



410 West Harrison Street, Seattle, Washington 98119 (206) 344-7330

March 15, 1973

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Mr. A. L. Labbe, Manager  
American Smelting & Refining Company  
P. O. Box 1605  
Tacoma, Washington 98401

Dear Mr. Labbe:

Transmitted herewith is a copy of Resolution No. 178 adopted  
by the Agency's Board of Directors, March 14, 1973.

Yours truly,

A. R. Dammkoehler  
Air Pollution Control Officer

ARD:wb

cc: Gary Young, Chief  
Air Programs Branch  
Environmental Protection Agency  
Region X  
1200 - 6th Avenue  
Seattle, Washington 98101

James Belke, Exec. Ass't. Dir.  
Public Services Branch  
Department of Ecology  
Olympia, Wa. 98501

SERVING:

KING COUNTY  
410 West Harrison St.  
Seattle, 98119  
(206) 344-7330

KITSAP COUNTY  
Dial Operator for Toll  
Free Number Zenith 8385  
Bainbridge Island,  
Dial 344-7330

PIERCE COUNTY  
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Tacoma, 98401  
(206) 383-5851

SNOHOMISH COUNTY  
703 Medical-Dental Bldg.  
Everett, 98201  
(206) 259-0288

BOARD OF DIRECTORS

CHAIRMAN: Gene Lobe, Commissioner Kitsap County;  
N. Richard Forsgren, Commissioner Snohomish County;  
Gordon N. Johnston, Mayor Tacoma;

Harvey S. Poll, Member at Large;  
A. R. Dammkoehler, Air Pollution Control Officer.

VICE CHAIRMAN: Robert C. Anderson, Mayor Everett;  
Glenn K. Jarstad, Mayor Bremerton;  
Wes Uhlman, Mayor Seattle;

Patrick J. Gallagher, Commissioner Pierce County;  
John D. Spellman, King County Executive;

RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE PUGET SOUND AIR POLLUTION CONTROL  
AGENCY AMENDING REGULATION I BY ADOPTING  
A NEW SECTION THERETO ENTITLED SECTION  
9.19 CONTROLLING THE EMISSION OF ARSENIC-  
CONTAINING PARTICULATE MATTER FROM  
NONFERROUS SMELTERS.

MAR 19 1973

WHEREAS, the State Department of Social and Health Services has conducted numerous tests for the existence of arsenic which may affect inhabitants of the Puget Sound Region and has requested the adoption of regulations controlling the emission of arsenic or any of its compounds, and

WHEREAS, the Board of Directors deems it necessary for the health, safety, welfare and convenience of the inhabitants of the four-county area of the Agency that a regulation be adopted establishing emission controls on arsenic; now, therefore,

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE PUGET SOUND AIR POLLUTION CONTROL AGENCY:

Section 1. Regulation I be and the same is hereby amended by adding a new section thereto entitled 9.19 - Arsenic Emission Standards, to wit:

"Section 9.19 - ARSENIC EMISSION STANDARD

(a) Visible emissions of unprocessed ore concentrates shall be limited by utilizing reasonably available control technology and good operating practices ("unprocessed ore concentrate" means any copper ore concentrate as delivered to a smelter before heating to 150°F or above).

(b) Until January 31, 1974, the owner or operator of a nonferrous smelter shall limit visible emission of arsenic-containing particulate matter from any building, structure, facility or apparatus used for the primary purpose of manufacturing or transporting arsenic trioxide by utilizing reasonably available control technology and good operating practices. After January 31, 1974, the owner or operator of a nonferrous smelter shall not cause or allow visible emissions of arsenic-containing particulate matter from any building, structure, facility or apparatus used for the primary purpose of manufacturing or transporting arsenic trioxide.

(c) The owner or operator of a nonferrous smelter shall utilize the best available control technology, taking into account good operating practices, to limit visible emissions of arsenic-containing particulate matter from stacks or vents, buildings, structures or facilities, except as covered in Section 9.19(a) and (b) above.

(d) The owner of a nonferrous smelter which processes arsenic-containing materials shall:

(1) Install a particulate monitor on all gas streams of arsenic containing particulate matter exhausted to the atmosphere of a type and located in a manner approved by the Board or Control Officer, and continuously operated so that particulate concentrations in the gas stream will be properly measured. Samples shall be analyzed for arsenic.

(2) Provide that emissions of arsenic-containing materials which will be transported through stacks or ducts will be tested in accordance with Section 9.09(f) of Regulation I.

(3) Provide quarterly or more frequent reports to the Board or Control Officer of results of any monitoring, analyses, and testing."


PASSED and APPROVED at a regular meeting of the Board of Directors of the Puget Sound Air Pollution Control Agency this 14th day of March, 1973.

  
Chairman

Attest:

  
Air Pollution Control Officer

Approved as to form:

  
Agency Attorney

# Regulation I

TO ACCOMMODATE  
FUTURE ADDITION  
OR  
REPLACEMENT OF PAGES,  
REGULATION I  
HAS BEEN PRINTED  
TO FIT A  
STANDARD 3 HOLE  
BINDER OF A  
5½" x 8½" FORMAT,  
AVAILABLE AT ANY  
STATIONERY AND OFFICE  
SUPPLY FIRM.

REGULATION I  
OF THE  
PUGET SOUND AIR POLLUTION CONTROL AGENCY  
410 West Harrison Street  
Seattle, Washington 98119

As originally adopted on March 13, 1968, by the  
Board of Directors of the Agency and as amended by  
subsequent Resolutions as follows:

Resolution No. 25	July 9, 1969
Resolution No. 115	February 11, 1970
Resolution No. 126	July 8, 1970
Resolution No. 135	November 10, 1971



REGULATION I OF THE  
PUGET SOUND  
AIR POLLUTION CONTROL AGENCY

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## ARTICLE 1 POLICY, SHORT TITLE & DEFINITIONS

### SECTION 1.01 POLICY

The Puget Sound Air Pollution Control Agency, consisting of the counties of Pierce, King, Snohomish and Kitsap, having been activated by the Washington Clean Air Act, RCW 70.94, adopts the following Regulation to control the emission of air contaminants from all sources within the jurisdiction of the Agency; to provide for the uniform administration and enforcement of this Regulation; and to carry out the requirements and purposes of the Washington Clean Air Act.

It is hereby declared to be the public policy of the Puget Sound Air Pollution Control Agency to secure and maintain such levels of air quality as will protect human health and safety and, to the greatest degree practicable, prevent injury to plant and animal life and to property, foster the comfort and convenience of its inhabitants, seek public participation in policy planning and implementation, promote the economic and social development of the Puget Sound area and facilitate the enjoyment of the natural attractions of the Puget Sound area.

