

ARTICLE VI

EMISSIONS PROHIBITED

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SECTION 6.01 OUTDOOR BURNING

- A. Purpose. This Section establishes controls for outdoor burning in Spokane County in order to:
1. Reduce outdoor burning to the greatest extent practical, consistent with the laws and regulations of the State of Washington.
 2. Minimize the impact of emissions from outdoor burning by burning only when weather and ventilation conditions are favorable.
 3. Define conditions under which outdoor burning may be conducted.
 4. Encourage the development and specify the use of reasonable alternatives to outdoor burning.
 5. Geographically limit outdoor burning in order to assure continued attainment of the National Ambient Air Quality Standards for carbon monoxide and fine particulate matter (PM₁₀).
- B. Applicability. This Section applies to outdoor burning in all areas of Spokane County unless exempted in Section 6.01.E. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Agricultural Burning (see Chapter 173-430 WAC).
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:
1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.
 2. Authority means the Spokane County Air Pollution Control Authority.
 3. Construction/Demolition Debris means any material manufactured for or resulting from the construction, renovation, or demolition of buildings, roads, and/or other man-made structures or objects/materials.
 4. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.

5. Flag Retirement Ceremony means a ceremony for the purpose of disposing of the flag of the United States of America, by fire, pursuant to 36 U.S.C. 176(k).
6. Fire Fighting Instruction Fire means a fire for instruction in methods of fire fighting, including, but not limited to, training to fight structural fires, aircraft crash rescue fires, and forest fires.
7. Impaired Air Quality, for purposes of outdoor burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
 - a. Particulates that are ten microns or smaller in diameter (PM₁₀) are measured at any location inside Spokane County at or above an ambient level of sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Washington State Department of Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.
 - b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.
 - c. Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.
8. Indian Ceremonial Fire means a fire necessary for Native American ceremonies (i.e., conducted by and for Native Americans) if part of a religious ritual.
9. Land Clearing Fire means outdoor burning of trees, stumps, shrubbery, or other natural vegetation from land clearing projects (i.e., projects that clear the land surface so it can be developed, used for a different purpose, or left unused).
10. Natural Vegetation means unprocessed plant material from herbs, shrubbery, and trees, including grass, weeds, leaves, clippings, prunings, brush, branches, roots, stumps, and trunk wood.
11. Nonattainment Area means the Spokane County PM₁₀ Nonattainment Area and the Spokane Urban Carbon Monoxide Nonattainment Area as defined in CFR Title 40, Part 81.
12. Noxious Weed Abatement Fire means any outdoor burning for the sole purpose of disposing of noxious weeds identified in the State Noxious Weed List, Chapter 16-750 WAC.
13. Nuisance means an emission of smoke or other emissions from any outdoor fire that unreasonably interferes with the use and enjoyment of property or public areas.
14. Other Outdoor Burning means outdoor burning other than agricultural burning, silvicultural burning, residential burning, land clearing burning, storm or flood debris burning, tumbleweed burning, weed abatement fires, fire fighting instruction fires, rare and endangered plant regeneration fires, Indian ceremonial fires, and recreational fires. It includes, but is not limited to, any outdoor burning necessary to protect public health and safety.

15. Outdoor Burning or Open Burning-See definition in Article I, Section 1.04 of this Regulation.
16. Permitting Authority means the Spokane County Air Pollution Control Authority (Authority), or one or more of the following entities, whenever the Authority and an entity have signed an agreement regarding a permitting program or the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, any fire protection agency within Spokane County, Department of Natural Resources, or the Spokane County Conservation District.
17. Premises of a Residence means the real property immediately adjacent to the residence which is owned by the same person who owns the residence, and which is not devoted to agricultural or silvicultural use, other than yard and gardening activities connected with the residence.
18. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.
19. Reasonable Alternative means a method for disposing of organic refuse (such as natural vegetation) that is available, reasonably economical, and less harmful to the environment than burning, including but not limited to, waste reduction, recycling, energy recovery or incineration, and landfill disposal.
20. Recreational Fire means a small fire, limited to cooking fires and campfires, using charcoal, natural gas, propane, or clean, dry, natural firewood (e.g., tree trunk wood), and which occurs in designated areas on public lands or on private property. Fires used for debris disposal are not considered recreational fires.
21. Residential Burning means the outdoor burning of natural yard and garden debris (i.e., dry garden trimmings, tree clippings, lawn rakings, dry leaves and needles) originating on the maintained / improved area of residential property (i.e., lands immediately adjacent and in close proximity to a human dwelling) and burned on such lands by the property owner and/or any other responsible person.
22. Responsible Person means any person who has applied for and received a permit for outdoor burning, or any person allowing, igniting or attending to an outdoor fire, or any person who owns or controls property on which an outdoor fire occurs.
23. Silvicultural Burning means burning on unimproved land the Department of Natural Resources protects pursuant to RCW 70.94.030(20), 70.94.660, and 70.94.690, and pursuant to Chapter 76.04 RCW.
24. Small Fire means a fire generated by a pile of combustible material with dimensions no greater than three feet in diameter by two feet in height.
25. Social Event means a public event or celebration officially sponsored by Spokane County or an incorporated city or town.
26. Urban Growth Area means an area defined by RCW 36.70A.030.

- D. Areas Where Outdoor Burning is Prohibited. Except as provided in Section 6.01.G., no person shall practice or permit the practice of outdoor burning in any of the following locations:
1. Within a No-Burn Area, as defined by resolution of the Board of Directors of the Authority.
 2. After December 31, 2000, within any urban growth area having a population of 5,000 or more people, or within any incorporated city or town having a population of 10,000 or more people, or within any urban growth area contiguous with a nonattainment area or former nonattainment area.
 3. After December 31, 2006, within any urban growth area.
 4. Where the Authority, Ecology, or permitting authority has determined that reasonable alternatives are available.
- E. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum size or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre-burn and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Unless exempt per Section 6.01.G, any person who practices or permits the practice of outdoor burning shall, in addition to any specific permit conditions established imposed, comply with the following general conditions:
1. Curtailments.
 - a. No outdoor fire may be ignited in a geographical area where:
 - 1) Ecology has declared an episode;
 - 2) Authority has declared impaired air quality; or
 - 3) The appropriate fire protection agency or other agency of jurisdiction has declared a fire danger burn ban, unless that agency grants an exception.
 - b. The responsible person shall contact the Authority or permitting authority each day, prior to igniting an outdoor fire, to determine outdoor burning conditions.
 - c. The responsible person for an outdoor fire must extinguish the fire when an episode, impaired air quality, or fire danger burn ban that applies to the burning is declared. All small fires shall be immediately extinguished by smothering the fire with water or soil. All other fires shall be extinguished by methods including, but not limited to, withholding new fuel and allowing the fire to burn down. In this regard:
 - 1) Smoke visible from all types of outdoor burning, except land clearing burning, after a time period of three hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn is declared, will constitute prima facie evidence of unlawful outdoor burning.
 - 2) Smoke visible from land clearing burning after a time period of eight hours has elapsed from the time an air pollution episode, impaired air quality condition, or fire danger burn ban is declared, will constitute prima facie evidence of unlawful outdoor burning.

2. The fire must not include any prohibited materials.
3. Only one pile may be burned at a time (i.e. each fire must be extinguished before lighting another).
4. The fire must not be larger than a small fire.
5. Burning for commercial purposes is not allowed (i.e., when burning is not for residential purposes), other than silvicultural burning or agricultural burning.
6. The fire must not include materials hauled from another property, other than charcoal, natural gas, propane, or clean, dry, natural firewood.
7. Burning may occur only during daylight hours, or a more restrictive period as determined by the Authority or permitting authority.
8. Until extinguished, the fire shall be attended by a person who is responsible and capable of extinguishing the fire.
9. Any person responsible for unlawful outdoor burning must immediately extinguish the fire, except as provided for in Section 6.01.E.1.c.
10. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
11. No fires are to be within 50 feet of structures.
12. No fires are to be in or within 500 feet of forest slash.
13. If an outdoor container is used for burning, it must be constructed of concrete or masonry with a completely enclosed combustion chamber and equipped with a permanently attached spark arrestor constructed of iron, heavy wire mesh, or other non-combustible material with openings not larger than one-half inch.
14. Any person responsible for outdoor burning must immediately extinguish the fire if it causes a nuisance or if the permitting authority determines that the creation of a nuisance would likely result from burning.
15. Structural fire training, provided for in Sections 6.01.G.1.g and 6.01.G.2.e, may be performed by a fire protection agency provided the following requirements are met:
 - a. The owner and fire protection agency must have met the requirements in SCAPCA Regulation I, Article IX and Section 10.09 prior to training;
 - b. The fire protection agency conducting the fire training must have a fire-training plan, which will be made available to the Authority upon request, and the purpose of the structural fire must be to train fire fighters; and
 - c. Composition roofing, asphalt roofing shingles, asphalt siding materials, miscellaneous debris from inside the structure, carpet, linoleum, and floor tile, must not be burned unless such materials are identified by the fire protection agency as being an essential part of the fire training exercise and are described as such in the fire-training plan. Materials removed from the structure(s) must be disposed of in a lawful manner prior to the training exercise.

