and amended as defined below this 9th day of October 2002 by the
Board of Directors, Yakima Regional Clean Air Authority

Yakima, Washington

/s/ Thomas W. Gasseling
Chairperson

/s/ James M. Lewis
Member

/s/ Ronald F. Gamache
Member

/s/ John Puccinelli
Member

/s/ Judy Boekholder
Member

REPEALED

The following sections of Regulation 1 adopted March 8, 2000 are repealed:

Section	Section Title
2.04	Public Participation
3.01	Emission Standards
3.11	Monitoring, Recordkeeping, and Reporting
4.02	New Source Review

The following appendices of Regulation 1 adopted March 8, 2000 are repealed:

Appendix	Appendix Title
D	Measurable Emissions Standards for Various Sources
K	New Source Review Application Information

AMENDED

Appendix A, Definitions, adopted March 8, 2000 is amended.

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ADOPTION HISTORY
REGULATION 1 OF THE YAKIMA REGIONAL
CLEAN AIR 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	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.
				3.01	Replaced by Chap. 173-400 WAC & RCW 70.94.640 & 645.
				3.11	Replaced by Chap. 173-400 WAC.
				4.02	Replaced by Chap. 173-400 WAC.
				app. D	Replaced by Chap. 173-400 WAC and 40 CFR Parts 51, 60, 61, & 63.
				app. K	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

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ARTICLE 1 - GENERAL ADMINISTRATIVE PROVISIONS.

1.01 NAME OF AUTHORITY.

This agency is known as the Yakima Regional Clean Air Authority, and in this regulation it is referred to as the "authority".

1.02 SHORT TITLE.

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

1.03 POLICY.

This section implements 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. 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;

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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.
- 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.

1.05 ROLES AND RESPONSIBILITIES.

- A. THE AUTHORITY.** The authority is a municipal corporation with the rights described in WCAA (*App. B*) and exercising jurisdiction within Yakima County, WA.
- B. THE BOARD OF DIRECTORS.** The governing body of the authority is the board of directors. The board has the power to:
1. Adopt, amend and repeal its own rules and regulations in accordance with RCW 42.30, Open Public Meeting Act and RCW 34.05, Administrative Procedure Act;
 2. Hold hearings relating to any aspect related to the administration of WCAA and other applicable law;
 3. Issue any orders necessary to carry out the functions of 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,

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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; and
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.

C. THE AIR POLLUTION CONTROL OFFICER. The air pollution control officer (APCO) is appointed by the board. The APCO observes and enforces state and federal laws, orders, ordinances, and regulations of the authority pertaining to the control and prevention of air pollution.

D. 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. The provisions of this section shall be interpreted to assure continuing public confidence in the authority.

C. PUBLIC RECORDS.

1. Availability. All public records of the authority are available for public inspection and copying during normal working hours at the office of the authority.

2. Legal Exemptions. Availability of public records is subject to exemptions and requirements of RCW 42.17.310 and RCW 70.94.205.

3. Process. All requests for records shall be processed according to RCW 42.17 and the current fee schedule.

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D. CONFIDENTIAL RECORDS.

- 1. Availability.** Whenever the authority 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 by the authority; then
 - c. The information is only for the confidential use of the authority.
- 2. Summaries for Publication.** The authority 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 is correlated with applicable emission limitations and other control measures and shall be available for public inspection at the office of the authority.

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. FCAA (*App. B*),
 2. WCAA (*App. B*),
 3. CFR issued by EPA,
 4. 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.
- B. FALSE OR MISLEADING INFORMATION.** No person shall:
 1. **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*); or
 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*).
- C. ALTERED DOCUMENTS.** No person shall reproduce or alter any order, registration certificate, or other paper issued by the authority 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

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order or certificate.

- E. POSTING OF NOTICES.** No person shall mutilate, obstruct or remove any notice posted by the authority unless authorized by the board.
- 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 or 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 definitions of terms and phrases used in more than one section of the regulation are located in appendix A, 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, 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 May 1, 2000.

1.09 REVOCATIONS. The following are revoked or replaced by sections of this regulation as of the effective date of the regulation:

- A. Restated Regulation I of the Yakima County Clean Air Authority with the following effective dates:**
 - 1.** November 18, 1993.
 - 2.** January 13, 1994.

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3. June 20, 1994.
4. October 20, 1994.
5. December 15, 1995.

B. Board Resolutions. None

C. Board Decisions. None.

ARTICLE 2 - GENERAL REGULATIONS.

2.01 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; and
 3. Policies and directives of the board unless specifically limited elsewhere in this regulation or by other laws or regulations.
- B. DELEGATED AUTHORITY.** When the term “APCO” is used in this regulation, it also applies to any authorized representative of the authority conducting official business for the APCO (*App. B*) and the authority.
- C. 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;
 - d. Any permit, order, or condition of approval issued by the authority;
 - e. Periodic testing and inspection of any source (*app. A*); or
 - f. Any records, files, or other information that relate to subsection 2.01C1 (pg. 2-1).
- D. 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

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- 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.
- E. MAINTAIN RECORDS.** The APCO shall maintain appropriate records and prepare periodic reports to the board.
- F. 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.
- G. LEGAL ACTION.** When 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.** WCAA (*App. B*) authorizes the authority to assess fees and recover costs for permits, registrations, and professional services.
- B. CHARGES.** Charges include but are not limited to the following:
1. Reimbursement of authority staff time for review of complex projects or lengthy enforcement actions;
 2. Costs incurred by the authority 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 staff time for costs to prepare notices of construction and initial SM (*App. A & B*) regulatory orders;
 4. Reimbursement to a minimum of 50% of the cost for annual registrations 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.
 - b. Application fees.

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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 the authority of RCW 42.30 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.

2.03 APPLICABLE STATE AND FEDERAL REGULATIONS.

The authority implements and enforces the following WAC (*App. B*) and CFR (*App. B*).

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;
Chapter 173-470 WAC	Ambient Air Quality Standards For Particulate Matter;
Chapter 173-474 WAC	Ambient Air Quality Standards for Sulphur Oxides ;
Chapter 173-475 WAC	Ambient Air Quality Standards for Carbon Monoxide, Ozone, and Nitrogen Dioxide;
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; and
Chapter 197-11 WAC	SEPA (<i>App. B</i>) Rules.

B. FEDERAL REGULATIONS.

40 CFR Part 50	National Primary and Secondary Ambient Air Quality Standards;
40 CFR Part 51	Requirements for Preparation, Adoption, and Submittal of Implementation Plans;

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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, 40 CFR Part 763	Standards for the Use or Disposal of Sewage Sludge; General Provisions; Incineration; and Asbestos Model Accreditation Plan.

2.04 PUBLIC PARTICIPATION. (WAC 173-400-171) - Repealed by Amendment 1

2.05 APPEALS

- A. PURPOSE.** To define the local policy for appeals of decisions by the APCO (*App. B*) or board.
- B. APPLICABILITY.** 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. 34.05 RCW, chap. 43.21RCW, chap. 70.94 RCW, WAC 173-400-250, and WAC 173-401-735.
 - 2. Agricultural Odors.** See subsection 3.01C3a4) for an appeal involving agricultural odors.
 - 3. Mutual Settlement.** Nothing shall prevent the APCO or board from making efforts to obtain voluntary.