### SECTION 1.03 NAME OF AGENCY

The name of the multicounty Air Pollution Control Agency comprised of the activated or inactivated air pollution control authorities of King County, Pierce County, Snohomish County and such other counties whose air pollution control authorities may now or later merge with this multicounty authority shall be known and cited as the "Puget Sound Air Pollution Control Agency."

### SECTION 1.05 SHORT TITLE

This Regulation may be known and cited as "Regulation I of the Puget Sound Air Pollution Control Agency."

### SECTION 1.07 GENERAL DEFINITIONS

When used in Regulation I of the Puget Sound Air Pollution Control Agency:

(a) "Agricultural operation" means the growing of crops, the raising of fowl, animals or bees as a gainful occupation.

(b) "Air contaminant" means dust, fumes, mist, smoke,

other particulate matter, vapor, gas, odorous substance, or any combination thereof.

(c) "Air pollution" is the presence in the outdoor atmosphere of one or more air contaminants in sufficient quantities and of such characteristics and duration as is, or is likely to be, injurious to human health, plant or animal life, or property, or which unreasonably interferes with enjoyment of life and property.

(d) "Alteration" means any addition to or enlargement or replacement of, or any major modification or change of the design, capacity, process or arrangement, or any increase in the connected loading of, equipment or control apparatus which will significantly affect the kind or amount of air contaminant emitted.

(e) "Ambient air" means that portion of the atmosphere, external to buildings, to which the general public has access.

(f) "Authority" and/or "Agency" means the Puget Sound Air Pollution Control Agency.

(g) "Board" means the Board of Directors of the Puget Sound Air Pollution Control Agency.

(h) "Control apparatus" means any device which prevents or controls the emission of any air contaminant.

(i) "Control Officer" means the Air Pollution Control Officer of the Puget Sound Air Pollution Control Agency.

(j) "Emission" means a release into the outdoor atmosphere of air contaminants.

(k) "Equipment" means any stationary or portable device or any part thereof capable of causing the emission of any air contaminant into the atmosphere.

(l) "Equipment used in a manufacturing process" means equipment, as defined in Subsection 1.07 (k) in which some air contaminant emitted is caused by a manufacturing process.

(m) "Excess Air" means the quantity of air which exceeds the theoretical quantity of air required for complete combustion.

(n) "Fire Chief" means a County Fire Marshal; City Fire Chief; Chief of each County Fire Protection District or his authorized representative; or authorized forestry officials from the Washington State Department of Natural Resources.

(o) "Fuel burning equipment" means equipment, as defined in Subsection 1.07 (k) other than internal combustion engines and marine installations, the principal purpose of which is the production of hot air, hot water or steam.

(p) "Incinerator" means a furnace for the destruction of waste.

(q) "Installation" means the placement, assemblage or construction of equipment or control apparatus at the premises where the equipment or control apparatus will be used, and includes all preparatory work at such premises.

(r) "Marine installation" means equipment, as defined in Subsection 1.07 (k) installed on a vessel or on any device which floats in the water.

(s) "Motor vehicle" means equipment, as defined in Subsection 1.07 (k), propelled by an internal combustion engine in or upon which a person or material may be transported on the ground.

(t) "Multiple chamber incinerator" means any incinerator consisting of three or more refractory-lined combustion chambers in series, physically separated by refractory walls, interconnected by gas passage ports or ducts and employing adequate design parameters necessary for maximum combustion of the material to be burned.

(u) "Outdoor fire" means the burning of any matter in such a manner that the products of combustion resulting from the burning are emitted directly into the atmosphere without passing through an approved stack, duct, vent or chimney.

(v) "Owner" includes the person who leases, supervises or operates the equipment or control apparatus.

(w) "Particulate matter" means any material, except water in an uncombined form, that is or has been airborne and exists as a liquid or a solid at standard conditions.

(x) "Process weight" means total weight of the materials consumed or charged in any specific process including solid fuels charged, but excluding liquid and gaseous fuels, and combustion air.

(y) "Process weight per hour" means process weight divided by number of hours from the beginning of any specific process to the completion of the process, excluding any time during which the equipment used in the process is idle.

(z) "Person" means and includes any individual, firm, public or private corporation, association, partnership, political subdivision, municipality or governmental agency.

(aa) "Portable equipment" means equipment, as defined in Subsection 1.07 (k) designed to be transported from place to place for temporary operation.

(bb) "Refuse burning equipment" means equipment as defined in Subsection 1.07 (k), designed to burn waste material, scrap, or combustible remains.

(cc) "Regulation" means any regulation or any subsequently adopted additions or amendments thereto of the Puget Sound Air Pollution Control Agency.

(dd) "Standard cubic foot of gas" means that amount of the gas which would occupy a cube having dimensions of one foot on each side, if the gas were free of water vapor and at standard conditions.

(ee) "Power boiler" means fuel burning equipment used to produce steam or vapor at a pressure exceeding 15 lbs. per square inch gauge.

(ff) "State Act" means the "Washington Clean Air Act".

(gg) "Travel asphalt plant" means any asphalt plant specifically designed by a manufacturer as a travel asphalt plant and customarily used in the industry to locate near the job site.

(hh) "ppm" means parts per million parts by volume.

(ii) "Primary Air Mass Station" or "PAMS" means a type of station designed to measure contamination in an air mass and representing a relatively broad area. The sampling site shall be representative of the general area concerned and not be contaminated by any special source. The probe inlet shall be a minimum of twenty feet and a maximum of one hundred fifty feet above ground level. Actual elevation should vary to prevent adverse exposure conditions caused by surrounding buildings and terrain. The probe inlet shall be placed approximately twenty feet above the supporting rooftop.

(jj) "Primary Ground Level Monitoring Station" or "PGLMS" means a station designed to provide information on contaminant concentrations near the ground and provide data valid for the immediate area only. (The probe inlet shall be ten to twenty feet above ground level with a desired optimum height of twelve feet.) The probe inlet shall not be less than two feet from any building or wall. The sampling site shall be representative of the immediate area and not be contaminated by any unique source.

(kk) "Special Station" or "SS" means any station that does not meet the criteria or purpose of a Primary Air Mass Station or a Primary Ground Level Monitoring Station.

(ll) "Standard conditions" means 70 degrees Fahrenheit and 29.92 in. Hg.

## ARTICLE 3 GENERAL PROVISIONS

### SECTION 3.01 DUTIES AND POWERS OF THE BOARD

(a) Pursuant to the provisions of the "Washington Clean Air Act", the Board may take such reasonable action as may be necessary to prevent air pollution which may include control or measurement of the emission of air contaminant from a source. The Board shall appoint a Control Officer competent in the field of air pollution control who shall observe and enforce the provisions of this Regulation and all orders, ordinances, resolutions, or rules and regulations of this Authority pertaining to the control and prevention of air pollution. The Board shall establish such procedures and take such action as may be required to implement Section 1.01 of this Regulation consistent with the State Act and other applicable laws.