- F. Outdoor Burning of Residential Yard and Garden Debris. In addition to the requirements in Section 6.01.D and E, any person who burns yard and garden debris shall comply with the following:
1. Only Residential Burning is allowed, per Section 6.01.C.21.
 2. Burning shall be conducted no more than 8 days per year, which shall be restricted to a season specified by the Board of Directors or Control Officer of the Authority, as allowed in WAC 173-425-060(5), unless a written permit has been issued by a permitting authority operating under a delegation agreement with the Authority.
 3. Burning shall be conducted between the hours of 9:00 am and 5:00 pm or a more restrictive period, as determined by the Authority or permitting authority.
- G. Exceptions. Exceptions to Sections 6.01.D and E. shall be made as follows:
1. Exceptions that do not Require an Outdoor Burning Permit. The prohibitions in Section 6.01.D and the general conditions in Section 6.01.E are waived as indicated for the following types of fires:
 - a. Indian ceremonial fires are exempt from the prohibitions in Section 6.01.D and Section 6.01.E.4, 6, 7 and 11.
 - b. Recreational fires are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 7 and 13, provided the fire is not started an unreasonable length of time before, nor continues an unreasonable length of time beyond, its recreational purpose.
 - c. Fires fueled exclusively by flares or torches are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-3, 5, 7, and 11-12 provided the flares or torches are not started an unreasonable length of time before nor continue an unreasonable length of time beyond the event for which they are being used.
 - d. Aircraft crash rescue training fires authorized by a fire protection agency do not require a permit if performed in accordance with RCW 70.94.650(5) and are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-7 and 11-12.
 - e. Forest fire instruction fires authorized by a fire protection agency are exempt from the prohibitions in Section 6.01.D and Section 6.01.E. 2-5, 7 and 12.
 - f. Structural fire training fires authorized by a fire protection agency that are located within unincorporated areas and outside urban growth areas do not require a burning permit if performed in accordance with RCW 52.12.150 and are exempt from the prohibitions in Section 6.01.D.1, and Section 6.01.E. 2-5, 7 and 11-12.
 - g. Flag Retirement Ceremony Fires for disposing of the flag of the United States of America, pursuant to 36 U.S.C. 176(k), are exempt from Section 6.01.D and Section 6.01.E. 2, 5-7, 11, and 13.
 2. Exceptions that Require an Outdoor Burning Permit. The following types of fires may be exempted from one or more of the prohibitions in Section 6.01.D and/or the general conditions in Section 6.01.E when authorized by the Authority and a written permit has been issued by the permitting authority:

- a. Fires ordered by a duly authorized health officer to dispose of, diseased animals and other infested material, as required, to keep the infestation from spreading.
- b. Fires ordered by a fire protection agency of jurisdiction, to dispose of materials presenting a danger to life, property, or public welfare.
- c. Fires authorized by a fire protection agency of jurisdiction, necessary for training, including military training.
- d. Fire extinguisher training fires of short-duration for instruction on the proper use of hand-held fire extinguishers, provided the requirements below are met:
 - 1) Flammable or combustible materials used during the fire extinguisher training shall be limited to:
 - (a) Less than 2 gallons of clean kerosene or diesel fuel oil per training exercise, provided that gasoline or gasoline mixed with diesel or kerosene may be used only by local fire departments, fire protection agencies, fire marshals, or fire districts;
 - (b) As much gaseous fuel (propane or natural gas) as required for the training exercise; and/or
 - (c) Less than 0.5 cubic yards of clean, solid combustible materials per training exercise. Examples of solid combustible materials are natural firewood, untreated scrap lumber, and unused paper.
 - 2) All training must be conducted by local fire officials or a qualified instructor. Instructor qualifications and a training plan must be available to the Authority upon request; and
 - 3) Prior to the training, the person(s) conducting the exercise must notify the local fire department, fire marshal, or fire district and must meet all applicable local ordinances and permitting requirements.
- e. Structural fire training fires authorized by a fire protection agency that are located within urban growth areas.
- f. Fires set as part of a defined research project.
- g. Social event fires (i.e., a fire that is larger than a small fire that is part of a social event), provided the fire is not started an unreasonable length of time before nor continues an unreasonable length of time beyond the event.
- h. Residential land clearing fires consisting of materials cleared from less than 1 acre of forested land on a 5 acre or larger parcel of land in non-commercial ownership.
- i. Silvicultural-to-agricultural land conversion fires.
- j. Storm or flood debris fires and rare and endangered plant regeneration fires, as defined in WAC 173-425-030.
- k. Fires set for improving and maintaining fire dependent ecosystems, as provided in RCW 70.94.660.

- I. Noxious Weed Abatement fires, as provided for in WAC 173-425-060(2)(e) and RCW 70.94.650(1)(a).
 3. Nothing in Section 6.01 shall apply to burning of combustible material in a multiple-chambered unit, such as in a multiple-chambered incinerator, as long as the unit is registered with the Authority pursuant to Article IV or the operator possesses a valid Notice of Construction approval issued pursuant to Article V and the unit complies with all applicable regulations.
- H. Permit Requirements. Written permits, as required in Section 6.01.G.2, are subject to the following requirements:
1. All applicants for outdoor burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.
 2. The permitting authority may require additional information from the applicant, as necessary to determine if outdoor burning is reasonably necessary, to determine how best to minimize air pollution, and to determine if any special conditions are applicable.
 3. The permitting authority shall not issue a permit if it determines that the proposed burning will cause or is likely to cause a nuisance.
 4. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
 5. All applicants for outdoor burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution or other official action of the permitting authority. When the permitting authority is the Spokane County Air Pollution Control Authority, the fee shall be according to the schedule in Regulation I, Article X, Section 10.13.
 6. No permit for outdoor burning shall be granted on the basis of a previous permit history.
 7. The responsible person attending the permitted fire shall maintain the permit or a copy of the permit in his or her immediate possession, and make the permit available for review upon request of the permitting authority.
 8. Permit timelines. For fires in Section 6.01.G.2.a, b and f-l, all applicants shall submit an application in accordance with Section 6.01.H.8.a. For fires in Section 6.01.G.2.c-e, all applicants shall submit an application in accordance with Section 6.01.H.8.a and/or b.
 - a. 30-day permit (for fires in Section 6.01.G.2).
 - 1) Unless otherwise approved by the permitting authority, all applicants shall submit a completed permit application no less than 10 days prior to the first proposed burn date. Unless otherwise approved by the permitting authority, applications will be accepted no more than 180 days prior to the first proposed burn date.
 - 2) One application may be submitted for each type of outdoor fire provided for in Section 6.01.G.2 when the request is for burning at one real property, within a specified 30-day period.

- 3) The permit shall expire 29 consecutive days after the first proposed burn date.
- b. Annual permit (limited to fires in Section 6.01.G.2.c-e).
 - 1) Unless otherwise approved by the Authority, all applicants shall submit a completed permit application no less than 30 days prior to the first proposed burn date.
 - 2) One application is required for outdoor burning provided for in Section 6.01.G.2.c-e when the request is for burning at one or more real properties during a 12-month period.
 - 3) A responsible person must notify the Authority prior to each burn. Notification shall be written (e.g., facsimile or electronic mail) or verbal (e.g., voice-mail message) and must include the name of fire protection agency, name of responsible person, date that training will occur, permit number allowing such training, telephone number at which the responsible person may be contacted during the fire training exercise, and address at which fire training exercises will be conducted.
 - 4) The permit shall expire 364 consecutive days after the first proposed burn date.

I. Agreements with Permitting Authorities

1. The Authority may enter into agreements with permitting authorities, as defined in Section 6.01.C.14.
2. Agreements must define the roles, responsibilities and duties of the Authority and the permitting authority. Such agreements may include, but are not limited to, the following program elements:
 - a. The types of burning to be addressed under the agreement;
 - b. The exceptions (Section 6.01.G) applicable;
 - c. The scope of discretion of the permitting authority;
 - d. Permit tracking;
 - e. Reporting; and
 - f. Enforcement.
3. Agreements will remain in effect until cancelled. An agreement may be cancelled for any reason, by any entity or representative thereof, that signed the agreement, provided notice has been given at least 30 days prior to cancellation to all entities that signed the agreement.

J. Violations.

1. The Authority may issue a Notice of Violation to a responsible person when:
 - a. Any specific prohibition, requirement, permit condition, or any general condition specified in Section 6.01 is violated.

2. A fire protection agency called to respond to, control, or extinguish an illegal or out-of-control fire may charge and recover from the responsible person(s), the costs of its response and control action.
 3. Permitting authorities may refer field notices and other documentation to the Authority for appropriate enforcement action. The Authority shall remit one-half of any civil penalty collected, to the referring agency, if the referring agency makes such a request in writing at the time of referral.
- K. The provisions of this Section are severable. If any phrase, sentence, paragraph, or provision is held invalid, the application of such phrase, sentence, paragraph, or provision to other circumstances and the remainder of this Section shall not be affected.
- L. Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.01 or qualifying for an exception in Section 6.01.G. does not insure that outdoor burning complies with other applicable laws and regulations implemented by any other permitting authority or entity.

SECTION 6.02 VISIBLE EMISSIONS

- A. It shall be unlawful for any person to cause or allow the emission of air contaminant from any emission point which equals or exceeds twenty percent opacity for an aggregate of more than three (3) minutes in any one-hour period except:
1. When the emissions occur due to soot blowing/grate cleaning and the operator can demonstrate that the emissions will not equal or exceed twenty percent opacity for more than fifteen minutes in any eight consecutive hours. The intent of this provision is to permit the soot blowing and grate cleaning necessary to the operation of boiler facilities. As such, this practice, except for testing and trouble shooting, is to be scheduled for the same approximate times each day and the Authority shall be advised of the schedule.
 2. When the presence of uncombined water is the only reason for the failure of an emission to meet the requirements of this section. The burden of proof to establish the quantity of uncombined water in the emission shall lie with the owner or operator who is seeking to bring the emission from his equipment or process within the requirements of Section 6.02A.
 3. When otherwise specifically permitted by Article VIII, Section 8.05 of this Regulation_(i.e. solid fuel burning devices).
- B. The 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.
- C. Visible emissions shall be determined by using Ecology Test Method 9A.
- D. The emission limits of this section shall apply to each emission point regardless of the number of emissions units connected to a common stack.

SECTION 6.03 INCINERATOR BURNING AND INCINERATION HOURS

- A. The Authority, implements and enforces WAC 173-400-050, in Spokane County in addition to Parts B through E of this Section. The more stringent requirement in WAC 173-400-050 or Section 6.03 supersedes the lesser.

