



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R10-OAR-2016-0784; FRL- 9960-83-Region 10]

Air Plan Approval; Washington: General Regulations for Air Pollution Sources, Southwest Clean Air Agency Jurisdiction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving revisions to the Washington State Implementation Plan (SIP) that were submitted by the Washington Department of Ecology (Ecology) in coordination with Southwest Clean Air Agency (SWCAA) on December 20, 2016. In the fall of 2014 and spring of 2015, the EPA approved numerous revisions to Ecology's general air quality regulations. However, our approval of the updated Ecology regulations applied only to geographic areas where Ecology, and not a local air agency, had jurisdiction, and statewide, to source categories over which Ecology had sole jurisdiction. Under the Washington Clean Air Act, local clean air agencies may adopt equally stringent or more stringent requirements in lieu of Ecology's general air quality regulations, if they so choose. Therefore, the EPA stated that we would evaluate the general air quality regulations as they applied to local jurisdictions in separate, future actions. This final action approves the submitted SWCAA general air quality regulations to replace or supplement the corresponding Ecology regulations for sources in SWCAA's jurisdiction, including implementation of the minor new source review and nonattainment new source review permitting programs. This action also approves a limited subset of Ecology regulations, for which there are no corresponding SWCAA corollaries, to apply in SWCAA's jurisdiction.

DATES: This final rule is effective [**insert date 30 days after date of publication in the Federal Register**].

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA-R10-OAR-2016-0784. All documents in the docket are listed on the <http://www.regulations.gov> Web site. Although listed in the index, some information may not be publicly available, i.e., Confidential Business Information or other information the disclosure of which is restricted by statute. Certain other material, such as copyrighted material, is not placed on the Internet and is publicly available only in hard copy form. Publicly available docket materials are available at <http://www.regulations.gov> or at EPA Region 10, Office of Air and Waste, 1200 Sixth Avenue, Seattle, Washington 98101. The EPA requests that you contact the person listed in the FOR FURTHER INFORMATION CONTACT section to schedule your inspection. The Regional Office's official hours of business are Monday through Friday, 8:30 to 4:30, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, Air Planning Unit, Office of Air and Waste (OAW-150), Environmental Protection Agency, Region 10, 1200 Sixth Ave, Suite 900, Seattle, WA 98101; telephone number: (206) 553-0256; email address: hunt.jeff@epa.gov.

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I. Background Information

On January 19, 2017, the EPA proposed to approve revisions to SWCAA's general air quality regulations and a limited subset of Ecology regulations to apply in SWCAA's jurisdiction (82 FR 6413). An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and the EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on February 21, 2017. The EPA received two, separate anonymous comments on the proposal.

II. Response to Comments

Comment #1: The commenter asserted that the EPA's proposed action is an example of federal overreach on state and local jurisdictions. The commenter also stated that the EPA's review and proposed approval of the SWCAA regulations violates the Tenth Amendment to the United States Constitution.

Response: Under the CAA, as established and amended by Congress, state and local authorities take the lead in developing State Implementation Plans (SIP) that implement, maintain, and enforce the national ambient air quality standards (NAAQS), which are standards designed to protect public health and welfare from air pollution. In reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. 42 U.S.C. 7410(k); 40 CFR 52.02(a). In this case, EPA has done just that – Washington elected to submit the SWCAA and Ecology SIP revision to the EPA, and the EPA has proposed to approve the submission based on our determination that it meets the requirements of the CAA. We are now finalizing our determination.

With respect to the claim that the EPA's action in approving this SIP submittal violates

the Tenth Amendment, the Supreme Court has repeatedly affirmed the constitutionality of federal statutes, such as Section 110 of the CAA, that allow States to administer federal programs but provide for direct federal administration if a State chooses not to administer it. See *Texas v. EPA*, 726 F.3d 180, 196-7 (D.C. Cir. 2013) (citing *New York v United States*, 505 U.S. 144, 167-8, 173-4 (1992); *Hodel v. Va. Surface Mining & Reclamation Ass’n, Inc.*, 452 U.S. 264m 288 (1981)).

Comment #2: A second commenter wrote in support of the EPA’s proposed approval of the SWCAA and Ecology SIP revision.