(b) The Board shall require that the Control Officer maintain appropriate records and prepare periodic reports.

### SECTION 3.03 INVESTIGATIONS AND STUDIES BY THE CONTROL OFFICER

The Control Officer and/or his qualified agents may make any reasonable investigation or study which is necessary for the purpose of enforcing this Regulation or any amendment thereto or controlling or reducing the amount or kind of air contaminant.

### SECTION 3.05 INVESTIGATION BY CONTROL OFFICER

(a) For the purpose of investigating conditions specific to the control, recovery or release of air contaminants into the atmosphere, the Control Officer or his duly authorized representatives shall have the power to enter at reasonable times upon any private or public property, with the permission of the owner or his duly authorized representative.

(b) If an authorized employee of the Authority during the course of an inspection desires to obtain a sample of air contaminant, fuel, process material or other material which affects or may affect the emission of air contaminants, he shall notify the owner or lessee of the time and place of obtaining a sample so that owner or lessee has the opportunity to take a similar sample at the same time and place, and the authorized employee of the Authority shall give a receipt to the owner or lessee for the sample obtained.



### SECTION 3.07 CONFIDENTIAL INFORMATION

Whenever any records or other information furnished to or obtained by the Authority, pursuant to any sections in Chapter 70.94 RCW, relate to processes or production unique to the owner or operator, or are likely to affect adversely the competitive position of such owner or operator if released to the public or to a competitor, and the owner or operator of such processes or production so certifies, such records or information shall be only for the confidential use of the Authority.

### SECTION 3.09 VIOLATIONS - NOTICE

Whenever the Board or the Control Officer has reason to believe that any provisions of this Regulation relating to the control or prevention of air pollution has been violated, the Board or Control Officer may cause written notice to be served upon the alleged violator or violators. The notice shall specify the provisions of this Regulation alleged to be violated, and the facts alleged to constitute a violation thereof, and may include an order that necessary corrective action be taken within a reasonable time. In lieu of an order, the Board or the Control Officer may require that the alleged violator or violators appear before the Hearings Board as provided for in Chapter 43.21B RCW for a hearing pursuant to the provisions of Chapter 34.04 RCW as now or hereafter amended, or in addition to or in place of an order or hearing, the Hearings Board created in Chapter 43.21B RCW may initiate action pursuant to RCW 70.94.425, 70.94.430, and 70.94.435.

### SECTION 3.11 ORDERS AND HEARINGS

Any order issued by the Board or by the Control Officer shall become final unless such order is appealed to the Hearings Board as provided in Chapter 43.21B RCW.

### SECTION 3.12 APPEALS FROM BOARD ORDERS

Any order issued by the Board after a hearing shall become final unless no later than thirty days after the issuance of such order a notice of appeal is filed with the Hearings Board as provided in Chapter 43.21B RCW.

### SECTION 3.13 STATUS OF ORDERS ON APPEAL

(a) Any order of the Control Officer or the Board shall be stayed pending final determination of any hearing or appeal taken in accordance with the provisions herein, unless after notice and

hearing, the superior court shall determine that an emergency exists which is of such nature as to require that such order be in effect during the pendency of such hearing or appeal.

(b) Nothing in this Regulation shall prevent the Control Officer or Board from making efforts to obtain voluntary compliance through warning, conference or any other appropriate means.

### SECTION 3.15 INTERFERING WITH OR OBSTRUCTING AGENCY PERSONNEL

No person shall willfully interfere with or obstruct the Control Officer or any Agency employee in carrying out any lawful duty.

### SECTION 3.17 FALSE AND MISLEADING ORAL STATEMENTS: UNLAWFUL REPRODUCTION OR ALTERATION OF DOCUMENTS

(a) No person shall willfully make a false or misleading oral statement to the Board as to any matter within the jurisdiction of the Board.

(b) No person shall reproduce or alter or cause to be reproduced or altered any order, registration certificate, or other paper issued by the Agency if the purpose of such reproduction or alteration is to evade or violate any provision of this Regulation or any other law.

### SECTION 3.19 DISPLAY OF ORDERS, CERTIFICATES AND OTHER NOTICES: REMOVAL OR MUTILATION PROHIBITED

(a) Any order, or registration certificate required to be obtained by this Regulation, shall be available on the premises designated on the order or certificate.

(b) In the event that the Agency requires a notice to be displayed, it shall be posted. No person shall mutilate, obstruct or remove any notice unless authorized to do so by the Board.

### SECTION 3.21 SERVICE OF NOTICE

(a) Service of any written notice required by this Regulation shall be made on the owner or lessee of equipment, or his agent, as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the owner or lessee of the equipment, or his agent, at the address listed on his application or order or registration certificate or at the address where the equipment is located, by

United States Certified Mail, return receipt requested; or

(2) By leaving the notice with the owner or lessee of the equipment, or his agent, or if the owner or lessee is not an individual, with a member of the partnership or other group concerned, or with an officer or managing agent of the corporation.

(b) Service of any written notice required by this Regulation shall be made on the Agency as follows:

(1) Either by mailing the notice in a prepaid envelope directed to the Agency at its office by United States Certified Mail, return receipt requested; or

(2) By leaving the notice at the Agency office with an employee of the Agency.

### SECTION 3.23 SEPARABILITY

If a provision of this Regulation is declared unconstitutional, or the application thereof to any person or circumstance is held invalid, the constitutionality or validity of every other provision of this Regulation shall not be affected thereby.

### SECTION 3.25 PENALTY

(a) Any person who violates any provision of this Regulation shall be guilty of a gross misdemeanor and upon conviction thereof shall be punished by a fine of not less than One Hundred Dollars nor more than One Thousand Dollars, or by imprisonment for a term of not more than one year or by both fine and imprisonment for each separate violation. Each day upon which such violation occurs shall constitute a separate violation.

(b) The Control Officer shall be empowered by the Board to sign official complaints or issue citations or initiate court suits or use other legal means to enforce the provisions of this Regulation.

### SECTION 3.27 ADDITIONAL ENFORCEMENT

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 any rule, regulation or order issued by the Board or the Control Officer or his authorized agent, the Board, after 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 a restraining order or a temporary or permanent injunction or another appropriate order.

### SECTION 3.29 CIVIL PENALTY

In addition to or as an alternate to any other penalty provided for herein or by law, any person who violates any of the provisions of this regulation shall incur a penalty in the form of a fine in an amount not to exceed two hundred fifty dollars per day for each violation. Each such violation shall be a separate and distinct offense, and, in case of a continuing violation, each day's continuance shall be a separate and distinct violation.