- B. It shall be unlawful for any person to burn any combustible refuse in any incinerator within the jurisdiction of this Authority except in an approved multiple-chambered incinerator or in equipment found by the Control Officer in advance of such use to be equally effective for the purpose of air pollution control. The Control Officer may require the installation of additional control apparatus on an incinerator of approved design, if he finds that it is not effectively controlling air pollution emissions or is the cause of legitimate complaints.
- C. It shall be unlawful for any person to cause or allow the operation of an incinerator at any time other than daylight hours, except with the approval of the Control Officer.
- D. Approval of the Control Officer for the operation of an incinerator at other than daylight hours may be granted upon the submission of a written request stating:
 - 1. Full name and address of the applicant.
 - 2. Location of the incinerator.
 - 3. A description of the incinerator and its control equipment.
 - 4. Good cause for issuance of such approval.
 - 5. The hours, other than daylight hours, during which the applicant seeks to operate the equipment.
 - 6. The length of time for which the exception is sought.
- E. No one shall install or operate an "Air Curtain Incinerator" or "Wigwam Burner" within the Authority's jurisdiction.

SECTION 6.04 ODORS AND NUISANCES

- A. Effective control apparatus and measures shall be installed and operated to reduce odor-bearing gases and 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, gas, and particulate matter are effectively treated for removal or destruction of odorous matter or other air contaminants before emission to the atmosphere.
- C. Odors caused by agricultural activities consistent with good agricultural practices exempt from this section:
 - 1. Odors caused by agricultural activities consistent with good agricultural practices on agricultural land are exempt from the requirements of this section unless they have a substantial adverse effect on public health. In determining whether agricultural activity is consistent with good agricultural practices, the Authority shall consult with a recognized third-party expert in activity prior to issuing any notice of violation.
 - 2. Any notice of violation issued under this section pertaining to odors cause by agricultural activity shall include a statement as to why the activity is inconsistent with good agricultural practices, or a statement that the odors have substantial adverse effect on public health.
 - 3. In any appeal to the Pollution Control Hearings Board or any judicial appeal of final order pertaining to odors caused by agricultural activity, the Authority shall prove the activity is

inconsistent with good agricultural practices or that the odors have a substantial adverse impact on public health.

4. If a person engaged in agricultural activity on a contiguous piece of agricultural land sells or has sold a portion of that land for residential purposes, the exemption of this section shall not apply.
5. As used in this section:
 - a. "Agricultural activity" means the growing, raising, or production of horticultural or viticultural crops, berries, poultry, livestock, grain, mint, hay, and dairy products.
 - b. "Good agricultural practices" mean economically feasible practices which are customary among or appropriate to farms and ranches of a similar nature in the local area.
 - c. "Agricultural land" means at least five acres of land devoted primarily to the commercial production of livestock or agricultural commodities.
6. The Authority, implements and enforces WAC 173-400-040(4), in Spokane County in addition to Parts A through C.6 of this Section. The more stringent requirement in WAC 173-400-040(4) or Section 6.03 supercedes the lesser.

SECTION 6.05 PARTICULATE MATTER AND PREVENTING PARTICULATE MATTER FROM BECOMING AIRBORNE

- A. It shall be unlawful for any person to cause or allow the discharge of particulates in sufficient numbers to unreasonably cause annoyance to any other person when deposited upon the real property of others.
- B. 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.
- C. 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. Reasonable precautions to prevent particulate matter from becoming airborne must also be used on roads used as detour routes around roads, or section of road that are being constructed, altered, repaired, demolished, or closed for any purpose.
- D. It shall be unlawful for any person, including the owner or person in control of real property to cause or allow particulate matter to be deposited upon a paved roadway open to the public without taking every reasonable precaution to minimize deposition. Reasonable precautions shall include, but are not limited to, the removal of particulate matter from equipment prior to movement on paved streets and the prompt removal of any particulate matter deposited on paved streets.
- E. It shall be unlawful for any person to cause or allow visible emissions of fugitive dust unless reasonable precautions are employed to minimize the emissions. Reasonable precautions may include, but are not limited to, one or more of the following:
 1. The use of control equipment, enclosures, and wet (or chemical) suppression techniques, and curtailment during high winds;
 2. Surfacing roadways and parking areas with asphalt, concrete, or gravel;

3. Treating temporary, low traffic areas (e.g., construction sites) with water or chemical stabilizers, reducing vehicle speeds, constructing pavement or rip rap exit aprons, and cleaning vehicle undercarriages and tires before they exit to prevent the track-out of mud or dirt onto paved public roadways; or
4. Covering or wetting truck loads or allowing adequate freeboard to prevent the escape of dust-bearing materials.

SECTION 6.06 EMISSION OF AIR CONTAMINANTS OR WATER VAPOR, DETRIMENT TO PERSONS OR PROPERTY (SEE WAC 173-400-040(5))

- A. The Authority, implements and enforces WAC 173-400-040(5).

SECTION 6.07 EMISSION OF AIR CONTAMINANT CONCEALMENT AND MASKING RESTRICTED (SEE WAC 173-400-040(7))

- A. The Authority, implements and enforces WAC 173-400-040(7).

SECTION 6.08 REPORT OF BREAKDOWN

- A. The owner or operator of a source which emits pollutant(s) exceeding any limit established by Ecology or the Authority in any order(s), rule(s) or regulation(s) that apply to the facility as a direct result of unavoidable upset conditions or unavoidable and unforeseeable breakdown of equipment or control apparatus may be exempt from penalties if:
1. The upset or breakdown is reported to the Authority on the next regular working day.
 2. The owner or operator shall, upon request of the Control Officer, submit a report giving:
 - a. The causes.
 - b. The steps to be taken to repair the breakdown, and
 - c. A time schedule for the completion of the repairs.
 3. The owner or operator can prove to the Control Officer that the excess emissions due to breakdown were unavoidable by adequately demonstrating that:
 - a. The event was not caused by poor or inadequate design, operation, maintenance, or any other reasonably preventable condition;
 - b. The event was not of a recurring pattern indicative of inadequate design, operation, or maintenance; and
 - c. The operator took immediate and appropriate corrective action in a manner consistent with good air pollution control practice for minimizing emissions during the event, taking into account the total emissions impact of the corrective action, including slowing or shutting down the emissions unit as necessary to minimize emissions, when the operator knew or should have known that an emission standard or permit condition was being exceeded.
- B. The Control Officer on receipt of a report (Subsection A.2.) from the owner or operator describing a breakdown may:

1. Allow continued exempt operation, but only for a limited time period, after which the owner or operator will be required to comply with this Regulation, or the applicable permit condition, or be subject to the penalties in Section 2.11. An exemption granted under this Section 6.08, may be withdrawn if the exempt operation becomes a cause of complaints.
2. Require that the facility curtail or cease operations of the equipment, which emits pollutants exceeding any of the limits established by this Regulation or in any permit condition, until repairs are completed, if the Control Officer determines that the quantity of pollutants, or the nature of the pollutants, could endanger human health and safety, cause injury to plant and/or animal life, or cause damage to property.

SECTION 6.09 (RESERVED)

SECTION 6.10 GRASS FIELD BURNING (Repealed 2/2/01, Res. 01-04)

SECTION 6.11 AGRICULTURAL BURNING

In addition to this Section of the Regulation, the Authority, implements and enforces Chapter 173-430 WAC. The more stringent requirement in Chapter 173-430 or Section 6.11 supersedes the lesser.

- A. Purpose. The primary purpose of this Section is to establish specific requirements for agricultural burning in Spokane County, consistent with Chapter 173-430 WAC.
- B. Applicability. This Section applies to agricultural burning in all areas of Spokane County unless specifically exempted. This Section does not apply to Silvicultural Burning (see Chapter 332-24 WAC) or to Outdoor Burning (see Chapter 173-425 WAC).
- C. Statement of Authority. The Spokane County Air Pollution Control Authority is empowered, pursuant to Chapter 70.94 RCW, to administer the agricultural burning program in Spokane County. Included is the authority to:
 1. Issue and deny burning permits;
 2. Establish conditions on burning permits to insure that the public interest in air, water, and land pollution, and safety to life and property is fully considered;
 3. Determine if a request to burn is consistent with best management practices, pursuant to WAC 173-430-050; or qualifies for a waiver, pursuant to WAC 173-430-045;
 4. Delegate local administration of permit and enforcement programs to certain political subdivisions;
 5. Declare burn days and no-burn days, based on meteorological, geographical, population, air quality, and other pertinent criteria; and
 6. Restrict the hours of burning, as necessary to protect air quality.
- D. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:
 1. Agricultural Burning means burning of vegetative debris from an agricultural operation necessary for disease or pest control, necessary for crop propagation and/or crop rotation, necessary to destroy weeds or crop residue along farm fence rows, irrigation ditches, or farm drainage ditches, or where identified as a best management practice by

the agricultural burning practices and research task force established in RCW 70.94.650 or other authoritative source on agricultural practices.