ARTICLE 3 - RULES

3.00 GENERAL RULES.

- A. PURPOSE.** To define rules of a general nature.
- B. APPLICABILITY.** Applies to the rules in articles 3 and 4.
- C. EXEMPTIONS.** None.
- D. VARIANCES. (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.
 - 3. Requests for Variances or Renewals.**
 - a. General Process.
 - 1) Petitioner submits the written application 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 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 after the final approval.
 - b. Application. The following information is required in the application:
 - 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 contaminant source; and
 - 7) Estimated amount that the emissions will exceed standards as a result of the variance.

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- 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 Involvement. Shall be done as required in section 2.04.
- 4. 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.
- 5. 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) The variance is granted only until the necessary technology for prevention, abatement or control becomes available.
 - 3) 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.
- 6. 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.
- 7. 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.

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- 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 3.00D3 (pg. 3-1). 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 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.
- 8. 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 chap. 34.05 of RCW.
- 9. 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 WCAA (*App. B*).

E. OPERATION AND MAINTENANCE.

- 1. Purpose.** To define operation and maintenance standards for all process and control apparatus (*App. A*) to prevent avoidable emissions.
- 2. Applicability.** Any person or emission unit which is subject to these regulations.
- 3. Exemption.** Process or control apparatus which is out of service.
- 4. 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 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.

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C. REFERENCES.

1. Subsection 2.03B references 40 CFR Parts 61 and 63 and WAC 173-400-075 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 PCE (*App. B*) which supplement 40 CFR Part 63, Subpart M, National Perchloroethylene Emission Standards for Dry Cleaning Facilities.
2. **Applicability.** Any dry cleaning operations that uses PCE.
3. **Requirements.** The quantity of PCE used annually determines the source category, venting, and leak inspection frequency requirements.
 - a. Source Categories. Are shown in tables 3.02-1.

Table 3.02-1 PCE Dry Cleaner Source Categories

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

- 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 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;

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- 7) Muck cookers;
- 8) Stills;
- 9) Exhaust dampers;
- 10) Diverter valves; and
- 11) Cartridge filter housings.

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

Requirement	Small Area Sources (a)	Large Area Sources (b)	Major Area Sources (c)
Air-PCE Vapor Venting System (1) Installed on or before Sept. 21, 1993. (2) Installed after Sept. 21, 1993.	No requirement Thru a refrigerated condenser.	Through a refrigerated condenser. Through 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.
 - 1) As required by subsection 3.00E (pg. 3-3); and
 - 2) Close the door of each dry cleaning machine 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 can not 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. 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

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- 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 valving 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

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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 4.04 (pg. 4-5) or 4.05 (pg. 4-6).
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.

- A. PURPOSE.** To reduce and 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 3.03I (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. Fire fighting training fires are a type of outdoor burning, and subsections 3.03C (pg. 3-8) and 3.03D (pg. 3-9) are applicable unless modified or granted a limited exemption in another subsection.
 4. This section is not applicable to fire training at enclosed fire training facilities that are permitted under section 4.02).
 5. This section does not apply to silvicultural burning (*App. A*) which is regulated by WCAA (*App. B*), chap. 332-24 WAC, and the Washington state smoke management plan.
- C. GENERAL PROVISIONS FOR ALL BURNING.** The following applies to all outdoor and agricultural burning unless granted a limited or specific exemption by the APCO (*App. B*). The limited exemptions granted for various types of burning are shown in table 3.03-1 and the footnotes:
 1. **Prohibitions.** Burning is prohibited in the following areas and conditions:
 - a. Woodsmoke Control Zone (*App. A*). Prohibited during burn bans (*App.*

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- 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.
- e. Burn Ignition. If an individual permit is required in tables 3.03-1 or 2 for any type of outdoor or agricultural burning, the fire shall not be ignited without first obtaining the permit.
- f. Hours of Burning. All burning shall be conducted during daylight hours (*App. A*).
- g. Burning Without a Permit or Limited Exemption. Burning is not allowed without an individual, annual, or general rule permit unless granted a limited exemption in tables 3.03-1 or 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 permit must demonstrate that there is no reasonable alternate for:
 - 1) Safeguarding the environment; and
 - 2) Economic viability.
- c. Minimize Adverse Effects. All permits issued by the authority must contain requirements 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 minimize air pollution 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 3.05 (pg. 3-33).
 - 2) Extinguishing the Fire. When burning is prohibited the person responsible for the fire must immediately start extinguishing the fire.

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- 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 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.
- f. 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.
- g. Additional Requirements. Additional requirements for various types of burning are listed in subsections 3.03D2 (pg. 3-10), 3.03E (pg. 3-10), 3.03F2 (pg. 3-11), and the footnotes for tables 3.03-1 (pg. 3-17), table 3.03-2 (pg. 3-19), and table 3.03-3 (pg. 3-21).
- h. 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. Materials. (*WAC 173-425-040*) Materials 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*) 12 in. dia., the burn must not be ignited or fed after 12:00 noon on the day ignited.

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- 2) Except for ceremonial, residential, tumbleweed, and recreational burning not included in general rule permits, the person doing the burning shall inform the authority 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 < (*App. B*) 4ft. x 4ft. x 3ft. high.
- c. Storm and Flood Debris Burning.
 - 1) Material proposed for burning was deposited by a storm 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.
 - 4) The following variables shall be considered in determining an appropriate maximum time limit after the 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 3.03E (pg. 3-10) is applicable to any fire department, business, or organization (*App. A*) using fire fighting 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 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 is provided to the owners of property adjoining the property, and to the persons who potentially will be impacted;
 - 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, and;
 - d. A survey according to subsection 3.07F (pg. 3-37) must be conducted to

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determine if materials containing asbestos are present in the structures, the inspection must be documented in writing and forwarded to the authority, and 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 support 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.

5. Permitting and Limited Exemptions. The types of permits required and limited exemptions granted are shown in table 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 a 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 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 Not Required. Limited exemptions are identified in subsections 3.03G2&3 (pg. 3-12), table 3.03-1 (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

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- 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 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. PROGRAM DELEGATIONS.** Table 3.03-2 (pg. 3-18) shows which types of agencies or businesses the authority may use to implement outdoor and agricultural burning programs if the co-operating agency / business complies with this subsection.
- 1. Permitting by Other Agencies.** A local, county, state, or federal agency may qualify for a residential and recreational outdoor burning permit program if:
 - a. The agency agrees to accept all of the outdoor burning program available for permitting as shown in table 3.03-2 (pg. 3-18);
 - b. The agency enters into a written agreement with the authority to adopt and enforce the regulations of the authority;
 - c. The authority finds that agency program is as or more effective;
 - d. The agency provides annual reports by Feb. 1st of each year which describe:
 - 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