Response: We are now finalizing our proposed determination that the SWCAA and Ecology SIP revision meets the requirements of the CAA.

III. Final Action

A. Regulations Approved and Incorporated by Reference into the SIP

The EPA is approving, and incorporating by reference, into the Washington SIP at 40 CFR 52.2470(c) – *Table 8 – Additional Regulations Approved for the Southwest Clean Air Agency (SWCAA) Jurisdiction*, the SWCAA and Ecology regulations listed in Tables 1 and 2 below for sources within SWCAA’s jurisdiction.

Table 1: Southwest Clean Air Agency (SWCAA) Regulations for Proposed Approval and Incorporation by Reference

State/local citation	Title/subject	State/local effective date	Explanations
SWCAA 400 – General Regulations for Air Pollution Sources			
400-010	Policy and Purpose	03/18/01	
400-020	Applicability	10/09/16	
400-030	Definitions	10/09/16	Except: 400-030(21) and (129).
400-036	Portable Sources from Other	10/09/16	

	Washington Jurisdictions		
400-040	General Standards for Maximum Emissions	10/09/16	Except: 400-040(1)(a), (c) and (d); 400-040(2); and 400-040(4).
400-050	Emission Standards for Combustion and Incineration Units	10/09/16	Except: 400-050(3); 400-050(5); and 400-050(6).
400-060	Emission Standards for General Process Units	10/09/16	
400-070	General Requirements for Certain Source Categories	10/09/16	Except: 400-070(2)(a); 400-070(3)(b); 400-070(5); 400-070(6); 400-070(7); 400-070(8)(c); 400-070(9); 400-070(10); 400-070(11); 400-070(12); 400-070(14); and 400-070(15)(c).
400-072	Small Unit Notification for Selected Source Categories	10/09/16	Except: 400-072(5)(a)(ii)(B); 400-072(5)(d)(ii)(B); 400-072(5)(d)(iii)(A); 400-072(5)(d)(iii)(B); and all reporting requirements related to toxic air pollutants.
400-074	Gasoline Transport Tanker Registration	11/15/09	Except: 400-074(2).
400-081	Startup and Shutdown	10/09/16	
400-091	Voluntary Limits on Emissions	10/09/16	
400-105	Records, Monitoring and Reporting	10/09/16	Except: reporting requirements related to toxic air pollutants.
400-106	Emission Testing and Monitoring at Air	10/09/16	Except: 400-106(1)(d) through (g);

	Contaminant Sources		and 400-106(2).
400-109	Air Discharge Permit Applications	10/09/16	Except: the toxic air pollutant emissions thresholds contained in 400-109(3)(d); 400-109(3)(e)(ii); and 400-109(4).
400-110	Application Review Process for Stationary Sources (New Source Review)	10/09/16	Except: 400-110(1)(d).
400-111	Requirements for New Sources in a Maintenance Plan Area	10/09/16	Except: 400-111(7).
400-112	Requirements for New Sources in Nonattainment Areas	10/09/16	Except: 400-112(6).
400-113	Requirements for New Sources in Attainment or Nonclassifiable Areas	10/09/16	Except: 400-113(5).
400-114	Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source	11/09/03	
400-116	Maintenance of Equipment	11/09/03	
400-130	Use of Emission Reduction Credits	10/09/16	
400-131	Deposit of Emission Reduction Credits Into Bank	10/09/16	
400-136	Maintenance of Emission Reduction Credits in Bank	10/09/16	
400-151	Retrofit Requirements for Visibility Protection	11/09/03	
400-161	Compliance Schedules	03/18/01	
400-171	Public Involvement	10/09/16	Except: 400-171(2)(a)(xii).
400-190	Requirements for Nonattainment Areas	10/09/16	
400-200	Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques	10/09/16	Except: 400-200(1).
400-205	Adjustment for Atmospheric	03/18/01	