2. Authority means the Spokane County Air Pollution Control Authority.
3. Episode means a period when a forecast, alert, warning, or emergency air pollution stage is declared, as provided in Chapter 173-435 WAC.
4. Extreme Conditions means conditions, usually associated with a natural disaster, that prevent the delivery and placement of mechanical residue management equipment on the field, and applies only to the growing of field and turf grasses for seed, for which a waiver is requested.
5. Impaired Air Quality, for purposes of agricultural burning, means a condition declared by the Authority when meteorological conditions are conducive to an accumulation of air contaminants, concurrent with at least one of the following criteria:
 - a. Particulates that are ten microns or smaller in diameter (PM10) are measured at any location inside Spokane County at or above an ambient level of sixty micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix J, or equivalent.
 - b. Carbon monoxide is measured at any location inside Spokane County at or above an ambient level of eight parts of contaminant per million parts of air by volume (ppm), measured on an eight-hour average by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix C, or equivalent.
 - c. Particulates that are two and one-half microns or smaller in diameter (PM2.5) are measured at any location inside Spokane County at or above an ambient level of 15 micrograms per cubic meter of air, measured on a 24-hour average, by a method which has been determined, by Ecology or the Authority, to have a reliable correlation to the federal reference method, CFR Title 40 Part 50 Appendix L, or equivalent.
 - d. Air contaminant levels reach or exceed other limits, established by Ecology pursuant to RCW 70.94.331.
6. Nuisance means an emission of smoke or other emissions from agricultural burning that unreasonably interferes with the use and enjoyment of property or public areas.
7. Permitting Authority means the Spokane County Air Pollution Control Authority (Authority), or one or more of the following entities, whenever the Authority has delegated administration of the permitting program, pursuant to RCW 70.94.654, to one or more of the referenced entities, provided such delegation of authority has not been withdrawn: Spokane County, the Spokane County Conservation District, or any fire protection agency within Spokane County.
8. Pest means weeds, disease, or insects, infesting agricultural lands, crops, or residue.
9. Prohibited Materials means garbage, dead animals, asphalt, petroleum products, paints, rubber products, plastics, paper (other than what is necessary to start a fire), cardboard, treated wood, construction debris, demolition debris, metal or any substance (other than

natural vegetation) that releases toxic emissions, dense smoke or obnoxious odors, when burned.

10. Responsible Person means any person who has applied for and received a permit for agricultural burning, or any person allowing, igniting or attending to agricultural burning, or any person who owns or controls property on which agricultural burning occurs.

E. Requirements. No person shall practice or permit the practice of Agricultural Burning, other than incidental agricultural burning pursuant to RCW 70.94.745(7), unless the applicant demonstrates to the satisfaction of the Authority or permitting authority that burning, as requested:

1. Is reasonably necessary to successfully carry out the enterprise in which the applicant is engaged; or
2. Constitutes a best management practice and no practical alternative is reasonably available.

F. Prohibitions. No person shall practice or permit the practice of agricultural burning in any of the following circumstances:

1. Where there is a practice, program, technique, or device, that Ecology has certified as a practical alternative to burning.
2. When the materials to be burned include any prohibited materials.
3. During an episode, as declared by Ecology, or during Impaired Air Quality, as declared by Ecology or the Authority for a defined geographical area.
4. Where burning causes a nuisance or when the Authority or permitting authority determines that the creation of a nuisance would likely result from burning.
5. Without a written permit, issued by the permitting authority, except for incidental agricultural burning, as provided in RCW 70.94.745(7).
6. When the materials to be burned include any material other than natural vegetation generated on the property, which is the burning site, or was transported to the burning site by wind or water.
7. In the case of growing of field or turf grasses for seed, unless the request to burn qualifies for a waiver for slope or extreme conditions pursuant to WAC 173-430-045(4).
8. When a no-burn day is declared by the Authority or the permitting authority.

G. General Conditions. Considering population density and local conditions affecting air quality, the Authority or permitting authority shall establish conditions for all permits to minimize air pollution as much as practical. Such conditions may be general (applying to all permits) or specific (applying to individual permits). Conditions may address permissible hours of burning, maximum daily burn acreage or volume of material to be burned, requirements for good combustion practice, burning under specified weather conditions, pre and post-burn reporting, and other criteria, determined by the permitting authority, as necessary to minimize air pollution. Any person who practices or permits the practice of agricultural burning shall, in addition to any specific permit conditions imposed, comply with the general agricultural burning permit conditions and criteria in WAC 173-430-070 and all of the following conditions:

1. Whenever an episode or Impaired Air Quality is declared, or other meteorological condition occurs that the permitting authority determines is likely to contribute to a

nuisance, all fires shall be extinguished by withholding new fuel or ceasing further ignition, as appropriate to allow the fire to burn down in the most expeditious manner. In no case shall a fire be allowed to burn longer than 3 hours after declaration of an episode of Impaired Air Quality, or determination of the specific meteorological condition.

2. Until extinguished, the fire shall be attended by a person who is responsible for the same, capable of extinguishing the fire, and has the permit or a copy of the permit in his or her immediate possession.
3. Burning shall occur only during daylight hours, or a more restrictive period as determined by the Authority or the permitting authority.
4. Permission from the landowner, or the landowner's designated representative, must be obtained before starting the fire.
5. The fire district of jurisdiction shall be notified by the responsible person, prior to igniting a fire.
6. If it becomes apparent at any time to the Authority or permitting authority that limitations need to be imposed to reduce smoke, prevent air pollution and/or protect property and the health, safety and comfort of persons from the effects of burning, the Authority or permitting authority shall notify the permittee or responsible person and any limitation so imposed shall become a condition under which the permit is issued.
7. Follow the smoke management guidelines of the permitting authority.

H. Administrative requirements.

1. All applicants for agricultural burning permits must submit their requests to burn, on forms or in a format provided by the permitting authority.
2. The permitting authority may require additional information from the applicant, as necessary to determine if agricultural burning is reasonably necessary to carry out the enterprise, to determine how best to minimize air pollution, and as necessary to compile information for the annual program summary (Section 6.11.J.10).
3. The permitting authority may deny an application or revoke a previously issued permit if it is determined by the permitting authority that the application contained inaccurate information, or failed to contain pertinent information, which information is deemed by the permitting authority to be significant enough to have a bearing on the permitting authority's decision to grant a permit.
4. All applicants for agricultural burning permits shall pay a fee at the time of application, according to a schedule of fees, established by resolution of the permitting authority. When the permitting authority is the Spokane County Air Pollution Control Authority, the fee shall be according to the schedule in Regulation I, Article X.
5. No permit for agricultural burning shall be granted on the basis of a previous permit history.
6. The permitting authority may waive or reduce the sixty and thirty-day advance requirements for submitting and completing a waiver request, made pursuant to WAC 173-430-045(5), if the permitting authority determines that an alternate advance period will suffice for evaluating the request.

- I. Responsibilities of Farmers. In order to make the required showing, referenced in Section 6.11.E., a farmer, as defined in WAC 173-430-030(7), is responsible for providing the following to the permitting authority, if applicable:
1. Advance notice of the potential need to burn, including documentation of pest problems, which if possible, shall be given prior to crop maturity.
 2. For pest management burning requests, a plan establishing how a recurring pest problem will be addressed through non-burning management practices by the following year, if possible, or by no later than three years.
 3. An evaluation of alternatives to burning, including those successfully and customarily used by other farmers in similar circumstances, with particular attention to alternatives customarily used in Spokane County, which evaluation shall include an explanation as to why the alternatives are unreasonable and burning is necessary.
 4. A showing as to how burning will meet the applicable crop-specific or general Best Management Practices, established pursuant to RCW 70.94.650(4).
 5. For residue management burn requests, a showing that the residue level meets the permitting authority's criteria for consideration of a residue management burn.
 6. For residue management burn requests, a showing that non-burning alternatives would limit attaining the desired level of water infiltration/retention, soil erodibility, seed/soil contact, seeding establishment or other desirable agronomic qualities.
 7. Field access to representatives of the permitting authority.
- J. Responsibilities of Permitting Authorities. Permitting authorities are responsible for performing the following activities:
1. Evaluation of individual permit applications to determine whether the applicant has made the required showing, referenced in Section 6.11.E.
 2. Consultation with a trained agronomist on individual permit applications, as necessary, to evaluate the need to burn and non-burning alternatives.
 3. Field inspection, as necessary to verify the following:
 - a. Accuracy of information in permit and waiver applications,
 - b. Compliance with permit conditions and applicable laws and regulations, and
 - c. Acreage and materials burned.
 4. Taking final action on permit applications within 7 days of the date the application is deemed complete.
 5. Incorporation of appropriate permit conditions, both general and specific, as referenced in Section 6.11.G. in order to achieve the following:
 - a. Minimizing air pollution and emissions of air pollutants, and
 - b. Insuring that the public interest in air, water, and land pollution, and safety to life and property has been fully considered, in accordance with RCW 70.94.650(1)(c).

6. Enforcement and compliance efforts, with the goal of assuring compliance with all applicable laws, regulations, and permit conditions, and ensuring that timely and appropriate enforcement actions are commenced, when violations are discovered.
 7. Complaint logging and appropriate level of response.
 8. Collection of fees.
 9. Declaration of burn days and no-burn days, taking into consideration, at a minimum, the following criteria:
 - a. Local air quality and meteorological conditions;
 - b. Time of year when agricultural burning is expected to occur;
 - c. Acreage/volume of material expected to be burned per day and by geographical location;
 - d. Proximity of burn locations to roads, homes, population centers, and public areas;
 - e. Public interest and safety; and
 - f. Risk of escape of fire onto adjacent lands, during periods of high fire danger.
 10. Development of smoke management guidelines, that include procedures to minimize the occurrence of nuisance, and to facilitate making burn/no burn decisions.
 11. Dissemination of burn decisions, as necessary to inform responsible persons and the public.
 12. Compilation of an annual program summary, which at a minimum, includes the following:
 - a. Permits and acres approved for burning;
 - b. Permit/waiver requests and acres denied;
 - c. Number and dates of complaints received; and
 - d. Number of documented violations.
- K. Compliance. The responsible person is expected to comply with all applicable laws and regulations. Compliance with Section 6.11 does not insure that agricultural burning complies with other applicable laws and regulations implemented by any other authority or entity.