Each act of commission or omission which procures, aids or abets in the violation shall be considered a violation under the provisions of this section and subject to the same penalty. The penalty shall become due and payable when the person incurring the same receives a notice in writing from the Control Officer or his representative of the authority, describing the violation with reasonable particularity and advising such person that the penalty is due unless a request is made for a hearing to the Hearings Board. The hearing shall be conducted pursuant to the provisions of Chapter 43.21B RCW. If the amount of such penalty is not paid to the Board within thirty (30) days after receipt of notice imposing the same, and a request for a hearing has not been made, the attorney for the Agency shall bring action to recover such penalty in the Superior Court of the County in which the violation occurred. All penalties recovered under this section shall be put into the treasury of the Agency and credited to its funds.

To secure the penalty incurred under this section, the Agency shall have a lien on any vessel used or operated in violation of this regulation which shall be enforced as provided by RCW 60.36.050.

## ARTICLE 5 REGISTRATION

### SECTION 5.03 REGISTRATION REQUIRED

All air contaminant sources within the jurisdiction of the Authority shall be registered with the Authority, except any of the air contaminant sources which are listed in Exhibit "A," which is made a part hereof as now constituted or hereafter amended.

### SECTION 5.05 GENERAL REQUIREMENTS FOR REGISTRATION

(a) Registration of an installation shall be made by the



owner or lessee of the source, or his agent, on forms furnished by the Agency. The owner of the source shall be responsible for registration and the correctness of the information submitted.

(b) A separate registration shall be required for each source of contaminant; provided that, an owner has the option to register a process with a detailed inventory of contaminant sources and emissions related to said process; provided further that, an owner need not make a separate registration for identical units of equipment or control apparatus installed, altered or operated in an identical manner on the same premises.

(c) Each registration shall be signed by the owner or lessee, or the agent for such owner or lessee.

## EXHIBIT "A"

### LIST OF EXCLUSIONS ADOPTED BY THE BOARD AND ATTACHED AS ADDENDUM

(1) Air conditioning or ventilating systems not designed to remove contaminant generated by or released from equipment.

(2) Atmosphere generators used in connection with metal heat treating processes.

(3) Blast cleaning equipment which uses a suspension of abrasive in liquid water.

(4) Foundry sand mold forming equipment, unheated.

(5) Fuel burning equipment, other than smoke house generators, which:

(i) is used solely for a private dwelling serving less than five families; or

(ii) has a BTU input of not more than 1 million BTU per hour.

(6) Fumigation vaults.

(7) Insecticide spray equipment, non-commercial.

(8) Internal combustion engines, including gas turbine and jet engines.

(9) Laboratory equipment used exclusively for chemical or physical analyses.

(10) Laundry driers, extractors or tumblers used exclusively for the removal of water from fabric.

(11) Routing, turning, carving, cutting and drilling equipment used for metal, wood, plastics, rubber, leather or ceramics.

(12) Portable equipment which is used within the jurisdiction of the Agency for less than 60 days.

(13) Sewing equipment.

(14) Surface coating by use of aqueous solution or suspension.

(15) Steam cleaning equipment used exclusively for that purpose.

(16) Storage tanks, reservoirs, or containers:

(i) Of a capacity of 6,000 gallons or less used for organic solvents, diluents, or thinners.

(ii) Of a capacity of 40,000 gallons or less used for liquid fuels including gasoline, lubricating oil, tallow, vegetable oil, or wax emulsions.

(17) Vacuum cleaning systems used exclusively for industrial, commercial or residential housekeeping.

(18) Vacuum producing devices used in laboratory operations, and vacuum producing devices which do not remove or convey air contaminant from or to another source.

(19) Vents used exclusively for:

(i) Sanitary or storm drainage systems; or

(ii) Safety valves; or

(iii) Storage tanks.

(20) Washing or drying equipment used for products fabricated from metal or glass, if no volatile organic material is used in the process.

(21) Water cooling towers and cooling ponds, except for barometric condensers.

(22) Welding, brazing or soldering equipment.

(23) Marine installations not within the jurisdiction of the Agency for longer than 60 days per year.

(24) Asphalt laying equipment.

## ARTICLE 6 NOTICES OF CONSTRUCTION AND ORDERS OF APPROVAL

### SECTION 6.03 NOTICE OF CONSTRUCTION - WHEN REQUIRED

(a) No person shall construct, install or establish a new air contaminant source, except those sources that are excluded in Exhibit "A" of Section 5.03 of this Regulation unless a "Notice of Construction and Application for Approval," on forms prepared and furnished by the Authority, has been filed and approved by the Authority in accordance with Sections 6.07(a), 6.07(e), or 6.11. For purposes of this Article, alterations shall be construed as

construction, installation or establishment of a new air contaminant source.

(b) A Notice of Construction and Application for Approval shall not be required to commence an alteration of equipment or control apparatus in the event of breakdown or if delaying the alteration may endanger life or have other serious consequences. The Authority shall be notified in writing of the alteration on the first working day after the alteration is commenced and a Notice of Construction and Application for Approval shall be filed within fourteen (14) days after the day the alteration is commenced.

(c) A separate Notice and Application shall be submitted for each unit of equipment or control apparatus, unless identical units of equipment or control apparatus are to be installed, constructed or established in an identical manner on the same premises; provided that, the owner has the option to give notice and apply for approval of a process with a detailed inventory of contaminant sources and emissions related to said process.

#### SECTION 6.05 INFORMATION REQUIRED FOR NOTICE OF CONSTRUCTION AND APPLICATION FOR APPROVAL

(a) Each Notice of Construction and Application for Approval for the construction, installation or establishment of a new air contaminant source, as above described, shall be accompanied by two sets of plans which show and describe in detail the following:

(1) The equipment or control apparatus covered by the Notice and Application:

(2) Any equipment connected, attached to, or serving or served by the unit of equipment or control apparatus covered by the Notice and Application:

(3) A plat plan, including the distance and height of buildings within a reasonable distance from the place where the equipment is or will be installed:

(4) The proposed means for the prevention or control of the emissions of air contaminant:

(5) Any additional information, evidence or documentation required by the Board or the Control Officer to show that the proposed equipment or control apparatus will meet the emissions standards as now or hereinafter set by the Board.

(6) Each Notice of Construction and Application for Approval shall be signed by the applicant or owner, who may be required to submit evidence of his authority.

#### SECTION 6.07 ISSUANCE OF APPROVAL OR ORDER

(a) Within thirty (30) days of receipt of Notice Construction and Application for Approval, the Board or Control Officer shall issue an Approval of Construction, or an Order that the construction, installation or establishment of a new air contaminant source will not be in accord with the applicable emissions standards as are in effect at the time of filing the Notice of Construction and Application for Approval.

(b) No approval will be issued unless the information supplied as required by Subsection 6.05(a) evidences to the Board or the Control Officer that:

(1) The equipment is designed and will be installed to operate without causing a violation of the emissions standards.

