

**WAC 173-400-091 Voluntary limits on emissions.** (1) Upon request by the owner or operator of a new or existing source or stationary source, the permitting authority with jurisdiction over the source shall issue a regulatory order that limits the potential to emit any air contaminant or contaminants to a level agreed to by the owner or operator and the permitting authority with jurisdiction.

(2) A condition contained in an order issued under this section shall be less than the source's or stationary source's otherwise allowable annual emissions of a particular contaminant under all applicable requirements of chapter 70A.15 RCW and the FCAA, including any standard or other requirement provided for in the Washington state implementation plan. The term "condition" refers to limits on production or other limitations, in addition to emission limitations.

(3) Any order issued under this section shall include monitoring, recordkeeping and reporting requirements sufficient to ensure that the source or stationary source complies with any condition established under this section. Monitoring requirements shall use terms, test methods, units, averaging periods, and other statistical conventions consistent with the requirements of WAC 173-400-105.

(4) Any order issued under this section must comply with WAC 173-400-171.

(5) The terms and conditions of a regulatory order issued under this section are enforceable. Any proposed deviation from a condition contained in an order issued under this section shall require revision or revocation of the order.

[Statutory Authority: Chapter 70A.15 RCW and RCW 70A.02.060. WSR 25-05-042 (Order 23-08), s 173-400-091, filed 2/12/25, effective 3/15/25. Statutory Authority: Chapter 70.94 RCW. WSR 11-06-060 (Order 09-01), § 173-400-091, filed 3/1/11, effective 4/1/11; WSR 93-18-007 (Order 93-03), § 173-400-091, filed 8/20/93, effective 9/20/93.]