

the requirements of 40 CFR 51.166. WDOE has adopted, by reference, EPA's PSD regulations (40 CFR 52.21) as in effect on March 3, 1993. However, significant changes to EPA's regulations became effective on July 20, 1993, August 19, 1993 and June 3, 1994. Note that the PSD provisions of the Washington SIP are currently disapproved and EPA's PSD regulations have been promulgated into the Washington SIP (see 40 CFR 52.2497). Until WAC 173-400-141 is revised to meet current EPA requirements and is approved by EPA, WDOE will continue to issue PSD permits under a partial delegation of the EPA PSD permit program.

D. Provisions Unrelated to the SIP

EPA is proposing to take no action on WAC 173-400-040(2) Fallout; WAC 173-400-040(4) Odors; WAC 173-400-070(7) Sulfuric Acid Plants; WAC 173-400-075 Emission Standards for Sources Emitting Hazardous Air Pollutants; and WAC 173-400-115 Standards of Performance for New Sources, as these provisions are not related to the criteria pollutants regulated under the SIP.

III. Discussion of Section 112(l) Submittal

A. Description of Submittal

On September 29, 1994, the Director of the WDOE submitted WAC 173-460 "Controls for New Sources of Toxic Air Pollutants," SWAPCA Regulation 460 "Controls for New Sources of Toxic Air Pollutants," and PSAPCA Regulation I, Article 6 "New Source Review" and Regulation III, Article 2 "Review of Toxic Air Contaminant Sources" for approval under section 112(l) of the Act. These provisions establish requirements for preconstruction permits for new and modified sources of HAP.

B. Discussion of Proposed Approval

1. Permits to Construct for New and Modified Sources of Hazardous Air Pollutants

a. WAC 173-460 "Controls for New Sources of Toxic Air Pollutants" establishes the State of Washington's procedures for regulating new and modified stationary sources of toxic air pollutants. It is a comprehensive regulation which covers more pollutants than the 189 HAP listed in section 112(b) of the Act. In addition, it applies to most stationary sources of toxic air pollutants and not just major stationary sources. Finally, it requires both the application of the best available control technology for toxics (T-BACT) and a

demonstration of the protection of human health and safety.

WAC 173-460-010 "Purpose" sets forth the purpose of this regulation and the policy of the State of Washington in regulating toxic air pollutants. WAC 173-460-020 "Definitions" incorporates all of the definitions from WAC 173-400 "General Regulations for Air Pollution Sources" and adds several new definitions specific to the control of toxic air pollutants. WAC 173-460-030 "Requirements, applicability, and exemptions" identifies the source categories subject to WAC 173-460 and certain general and specific exemptions from the regulation.

WAC 173-460-040 "New source review" supplements the new source review requirements of WAC 173-400-110 by adding additional requirements for toxic air pollutant sources. Specifically, it requires any new or modified source subject to WAC 173-460 to submit a notice of construction application and obtain a regulatory order approving the notice of construction prior to commencing construction. This section requires any new or modified stationary source to comply with all applicable requirements, utilize T-BACT, and demonstrate that toxic air pollutant emissions from the source are sufficiently low as to protect human health and safety from potential carcinogenic and/or other toxic effects. Source categories for which WDOE has established T-BACT by rule are exempted from the requirement to demonstrate that their emissions protect human health and safety. This section also specifies the process for making preliminary determinations, including public notice and opportunity for public comment, making final determinations, and appealing the permitting authority's decision.

WAC 173-460-050 "Requirement to quantify emissions" requires new sources to quantify emissions sufficient to perform the analyses required by WAC 173-460 and sets forth the procedures for making appropriate emissions calculations. WAC 173-460-060 "Control technology requirements" establishes the requirement for new and modified sources of toxic air pollutants to utilize T-BACT and establishes T-BACT requirements by rule for perchloroethylene dry cleaners, petroleum solvent dry cleaning systems, chromic acid plating and anodizing, solvent metal cleaners, and abrasive blasting.

WAC 173-460-070 "Ambient impact requirement" requires the owner or operator of a new or modified source of toxic air pollutants to demonstrate that

emissions from the source are sufficiently low as to protect human health and safety from potential carcinogenic and/or other toxic effects. Compliance with this requirement must be demonstrated using the procedures set forth in WAC 173-460. WAC 173-460-080 "Demonstrating ambient impact compliance" requires the owner or operator of a new or modified air toxics source to complete an analysis which demonstrates compliance with the acceptable source impact levels (ASIL) established in WAC 173-460. The analysis must utilize dispersion modeling techniques in accordance with EPA guidelines, unless the source qualifies for using specified small quantity emission rate tables.

WAC 173-460-090 "Second tier analysis" provides an alternative approach for demonstrating acceptable impacts if the owner or operator of a proposed new source or modification could not demonstrate compliance with the acceptable source impact levels using the procedures specified in WAC 173-460-080. This section allows the owner or operator of a new or modified source to petition WDOE to perform a second tier analysis evaluation to determine a means of compliance with WAC 173-460-070 and -080 by establishing allowable emissions for the source. A second tier analysis may be requested when a source wishes to more accurately characterize risks, to justify risk greater than acceptable source impact levels, or to otherwise modify assumptions to more accurately represent risks. The WDOE may approve emissions of air toxics from a source where ambient concentrations would exceed acceptable source impact levels only if it determines that T-BACT is utilized and that emissions of certain air toxics are not likely to result in an increased cancer risk of more than one in one-hundred thousand. If the WDOE approves the second tier analysis, the notice of construction approval, following public notice and opportunity for comment, shall specify allowable emissions consistent with WDOE's determination and include all requirements necessary to assure that conditions of WAC 173-460 and WAC 173-400 are met.

WAC 173-460-100 "Request for risk management decision" provides an alternative approach for sources that emit certain toxic air pollutants that are likely to result in an increased cancer risk of more than one in one-hundred thousand. The owner or operator of such a source may request that WDOE make a risk management decision which would allow such greater risk. To receive such approval, the owner or