(2) The equipment incorporates advances in the art of air pollution control developed for the kind and amount of air contaminant emitted by the equipment;

(3) Equipment having a stack or duct 3 feet or more in diameter will be provided with:

(i) Sampling ports of a size, number and location as the Authority may require; and

(ii) Safe access to each port; and

(iii) Such other reasonable sampling and testing facilities as the Board or Control Officer may require;

(4) Fuel burning equipment and refuse burning equipment will achieve optimum combustion of the fuel or refuse material to be burned;

(5) All parts of the equipment can be readily cleaned or repaired.

(c) If the Board or Control Officer determines that the construction, installation or establishment of a new air contaminant source will not meet the emission standards, the Board or Control Officer shall, within thirty (30) days of the receipt of the Notice and Application, issue an Order for the prevention of the construction, installation or establishment of the air contaminant source or sources, and,

(1) The Order shall be in writing;

(2) The Order shall set forth the objections in detail with references to the emissions standards that will not be met by the proposed construction, installation or establishment;

(3) The Order shall be signed by the Control Officer or his authorized representative.

(d) Any Order issued pursuant to this section shall become final unless, no later than fifteen (15) days after the date the

Order is served pursuant to Section 3.21 of this Regulation, the owner or applicant petitions for a reconsideration of the Order, with reasons for the reconsideration.

(1) The Board or Control Officer shall consider the petition, and shall within thirty (30) days give written notice or disapproval of the petition setting forth the reasons for disapproval.

(2) If the petition of the owner or applicant be disapproved, the owner or applicant may petition the Hearings Board for a hearing within thirty (30) days of receipt of the notice of disapproval and proceed under the procedure as set forth in Section 3.11 and 3.12 of this Regulation.

(e) Failure to issue such an order or approval within the time prescribed herein shall be deemed a determination that the construction, installation or establishment may proceed, provided that it is in accordance with the plans, specifications or other information, if any, required to be submitted. Such failure, however, shall not relieve any person from his obligation to comply with any emission control requirement, or with any other provision of law.

#### SECTION 6.09 NOTICE OF COMPLETION – ORDER OF VIOLATION

(a) The owner or applicant shall notify the Board or Control Officer of the completion of construction, installation or establishment and the date upon which operation will commence. The Board or Control Officers shall, within thirty (30) days of receipt of notice of completion, inspect the construction, installation or establishment, and the Board or Control Officer may issue an Order of Violation if he finds that the construction, installation or establishment is not in accord with the plans, specifications or other information submitted to the Agency, and will be in violation of the emissions standards in existence at the date the order was issued.

(b) Upon receipt of an Order of Violation, the owner may appeal said order in accordance with the provisions and procedures in Section 3.11, 3.12, and 3.13 of this Regulation.

(c) The issuance of approval as provided by this Article and Section 6.07 shall not relieve the owner of the obligation to comply with the emission standards as adopted by this Agency, or prevent the Board or Control Officer from issuing such orders as provided by Section 3.09 of Article 3 of this Regulation.

#### SECTION 6.11 CONDITIONAL APPROVAL

The owner or applicant may request a conditional approval for an experimental installation, construction or establishment and said approval may be issued by the Board or Control Officer if it appears to the Board or Control Officer, from all submitted information, that the installation, construction or establishment when completed will satisfy the emissions standards adopted by the Board.

### ARTICLE 7 VARIANCES

#### SECTION 7.01 VARIANCES

(a) Any person who owns or is in control of any plant, building, structure, establishment, process or equipment including a group of persons who owns or controls like processes or like equipment may apply to the Board for a variance from rules or regulations governing the quality, nature, duration or extent of discharge of air contaminants. The application shall be accompanied by such information and data as the Board may require. The hearing held hereunder shall be conducted in accordance with the rules of evidence as set forth in RCW 34.04.100 as now or hereafter amended. The Board may grant such variance, but only after public hearing on due notice, if it finds that:

(1) The emissions occurring or proposed to occur do not endanger public health or safety; and

(2) Compliance with the rules or regulations from which variance is sought would produce serious hardship without equal or greater benefits to the public.

(b) No variance shall be granted pursuant to this section until the Board has considered the relative interests of the applicant, other owners of property likely to be affected by the discharges, and the general public.

(c) Any variance or renewal thereof shall be granted within the requirements of subsection (a) and for time periods and under conditions consistent with the reasons therefor, and within the following limitations:

(1) If the variance is granted on the ground that there is no practicable means known or available for the adequate prevention, abatement or control of the pollution involved, it shall

be only until the necessary means for prevention, abatement or control become known and available, and subject to the taking of any substitute or alternate measures that the Board may prescribe.

(2) If the application for variance shows that there is no automobile fragmentizer within a reasonable distance of the wrecking yard for which the variance is sought, a variance will be granted for a period not to exceed three years for commercial burning of automobile hulks, subject to such conditions as the Board may impose as to climatic conditions and hours during which burning of such hulks may be carried out; PROVIDED, HOWEVER, that any variance granted hereunder shall be of no force and effect after July 1, 1970.

(3) If the variance is granted on the ground that compliance with the particular requirements or requirement from which variance is sought will require the taking of measures which, because of their extent or cost, must be spread over a considerable period of time, it shall be for a period not to exceed such reasonable time as, in the view of the Board is requisite for the taking of the necessary measures. A variance granted on the ground specified herein shall contain a timetable for the taking of action in an expeditious manner and shall be conditioned on adherence to such timetable.

(4) If the variance is granted on the ground that it is justified to relieve or prevent hardship of a kind other than that provided for in item (1), (2), and (3) of this subparagraph, it shall be for not more than one year.

(d) Any variance granted pursuant to this section may be renewed on terms and conditions and for periods which would be appropriate on initial granting of a variance. If complaint is made to the Board on account of the variance, no renewal thereof shall be granted unless, following a public hearing on the complaint on due notice, the Board finds that renewal is justified. No renewal shall be granted except on application therefor. Any such application shall be made at least sixty days prior to the expiration of the variance. Immediately upon receipt of an application for renewal, the Board shall give public notice of such application in accordance with rules and regulations of the Board.

(e) A variance or renewal shall not be a right of the applicant or holder thereof but shall be at the discretion of the Board. However, any applicant adversely affected by the denial or the terms and conditions of the granting of an application for a variance or renewal of a variance by the Board may obtain judicial review thereof only under the provisions of Chapter 43.21B RCW.

(f) Nothing in this section and no variance or renewal granted pursuant hereto shall be construed to prevent or limit the application of the emergency provisions and procedures of RCW 70.94.415 of the Washington Clean Air Act to any person or his property.

## ARTICLE 9 EMISSION STANDARDS

### SECTION 9.02 OUTDOOR FIRES

(a) It shall be unlawful for any person to cause or allow any outdoor fire except the following:

(1) Fires for pleasure, religious, ceremonial, cooking, or like social purposes.

(2) Fires from flares, torches, waste gas burners, incense burners and insect pots.