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with the 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 AUTHORITY. The authority 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 believes the proposed burn needs specific requirements or prohibitions that are not available from an annual or general rule permit;
- d. The proposed burn can not 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 appropriated when an individual or annual permit is not required, but the authority 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. 3.03 - 1, Structural Fire Training Outside of Urban Growth Areas (pg. 3-22);
 - 2) General Rule Permit No. 3.03 - 2, Wildland Training Fires (pg. 3-24);
 - 3) General Rule Permit No. 3.03 - 3, Flammable Liquid or Gas Training Fires (pg. 3-26);
 - 4) General Rule Permit No. 3.03 - 4, Other Training Fires (pg. 3-28); and
 - 5) General Rule Permit No. 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 3.03. 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

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- 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 established by the ag task force (*App. A*).
 - 2) Encouraging the use of locally approved BMPs for specific crops.
- 5. Permit Duration.**
 - a. Annual permits expire Dec. 31st of the current calendar year.
 - 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 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 shall amend an individual or annual permit; and
 - b. The authority 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 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 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 3.03-1 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 Sub 3.03C1 (pg. 3-8) b	Hours of Burning Sub 3.03C1f (pg. 3-8) c	Prohibited Materials Sub 3.03D1a &F2b (pg. 3-9 & 3-11) d
Outdoor Burning				
1. Ceremonial fires	Individual	1/	1/	No
2. Fire fighting training fires				
2.1 Structural training fires				
2.11 Inside an urban growth area	Individual	Yes	Yes	2/
2.12 Outside an urban growth area	GRP No. 3.03 - 1	Yes	Yes	2/
2.2 Wildland training fires	GRP No. 3.03 - 2	Yes	Yes	No
2.3 Flammable liquid or gas training fires	GRP No. 3.03 - 3	Yes	Yes	2/
2.4 Other training fires	GRP No. 3.03 - 4	Yes	Yes	2/
2.5 Aircraft crash rescue training fires	N/A	Yes	Yes	Yes
3. Land clearing fires	Individual	No	1/	No
4. Rare & endangered plant regeneration fires.	Individual	1/	1/	No
5. Recreational fires				No
5.1 Large recreational fires	GRP No. 3.03 - 5	3/	4/	
5.2 Other recreational fires	None	No	Yes	
5.3 Home barbecues	None	5/	Yes	
6. Residential	Annual	No	No	No

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7. Silvicultural	N/A	N/A	N/A	N/A
8. Storm or flood debris	Individual	1/	1/	No
9. Tumbleweed	None	No	No	No
10. Weed abatement	Individual	1/	No	No
11. Other outdoor burning 6/	Individual	1/	1/	1/
Table 3.03-1 Limited Exemptions, Types of Permitting, and Specific Requirements for All Types of Burning - Cont'd				
Type of Burning	Type of Burning Permit Required a	Types of Burning Where Limited Exemptions Are Granted		
		Prohibited Areas Sub 3.03C1 b	Hours of Burning Sub 3.03C1f c	Prohibited Materials Sub 3.03D1a &F2b d
Agricultural Burning				
12. Fence rows and windblown vegetation	None, 7/	No	8/	No
13. Irrigation or drainage ditches	None, 7/	No	8/	No
14. Orchard management 14.1 Orchard prunings 14.2 Orchard removal	None, 7/ Individual	No	8/ 1/	No
15. Annual agricultural burning	Annual	No	No, 8/	No
16. Other agricultural burning 9/	Individual	1/	8/	1/
Training Fires Not Considered Outdoor Burning				
17. Fires conducted inside a fire training facility subject to a NSR approval order	None	N/A	N/A	N/A

Footnotes for table 3.03-1:

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 does not regulate this type of burning

GRP - General Rule Permit.

Annual - Annual residential or agricultural burning permit.

1/ Shall be identified in the permit issued by the authority.

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

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- 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 ag task force (*App. A*) as a BMP (*App. B*).
- 9/ Includes any type of agricultural burning not included in the table

Table 3.03-2 Forms of Delegation for All Types of Burning.
 See footnotes at the end of the table.

Type of Burning	Permitting Information				
	Delegated to the Authority a	Type of Burning Permit Required b	Form of Delegation from the Authority		
			Retained by the Authority c	Permitting Program Available d	Permit Vending e
Outdoor Burning					
1. Ceremonial fires	Yes	Individual	No	Yes	No
2. Fire fighting training fires	Yes	Individual GRP No. 3.03 - 1 GRP No. 3.03 - 2 GRP No. 3.03 - 3 GRP No. 3.03 - 4 None	Yes	No	No
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					
3. Land clearing	Yes	Individual	Yes	No	No
4. Rare & endangered plant regeneration fires	Yes	Individual	Yes	No	No
5. Recreational fires	Yes	GRP No. 3.03 - 5 None None	Yes	No	No
5.1 Large recreational fires					
5.2 Other recreational fires					
5.3 Home barbecues					
6. Residential	Yes	Annual	No	Yes	Yes
7. Silvicultural	No	N/A	N/A	N/A	N/A
8. Storm or flood debris	Yes	Individual	Yes	No	No
9. Tumbleweed	Yes	None, 1/	No	Yes	No
10. Weed abatement	Yes	Individual	No	Yes	No

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11 Other outdoor burning 2/	Yes	Individual	Yes	No	No
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Type of Burning	Permitting Information				
	Delegated to the Authority a	Type of Burning Permit Required b	Form of Delegation from the Authority		
			Retained by the Authority c	Permitting Program Available d	Permit Vending e
Agricultural Burning					
12. Fence rows and windblown vegetation	Yes	None, 3/	Yes	No	No
13. Irrigation or drainage ditches	Yes	None, 3/	Yes	No	No
14. Orchard management 14.1 Orchard prunings 14.2 Orchard removal	Yes	None, 3/ Individual	Yes	No	No
15. Annual agricultural burning	Yes	Annual	Yes	No	No
16. Other agricultural burning 4/	Yes	Yes	Yes	No	No
Training Fires Not Considered Outdoor Burning					
17. Fires conducted inside a fire training facility subject to a NSR approval order	Yes	None	Yes	No	No

Footnotes for table 3.03-2:

Yes - The authority 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 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 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 without permitting.

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

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Table 3.03-3 Notification Requirements Before Burning
 See footnotes at the end of the table

Type of Burning	Type of Burning Permit Required a	Prior Notification Required Before Igniting the Fire	
		Authority b	Neighbors c
Outdoor Burning			
1. Ceremonial fires	Individual	No	No
2. Fire fighting training fires	Individual GRP No. 3.03 - 1 GRP No. 3.03 - 2 GRP No. 3.03 - 3 GRP No. 3.03 - 4 N/A	Yes Yes Yes Yes Yes Yes, 3/	1/ Yes, 2/ Yes, 2/ Yes, 2/ Yes, 2/ No
2.1 Structural training fires			
2.11 Inside an urban growth area			
2.12 Outside an urban growth area			
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			
3. Land clearing fires	Individual	Yes	1/
4. Rare & endangered plant regeneration fires	Individual	Yes	1/
5. Recreational fires	GRP No. 3.03 - 5 None None	Yes No No	Yes No No
5.1 Large recreational fires			
5.2 Other recreational fires			
5.3 Home barbecues			
6. Residential	Annual	No	No
7. Silvicultural	N/A	N/A	N/A
8. Storm or flood debris	Individual	Yes	1/
9. Tumbleweed	None	No	No
10. Weed abatement	Individual	Yes	1/
11. Other outdoor burning	Individual	Yes	1/
Agricultural Burning			

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12. Fence rows and windblown vegetation	None, 4/	No	No
13. Irrigation or drainage ditches	None, 4/	No	No
14. Orchard management 14.1 Orchard prunings 14.2 Orchard removal	None, 4/ Individual	No Yes	No 1/
15. Annual agricultural burning	Annual	Yes	No
Type of Burning	Type of Burning Permit Required a	Prior Notification Required Before Igniting the Fire	
		Authority b	Neighbors c
16. Other agricultural burning	Individual	Yes	1/
Training Fires Not Considered Outdoor Burning			
17. 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.