SECTION 6.12 RESERVED

SECTION 6.13 GENERAL SURFACE COATING

- A. Purpose. This Section establishes controls on surface coating operations in Spokane County in order to:
1. Reduce particulate emissions from coating overspray;
 2. Reduce public exposure to Toxic Air Pollutants as listed in Chapter 173-460 WAC;

3. Reduce emissions of precursors to the formation of tropospheric ozone and other photochemical oxidants; and
 4. Encourage pollution prevention.
- B. Applicability. This Section applies to all surface preparation, surface coating, cleanup, and disposal associated with general surface coating in Spokane County, unless specifically exempted.
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in this Section shall have the following meaning:
1. Airless Spray means a spraying system that uses hydraulic atomization instead of air atomization. The coating is supplied to the gun under high fluid pressure between 1000 and 3000 psig and the coating is forced through a small orifice.
 2. Air-Assisted Airless Spray means a spraying system that combines air and airless features. An airless type fluid tip atomizes the paint and shapes the fan pattern at fluid pressures between 300 and 1000 psig. Lower pressure air from 10 to 30 psig combines at the spray cap to adjust the fan shape to eliminate heavy edges (tails).
 3. Automated means the technique, method, or system of operating or controlling a process by mechanical, electrical, hydraulic, or electronic means independent of human intervention.
 4. Brush Coat Application means manual application of coatings by use of a paint brush.
 5. Coating means a material or formulation of materials that is applied to or impregnated into a surface in order to beautify, protect, enhance the function, or otherwise cover the surface.
 6. Container means the individual receptacle that holds a coating or coating component for storage and distribution.
 7. Dip Coat Application means application of coatings in which the surface to be coated is immersed in a solution (or dispersion) containing the coating material and withdrawn.
 8. Electrostatic Application means application of coatings where an electrostatic potential is created between the part to be coated and the paint particles.
 9. Exempt Solvent means a solvent, or solvent component, which is not a volatile organic compound (VOC).
 10. Flow Coat Application means application of coatings by flowing the coating over the surface to be coated and draining the excess coating to a collection system.
 11. High Volume, Low Pressure (HVLP) or Low Volume, Low Pressure (LVLP) coating system means equipment used to apply coatings by means of a spray gun which operates between 0.1 and 10.0 pounds per square inch gauge air pressure measured at the nozzle and that exhibits a minimum transfer efficiency of 65%, as applied.
 12. Light Duty Vehicle means a passenger car, truck, van, or other motor vehicle which has a gross vehicle weight of 8500 pounds or less, or components thereof.

13. Multi-Coat System means a coating system where more than one product or coat is sequentially applied to the same surface and generally consists of a pigmented base coat, one or more semi-transparent mid-coats, and a transparent clear coat. The VOC content for a multi-coat system shall be calculated as follows:

$$\text{VOC}_{\text{TM}} = \frac{\text{VOC}_{\text{BC}} + \text{VOC}_{\text{X1}} + \text{VOC}_{\text{X2}} + \dots + \text{VOC}_{\text{Xn}} + 2\text{VOC}_{\text{CC}}}{n+3}$$

where:

VOC_{TM} is the average sum of the VOC content, as applied to the surface, in a multi-coat system; and

VOC_{BC} is the VOC content, as applied to the surface, of the base coat; and

VOC_{X} is the VOC content, as applied to the surface, of each sequentially applied mid-coat; and

VOC_{CC} is the VOC content, as applied to the surface, of the clear coat (Two coats are applied); and

n is the total number of coats applied to the primer coat(s) surface.

14. Pre-packaged Aerosol Can Application means application of coatings from cans which are sold by the coating supplier as non-reusable, hand-held pressurized containers. The coating is expelled as a finely divided spray when a valve on the container is depressed.
15. Primer means any coating that is applied to a surface to enhance corrosion resistance, protection from the environment, functional fluid resistance, and adhesion of subsequently applied coatings.
16. Reducer means any solvent added to a coating which has the effect of reducing the viscosity of the coating or shortening the drying time.
17. Refinishing means reapplying coating to a surface to repair, restore, or alter the finish.
18. Roll Coat Application means manual application of coatings by the use of a paint roller.
19. Solvent Consumption means the volume of solvent purchased or otherwise procured, less the volume recycled or disposed. In the absence of records which document the transfer of solvent to an authorized recycler or waste hauler, solvent consumption means the volume of solvent purchased or otherwise procured.
20. Standard engineering practices means that accepted, peer reviewed sets of criteria are used in designing equipment (i.e. Uniform Building, Electrical, and Fire Codes, recommendations of the American Conference of Governmental Industrial Hygienists, guidelines of the Department of Labor and Industry, etc.).
21. Surface Coating means the application of coating to a surface.
22. VOC Content means pounds of VOC per gallon of coating (Lb/Gal) or grams of VOC per liter of coating (G/L), minus water and exempt solvents. The VOC content is calculated as follows:

$$\text{VOC}_{\text{CT}} = \frac{W_V}{V_M - V_W - V_{\text{ES}}}$$

where:

VOC_{CT} is the VOC content of the coating, as applied to the surface; and

W_V is the weight of VOC per unit volume of coating, as applied to the surface; and

V_M is the unit volume of coating, as applied to the surface; and

V_W is the volume of water per unit volume of coating, as applied to the surface; and

V_{ES} is the volume of exempt solvents per unit volume of coating, as applied to the surface.

23. Wash Solvent means any solution, solvent, suspension, compound, or other material, excluding water, that is used to clean spray equipment, spray equipment lines, containers, and any other equipment associated with the application of coatings.
24. Wipe-Down Agent means any solution, solvent, suspension, compound, or other material that is applied to a surface exclusively for cleaning the surface or preparing the surface for coating.

D. Prohibitions on emissions

1. No person shall cause or allow the application of any coating which contains greater than 0.1% by weight of one or more compounds of lead or hexavalent chromium.
2. Light duty vehicle refinishing - prohibitions on VOC content. Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent to any light duty vehicle or light duty vehicle component, with a VOC content in excess of the limits listed in 40 CFR 59, Subpart B, Table 1 - EPA National Volatile Organic Compound Emission Standards for Automobile Refinish Coatings.

E. Requirements. All persons subject to the requirements of Section 6.13 shall comply with all of the following, unless exempted under Section 6.13.F.

1. Enclosure and Controls - Spray application shall be conducted in a booth or area which is vented to an operating particulate control system. The particulate control system, including filtration, ducting, and fan shall be installed and sized according to standard engineering practices. Acceptable filtration methods may include:
 - a. Filter banks supplied with filter media designed for spray booth applications.
 - b. Water baths where the inlet air flow to the water bath is submerged.
 - c. Water wall systems that form a continuous water curtain through which the particulate flow stream must pass.
 - d. Other filtration methods that have received the prior written approval of the Control Officer.

The control system shall be equipped with a fan which is capable of capturing all visible overspray. Emissions from the booth/area shall be vented to the atmosphere through a vertical stack. The top of the exhaust stack/vent shall be at least 6 feet above the penetration point of the roof, or if the exhaust stack/vent exits horizontally out the side of the building, then the exhaust stack/vent shall vent vertically at least 6 feet above the eave of the roof. A higher stack/vent may be required if the Authority determines that it is necessary for compliance with Section 6.04 or 6.06 of this Regulation. There shall be no flow obstructions (elbows, tees, or stack caps) inside of, or at the top of, the stack that will impede upward vertical flow of the exhausted air.

It shall be the owner/operator's responsibility to comply with other applicable federal, state, and local regulations for the stack/vent.

2. Visible Emissions - Visible emissions from the stack shall not exceed 10% opacity averaged over any six minute period, as determined by EPA Method 9.
3. Application methods - Except as provided in Section 6.13.F., no person shall cause or allow the application of any coating or other agent containing VOC unless the coating or agent is applied by one of the following methods:
 - a. High Volume, Low Pressure coating system;
 - b. Low Volume, Low Pressure coating system;
 - c. Wet or Dry electrostatic application;
 - d. Flow coat application;
 - e. Dip coat application;
 - f. Brush coat application;
 - g. Pre-packaged aerosol can application;
 - h. Roll coat application;
 - i. A spraying technique that when tested, using the methodology presented in ASTM Standard D 5327-92, or when test documentation, provided to and approved by the Authority, exhibits that the spraying technique has a transfer efficiency of at least 65%;
 - j. Alternate application methods that have received the written approval of the Control Officer. Such alternate methods may be used, provided that the owner or operator makes a written request to use an alternate method and the Control Officer grants approval. These methods include but are not limited to the following application methods and circumstances:
 - 1) Airless and Air-Assisted Airless Spray systems may be used under any of the following circumstances:
 - (a) when the volatile organic compound (VOC) emissions are determined by the Control Officer to be no more than VOC emissions that would be generated by a spray application with a transfer efficiency of 65%;

- (b) when the spraying operation is automated;
 - (c) when spray painting structural steel members where the coating, as formulated by the coating manufacturer, does not require addition of reducers to spray, and is delivered under high pressure (> 1,000 psig for airless, or > 300 psig for air-assisted airless) to the application system; or
 - (d) where the Control Officer has determined that the coating cannot be feasibly applied with a method that has a minimum transfer efficiency of 65%.
- 4. Equipment Cleanup - Equipment cleanup and any other use of wash solvent shall be totally enclosed during washing, rinsing, and draining; or wash solvent, after making contact with the equipment being cleaned, shall be immediately drained to a closed sump which is an integral part of the cleaning system.
- 5. General Clean-up
 - a. All unused or partially used containers of coatings, wipe-down agents, wash solvents, reducers, and waste materials containing VOC shall be closed, except when in use, when being filled or emptied.
 - b. Spills must be cleaned up upon discovery and the clean up materials and collected waste shall be stored in closed metal containers.
 - c. All disposable materials which contain VOCs associated with wipe-down or application of coatings and other agents shall be stored in closed metal containers for disposal.
- 6. Recordkeeping. All persons subject to Section 6.13 shall maintain the following records for the previous 24-month period at the place of business where surface coating is performed:
 - a. The most current material safety data sheets (MSDS) or other data sheets which clearly indicate the VOC content of the product and of any multi-coat system.
 - b. Records of purchases and usage, including unused materials returned to the supplier.
 - 1) Light duty vehicle refinishing. Annual purchases and usage of total primers, total top coats, total clear coats, and total gun cleaner. Usage shall be reported "as applied", i.e. after reducing and catalyzing, if applicable.
 - 2) Other surface coating facilities. Annual purchases and usage of individual coatings, coating additives, wipe-down agents, wash solvents, reducers, there materials containing volatile organic compounds or volatile toxic air pollutants.
 - c. Waste materials disposal records, including volumes of waste solvents and coatings transferred in sealed containers to authorized waste haulers.
- F. Exceptions. Exceptions to Section 6.13 shall be made as follows:

1. Noncommercial exemption. Nothing in Section 6.13 shall apply to surface coating operations conducted solely for personal, noncommercial purposes if, on a facility-wide basis, less than 5 gallons of surface coatings are applied per year.
2. Coating process exemptions. Nothing in Section 6.13 shall apply to the following coating processes:
 - a. The application of architectural coatings to stationary structures and their appurtenances, to mobile homes, to pavements, or to curbs;
 - b. Fiberglass resin application operations;
 - c. Gel coating operations;
 - d. The application of asphaltic or plastic liners. This includes undercoating, sound deadening coating, and spray on bed lining for trucks;
 - e. Spray plasma plating operations; or
 - f. Application of coatings to farming equipment.
3. Low usage exemption. Nothing in Sections 6.13.E.3 & 4 shall apply to surface coating operations which, on a facility-wide basis, apply less than 10 gallons per year of surface coatings.
4. Exemption for large objects. Nothing in Subsection 6.13.E.1. shall apply to the infrequent outdoor surface coating of large objects where the Control Officer determines that it is impractical to totally enclose the object inside a booth or vented area. The request for this exemption must be made in writing to the Control Officer and the approval must be in writing. Infrequent means outdoor spray surface coating that amounts to 10% or less of the total annual gallons of paint applied at the facility in the previous 12 months. Annual records must be kept of the number of gallons of paint that are sprayed outdoors. In such case, a temporary enclosure (tarps) shall be maintained around the object during the surface coating operation, sufficient at all times to prevent overspray from remaining airborne beyond the property line of the facility.
5. Wash solvent exemption. Nothing in Subsection 6.13.E.4. shall apply to:
 - a. the use of wash solvents with composite vapor pressure of organic compounds less than 45 mm Hg at 20°C as determined by ASTM Method D-2306-81; or
 - b. wash solvent operations if total wash solvent consumption does not exceed 10 gallons per year.
6. Stack exemption. The stack/vent requirements in Subsection 6.13.E.1. shall not apply to surface coating operations where the owner or operator can demonstrate to the satisfaction of the Control Officer that emissions of toxic air pollutants will not exceed the Acceptable Source Impact Levels as defined in WAC 173-460-150 & 160 and emissions will not create a nuisance.
7. Non-spray and aerosol can application exemption. Nothing in Subsection 6.13.E.1 shall apply to the application of any coating or other agent from pre-packaged aerosol cans, flow coat, dip coat, brush coat, or roll coat applications.
8. Low VOC content exemption. Nothing in Subsection 6.13.E.3 shall apply to the application of coatings where the VOC content does not exceed 2.1 Lb/Gal or 250 G/L.

9. Lead or Hexavalent Chrome exemption. The prohibition in Subsection 6.13.D.1 shall not apply to a surface coating operation where the control officer determines that no practical alternative coating is available.
 10. Enclosure and/or particulate control exemption. The enclosure and/or particulate control requirements of Subsection 6.13.E.1. shall not apply to a surface coating operation where the control officer determines that such requirements would be ineffective, or unreasonable in capturing or controlling particulate or volatile organic compounds emissions from the facility.
 11. Inside exhaust exemption. If the Department of Labor & Industries or another agency of jurisdiction determines that the emissions from a surface coating operation to an inside work area are below the threshold where an exhaust system is required and the Fire Department or District of jurisdiction has no objection, then the Control Officer may grant an exemption to Subsection 6.13.E.1.
- G. Compliance with other laws and regulations. Compliance with Section 6.13 or qualifying for an exemption in Section 6.13.F. does not necessarily mean that the surface coating operation complies with fire protection, waste disposal, or other federal, state, or local applicable laws or regulations.
- H. Compliance schedule. All persons subject to the requirements of Section 6.13 and not already in compliance shall be in full compliance with Section 6.13 by October 7, 1998, unless an extension is applied for by the owner or operator and is granted in writing by the Authority.

SECTION 6.14 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON PAVED SURFACES

- A. Applicability. The provisions of Section 6.14 shall apply to any state, county, city or local government or private company that applies sanding materials to or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area. This Section shall also apply to all suppliers of sanding materials to be used by these affected entities.
- B. Definitions.
1. Affected Entities are any state, county, city or local government or private company that applies sanding material to, or mechanically sweeps or vacuums paved surfaces within the PM10 Nonattainment area.
 2. Approved Laboratory means a certified or approved facility capable of performing the specified tests in a competent, professional, and unbiased manner in accordance with ASTM testing procedures.
 3. The Authority is the Spokane County Air Pollution Control Authority
 4. Base Sanding Amount is the average amount of sanding materials applied per lane mile by each affected entity within the PM10 Nonattainment Area during the 1992 - 1993 season or another base season, as requested by an affected entity and approved by the Authority.
 5. Durability Index means the percent loss of weight as determined using ASTM "Standard Test Method for Resistance to Degradation of Small-Size Coarse Aggregate by Abrasion and Impact in the Los Angeles Machine", designated C131-89, or other approved ASTM procedure.

6. Full Deployment means that all priority roadways targeted for treatment during a snow/ice event are sanded.
 7. Percent Fines means the percent material passing a #100 sieve as determined by the American Society for Testing Materials (ASTM) "Standard Method for Sieve Analysis of Fine and Coarse Aggregates", Designation C136-84a (1988) (American Highway and Transportation Officials designation T27-88), or other approved ASTM procedure.
 8. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area, defined in CFR Title 40, Part 81, as designated on November 15, 1990. This definition will remain in effect, even after the United States Environmental Protection Agency makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the Environmental Protection Agency's Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS, dated December 29, 1997, by continuing implementation of control measures in the State Implementation Plan and preserving air quality gains.
 9. Priority Roadway means any street, arterial, or highway, within the PM10 Nonattainment Area, with more than 15,000 average daily traffic count, and any connecting entrance or exit ramp.
 10. Recycled Sanding Materials means previously used sanding materials which have been collected from roadway or paved areas and are then re-used as is, after washing, or after blending with new sanding materials.
 11. Sanding Materials means natural geologic materials, excluding salt and other de-icing chemicals, used to provide increased traction on roadways or paved areas.
 12. Season means the period beginning, November 1, in one calendar year and concluding on April 30, the next calendar year.
- C. Emission reduction and control plans. Each affected governmental entity shall submit to the Authority a plan, including an implementation schedule describing the programs and methods to be used to reduce PM10 emissions from paved surfaces, within 30 days after the effective date of this regulation. In reviewing each plan, the Authority shall allow consideration of mobility and transportation safety factors. Approval of any plan shall require that the Authority determine, in consultation with the Washington State Department of Ecology, that the cumulative effect of the plans submitted by all affected entities will achieve and maintain at least a 70% reduction, from the 1992 - 1993 base season, in the 24 hour PM10 emissions from paved surfaces.
1. Each plan is subject to approval by the Authority and shall address but not necessarily be limited to all of the following:
 - a. Base sanding amount;
 - b. Percent sanding reduction goal;
 - c. Sanding materials specifications to be employed;
 - d. Identification of priority roadways.
 - e. Locations, application rates, and circumstances for the use of chemical deicers and other sanding alternatives;
 - f. Street sweeping frequency and technology to be employed;

- g. Factors for determining when and where to initiate street sweeping following a sanding event, with the goal of expeditious removal when safety and mobility requirements have been satisfied.
 - h. An implementation schedule giving the estimated dates of start and completion, if applicable, of each part of the plan.
 - 2. Beginning 30 days after the effective date of this regulation, the plans submitted shall be implemented by each affected entity. Upon approval of each plan, the affected entity shall implement the approved plan.
 - 3. Within 45 days of submittal of the reports required in Subsection G. of this Section, the Authority shall determine if the plan commitments have been met and shall notify any entity that has failed to meet plan commitments.
 - 4. If the Authority determines that any governmental entity has failed to meet the plan commitments, the Authority, shall require that any affected governmental entity submit a revised plan within 30 days of notification by the Authority. The revised plan shall establish methods for meeting the plan commitments. Any revised plan must be implemented upon approval by the Authority.
 - 5. If the Authority, after consultation with the affected governmental entities, the Washington Department of Ecology, and the United States Environmental Protection Agency, determines that the emission reduction and control plans do not provide for sufficient reduction in PM10 emissions to meet the emission reduction credit for paved road surfaces as contained in the State Implementation Plan, the Authority may require the affected governmental entities to modify their plans in order to achieve additional reductions.
- D. Sweeping requirements. Beginning the effective date of this regulation, the City of Spokane, Spokane County, and the Washington State Department of Transportation, or their contractors, shall clean all priority roadways in an expeditious manner following each sanding event when road conditions are appropriate and safety and mobility requirements have been satisfied. Cleaning shall be accomplished with broom sweepers or a more effective technique approved by the Authority.
- E. Sanding Materials Specifications
- 1. Material Standards. No affected entity shall use sanding materials, whether new or recycled, which equal or exceed 3% fines and 25% durability index.
 - 2. Contractual Requirements. After the effective date of this regulation, no affected entity shall execute a contract for the purchase of sanding materials unless the contract includes standards at least as stringent as those set forth in Subsection E.1. of this Section.
- F. Testing
- 1. Supplier Testing Requirements
 - a. Suppliers of sanding materials shall have tests performed by an approved laboratory to determine the percent fines and durability index on representative samples of their sanding materials which are supplied to affected entities.