(3) Fires for abating a forest fire hazard; to prevent a fire hazard; for instruction of public officials in methods of forest fire fighting, and any silvicultural operation to improve forest lands, where and when permitted by the State Department of Natural Resources.

(b) The following outdoor fires shall be permitted with the prior written approval of the Control Officer, the Fire Chief, and any other governmental agencies having jurisdiction over such fire, provided the applicant or person responsible for the fire complies with all applicable laws and the rules and regulations of the Authority:

(1) For the disposal of waste material where, in the opinion of the Control Officer or the Board, no alternate means of disposal is reasonably available;

(2) For the elimination of a fire hazard where, in the opinion of the Control Officer or the Board, no alternate means of disposal is reasonably available;

(3) For the disposal of dangerous materials where, in the opinion of the Control Officer or the Board, no alternate means of disposal is reasonably available;

(4) For instruction in the method of fighting fires, testing fire resistant materials or fire protection equipment;

(5) For weed abatement;

(6) For disease prevention relating to agricultural activities;



(7) In agricultural operations in the growing or harvesting of crops, or in the raising of fowl or animals.

(c) Applicants for permits from the Control Officer under 9.02(b) (1) through (7) above shall be required to show the fire is the most reasonable procedure to safeguard life or property, or otherwise reasonably necessary to carry out applicant's enterprise. All permits issued shall be designed to minimize air pollution insofar as practical.

(d) It shall be prima facie evidence that the person who owns or controls property on which an outdoor fire occurs has caused or allowed said outdoor fire.

#### SECTION 9.03 EMISSION OF AIR CONTAMINANT: VISUAL STANDARD

(a) It shall be unlawful for any person to cause or allow the emission of any air contaminant for a period or periods aggregating more than three (3) minutes in any one hour, which is:

(1) Darker in shade than that designated as No. 2 (40% density) on the Ringelmann Chart, as published by the United States Bureau of Mines; or

(2) Of such opacity as to obscure an observer's view to a degree equal to or greater than does smoke described in Subsection 9.03(a) (1); provided that, 9.03(a) (2) shall not apply to fuel burning equipment utilizing wood residue when the particulate emission from such equipment is not greater than 0.05 grain per standard cubic foot.

(b) It shall be unlawful for any person to cause or allow the emission of any air contaminant from equipment installed subsequent to the effective date of this regulation for a period or periods aggregating more than three (3) minutes in any one hour, which is darker in shade than that designated as No. 1 (20% density) on the Ringelmann Chart, as published by the United States Bureau of Mines.

(c) The only exception to 9.03(a) and 9.03(b) shall be as follows:

(1) When the fuel burning equipment is a power boiler, and an emission occurs which is due to conditions beyond the control of the owner or operator, the emission may be darker than as designated as No. 2 (40% density) on the Ringelmann Chart for a period of not more than fifteen (15) minutes in any one hour; provided that the operator shall take immediate action to correct the condition.

(2) In the event of periodic shutdowns, or unavoidable failure or breakdown of any equipment or device or other circumstances beyond the control of any person owning or operating such equipment, including the necessary shutdowns of smoke abatement or dust collection equipment for purposes of maintenance or repair, which tends to produce unlawful emissions of smoke, particulate or other matter, provided that the owner or operator of such equipment or process shall immediately notify the Agency of such shutdown, failure, breakdown or other circumstances, together with the pertinent facts relating thereto and a statement of the date upon which the condition will be rectified and shall also report to the Control Officer when such defect has been removed and when such periodic shutdown is over.

(d) The density or opacity of an air contaminant shall be measured at the point of its emission, except when the point of emission cannot be readily observed, it may be measured at an observable point on the plume nearest the point of emission.

(e) This section shall not apply when the presence of uncombined water is the only reason for the failure of the emission to meet the requirements of this section.

(f) This section shall not apply to motor vehicles or aircraft.

#### SECTION 9.04 PARTICULATE MATTER

It shall be unlawful for any person to cause or allow the discharge of particulate matter which becomes deposited upon the real property of others, except as follows:

(1) When such emissions are proved by such person to be in compliance with Section 9.09.

(2) Temporarily due to breakdown of equipment, provided that repairs are promptly made.

(3) During the time for compliance with this Regulation fixed by the Control Officer or the Board.

#### SECTION 9.05 INCINERATOR BURNING

It shall be unlawful for any person to burn any combustible refuse in any incinerator within the boundaries of the Authority except in a multiple chamber incinerator as defined in Section 1.07 and provided with emission control apparatus, or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control.

**SECTION 9.06 REFUSE BURNING EQUIPMENT:  
TIME RESTRICTION**

(a) It shall be unlawful for any person to cause or permit the operation of refuse burning equipment at any time other than daylight hours of the same day, except with the approval of the Control Officer.

(b) Approval of the Control Officer for the operation of such equipment may be granted upon the submission of a written request stating:

- (1) The full name and address of the applicant; and
  - (2) The location of the refuse burning equipment;
- and
- (3) A brief description of the refuse burning equipment and its control apparatus; and
  - (4) Good cause for the issuance of such approval; and
  - (5) The hours, other than daylight hours, during which the applicant seeks to operate the equipment; and
  - (6) The length of time for which the exception is sought.

**SECTION 9.07 EMISSION OF SULFUR OXIDES**

For the purpose of this Section, all sulfur present in gaseous compounds containing oxygen shall be deemed to be present as sulfur dioxide.

(a) It shall be unlawful for any person to cause or permit the emission of sulfur dioxide from any premises which will result in concentrations and frequencies at a primary air mass station, a primary ground level monitoring station, or a special station that exceed those shown in the following table:

TABLE I

**MAXIMUM ALLOWABLE SULFUR DIOXIDE CONCENTRATIONS**

<u>*Concentration</u>	<u>Averging Time</u>	<u>Frequency of Occurrence</u>
1.0 ppm	5 minutes	Once in any 8 consecutive hours
0.4 ppm	60 minutes	Never to be exceeded
0.25 ppm	60 minutes	Twice in any 7 consecutive days
0.10 ppm	24 hours	Never to be exceeded
0.04 ppm	30 days	Never to be exceeded
0.02 ppm	365 days	Never to be exceeded

\*Parts per million by volume

Emission exceeding the limits established in this Subsection (a) shall not constitute a violation of Section 9.07, provided such emissions, from the emission point to the point of any such concentration, are on property controlled by the person responsible for such emissions.

(b) It shall be unlawful for any person to cause or permit the emission of air contaminant from equipment if the air contaminant emitted as measured in the flue contains sulfur dioxide in concentrations greater than 2,000 ppm.

Tests for determining compliance with Subsection 9.07(b) shall be based on integrated samples collected over a period of not less than fifteen (15) consecutive minutes or ninety percent (90%) of the time of actual source operation, whichever is less.