	Conditions		
400-210	Emission Requirements of Prior Jurisdictions	03/18/01	
400-800	Major Stationary Source and Major Modification in a Nonattainment Area	10/09/16	
400-810	Major Stationary Source and Major Modification Definitions	10/09/16	
400-820	Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements	10/09/16	
400-830	Permitting Requirements	10/09/16	
400-840	Emission Offset Requirements	10/09/16	
400-850	Actual Emissions - Plantwide Applicability Limitation (PAL)	10/09/16	
400-860	Public Involvement Procedures	10/09/16	
Appendix A	SWCAA Method 9 Visual Opacity Determination Method	10/09/16	
Appendix B	Description of Vancouver Ozone and Carbon Monoxide Maintenance Area Boundary	10/09/16	

Table 2: Washington State Department of Ecology Regulations for Proposed Approval and Incorporation by Reference

State/local citation	Title/subject	State/local effective date	Explanations
Chapter 173-400 WAC, General Regulations for Air Pollution Sources.			
173-400-117	Special Protection Requirements for Federal Class I Areas	12/29/12	For permits issued under the applicability provisions of WAC 173-400-800.
173-400-118	Designation of Class I, II, and III Areas	12/29/12	
173-400-560	General Order of Approval	12/29/12	Except:

			-- The part of 173-400-560(1)(f) that says, “173-460 WAC”.
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B. Approved but Not Incorporated by Reference Regulations

In addition to the regulations approved and incorporated by reference stated previously, the EPA reviews and approves state and local clean air agency submissions to ensure they provide adequate enforcement authority and other general authority to implement and enforce the SIP. However, regulations describing such agency enforcement and other general authority are generally not incorporated by reference so as to avoid potential conflict with the EPA’s independent authorities. The EPA has reviewed and is approving SWCAA 400-220 *Requirements for Board Members*, SWCAA 400-230 *Regulatory Actions and Civil Penalties*, SWCAA 400-240 *Criminal Penalties*, SWCAA 400-250 *Appeals*, SWCAA 400-260 *Conflict of Interest*; SWCAA 400-270 *Confidentiality of Records and Information*, and SWCAA 400-280 *Powers of Agency* as providing SWCAA adequate enforcement and other general authorities for purposes of implementing and enforcing its SIP. However, the EPA is not incorporating these sections by reference into the SIP codified in 40 CFR 52.2470(c). Instead, the EPA is including these sections in 40 CFR 52.2470(e), *EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures*, as approved but not incorporated by reference regulatory provisions.

C. Regulations to Remove from the SIP

The Ecology regulations contained in Washington’s SIP at 40 CFR 52.2470(c) – *Table 8 – Additional Regulations Approved for the Southwest Clean Air Agency (SWCAA) Jurisdiction* were last approved by the EPA on June 2, 1995 (60 FR 28726). As discussed in the proposal for this action, under the Washington Clean Air Act, local air agencies have the option of adopting

and implementing equally stringent or more stringent corresponding provisions to apply in lieu of Chapter 173-400 WAC, or parts of Chapter 173-400 WAC. With the exception of updated versions of WAC 173-400-117, 173-400-118, and 173-400-560, SWCAA requested that the submitted SWCAA regulations replace the existing WAC provisions currently in the SIP for its jurisdiction. Also as discussed in the proposal, we are removing from the SIP SWCAA 400-050(3) [formerly 400-050(2)], 400-052, 400-070(6), 400-070(8)(c) [formerly 400-070(7)(c) and (d)], 400-074(2), 400-100, 400-101, and 400-109(4), because removal of these provisions would not interfere with any applicable requirement concerning attainment and reasonable further progress, or any other applicable requirement of the CAA. We also note that the SIP includes a reference to SWCAA 400-090 which was renumbered to SWCAA 400-091 on September 21, 1995. We are removing the reference to SWCAA 400-090 in the SIP which was inadvertently not addressed as part of our February 26, 1997 approval of SWCAA 400-091 (62 FR 8624).