- b. The sampling and test frequency and methodology used shall ensure that the samples are representative and enable the supplier to certify to the affected entity that the actual sanding materials supplied for use will meet the requirements of Subsection E. of this Section.
2. User Requirements. Affected entities or their contractors, shall have at least one test performed by an approved laboratory to determine the percent fines and durability index on all recycled materials at least once for the first 250 tons of recycled materials used each season and at least once for every 500 tons of recycled materials used thereafter during the same season.
3. Authority Audits. The Authority may enter the site of any affected entity or supplier of sanding materials subject to this Section for the purpose of obtaining a sample of sanding materials to determine if the materials meet the requirements of Subsection E. of this Section.

G. Reporting

1. Supplier Reporting Requirements. Prior to, or upon, delivery of sanding materials, suppliers shall provide affected entities that use their sanding materials a report demonstrating that the supplier has met all testing requirements of this Section applicable to the time period in which deliveries are made. The supplier shall certify in writing to the affected entity that the sanding materials meet the requirements of Subsection E. of this Section.
2. Affected Entity Reporting Requirements
 - a. Affected entities that use recycled sanding materials shall submit to the Authority copies of the results of testing conducted according to Subsection F.2. of this Section no later than 30 days after the tests are conducted.
 - b. No later than June 30, of each year, affected governmental entities shall submit a report to the Authority containing information for the preceding season on:
 - 1) the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
 - 2) the number of lane miles sanded, salted and deiced; and
 - 3) the number of full deployment episodes; and
 - 4) the same information specified in b.(1), b.(2) and b.(3), for all private companies performing sanding, salting, or deicing services under a contract with the affected governmental entity.
 - c. No later than June 30, of each year, private companies that use 250 tons of sanding materials or more per season for non-governmental applications within the PM10 nonattainment area shall submit a report to the Authority containing information for the preceding season on the total amount of sanding materials (both new and recycled) and salt and other deicing chemicals used;
 - d. Within 7 calendar days of awarding a contract for the purchase of sanding materials to a supplier, an affected entity shall notify the Authority of the supplier's name and location of the aggregate sources from which the materials will be supplied.

- e. Affected entities shall maintain on file reports received under the provisions of Subsection G.1. of this Section for a period of three (3) years.

3. Sweeper Reporting Requirements

- a. Affected entities shall maintain monthly records to document the information described below. No later than June 30, of each year, each affected governmental entity shall submit a report to the Authority which shall contain the information described below for each priority roadway.

- 1) Date of each sweeping operation;
- 2) Lane miles swept;
- 3) Type of equipment used;
- 4) Number of passes.
- 5) the same information specified in a.(1), a.(2), a.(3) and a.(4), for all private companies performing sweeping under a contract with the affected governmental entity.

- 4. Authority Audits. All records generated under the provisions of this Section shall be made available for inspection upon request by the Authority.

- H. Alternate Test Methods and Standards. Alternate percent fines and durability index test procedures may be approved by the Authority should they be determined to provide a measure that is equivalent to the test procedures of this Section.
- I. Alternate Sanding Materials. Experimentation with new sanding materials may be approved by the Authority provided the Authority finds that the impact of such experiments will not cause or contribute to a violation of the National Ambient Air Quality Standard (NAAQS) for PM10.
- J. Failure to comply with this Section will subject affected entities and/or suppliers to penalties as provided in Article II of this Regulation.

SECTION 6.15 STANDARDS FOR CONTROL OF PARTICULATE MATTER ON UNPAVED ROADS

- A. Applicability. The provisions of Section 6.15 shall apply to:

- 1. The City of Spokane, the Town of Millwood, Spokane County, and other governmental entities responsible for the maintenance of unpaved public roads within the PM10 Nonattainment Area; and
- 2. Those specific unpaved public roads which have been identified by Ecology or the Authority for inclusion in an implementation plan or a maintenance plan for control of PM10 emissions.

- B. Definitions.

- 1. Authority means the Spokane County Air Pollution Control Authority.
- 2. Ecology means the Washington Department of Ecology.
- 3. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.

4. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act (42 USC 7410).
 5. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act (42 USC 7505).
 6. Palliative means salts and other hygroscopic materials, petroleum resins, asphalt emulsions, adhesives, chemical soil stabilizers or other surface treatment materials acting as a method of dust control, and not prohibited for use by any local, state, or federal law, rule, or regulation.
 7. Paved means application of concrete, asphaltic concrete, asphalt, or combination thereof as a means of forming a permanent surface for a road.
 8. PM10 Nonattainment Area means the Spokane County PM10 Nonattainment Area₁ defined in CFR Title 40, Part 81, as designated on November 15, 1990. This definition will remain in effect, even after EPA makes the determination that the PM10 standard that existed before September 16, 1997, no longer applies to Spokane County. Retaining the definition ensures compliance with the EPA's Guidance for Implementing the 1-Hour Ozone and Pre-Existing PM₁₀ NAAQS, dated December 29, 1997, by continuing implementation of control measures in the Implementation Plan and preserving air quality gains.
 9. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act (42 USC 7501).
- C. Emission Reduction and Control Plan. Each applicable governmental entity shall submit an Emission Reduction and Control Plan for approval by the Authority, which includes the following for each applicable unpaved road:
1. A schedule for paving, periodic application of palliative, or implementation of other control measures.
 2. Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.
- D. Emission Reduction Contingency Plan. Each applicable governmental entity shall submit an Emission Reduction Contingency Plan for approval by the Authority, which includes the following for each applicable unpaved road:
1. A schedule for paving, periodic application of palliative, or implementation of other control measures.
 2. Specification of the type of palliative to be applied and its application rate, paving specifications, or specifications of other control measures with sufficient detail for the Authority to determine emission reductions.
- E. Effective dates. The applicable governmental entities shall comply with the following effective dates whenever an unpaved road is identified by Ecology or the Authority for control of PM10 emissions as part of an implementation plan:
1. For any unpaved road so identified prior to the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after the effective date.

2. For any unpaved road so identified after the effective date of Section 6.15 of this regulation, the entity shall submit the Emission Reduction and Control Plan or Emission Reduction Contingency Plan, whichever applies, within 60 days after such identification.

F. Approval and Implementation.

1. The Authority shall review the Emission Reduction and Control Plan submitted pursuant to Section 6.15.C. of this Regulation and within 60 days after approval by the Authority, the applicable governmental entity shall implement the plan.
2. The Authority shall review the Emission Reduction Contingency Plan submitted pursuant to Section 6.15.D of this Regulation and upon approval by the Authority and within 60 days after the EPA makes the findings in Section 6.15.G of this Regulation, the applicable governmental entity shall implement the plan.
3. The Authority will not approve an Emission Reduction and Control Plan or an Emission Reduction Contingency Plan unless the Authority finds that the plans will achieve the total emission reductions required by the implementation plan. If the Authority finds that a plan will not achieve the required reductions, then the applicable governmental entity shall revise the plan to achieve the required reductions and resubmit the plan for review by the Authority.

- G. Findings by EPA. In the event the EPA determines that the Spokane PM10 Nonattainment Area has failed to make Reasonable Further Progress or has failed to timely attain a National Ambient Air Quality Standard for PM10 or has violated a National Ambient Air Quality Standard for PM10 after redesignation as an attainment area, and emissions from unpaved roads are determined by the EPA, in consultation with Ecology and the Authority, to be a contributing factor to such failure or violation, the applicable governmental entities shall comply with the requirements of Section 6.15.F.2 of this Regulation.

- H. Reporting. Within 6 months after the effective date of Section 6.15 of this Regulation, and annually thereafter as determined by the Authority, each applicable governmental entity shall submit a written report to the Authority which demonstrates compliance with the Emission Reduction and Control Plans and the Emission Reduction Contingency Plans.

- I. Failure to comply. Failure to comply with Section 6.15 of this Regulation will subject affected entities to penalties as provided in Article II of this Regulation.

SECTION 6.16 MOTOR FUEL SPECIFICATIONS FOR OXYGENATED GASOLINE

- A. Purpose. This Section establishes motor fuel specifications for oxygenated gasoline in order to reduce wintertime carbon monoxide emissions from gasoline powered motor vehicles.
- B. Applicability. This Section applies to all blenders and to all retail sellers of oxygenated gasoline, intended as a final product for fueling of motor vehicles within the Spokane Control Area and supplied to purchasers within the Spokane Control Area, as defined in Chapter 173-492-070 of the Washington Administrative Code (WAC).
- C. Definitions. Unless a different meaning is clearly required by context, words and phrases used in Section 6.16 shall have the following meaning:
1. Authority means the Spokane County Air Pollution Control Authority.
 2. Conform and Conformity have the same meanings as the terms are used in Section 176(c) of the Federal Clean Air Act.

