



Emission Standard Compliance

For use with Instructions for Notice of Construction Application, ECY 070-410a-g.

Why do I need to identify emission standards?

Ecology must find a project is in compliance with all applicable federal and state emission standards before issuing a final air permit approving the project.

What is an emission standard?

There are three main types of emission standards to consider

- New Source Performance Standards (NSPS),
- national emission standards for hazardous air pollutants (NESHAP), and
- emission standards adopted under the Washington State Clean Air Act.

What are New Source Performance Standards (NSPS)?

The United States Environmental Protection Agency (EPA) establishes NSPS. These standards are intended to promote use of the best air pollution control technologies while taking into account the cost of such technology and any other non-air quality, health, and environmental impact and energy requirements. The format of the standard can vary from source to source. It could be a numerical emission limit, a design standard, an equipment standard, or a work practice standard. These standards can be found in the Code of Federal Regulations at Title 40 (Protection of Environment), [Part 60 \(Standards of Performance for New Stationary Sources\)](#).¹

EPA is primarily responsible for enforcing the NSPS, but EPA can delegate this authority to states. States can also adopt an NSPS or impose limitations of their own. Regardless of delegation or adoption status, new sources applying for an air permit must comply with all applicable NSPS in order to receive permit approval.

What are National Emission Standards for Hazardous Air Pollutants (NESHAPs)?

EPA-set National Emission Standards for Hazardous Air Pollutants (NESHAPS) are standards for hazardous air pollutants from stationary sources. Hazardous air pollutants (HAPs) are those pollutants that are known or suspected to cause cancer or other serious health effects (such as

¹ http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=3595fd12f19b3d374679286ff452177a&tpl=/ecfrbrowse/Title40/40cfr60d_main_02.tpl



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reproductive effects or birth defects) or adverse environmental effects. The original NESHAPs are found in [40 CFR Part 61](#),² and regulate seven of 188 hazardous air pollutants:

- Asbestos
- Beryllium
- Mercury
- Vinyl chloride
- Benzene
- Arsenic
- Radon/radionuclides

The NESHAPs established after 1990 require application of technology-based emissions standards called Maximum Achievable Control Technology (MACT). Many of the most recently established NESHAPs require application of technology-based emission standards referred to as Generally Achievable Control Technology (GACT). These post-1990 NESHAPs are also referred to as MACT standards and GACT standards, respectively, and can be found in [40 CFR Part 63](#).³

As with the NSPS, EPA has primary enforcement responsibility for the NESHAPs but can delegate authority to states. States can adopt a NESHAP or impose limitations of their own. Regardless of delegation or adoption status, new sources applying for an air permit must comply with all applicable NESHAPs in order to receive permit approval.

What standards are adopted under the Washington State Clean Air Act?

The Washington State Clean Air Act (WCAA) is codified as [chapter 70.94 Revised Code of Washington](#).⁴ The regulations/standards written under the authority of the WCAA that most commonly apply to stationary sources needing Notice of Construction permitting are in [Chapter 173-400 Washington Administrative Code](#).⁵

² http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&SID=6dc2c1c084eb6bef1d83ab3f72ab954d&tpl=/ecfrbrowse/Title40/40cfr61_main_02.tpl

³ http://www.ecfr.gov/cgi-bin/text-idx?SID=6dc2c1c084eb6bef1d83ab3f72ab954d&tpl=/ecfrbrowse/Title40/40tab_02.tpl

⁴ <http://apps.leg.wa.gov/RCW/default.aspx?cite=70.94>

⁵ <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-400>