D. Scope of Proposed Action

This revision to the Washington SIP applies specifically to the SWCAA jurisdiction incorporated at 40 CFR 52.2470(c) – Table 8. As discussed in our October 3, 2014 approval of revisions to the WAC, local air agency jurisdiction in Washington is generally defined on a geographic basis; however, there are exceptions (79 FR 59653, at page 59654). By statute, SWCAA does not have authority for sources under the jurisdiction of the Energy Facility Site Evaluation Council (EFSEC). *See* Revised Code of Washington Chapter 80.50. Under the applicability provisions of WAC 173-405-012, 173-410-012, and 173-415-012, SWCAA also does not have jurisdiction for kraft pulp mills, sulfite pulping mills, and primary aluminum plants. For these sources, Ecology retains statewide, direct jurisdiction. Ecology also retains

statewide, direct jurisdiction for the prevention of significant deterioration (PSD) permitting program. Therefore, the EPA is not approving into 40 CFR 52.2470(c) – Table 8 the provisions of Chapter 173-400 WAC related to the PSD program. Specifically, the provisions are WAC 173-400-116 and WAC 173-400-700 through 750, already approved by the EPA as applying state-wide.

Jurisdiction to implement the visibility permitting program contained in WAC 173-400-117 varies depending on the situation (see 80 FR 23721, April 29, 2015, at page 80 FR 23726). Ecology retains authority to implement WAC 173-400-117 as it relates to PSD permits. However, for facilities subject to major nonattainment new source review (NSR) under the applicability provisions of SWCAA 400-800, we are approving SWCAA to implementing those parts of WAC 173-400-117 as they relate to major nonattainment NSR permits. We are also modifying the visibility protection Federal Implementation Plan contained in 40 CFR 52.2498 to reflect the approval of WAC 173-400-117 as it applies to implementation of the major nonattainment NSR program in SWCAA's jurisdiction.

Lastly, this SIP revision is not approved to apply on any Indian reservation land in the State, or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction.

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference as described in the amendments to 40 CFR part 52 set forth below. These materials have been approved by the EPA for inclusion in the State Implementation Plan, have been

incorporated by reference by the EPA into that plan, are fully federally-enforceable under sections 110 and 113 of the CAA as of the effective date of the final rulemaking of the EPA's approval, and will be incorporated by reference by the Director of the **Federal Register** in the next update to the SIP compilation.¹ The EPA has made, and will continue to make, these materials generally available through <http://www.regulations.gov> and/or at the EPA Region 10 Office (please contact the person identified in the "For Further Information Contact" section of this preamble for more information).

V. Statutory and Executive Orders Review

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- is not a "significant regulatory action" subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

¹ 62 FR 27968 (May 22, 1997).

- does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104-4);
- does not have Federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001);
- is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because this action does not involve technical standards; and
- does not provide the EPA with the discretionary authority to address, as appropriate, disproportionate human health or environmental effects, using practicable and legally permissible methods, under Executive Order 12898 (59 FR 7629, February 16, 1994).

This SIP revision is not approved to apply on any Indian reservation land in Washington or any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take

effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. The EPA will submit a report containing this action and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by **[insert date 60 days after date of publication in the Federal Register]**. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2)).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Incorporation by reference, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides, Volatile organic compounds.

Dated: March 20, 2017

Michelle L. Pirzadeh,
Acting Regional Administrator,
Region 10.

For the reasons set forth in the preamble, 40 CFR part 52 is amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart WW—Washington

2. Amend § 52.2470 by revising Table 8 of paragraph (c) and Table 1 of paragraph (e), to read as follows:

§ 52.2470 Identification of plan.

* * * * *

(c) * * *

TABLE 8—ADDITIONAL REGULATIONS APPROVED FOR THE SOUTHWEST CLEAN AIR AGENCY (SWCAA) JURISDICTION

[Applicable in Clark, Cowlitz, Lewis, Skamania and Wahkiakum counties, excluding facilities subject to Energy Facilities Site Evaluation Council (EFSEC) jurisdiction, Indian reservations and any other area where the EPA or an Indian tribe has demonstrated that a tribe has jurisdiction, and facilities subject to the applicability sections of WAC 173-405-012, 173-410-012, and 173-415-012]

State / local citation	Title/subject	State / local effective date	EPA approval date	Explanations
Southwest Clean Air Agency Regulations				
SWCAA 400—General Regulations for Air Pollution Sources				
400-010	Policy and Purpose	03/18/01	[Insert date of publication in the <u>Federal Register</u>], [Insert <u>Federal Register</u> citation]	