3. Ecology means the Washington Department of Ecology.
 4. EPA means the United States Environmental Protection Agency or the Administrator of the United States Environmental Protection Agency or his/her designated representative.
 5. Federal Clean Air Act means the Federal Clean Air Act, also known as Public Law 88-206, 77 Stat. 392, December 17, 1963, 42 U.S.C. 7401 et seq., as last amended by the Clean Air Act Amendments of 1990, P.L. 101-549, November 15, 1990.
 6. Forecast Of Vehicle Miles Traveled has the same meaning as in Section 187(a)(2) of the Federal Clean Air Act.
 7. Implementation Plan has the same meaning as in Section 110 of the Federal Clean Air Act, as it pertains to the Spokane Carbon Monoxide Nonattainment Area.
 8. Maintenance Plan has the same meaning as in Section 175A of the Federal Clean Air Act, pertaining to revisions of the applicable implementation plan.
 9. Maximum Allowable Oxygenate means the maximum amount of an oxygenate which may be added to gasoline without exceeding the limits for fuel additives established under Section 211(f) of the Federal Clean Air Act.
 10. Metropolitan Planning Organization has the same meaning as in Chapter 173-420 WAC.
 11. Reasonable Further Progress has the same meaning as in Section 171(1) of the Federal Clean Air Act.
 12. Spokane Carbon Monoxide Nonattainment Area has the same meaning as in CFR Title 40, Part 81.
 13. Transportation Improvement Program has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.
 14. Transportation Plan has the same meaning as in Chapter 173-420 WAC, to the extent that it applies to the Spokane Carbon Monoxide Nonattainment Area.
- D. Adoption of state regulation by reference. Except for Subsections 173-492-040(1) and (2), Chapter 173-492 WAC is hereby adopted by reference, to the extent that it applies to the Spokane Control Area.
- E. Blend and retail sale requirements for gasoline with non-ethanol oxygenates. Gasoline shall contain the maximum allowable oxygenate for the control period, unless the oxygenate is ethanol.
- F. Blend and retail sale requirements for gasoline with ethanol as an oxygenate. The following requirements shall apply:
1. Oxygen in the gasoline shall be no less than 3.2% by weight for the control period beginning on September 1, 1995 and ending February 29, 1996.
 2. Oxygen in the gasoline shall be no less than 2.7% by weight for the control period beginning in 1996 and for all subsequent control periods.
- G. Conformity blend and retail sale requirement for gasoline with ethanol as an oxygenate. Notwithstanding Subsection F., the following requirement shall apply after the applicable Metropolitan Planning Organization, Ecology, and the Authority determine, after consultation that,

due solely to an exceedance of a forecast of vehicle miles traveled, a higher level of oxygen in gasoline than what is required in Subsection F., is necessary in order for the Transportation Plan or the Transportation Improvement Program to conform to the Implementation Plan or Maintenance Plan:

1. Oxygen in the gasoline shall be no less than 3.2% by weight, for the control period beginning in the year for which the higher level of oxygen is projected as necessary to show conformity, and for all subsequent control periods.
- H. Contingency blend and retail sale requirements for gasoline with ethanol as an oxygenate. Notwithstanding Subsections F. or G., gasoline shall contain the maximum allowable oxygenate, as of the initial control period beginning after EPA makes any one of the following findings in Subsection H.1., H.2., or H.3., relative to the Spokane Carbon Monoxide Nonattainment Area, in conjunction with the finding in Subsection H.4.:
1. Failure to make Reasonable Further Progress.
 2. Failure to timely attain a National Ambient Air Quality Standard for carbon monoxide.
 3. Violation of a National Ambient Air Quality Standard for carbon monoxide after 1995.
 4. Wintertime emissions from gasoline powered motor vehicles are determined by the EPA, in consultation with Ecology and the Authority to be a contributing factor to such failure or violation.

The maximum allowable oxygenate requirement shall remain in effect for the duration of the initial control period and all subsequent control periods until the Authority proposes and EPA determines that subsequent reductions in carbon monoxide emissions, achieved through other control measures or strategies, are sufficient to correct the referenced failure or violation. Upon such determination by EPA, the applicable oxygenate requirement in Subsection F. or G. shall apply, as of the beginning of the control period immediately following the determination.

- I. Test method. Compliance with requirements in this Section for oxygen in gasoline, including maximum allowable oxygenate, shall be determined by ASTM 4815-89; Determination of C₁ and C₂ Alcohols and MTBE in Gasoline by Gas Chromatography, or other test methods as approved by Ecology.

SECTION 6.17 STANDARDS FOR MUNICIPAL SOLID WASTE COMBUSTORS

- A. Purpose. This section implements the emission guidelines promulgated by the United States Environmental Protection Agency (EPA) in 40 CFR Part 60, Subpart Cb, establishing standards for the control of certain pollutants emitted from municipal solid waste combustors.
- B. Definitions. The definitions in 40 CFR §60.31b, as in effect on September 1, 1998, are adopted by reference except:
1. The references to §60.52b(c) in the definitions of maximum demonstrated municipal waste combustor unit load and maximum demonstrated particulate matter control device temperature are hereby changed to §60.33b(c)(1)(i) and (ii).
 2. In sections 60.53b, 60.58b, and 60.59b, Administrator means both the administrator of EPA and the Spokane County Air Pollution Control Authority.
- C. Applicability. Section 6.17 applies to all facilities within Spokane County that are designated facilities as established in 40 CFR §60.32b, as in effect on September 1, 1998.

- D. Emission Standards. The following emission standards are adopted by reference. All facilities (i.e., each municipal solid waste combustor unit) designated in C. of this section shall comply with these standards in accordance with the compliance schedule given in J. below.
1. Particulate matter emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(i), as in effect on September 1, 1998.
 2. Opacity shall not exceed the emission limit in 40 CFR §60.33b(a)(1)(iii), as in effect on September 1, 1998.
 3. Cadmium emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(2)(i), as in effect on September 1, 1998.
 4. Lead emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(4), as in effect on September 1, 1998.
 5. Mercury emissions shall not exceed the emission limit in 40 CFR §60.33b(a)(3), as in effect on September 1, 1998.
 6. Sulfur dioxide emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(i), as in effect on September 1, 1998.
 7. Hydrogen chloride emissions shall not exceed the emission limit in 40 CFR §60.33b(b)(3)(ii), as in effect on September 1, 1998.
 8. Dioxins/furans emissions shall not exceed the emission limit in 40 CFR §60.33b(c)(1)(i) or (ii), as in effect on September 1, 1998.
 9. Nitrogen oxide emissions shall not exceed the emission limits in Table 1 of 40 CFR §60.33b(d) (24-hour daily arithmetic average), as in effect on September 1, 1998.
 10. Carbon monoxide emissions shall not exceed the emission levels specified in Table 3 of 40 CFR §60.34b(a), as in effect on September 1, 1998.
- E. Operating Practices. The operating practices of 40 CFR §60.53b(b) and (c), as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these practices in accordance with the compliance schedule given in J. below.
- F. Operator Training and Certification. The operator training and certification requirements of 40 CFR §60.54b, as in effect on September 1, 1998, are adopted by reference with the following change:
1. A State certification program may only be used to meet the certification requirements if it has been demonstrated to EPA's satisfaction that the State program is equivalent to the American Society of Mechanical Engineers certification program.
- All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.
- G. Fugitive Ash Emissions. The fugitive ash emission requirements of 40 CFR §60.55b, as in effect on September 1, 1998, are adopted by reference. All facilities designated in C. of this section shall comply with these requirements in accordance with the compliance schedule given in J. below.

H. Compliance and Performance Testing. The compliance and performance testing requirements in 40 CFR §60.58b, as in effect on September 1, 1998, are adopted by reference with the following changes:

1. In §60.58b(c), the reference to §60.52b(a)(1) and (a)(2) is hereby changed to §60.33b(a)(1)(i) and (iii).
2. In §60.58b(d), the reference to §60.52b(a) is hereby changed to §60.33b(a)(2), (a)(3), and (a)(4).
3. In §60.58b(d)(1), the reference to §60.52b(a)(3) and (4) is hereby changed to §60.33b(a)(2) and (a)(4).
4. All references to §60.52b(a)(5) in §60.58b are hereby changed to §60.33b(a)(3).
5. In §60.58b(e), the reference to §60.52b(b)(1) is hereby changed to §60.33b(b)(3)(i).
6. In §60.58b(f), the reference to §60.52b(b)(2) is hereby changed to §60.33b(b)(3)(ii).
7. All references to §60.52b(c) in §60.58b are hereby changed to §60.33b(c)(1)(i) and (ii).
8. In §60.58b(g)(5)(iii), the alternate testing schedule for dioxins/furans, as applicable, shall be available to facilities that achieve a dioxin/furan emission level less than or equal to 15 nanograms per dry standard cubic meter total mass, corrected to 7 percent oxygen.
9. In §60.58b(h), the references to §60.52b(d) are hereby changed to Table 1 of §60.33b(d).
10. In §60.58b(i), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).
11. In §60.58b(i), the references to §60.53b(a) are hereby changed to Table 3 of §60.34b(a).

All facilities designated in C. of this section shall comply with the compliance and performance testing requirements of this subsection in accordance with the compliance schedule given in J. below.

I. Reporting and Recordkeeping. The reporting and recordkeeping requirements in 40 CFR §60.59b are adopted by reference with the following changes:

1. §60.59b(a), (b)(5), and (d)(11) are hereby deleted.
2. In §60.59b(d), the reference to §60.52b is hereby changed to §60.33b.
3. In §60.59b(d), the reference to §60.53b is hereby changed to Table 3 of §60.34b(a) and §60.53b(b) and (c).

All facilities designated in C. of this section shall comply with the recordkeeping and reporting requirements of this subsection in accordance with the compliance schedule given in J. below.

J. Compliance Schedule. All designated facilities, as determined in B. above, shall comply with the requirements of Section 6.17 as of December 1, 1999 except for the following:

1. The requirement specified in §60.54b(d) does not apply to chief facility operators, shift supervisors, and control room operators who have obtained full certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.

2. The owner or operator may request that the EPA Administrator waive the requirement specified in §60.54b(d) for chief facility operators, shift supervisors, and control room operators who have obtained provisional certification from the American Society of Mechanical Engineers or a state certification plan on or before December 1, 1999.
3. The initial training requirements specified in §60.54b(f)(1) shall be completed no later than 12 months after December 1, 1999, or the date prior to the day when the person assumes responsibilities affecting municipal waste combustor unit operation whichever is later.
4. The initial performance evaluation/test, required in H. above, shall be completed no later than 180 days after December 1, 1999.