GENERAL RULE PERMIT No. 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 3.01 (pg. 3-3), 3.03 (pg. 3-7), 3.05 (pg. 3-33), and 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 3.05 (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.
 - 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 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.
 - d. Asbestos Survey and Removal. A survey is conducted in accordance with subsection 3.07F (pg. 3-37) to determine if materials containing asbestos are

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present in the structures, the survey is documented in writing and forwarded to the authority.

- e. Asbestos Removal. Asbestos that is found is 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 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 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 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 article 5.

GENERAL RULE PERMIT NO. 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 3.01 (pg. 3-3), 3.03 (pg. 3-7), and 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 3.05 (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.
 - 3) 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 3.03D1a (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.
- F. NOTIFICATION.** (*Subsections 3.03D2a2, pg. 3-10*) Prior to the start of the training

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fire the fire department conducting the training shall inform:

1. The authority 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 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 article 5.

GENERAL RULE PERMIT NO. 3.03 - 3
FLAMMABLE LIQUID OR GAS TRAINING FIRES

- A. Purpose.** 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.**
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 3.01 (pg. 3-3), 3.03 (pg. 3-7), and 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 3.05 (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.
 - 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 3.03D1a (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.

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- 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 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.
- H. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, 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 article 5.

GENERAL RULE PERMIT NO. 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 a 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 3.01 (pg. 3-3), 3.03 (pg. 3-7), and 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 3.05 (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.
 - 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.

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- F. NOTIFICATION.** (*Subsections 3.03D2a2, pg. 3-10*) Prior to the start of the training fire the fire department shall inform:
1. The authority 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.
- H. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, 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 article 5.

GENERAL RULE PERMIT NO. 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 >3 ft. in dia. and 2 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 even; and
 4. The rule is applicable to the owner or operator of the land where the large recreational fire occurs.
- C. REFERENCES.** Sections 3.01 (pg. 3-3), 3.03 (pg. 3-7), and 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 3.05 (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.
 - 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 bly 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 3.03C1 (pg. 3-8) to conduct the fire after sunset, but

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- 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 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.
- H. VIOLATIONS.** Failure to comply with the requirements of this general rule permit is a violation, 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 article 5.

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3.04 WOOD HEATERS.

- A. PURPOSE.** To define a program to control and reduce woodsmoke emissions from wood heaters.
- B. APPLICABILITY.** This section applies to any device which burns wood, wood products, or other nongaseous or nonliquid fuels and is rated less than one million Btu per hour.
- 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 - ≤ 2.5 grams / hr.
 - (2) All other wood heaters - ≤ 4.5 grams / hr.
 - 2. Restrictions on Installation.** Uncertified wood heaters shall not be installed. 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 3.04C4 & 5 (pg. 3-32):
- 1. Boilers** (*App. A*);
 - 2. Furnaces** (*App. A*);
 - 3. Antique Wood Stoves and Heaters.** Antique wood cookstoves and heaters manufactured prior to 1940 may be installed and used in the manner of their original design. (*1997 UBC, WAC 51-40-510.3*) (*App. B*).
 - 4. 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

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section 3.05 (pg. 3-33).

5. **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.** It is a violation to operate a wood heater in a manner that emits a smoke plume exceeding the opacity standard. The standard and test procedures are stated in app. D.
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, other than properly seasoned wood (*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 as describe in section 3.05 (pg. 3-32). 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.

3.05 BURN BANS.

A. PURPOSE.

1. To prevent and avoid increasing unhealthful ambient 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.** This is declared and terminated by the APCO (*App. B*), and it applies to:
 - a. 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

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- b. Any other area defined by the board.
- c. It indicates air contaminants above threshold levels (*App. A*) in table 3.05-1.

**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 ₁₀ (<i>App. B</i>)	> 60 µg/m ³ (<i>App. B</i>) for a 24 hour average	> 105 µg/m ³ for a 24 hour average
CO (<i>App. B</i>)	> 8 ppm for an 8 hour average	No Level

- 2. **Air Pollution Episodes.** These are declared 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.
 - 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 3.03C2 (pg. 3-8) and do not ignite any burns.
- 2. **Fire Training Fires.** Do not ignite these fires.
- 3. **Wood Heaters.** Any person in a residence or commercial establishment which has an adequate source of heat other than a wood heater shall burn the wood heater according to table 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 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.

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Table 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 c	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
4. Wood Heaters				
4.1 Pellet Stove	Yes	No	Yes	No
4.2 EPA Certified Woodstove	Yes	No	Yes	No
4.3 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.

3.06 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.

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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.

3.07 ASBESTOS CONTROL.

A. **PURPOSE.** To prevent asbestos emissions from the disturbance of asbestos-containing materials (*) which could jeopardize public health or safety.

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.

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 pertain 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

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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.

E. MANAGEMENT OF ACM.

1. Condition.

- 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 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.

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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.

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 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 lf (*App. B*) or 48 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) (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 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:

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- 1) The annual notification is filed at least ten 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 from the property owner or operator demonstrating the need for the emergency project.

H. ASBESTOS REMOVAL.

- 1. Renovation Projects.** Except as provided in subsection 3.07J3 (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 (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:

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- a. Facilities or vessels that are structurally unsound and in danger of imminent collapse, or
- b. Other conditions 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.

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;
 - 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 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.

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- 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 Bagging. 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, removed, stored for reuse or disposal, or transported without disturbing or damaging the ACM.

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 3.07I (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 f/cc (*App. B*) for an 8 hr. 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 can not 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 3.07I (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.

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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 3.07I (pg. 3-40).
- b. The APCO may revoke the order of approval for cause.

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

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

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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.
 - b. 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 that reasonable precautions to prevent dust emissions are not being used shall not be exempt from the requirement for a dust control plan.
 - c. Emergencies. Sources are granted exemptions from subsection 3.08A (pg. 3-43) during the following emergency situations provided the source contacts the authority 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 3.01C1c.
 - 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 3.01C2c.
 - 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.
 - 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 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

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- 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
 - g) 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.
- 3) The authority 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.
- 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 3.08A4g (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.
 - 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. Exemptions.** Sources are granted exemptions from subsection 3.08B (pg. 3-44) during an emergency situations provided:
 - a. The owner or operator of the source contacts the authority 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.