400-020	Applicability	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-030	Definitions	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-030(21) and (129).
400-036	Portable Sources from Other Washington Jurisdictions	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-040(1)(a)	General Standards for Maximum Emissions	9/21/95	2/26/97, 62 FR 8624	
400-040	General Standards for Maximum Emissions	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-040(1)(a), (c) and (d); 400-040(2); and 400-040(4).
400-050	Emission Standards for Combustion and Incineration Units	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-050(3); 400-050(5); and 400-050(6).
400-060	Emission Standards for General Process Units	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-070(2)(a)	Emission Standards for Certain Source Categories	9/21/95	2/26/97, 62 FR 8624	
400-070	General Requirements for Certain Source Categories	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-070(2)(a); 400-070(3)(b); 400-070(5); 400-070(6); 400-070(7); 400-070(8)(c); 400-070(9);

				400-070(10); 400-070(11); 400-070(12); 400-070(14); and 400-070(15)(c).
400-072	Small Unit Notification for Selected Source Categories	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-072(5)(a)(ii)(B); 400-072(5)(d)(ii)(B); 400-072(5)(d)(iii)(A); 400-072(5)(d)(iii)(B); and all reporting requirements related to toxic air pollutants.
400-074	Gasoline Transport Tanker Registration	11/15/09	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-074(2).
400-081	Startup and Shutdown	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-091	Voluntary Limits on Emissions	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-105	Records, Monitoring and Reporting	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: reporting requirements related to toxic air pollutants
400-106	Emission Testing and Monitoring at Air Contaminant Sources	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-106(1)(d) through (g); and 400- 106(2).
400-107	Excess Emissions	9/21/95	2/26/97, 62 FR 8624	
400-109	Air Discharge Permit Applications	10/09/16	[Insert date of publication in the Federal Register],	Except: the toxic air pollutant emissions thresholds

			<u>[Insert Federal Register citation]</u>	contained in 400-109(3)(d); 400-109(3)(e)(ii); and 400-109(4).
400-110	Application Review Process for Stationary Sources (New Source Review)	10/09/16	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	Except: 400-110(1)(d).
400-111	Requirements for New Sources in a Maintenance Plan Area	10/09/16	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	Except: 400-111(7).
400-112	Requirements for New Sources in Nonattainment Areas	10/09/16	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	Except: 400-112(6).
400-113	Requirements for New Sources in Attainment or Nonclassifiable Areas	10/09/16	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	
400-114	Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source	11/09/03	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	
400-116	Maintenance of Equipment	11/09/03	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	
400-130	Use of Emission Reduction Credits	10/09/16	<u>[Insert date of publication in the Federal Register], [Insert Federal Register citation]</u>	
400-131	Deposit of Emission Reduction Credits Into	10/09/16	<u>[Insert date of publication in the</u>	

	Bank		Federal Register], [Insert <u>Federal Register</u> citation]	
400-136	Maintenance of Emission Reduction Credits in Bank	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-151	Retrofit Requirements for Visibility Protection	11/09/03	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-161	Compliance Schedules	03/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-171	Public Involvement	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: 400-171(2)(a)(xii).
400-190	Requirements for Nonattainment Areas	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-200	Vertical Dispersion Requirement, Creditable Stack Height and Dispersion Techniques	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-205	Adjustment for Atmospheric Conditions	03/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-210	Emission Requirements of Prior Jurisdictions	03/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	

400-800	Major Stationary Source and Major Modification in a Nonattainment Area	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-810	Major Stationary Source and Major Modification Definitions	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-820	Determining If a New Stationary Source or Modification to a Stationary Source is Subject to These Requirements	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-830	Permitting Requirements	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-840	Emission Offset Requirements	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-850	Actual Emissions - Plantwide Applicability Limitation (PAL)	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-860	Public Involvement Procedures	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
Appendix A	SWCAA Method 9 Visual Opacity Determination Method	10/09/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
Appendix B	Description of Vancouver Ozone and Carbon	10/09/16	[Insert date of publication in the	