(c) When the emission of sulfur dioxide exceeds forty (40) pounds per hour, then it shall be unlawful for any person to cause or permit equipment used in a manufacturing process to emit to the atmosphere more than 10 percent (10%) of the sulfur contained in the process weight per hour. Any person processing such sulfur containing material shall, upon request, provide to the Agency such information and samples as may be required to determine compliance with this Section.

(d) It shall be unlawful for any person to burn, sell or make available for sale any fuel containing a weight percentage of sulfur in excess of that allowed by Subsections (2) and (3) hereof, or any fuel (which, after combustion in fuel) burning equipment or flue gas desulfurization, emits a concentration of sulfur dioxide as measured in the flue in excess of the limits set forth in Subsection (1) hereof:

(1) One-thousand ppm by volume (1,000 ppm) corrected to fifty percent (50%) excess air.

(2) Distillate fuel classified as No. 1 domestic heating oil (ASTM Specification D-396-69) shall contain three-tenths percent (.3%) or less sulfur by weight.

(3) Distillate fuel classified as No. 2 domestic heating oil (ASTM Specification D-396-69) shall contain five-tenths percent (.5%) or less sulfur by weight.

(e) (1) When used in Regulation 1:

(i) "a wholesale fuel facility" means any refinery, distribution terminal, or primary fuel handling facility which sells, makes available for sale, or distributes liquid or solid fuel on a wholesale basis for subsequent use in fuel burning equipment located in the jurisdiction of this Authority; and



(ii) "a wholesale fuel dealer" means the owner of a wholesale fuel facility.

(e) (2) Each wholesale fuel dealer shall report information to the Agency for each calendar month after the effective date of this section, as follows:

(i) the quantity, specification, seller, and percent sulfur by weight of fuel received at the wholesale fuel facility and the date of such receipt;

(ii) the method used in obtaining the sulfur content of such fuel;

(iii) other pertinent information as required by the Control Officer;

(iv) such reports to be submitted within fifteen (15) days of the end of the reporting month.

#### SECTION 9.09 EMISSION OF PARTICULATE MATTER: WEIGHT RATE STANDARD

It shall be unlawful for any person to cause or allow the emission of particulate matter if the emission is in violation of Section 9.03 or if the particulate matter discharged into the atmosphere from any single source exceeds the following weights at the point of discharge:

(a) (1) In refuse burning equipment, 0.20 grains for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide (exclusive of carbon dioxide from auxiliary fuel).

(2) In refuse burning equipment installed subsequent to the effective date of this Regulation, 0.10 grains for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide (exclusive of carbon dioxide from auxiliary fuel).

(b) (1) In fuel burning equipment, 0.10 grains for each standard cubic foot of exhaust gas calculated to 12 percent carbon dioxide.

(2) In fuel burning equipment installed subsequent to the effective date of this Regulation, 0.05 grains for each standard cubic foot of exhaust gas calculated to 12 percent carbon dioxide.

(3) In fuel burning equipment utilizing wood residue, 0.20 grains for each standard cubic foot of exhaust gas, adjusted to 50

percent excess air or calculated to 12 percent carbon dioxide.

(4) In fuel burning equipment utilizing wood residue, installed subsequent to the effective date of this Regulation, 0.10 grains for each standard cubic foot of exhaust gas, adjusted to 50 percent excess air or calculated to 12 percent carbon dioxide.

(c) In equipment used in a manufacturing process, the emission weight per hour shall not exceed the amounts set forth in TABLE II, provided further that no emission in exhaust gases shall exceed the amount set forth in Section 9.09 (d).

TABLE II

Process Weight (Lb./Hr.)	Maximum Allowable Particulate Emission (Lb./Hr.)
100	0.6
300	1.2
500	1.8
700	2.2
1,000	2.8
2,000	4.1
3,000	5.4
4,000	6.5
5,000	7.6
6,000	8.6
7,000	9.5
8,000	10.4
9,000	11.2
10,000	12.0
15,000	15.8
20,000	19.2
30,000	25.2
40,000	30.5
50,000	36.0
60,000	40.0
80,000	48.0
100,000	55.0
140,000	65.0
180,000	73.0
220,000	78.0
260,000	83.0
300,000	85.0
400,000	92.0
800,000	109.0
1,000,000	114.0
2,000,000	127.0
4,000,000	138.0
6,000,000	143.0
8,000,000	147.0
10,000,000	150.0

Where the process weight per hour is between two listed figures, such process weight and maximum allowable particulate emission per hour shall be interpolated accordingly.

(d) (1) In equipment used in a manufacturing process, 0.10 grains for each standard cubic foot of exhaust gas.

(2) In equipment used in a manufacturing process and installed subsequent of the effective date of this Regulation, 0.05 grains for each standard cubic foot of exhaust gas.

(e) (1) In all stationary or travel asphalt plants, located within the boundaries of the Agency on March 13, 1968, 0.10 grains for each standard cubic foot of exhaust gas.

(2) For all stationary or travel asphalt plants, installed within the boundaries of the Agency after March 13, 1968, 0.05 grains for each standard cubic foot of exhaust gas; provided that travel asphalt plants within the boundaries of the Agency on March 13, 1968, moving anywhere within the boundaries of the Agency, 0.10 grains per each standard cubic foot of exhaust gas; provided further that any travel asphalt plant which was within the boundaries of the Agency on March 13, 1968, and subsequently moved outside the boundaries of the Agency, and then returned within the boundaries of the Agency, 0.05 grains for each standard cubic foot of exhaust gas.

(f) Procedures for source sampling performed in connection with the standards of the Regulation for particulates and gases shall be done using current Environmental Protection Agency requirements where applicable and available, otherwise by using procedures and definitions adopted by the Board after public hearing or such procedures mutually agreed upon by the Board or the Control Officer and the equipment owner. A copy of said procedures and definitions shall be kept on file in the office of the Authority for examination by interested persons.

**SECTION 9.11 EMISSION OF AIR CONTAMINANT OR WATER VAPOR: DETRIMENT TO PERSON OR PROPERTY**

(a) It shall be unlawful for any person to cause or permit the emission of an air contaminant or water vapor, including an air contaminant whose emission is not otherwise prohibited by this Regulation, if the air contaminant or water vapor causes detriment to the health, safety or welfare of any person, or causes damage to property or business.

(b) Nothing in this Regulation shall be construed to impair any cause of action or legal remedy therefor of any person, or the public for injury or damages arising from the emission of any air contaminant in such place, manner or concentration as to constitute air pollution or a common law nuisance.

## SECTION 9.12 ODOR AND NUISANCE CONTROL MEASURES

(a) Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases or particulate matter emitted into the atmosphere to a reasonable minimum.

(b) The Board or Control Officer may establish reasonable requirements that the building or equipment be closed and ventilated in such a way that all the air, gases and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.