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- c. An emergency situation exists when compliance with subsection 3.08B (pg. 3-44) would cause 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 3.01C2c .
 - f. Dust Control Plan Preparation. The following types of sources must prepare and submit an annual dust control plan to the authority no later than April 15th 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.
 - 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.
 - h. Plan Implementation.
 - 1) The authority 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 of the change.
- 4. Additional Information.** Additional information is available from the authority.
- 5. Fees.** See current fee schedule

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- 3.09 MOBILE SOURCE EMISSIONS.** Reserved for later use.
- 3.10 GENERAL RULE FOR MINOR SOURCES.** Reserved for later use.
- 3.11 MONITORING, RECORDKEEPING, AND REPORTING. - Repealed by Amendment 1.**

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ARTICLE 4 - PERMITS & REGISTRATION

4.00 REQUIREMENTS COMMON TO ALL PERMITS. Reserved for later use.

4.01 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 in app. G. (pg. G-1).
- C. RESPONSIBILITY.** The owner or operator of the source is responsible to notify the authority of the existence of the source except when exempted in subsection 4.01D (pg. 4-1).
- D. EXEMPTIONS.** All exemptions based on 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.** Sources which do not emit a quantifiable amount of toxic air pollutants listed in app. K, para. B.
 - 4. 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 $\leq 10,000$ gallons.

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Table 4.01-1 Criteria For Defining Exempt Sources

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

E. LIMITED EXEMPTIONS. (RCW70.94.151(3))

1. A grain warehouse or elevator emission source with an annual volume of < 10,000,000 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, 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).
- b. The registrant shall use forms and directions supplied by the authority.
- c. The forms must be completed and returned within the time specified.
- d. Emission units within the facility must be listed separately unless they meet the following conditions:
 - 1) The authority 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 authority.

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- 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 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.

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Table 4.01-2 Significant Pollutant Emission Levels

Pollutant	TPY
CO (<i>App. B</i>)	100
NO _x (<i>App. B</i>)	40
SO _x (<i>App. B</i>)	40
PM (<i>App. A</i>)	25
PM ₁₀ (<i>App. A</i>)	15
VOC (<i>App. B</i>)	40
Pb (<i>App. B</i>)	0.6
Fluorides	3
H ₂ SO ₄ (<i>App. B</i>) mist	7
H ₂ S (<i>App. B</i>)	10
TRS (<i>App. B</i>) including H ₂ S	10
Municipal waste combustor organics measured as total tetra-through octa-chlorinated dibenzo-p-dioxins and dibenzofurans.	.0000035
Municipal waste combustor metals measured as PM.	15
Municipal waste combustor acid gases measured as SO ₂ and HCl (<i>App. B</i>)	40

c. Report Contents.

- 1) Detailed annual 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 reports shall 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

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annually; and

d. Be made available to the authority upon request.

4. **Signature.** The owner, operator, or a designated representative must sign the registration or reporting form for each source. The owner or lessee of the source is responsible for the accuracy, completeness, and timely submittal of this information.
5. **Closure Report.** A closure report must be filed with the authority within 90 days when the operation of an emissions source is permanently ceased.
6. **Change of Ownership.** A new owner or operator must report to the authority within 90 days of any change of ownership or operator.

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 173-400-110-116*) - **Repealed by Amendment 1.**

4.03 NEW SOURCE REVIEW FOR TOXIC AIR POLLUTANTS. Reserved for later use.

4.04 AIR OPERATING PERMITS (AOP). (*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.

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

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

D. **DEFINITIONS.** As defined in WAC 173-401-200. When a term is not defined in WAC 173-401-200 see app. A for the definition.

E. **PERMIT APPLICATIONS.** As defined in chap. 173-401 WAC, Part V.

F. **PERMIT CONTENT.** As defined in chap. 173-401 WAC, Part VI; and

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

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(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.

G. PERMIT ISSUANCE, RENEWAL, REOPENINGS, AND REVISIONS. As defined in chap. 173-401 WAC, Part VII.

H. GENERAL PERMITS. As defined in chap. 173-401 WAC, Part VIII.

I. PUBLIC INVOLVEMENT. As defined in chap. 173-401 WAC, Part IX and section 2.04 of this regulation.

J. FEES.

1. As defined by chap. 173-401 WAC, Part X; and

2. Section 2.02 (pg. 2-2) and current fee schedule.

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

A. PURPOSE. To establish a rule for any source who desires to voluntarily limit the potential to emit 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.

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

2. 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*).

3. 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*).

4. Shall be federally enforceable.

5. Shall require a revision or revocation of the order for any proposed deviation.

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D. ADMINISTRATIVE PROCEDURES.

1. Public participation in the permitting is defined in section 2.04.
2. 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).

E. FEES. See current fee schedule.

4.06 EMISSION REDUCTION CREDITS AND BANKING. Reserved for later use.

4.07 ADMINISTRATIVE PERMITS.

A. PURPOSE. To control emissions from sources, groups of sources, or activities which are not subjected to some other form of control.

B. APPLICABILITY. Any lawful activity or source subject to WCAA (*App. B*) within the jurisdiction of the authority. 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;
2. Individual permits; or
3. General rule permits.

C. DURATION.

1. The permit 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.
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 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 comfort of persons from the effects of the permitted activity; the authority shall amend the permit. When an amendment is made, the authority must notify the responsible person of the limitations, and any requirement imposed will become a condition of the permit.

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

ARTICLE 5 - COMPLIANCE AND ENFORCEMENT

5.00 GENERAL INFORMATION.

- A. PURPOSE.** To establish the general compliance and enforcement procedures.
- B. APPLICABILITY.** Applies to all sources regulated by the authority or any violation of this regulation, any applicable law, or any permit, order or condition of approval issued by the authority.
- C. INVESTIGATION.** The authority will conduct investigations for the purpose of determining compliance with this regulation, any of the laws or regulations enforced by the authority, any permit issued by the authority, any order issued by the authority, or any condition of approval issued by the authority.
- D. WRITTEN NOTICES.**
 - 1. The authority 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.
 - 2. See subsection 3.01C3a3) for a NOV (*App. B*) for agricultural odors.

5.01 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.** 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. This section also applies to any situation where an imminent health threat exists.
- C. CORRECTIVE ACTION ORDER.** The authority 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 written notice or issued as a separate document.
- D. PROHIBITORY ORDER.** The authority 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 the county wherein the violation is alleged to be occurring or to have occurred for

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a restraining order, or a temporary or permanent injunction or other appropriate order.

- F. ASSURANCE OF DISCONTINUANCE.** As an additional means of enforcing these regulations, 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.

5.02 PENALTIES

- A. PURPOSE.** To describe 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.

- C. CRIMINAL PENALTIES.** Shall be imposed in accordance to chap. 70.94 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 chap. 70.94 RCW, chap. 70.120 RCW, or any other rules or regulations, the authority may 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.
- 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 91st 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 a violation shall be considered a separate violation and subject to penalty. The penalties provided in this section shall be imposed pursuant to RCW 43.12(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

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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 shall be paid into the treasury of the authority and rendered into its funds.
- I. WITHHOLDING GRANTS.** Public or private entities that are recipients or potential recipients of grants from the authority, whether for air quality related activities or not, may have the grants rescinded or withheld by the authority 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 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 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 definitions for terms not found in this appendix are in chap. 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 - The Yakima Regional Clean Air Authority.