	Monoxide Maintenance Area Boundary		Federal Register], [Insert <u>Federal Register</u> citation]	
Emission Standards and Controls for Sources Emitting Volatile Organic Compounds				
490-010	Policy and Purpose	11/21/96	5/19/97, 62 FR 27204	
490-020	Definitions	11/21/96	5/19/97, 62 FR 27204	
490-025	General Applicability	11/21/96	5/19/97, 62 FR 27204	
490-030	Registration and Reporting	11/21/96	5/19/97, 62 FR 27204	
490-040	Requirements	11/21/96	5/19/97, 62 FR 27204	
490-080	Exceptions & Alternative Methods	11/21/96	5/19/97, 62 FR 27204	
490-090	New Source Review	11/21/96	5/19/97, 62 FR 27204	
490-200	Petroleum Refinery Equipment Leaks	11/21/96	5/19/97, 62 FR 27204	
490-201	Petroleum Liquid Storage in External Floating Roof Tanks	11/21/96	5/19/97, 62 FR 27204	
490-202	Leaks from Gasoline Transport Tanks and Vapor Collection Systems	11/21/96	5/19/97, 62 FR 27204	
490-203	Perchloroethylene Dry Cleaning Systems	11/21/96	5/19/97, 62 FR 27204	
490-204	Graphic Arts Systems	11/21/96	5/19/97, 62 FR 27204	
490-205	Surface Coating of Miscellaneous Metal Parts and Products	11/21/96	5/19/97, 62 FR 27204	
490-207	Surface Coating of Flatwood Paneling	11/21/96	5/19/97, 62 FR 27204	
490-208	Aerospace Assembly & Component Coating Operations	11/21/96	5/19/97, 62 FR 27204	
Emissions Standards and Controls for Sources Emitting Gasoline Vapors				

491-010	Policy and Purpose	11/21/96	5/19/97, 62 FR 27204	
491-015	Applicability	11/21/96	5/19/97, 62 FR 27204	
491-020	Definitions	11/21/96	5/19/97, 62 FR 27204	
491-030	Registration	11/21/96	5/19/97, 62 FR 27204	
491-040	Gasoline Vapor Control Requirements	11/21/96	5/19/97, 62 FR 27204	
491-050	Failures, Certification, Testing & Recordkeeping	11/21/96	5/19/97, 62 FR 27204	
491-060	Severability	11/21/96	5/19/97, 62 FR 27204	
Oxygenated Fuels				
492-010	Policy and Purpose	11/21/96	4/30/97, 62 FR 23363	
492-020	Applicability	11/21/96	4/30/97, 62 FR 23363	
492-030	Definitions	11/21/96	4/30/97, 62 FR 23363	
492-040	Compliance Requirements	11/21/96	4/30/97, 62 FR 23363	
492-050	Registration Requirements	11/21/96	4/30/97, 62 FR 23363	
492-060	Labeling Requirements	11/21/96	4/30/97, 62 FR 23363	
492-070	Control Area and Control Period	11/21/96	4/30/97, 62 FR 23363	
492-080	Enforcement and Compliance	11/21/96	4/30/97, 62 FR 23363	
492-090	Unplanned Conditions	11/21/96	4/30/97, 62 FR 23363	
492-100	Severability	11/21/96	4/30/97, 62 FR 23363	
VOC Area Source Rules				
493-100	Consumer Products (Reserved)	05/26/96	5/19/97, 62 FR 27204	
493-200-010	Applicability	05/26/96	5/19/97, 62 FR 27204	

493-200-020	Definitions	05/26/96	5/19/97, 62 FR 27204	
493-200-030	Spray Paint Standards & Exemptions	05/26/96	5/19/97, 62 FR 27204	
493-200-040	Requirements for Manufacture, Sale and Use of Spray Paint	05/26/96	5/19/97, 62 FR 27204	
493-200-050	Recordkeeping & Reporting Requirements	05/26/96	5/19/97, 62 FR 27204	
493-200-060	Inspection and Testing Requirements	05/26/96	5/19/97, 62 FR 27204	
493-300-010	Applicability	5/26/96	5/19/97, 62 FR 27204	
493-300-020	Definitions	5/26/96	5/19/97, 62 FR 27204	
493-300-030	Standards	5/26/96	5/19/97, 62 FR 27204	
493-300-040	Requirements for Manufacture, Sale and Use of Architectural Coatings	5/26/96	5/19/97, 62 FR 27204	
493-300-050	Recordkeeping & Reporting Requirements	5/26/96	5/19/97, 62 FR 27204	
493-300-060	Inspection and Testing Requirements	5/26/96	5/19/97, 62 FR 27204	
493-400-010	Applicability	05/26/96	5/19/97, 62 FR 27204	
493-400-020	Definitions	05/26/96	5/19/97, 62 FR 27204	
493-400-030	Coating Standards & Exemptions	05/26/96	5/19/97, 62 FR 27204	
493-400-040	Requirements for Manufacture & Sale of Coating	05/26/96	5/19/97, 62 FR 27204	
493-400-050	Requirements for Motor Vehicle	05/26/96	5/19/97, 62 FR 27204	