## SECTION 9.13 EMISSION OF AIR CONTAMINANT: CONCEALMENT AND MASKING RESTRICTED

(a) It shall be unlawful for any person to willfully cause or permit the installation or use of any device or use of any means which, without resulting in a reduction in the total amount of air contaminant emitted, conceals an emission of air contaminant which would otherwise violate Section 9.03 through 9.12 of this Article.

(b) It shall be unlawful for any person to cause or permit the installation or use of any device or use of any means designed to mask the emission of an air contaminant which causes detriment to health, safety or welfare of any person.

## SECTION 9.15 PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

(a) It shall be unlawful for any person to cause or permit particulate matter to be handled, transported or stored without taking reasonable precautions to prevent the particulate matter from becoming airborne.

(b) It shall be unlawful for any person to cause or permit a building or its appurtenances or a road to be constructed, altered, repaired or demolished without taking reasonable precautions to prevent particulate matter from becoming airborne.

(c) It shall be unlawful for any person to cause or permit untreated open areas located within a private lot or roadway to be maintained without taking reasonable precautions to prevent particulate matter from becoming airborne.

## SECTION 9.16 REPORT OF BREAKDOWN

Emissions exceeding any of the limits established by this Regulation as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or

control apparatus shall not be deemed in violation provided the following requirements are met:

(1) The upset or breakdown is immediately reported to the Agency.

(2) The person responsible shall upon the request of the Control Officer submit a full report including the known causes and the preventive measures to be taken to minimize or eliminate a re-occurrence.

# ARTICLE 11 AMBIENT AIR QUALITY STANDARDS AND CONTROL MEASURES REQUIRED

## SECTION 11.01 AIR QUALITY CONTROL MEASURES

In areas where all ambient air quality standards as set forth in Regulation I are being met, the objective of the Board is to require that the best available control technology be employed by all sources to minimize degradation of the air quality of the area. Ambient air quality standards are not to be construed to encourage degradation of existing ambient air quality. All definitions and sampling procedures shall conform to current Environmental Protection Agency requirements where applicable and available, otherwise by using procedures and definitions adopted by the Board after public hearing.

(a) When any of the air quality standards set forth in Regulation I are exceeded, the Control Officer or Board shall use all necessary ways and means to reduce such concentrations and to establish a time schedule so that these standards are met within the shortest reasonable time.

(b) When the Board has reason to believe that the air quality standards set forth in Regulation I may be exceeded in an area, the Board shall use all ways and means necessary to assure that such standards are met.

(c) Ways and means shall include, but not be limited to, the following:

(1) The setting by the Board of specific emission standards, performance standards, or other source control measures more stringent than the minimum standards set forth in

Article 9 of Regulation I:

(2) The application by the Board of source emission density limitations on existing and future sources of an area;

(3) The application of any or all other sections of Regulation I or powers of the Board to set time tables, enforce standards or otherwise obtain compliance with this section.

#### SECTION 11.03 AMBIENT AIR QUALITY STANDARDS: SUSPENDED PARTICULATE

The suspended particulate concentration in the ambient air, averaged over any twenty-four (24) hour period, shall not exceed:

(1) 60 micrograms per cubic meter of air ( $60 \mu\text{g}/\text{m}^3$ ) annual geometric mean.

(2) 100 micrograms per cubic meter of air ( $100 \mu\text{g}/\text{m}^3$ ) for more than fifteen (15%) per cent of the samples collected in any calendar month.

(3) 150 micrograms per cubic meter of air ( $150 \mu\text{g}/\text{m}^3$ ) not to be exceeded more than once per year.

#### SECTION 11.05 AMBIENT AIR QUALITY STANDARDS: PARTICLE FALLOUT

(a) The particle fallout rate measured at primary air mass station, ground level monitoring station, or special station shall not exceed:

(1) Ten grams per square meter per month ( $10 \text{ g}/\text{m}^2/\text{mo}$ ) in an industrial area; or

(2) Five grams per square meter per month ( $5 \text{ g}/\text{m}^2/\text{mo}$ ) in an industrial area if visual observations show a presence of wood waste and the volatile fraction of the sample exceeds seventy-percent (70%).

(3) Five grams per square meter per month ( $5 \text{ g}/\text{m}^2/\text{mo}$ ) in residential and commercial area; or

(4) Three and one-half grams per square meter per month ( $3.5 \text{ g}/\text{m}^2/\text{mo}$ ) in residential and commercial areas if visual observations show the presence of wood waste and the volatile fraction of the sample exceeds seventy-percent (70%).

(b) Unless otherwise specifically indicated, all definitions, sampling procedures and other standards shall conform with Chapter 18-44-WAC, as now or hereafter amended, of the Washington State Department of Ecology.

#### SECTION 11.06 AMBIENT AIR QUALITY STANDARDS: CARBON MONOXIDE

The carbon monoxide concentration measured in the ambient air shall not exceed:

(1) 10 milligrams per cubic meter of air ( $10 \text{ mg}/\text{m}^3$ ) or nine parts per million (9 ppm) maximum 8-hour concentration not to be exceeded more than once per year.

(2) 40 milligrams per cubic meter of air ( $40 \text{ mg}/\text{m}^3$ ) or thirty-five parts per million (35 ppm) maximum one-hour concentration not to be exceeded more than once per year.

#### SECTION 11.07 AMBIENT AIR QUALITY STANDARDS: PHOTOCHEMICAL OXIDANTS

The photochemical oxidant concentration measured in the ambient air shall not exceed 160 micrograms per cubic meter of air ( $160 \mu\text{g}/\text{m}^3$ ) or eight one-hundredths parts per million (0.08 ppm) maximum one-hour concentration not to be exceeded more than once per year.

#### SECTION 11.08 AMBIENT AIR QUALITY STANDARDS: NITROGEN DIOXIDE

The nitrogen dioxide concentration measured in the ambient air shall not exceed 100 micrograms per cubic meter of air ( $100 \mu\text{g}/\text{m}^3$ ) or five one hundredths parts per million (0.05 ppm) annual arithmetic mean.

#### SECTION 11.09 AMBIENT AIR QUALITY STANDARDS: HYDROCARBONS

The hydrocarbon concentration measured in the ambient air shall not exceed 160 micrograms per cubic meter of air ( $160 \mu\text{g}/\text{m}^3$ ) or twenty-four one hundredths parts per million (0.24 ppm) maximum 3-hour concentration not to be exceeded more than once per year.

## ARTICLE 12 STANDARDS OF PERFORMANCE

#### SECTION 12.01 REPORTING AND MONITORING REQUIRED

As may be provided by law or regulation, the Board or Control Officer may require the owner or operator of any air

contaminant source to install, use and maintain emission monitoring equipment; to sample emissions in accordance with methods prescribed by the Board or Control Officer; to establish and maintain records of emissions; and to make periodic emission reports.