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

Burn Bans - Periods when ecology or the authority 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.

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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 for the purpose of causing a person to be in compliance with cited authority, state, or 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)(c)*) - 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

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DNR (*App. B*).

Fire Fighting Training Fires - Fires for the instruction in methods of fire fighting, 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, ceremonial fire, or a recreational fire.

First Stage of Impaired Air Quality - Can be declared by the authority when PM_{10} 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

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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 under chap. 70.94 RCW (*App. B*), including, but not limited to RCW 70.94.332, RCW 70.94.152, RCW 70.94.153, and RCW 70.94.141(3), and includes, where used in the generic sense, the terms order, corrective action order, order of approval, and regulatory order.

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.

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.

Pellet Stove (*WAC 173-433-030 (6)*) - A pellet stove with an air-to-fuel ratio \geq (*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.

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Recreational Fire - Cooking fires, campfires and bonfires using charcoal or firewood that occur in designated areas or on private property for cooking, pleasure, or 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.

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 $\leq 20\%$ or less moisture by weight.

Second Stage of Impaired Air Quality - Can be declared by the authority when PM_{10} is at an ambient level of $105 \mu\text{g}/\text{m}^3$ (*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 nonliquid 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.

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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 36.70A.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.”

Woodsmoke 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 Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-4).

Yakima PM₁₀ Nonattainment Area - The legal description is located in app. H (pg. H-4), and it is shown on the map in app. I (pg. I-5).

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Yakima Urban Area - The legal land description is located in app. H (pg. H-1), and it is shown on the map in app. I (pg. I-3).

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.

°C - Degrees Centigrade.

°F- 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.

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HCl - Hydrogen Chloride.

Hg - Mercury.

hr. - Hour.

H₂S - Hydrogen Sulfide.

H₂SO₄ - Sulfuric Acid.

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/m³ - Micrograms per Cubic Meter.

mg/m³ - Milligrams per Cubic Meter.

ml - Millileter.

mm - Millimeter.

MTBE - Methyl Tertiary Butyl Ether.

NAAQS - National Ambient Air Quality Standard.

NESHAPS - National Emission Standards for Hazardous Air Pollutants.

NF - National Forest.

NH₃ - Ammonia.

NOC - Notice of Construction.

NOV - Notice of Violation.

NO₂ - Nitrogen Dioxide.

NO_x - Oxides of Nitrogen.

NPDES - National Pollution Discharge Elimination System.

NSPS - New Source Performance Standards.

NSR - New Source Review.

O₂ - Oxygen.

O₃ - Ozone.

OSHA - Occupational Health and Safety Administration.

Pb- Lead.

PCE - Perchloroethylene.

PLM - Polarized Light Microscopy.

ppm - Parts per Million.

PSD - Prevention of Significant Deterioration.

QA/QC - Quality Control/Quality Assurance.

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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.

SO₂ - Sulphur Dioxide.

SO_x - 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 Transmercator

VOC - Volatile Organic Compound.

VOCs - Volatile Organic Compounds.

VP - Vapor Pressure.

WAC - Washington Administrative Code.

WCAA - Washington Clean Air Act, chap. 70.94 RCW.

YRCAA - Yakima Regional Clean Air Authority.

> - Greater Than.

< - Less Than.

≥ - Equal to or More Than.

≤ - Equal to or Less Than.

= - Equals.

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Reporting (See Monitoring, Recordkeeping, and Reporting)

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Significant See WAC 173-400-030, 112, & 113

Significant Visibility Impairment See WAC 173-400-117

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Solid Fuel Burning Device (See Wood Heaters)

Source

Definition of See WAC 173-400-030

Major stationary See WAC 173-400-030, 112, & 113

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Stationary See WAC 173-400-030

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Definition of See WAC 173-400-030

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Standard Conditions See WAC 173-400-030

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Treated Wood app. A, A-6

Tumbleweed Burning (See Outdoor Burning)

Twenty-four (24) Hours app. A, A-6

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Renewals 3.00D7, 3-2

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Volatile Organic Compound (VOC) See WAC 173-400-030

Waiver 1.07G, 1-5

Weed Abatement Fires (See Outdoor Burning)

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Limited exemptions

Antique wood stoves and heaters 3.04D3, 3-32

Boilers 3.04D1, 3-32

Existing uncertified 3.04D5, 3-33

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Definition of app. A, A-7

Legal land description app. H, H-4

Map location app. I, I-4

Yakima PM₁₀ Nonattainment Area

Definition of app. A, A-7

Legal land description app. H, H-4

Map location app. I, I-5

Yakima Urban Area

Definition of app. A, A-7

Legal land description app. H, H-1→H-3

Map location app. I, I-3

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APPENDIX D
Measurable Emissions Standards for Various Sources
Repealed by Amendment 1

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APPENDIX E
Cross Reference Between Restated Regulation I of 1995 and Regulation 1

SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
ARTICLE I		
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 ₁₀ Nonattainment Area are in App. H.
ARTICLE II		
Section 2.01	1.04	Rewritten extensively.
2.01		
Section 2.02		
2.02A	1.05C	
2.02B	2.01C 2.01E	
2.02C	2.01C1-2	2.01C3&4 deleted. Authority will use RCW 70.94.200 if needed.
2.02D	2.01D1-3	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	
2.03C	1.07D	
2.03D	1.07E	
Section 2.04	1.06C1&2	Rest of 1.06 is a new section.

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
Section 2.05	1.05D	
Article III		
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	
Article IV		
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 sections 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		

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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		
ARTICLE V			
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	

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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.
5.03Da→f	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 → 4	GRP

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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)	Exemptions are in Table 3.03-1.	
5.05 Last sentence	3.03C2g	Adds "no smoke" to the definition for an extinguished fire.	
5.05A	3.03C2f(1)		
5.05A1	3.05C2a 3.03Cf(2)-(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 5.09E1 5.09E2 5.09E3 5.09E4	3.07 3.07→K 3.07 3.07F -----	This is a total rewrite patterned after the SCAPCA Sect. 9.01 → 9.08 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.	

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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	
ARTICLE VI		
Section 6.01	4.04A	
Section 6.02	4.04J	Fee schedules no longer included in the regulations
ARTICLE VII		
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	
7.01F	3.00E10	

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
7.01G	3.00E3c	
ARTICLE VIII	Article 5	
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	
ARTICLE IX		
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		

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
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 9.05A1 9.05A2 9.05A3	3.05B & 3.05D2 3.05C2b & tab. 3.05-1 tab. 3.05-1 & 3.05C1a(1) tab. 3.05-1 & 3.05C1a(2)	
ARTICLE X		
Section 10.01	3.06	
ARTICLE XI		
1.08		
ARTICLE XII		
2.03		
Section 2.01	2.03A	
Section 12.02	2.03B	
Article XIII		
Section 13.01	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.02	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.03	_____	Not included in the regulation. Fees will be adopted by board resolution.
Section 13.04	_____	Not included in the regulation. Fees will be adopted by board resolution.