	Refinishing in Vancouver AQMA			
493-400-060	Recordkeeping and Reporting Requirements	05/26/96	5/19/97, 62 FR 27204	
493-400-070	Inspection & Testing Requirements	05/26/96	5/19/97, 62 FR 27204	
493-500-010	Applicability	05/26/96	5/19/97, 62 FR 27204	
493-500-020	Compliance Extensions	05/26/96	5/19/97, 62 FR 27204	
493-500-030	Exemption from Disclosure to the Public	05/26/96	5/19/97, 62 FR 27204	
493-500-040	Future Review	05/26/96	5/19/97, 62 FR 27204	
Washington Department of Ecology Regulations				
Washington Administrative Code, Chapter 173-400 -- General Regulations for Air Pollution Sources				
173-400-117	Special Protection Requirements for Federal Class I Areas	12/29/12	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	For permits issued under the applicability provisions of WAC 173-400-800.
173-400-118	Designation of Class I, II, and III Areas	12/29/12	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
173-400-560	General Order of Approval	12/29/12	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	Except: -- The part of 173-400-560(1)(f) that says, "173-460 WAC".

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(e) * * *

**TABLE 1 – APPROVED BUT NOT INCORPORATED BY REFERENCE
REGULATIONS**

State/local citation	Title/subject	State/local effective date	EPA approval date	Explanations
Washington Department of Ecology Regulations				
173-400-220	Requirements for Board Members	3/22/91	6/2/95, 60 FR 28726	
173-400-230	Regulatory Actions	3/20/93	6/2/95, 60 FR 28726	
173-400-240	Criminal Penalties	3/22/91	6/2/95, 60 FR 28726	
173-400-250	Appeals	9/20/93	6/2/95, 60 FR 28726	
173-400-260	Conflict of Interest	07/01/16	10/6/16, 81 FR 69385	
173-433-200	Regulatory Actions and Penalties	10/18/90	1/15/93, 58 FR 4578	
Benton Clean Air Agency Regulations				
2.01	Powers and Duties of the Benton Clean Air Agency (BCAA)	12/11/14	11/17/15, 80 FR 71695	
2.02	Requirements for Board of Directors Members	12/11/14	11/17/15, 80 FR 71695	Replaces WAC 173-400-220.
2.03	Powers and Duties of the Board of Directors	12/11/14	11/17/15, 80 FR 71695	
2.04	Powers and Duties of the Control Officer	12/11/14	11/17/15, 80 FR 71695	
2.05	Severability	12/11/14	11/17/15, 80 FR 71695	
2.06	Confidentiality of Records and Information	12/11/14	11/17/15, 80 FR 71695	
Olympic Region Clean Air Agency Regulations				
8.1.6	Penalties	5/22/10	10/3/13, 78 FR 61188	

Southwest Clean Air Agency Regulations				
400-220	Requirements for Board Members	3/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-230	Regulatory Actions and Civil Penalties	10/9/16	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-240	Criminal Penalties	3/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-250	Appeals	11/9/03	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-260	Conflict of Interest	3/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-270	Confidentiality of Records and Information	11/9/03	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
400-280	Powers of Agency	3/18/01	[Insert date of publication in the Federal Register], [Insert <u>Federal Register</u> citation]	
Spokane Regional Clean Air Agency Regulations				
8.11	Regulatory Actions and Penalties	09/02/14	09/28/15, 80 FR 58216	

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3. Amend § 52.2498 by revising paragraph (a)(2) to read as follows:

§52.2498 Visibility protection.

(a) * * *

(2) Sources subject to the jurisdiction of local air authorities (except Benton Clean Air Agency and Southwest Clean Air Agency);

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