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SECTION & SUBSECTION NO.		COMMENTS
EXISTING	PROPOSED	
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	
SIGNATURE PAGE		Page following the table of contents.

APPENDIX G
Registration Program Information

This appendix provides specific information on applicability and exemptions for the registration program in section 4.01 (pg. 4-1).

- A. SOURCE CLASSIFICATION LIST. (WAC 173-400-100 (1))**
1. Agricultural chemical facilities engaging in the manufacturing of liquid or dry fertilizers or pesticides;
 2. Agricultural drying and dehydrating operations;
 3. Any category of stationary sources to which a federal standard of performance (NSPS) under 40 CFR Part 60 (*App. B*) as of the effective date in section 1.08 (pg. 1-6), other than Subpart AAA (Standards of Performance for New Residential Wood Heaters) applies;
 4. Any source category subject to a National Emission Standard for Hazardous Air Pollutants (NESHAPS) under 40 CFR Part 61 as of the effective date in section 1.08 (pg. 1-6), other than Subpart M (National Emission Standard for Asbestos) or a Maximum Achievable Control Technology (MACT) standard in 40 CFR Part 63 as of the effective date in section 1.08 (pg. 1-6) established under Section 112 of the FCAA (*App. B*);
 5. Any source, stationary source or emission unit with a significant emission as defined by WAC 173-400-030(67);
 6. Asphalt and asphalt products production facilities;
 7. Brick and clay manufacturing plants, including tiles and ceramics;
 8. Casting facilities and foundries, ferrous and nonferrous;
 9. Cattle feedlots with facilities which operate between June 1st and October 1st, have an inventory of 1,000 or more cattle, and vegetation forage growth is not sustained over the majority of the lot during the normal growing season;
 10. Chemical manufacturing plants;
 11. Composting operations, including commercial, industrial and municipal, but exempting residential composting activities;
 12. Concrete product manufacturers and ready mix and premix concrete plants;
 13. Crematoria or animal carcass incinerators;
 14. Dry cleaning plants;
 15. Materials handling and transfer facilities that generate fine particulate, which may include pneumatic conveying, cyclones, baghouses, and industrial housekeeping vacuuming systems that exhaust to the atmosphere;
 16. Flexible vinyl and urethane coating and printing operations;
 17. Grain, seed, animal feed, legume, and flour processing operations, and handling facilities;

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18. Hay cubers and pelletizers;
19. Hazardous waste treatment and disposal facilities;
20. Ink manufacturers;
21. Insulation fiber manufacturers;
22. Landfills, active and inactive, including covers, gas collection systems or flares;
23. Metal plating and anodizing operations;
24. Metallic and nonmetallic mineral processing plants, including rock crushing plants;
25. Mills such as lumber, plywood, shake, shingle, wood chip, veneer operations, dry kilns, pulpwood insulating board, or any combination thereof;
26. Mineralogical processing plants;
27. Other metallurgical processing plants;
28. Paper manufacturers;
29. Petroleum refineries;
30. Plastics and fiberglass product fabrication facilities;
31. Rendering plants;
32. Soil and groundwater remediation projects;
33. Surface coating manufacturers;
34. Surface coating operations including: Automotive, metal, cans, pressure sensitive tape, labels, coils, wood, plastic, rubber, glass, paper and other substrates;
35. Synthetic fiber production facilities;
36. Synthetic organic chemical manufacturing industries;
37. Tire recapping facilities;
38. Wastewater treatment plants;
39. Any source that has elected to opt-out of the operating permit program by limiting its potential-to-emit (synthetic minor) or is required to report periodically to demonstrate nonapplicability to EPA requirements under Sections 111 or 112 of FCAA.

B. Equipment Classification List. (WAC 173-400-100 (2))

1. Boilers, all solid and liquid fuel burning boilers with the exception of those used for residential heating;
2. Boilers, all gas fired boilers above 10 million Btu (*App. B*) per hour input;
3. Chemical concentration evaporators;
4. Degreasers of the cold or vapor type in which more than 5% of the solvent is comprised of halogens or such aromatic hydrocarbons as benzene, ethylbenzene, toluene or xylene;
5. Ethylene oxide (ETO) sterilizers;
6. Flares utilized to combust any gaseous material;
7. Fuel burning equipment with a heat input of more than 1,000,000 Btu per hour; except heating, air conditioning systems, or ventilating systems not designed to

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- remove contaminants generated by or released from equipment;
- 8.** Incinerators designed for a capacity of 100 pounds per hour or more;
- 9.** Ovens, burn-out and heat-treat;
- 10.** Stationary internal combustion engines and turbines rated at 500 horsepower or more;
- 11.** Storage tanks for organic liquids associated with commercial or industrial facilities with capacities equal to or greater than 40,000 gallons;
- 12.** Vapor collection systems within commercial or industrial facilities;
- 13.** Waste oil burners above 0.5 mm Btu heat output;
- 14.** Woodwaste incinerators.

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APPENDIX F
(Reserved for Later Use)

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APPENDIX H
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.

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

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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°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

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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 $0^{\circ}02'34''$ 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 southwest 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.

C. YAKIMA CO 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

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688.92	5165.05	S 16 th Ave / Hthwy Ave
690.35	5465.10	E "I" St / N 1 st St
690.49	5164.63	N 1 st St / E "G" St
691.31	5165.01	E "G" St N N 8th St
691.70	5164.07	N 8 th 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 st Old Town Rd / Mn St
692.43	5160.32	W Washington / S 1 st St
682.05	5161.07	E Mead Ave / S 1 st St
689.06	5160.91	S 16 th Ave / W Mead Ave

D. YAKIMA PM₁₀ 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

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APPENDIX I
Maps

Name	Page Number
Woodsmoke Control Zone	I-2
Yakima Urban Area	I-3
Yakima CO Nonattainment Area	I-4
Yakima PM₁₀ Nonattainment Area	I-5

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APPENDIX J
ERC Discounting Factors
(Reserved for later use)

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APPENDIX K
New Source Review Application Information
Repealed by Amendment 1

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APPENDIX L
Hazardous Air Pollutants

This appendix contains a list of the hazardous air pollutants (HAP) created by FCAA, Section 112.

Chemical Abstract Service Number	Chemical Name	Comments
75070	Acetaldehyde	
60355	Acetamide	
75058	Acetonitrile	
98862	Acetophenone	
53963	2-Acetylaminofluorene	
107028	Acrolein	
79061	Acrylamide	
79107	Acrylic acid	
107131	Acrylonitrile	
107051	Allyl chloride	
92671	4-Aminobiphenyl	
62533	Aniline	
90040	o-Anisidine	
1332214	Asbestos	
71432	Benzene (including benzene from gasoline)	
92875	Benzidine	
98077	Benzotrichloride	
100447	Benzyl chloride	
92524	Biphenyl	
117817	Bis(2-ethylhexyl)phthalate (DEHP)	
542881	Bis(chloromethyl)ether	

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Chemical Abstract Service Number	Chemical Name	Comments
75252	Bromoform	
106990	1,3-Butadiene	
156627	Calcium cyanamide	
105602	Caprolactam	EPA delisted June 18, 1996.
133062	Captan	
63252	Carbaryl	
75150	Carbon disulfide	
56235	Carbon tetrachloride	
463581	Carbonyl sulfide	
120809	Catechol	
133904	Chloramben	
57749	Chlordane	
7782505	Chlorine	
79118	Chloroacetic acid	
532274	2-Chloroacetophenone	
108907	Chlorobenzene	
510156	Chlorobenzilate	
67663	Chloroform	
107302	Chloromethyl methyl ether	
126998	Chloroprene	
1319773	Cresols/Cresylic acid (isomers and mixture)	
95487	o-Cresol	
108394	m-Cresol	
106445	p-Cresol	
98828	Cumene	

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Chemical Abstract Service Number	Chemical Name	Comments
94757	2,4-D, salts and esters	
3547044	DDE	
334883	Diazomethane	
132649	Dibenzofurans	
96128	1,2-Dibromo-3-chloropropane	
84742	Dibutylphthalate	
106467	1,4-Dichlorobenzene(p)	
91941	3,3-Dichlorobenzidene	
111444	Dichloroethyl ether (Bis(2-chloroethyl)ether)	
542756	1,3-Dichloropropene	
62737	Dichlorvos	
111422	Diethanolamine	
121697	N,N-Diethyl aniline (N,N-Dimethylaniline)	
64675	Diethyl sulfate	
119904	3,3-Dimethoxybenzidine	
60117	Dimethyl aminoazobenzene	
119937	3,3-Dimethyl benzidine	
79447	Dimethyl carbamoyl chloride	
68122	Dimethyl formamide	
57147	1,1-Dimethyl hydrazine	
131113	Dimethyl phthalate	
77781	Dimethyl sulfate	
534521	4,6-Dinitro-o-cresol, and salts	
51285	2,4-Dinitrophenol	

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Chemical Abstract Service Number	Chemical Name	Comments
121142	2,4-Dinitrotoluene	
123911	1,4-Dioxane (1,4-Diethyleneoxide)	
122667	1,2-Diphenylhydrazine	
106898	Epichlorohydrin (1-Chloro-2,3-epoxypropane)	
106887	1,2-Epoxybutane	
140885	Ethyl acrylate	
100414	Ethyl benzene	
51796	Ethyl carbamate (Urethane)	
75003	Ethyl chloride (Chloroethane)	
106934	Ethylene dibromide (Dibromoethane)	
107062	Ethylene dichloride (1,2-Dichloroethane)	
107211	Ethylene glycol	
151564	Ethylene imine (Aziridine)	
75218	Ethylene oxide	
96457	Ethylene thiourea	
75343	Ethylidene dichloride (1,1-Dichloroethane)	
50000	Formaldehyde	
76448	Heptachlor	
118741	Hexachlorobenzene	
87683	Hexachlorobutadiene	
77474	Hexachlorocyclopentadiene	
67721	Hexachloroethane	
822060	Hexamethylene-1,6-diisocyanate	
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680319	Hexamethylphosphoramide	
110543	Hexane	
302012	Hydrazine	
7647010	Hydrochloric acid	
7664393	Hydrogen fluoride (Hydrofluoric acid)	
7783064	Hydrogen sulfide	Included in error and removed on Dec. 4, 1991.
123319	Hydroquinone	
78591	Isophorone	
58899	Lindane (all isomers)	
108316	Maleic anhydride	
67561	Methanol	
72435	Methoxychlor	
74839	Methyl bromide (Bromomethane)	
74873	Methyl chloride (Chloromethane)	
71556	Methyl chloroform (1,1,1-Trichloroethane)	
78933	Methyl ethyl ketone (2-Butanone)	
60344	Methyl hydrazine	
74884	Methyl iodide (Iodomethane)	
108101	Methyl isobutyl ketone (Hexone)	
624839	Methyl isocyanate	
80626	Methyl methacrylate	
1634044	Methyl tert butyl ether	
101144	4,4-Methylene bis(2-chloroaniline)	
75092	Methylene chloride (Dichloromethane)	

Chemical Abstract Service Number	Chemical Name	Comments
101688	Methylene diphenyl diisocyanate (MDI)	

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101779	4,4'-Methylenedianiline
91203	Naphthalene
98953	Nitrobenzene
92933	4-Nitrobiphenyl
100027	4-Nitrophenol
79469	2-Nitropropane
684935	N-Nitroso-N-methylurea
62759	N-Nitrosodimethylamine
59892	N-Nitrosomorpholine
56382	Parathion
82688	Pentachloronitrobenzene (Quintobenzene)
87865	Pentachlorophenol
108952	Phenol
106503	p-Phenylenediamine
75445	Phosgene
7803512	Phosphine
7723140	Phosphorus
85449	Phthalic anhydride
1336363	Polychlorinated biphenyls (Aroclors)
1120714	1,3-Propane sultone
57578	beta-Propiolactone
123386	Propionaldehyde
114261	Propoxur (Baygon)

Chemical Abstract Service Number	Chemical Name	Comments
78875	Propylene dichloride (1,2-Dichloropropane)	
75569	Propylene oxide	

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75558	1,2-Propylenimine (2-Methyl aziridine)
91225	Quinoline
106514	Quinone
100425	Styrene
96093	Styrene oxide
1746016	2,3,7,8-Tetrachlorodibenzo-p-dioxin
79345	1,1,2,2-Tetrachloroethane
127184	Tetrachloroethylene (Perchloroethylene)
7550450	Titanium tetrachloride
108883	Toluene
95807	2,4-Toluene diamine
584849	2,4-Toluene diisocyanate
95534	o-Toluidine
8001352	Toxaphene (chlorinated camphene)
120821	1,2,4-Trichlorobenzene
79005	1,1,2-Trichloroethane
79016	Trichloroethylene
95954	2,4,5-Trichlorophenol
88062	2,4,6-Trichlorophenol
121448	Triethylamine
1582098	Trifluralin
540841	2,2,4-Trimethylpentane

Chemical Abstract Service Number	Chemical Name	Comments
108054	Vinyl acetate	
593602	Vinyl bromide	
75014	Vinyl chloride	
75354	Vinylidene chloride (1,1-Dichloroethylene)	

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1330207	Xylenes (isomers and mixture)
95476	o-Xylenes
108383	m-Xylenes
10642	p-Xylenes
0	Antimony Compounds
0	Arsenic Compounds (inorganic including arsine)
0	Beryllium Compounds
0	Cadmium Compounds
0	Chromium Compounds
0	Cobalt Compounds
0	Coke Oven Emissions
0	Cyanide Compounds ¹
0	Glycol ethers ²
0	Lead Compounds
0	Manganese Compounds
0	Mercury Compounds
0	Fine mineral fibers ³
0	Nickel Compounds
0	Polycyclic Organic Matter ⁴
0	Radionuclides (including radon) ⁵

Chemical Abstract Service Number	Chemical Name	Comments
0	Selenium Compounds	