



STATE OF WASHINGTON
ENERGY FACILITY SITE EVALUATION COUNCIL
PO Box 43172 • Olympia, Washington 98504-3172

**Notice of Proposed Expedited Rule Making
And
Notice of Opportunity to File Written Comments
(By Tuesday, July 7, 2015)**

Chapter 463-78 WAC - Adoption by reference

The Energy Facility Site Evaluation Council (EFSEC) proposes to adopt revisions to its air quality rule, Chapter 463-78 Washington Administrative Code (WAC).

EFSEC proposes to adopt the following existing state Department of Ecology (Ecology) regulations by reference into EFSEC's existing rule, Chapter 463-78 WAC - General and Operating Permit Regulations for Air Pollution Sources:

- Chapter 173-400 WAC – General Regulations for Air Pollution Sources, into WAC 463-78-005(1), except as noted in the proposed rule.
- Chapter 173-401 WAC – Operating Permit Regulation, into WAC 463-78-005(2), except as noted in the proposed rule.
- Sections of Title 40, Code of Federal Regulations Part 60 – Standards of Performance for New Stationary Sources, into WAC 463-78-115, except as noted in the proposed rule.

EFSEC also proposes to adopt provisions contained in Chapter 80.50 Revised Code of Washington (RCW) into sections of Chapter 463-78 WAC to assure consistency between the statute and the regulation:

- RCW 80.50.040, issuance of permits, into WAC 463-78-095.
- RCW 80.50.071(2), reasonable costs incurred during construction, operation and site restoration of a project, into WAC 463-78-105.

Finally, EFSEC proposes numerous editorial revisions to bring Chapter 463-78 WAC into consistency with current state rule writing standards, incorporated into the introductory paragraphs of subsections -005(1) through (5).

The basis for this rulemaking is that RCW 70.94.422 requires EFSEC to adopt rules consistent with Ecology rules to maximize coordination and reduce duplication. EFSEC rules must also be consistent with federal regulations, as required in the delegation agreement between EFSEC and the U. S. Environmental Protection Agency.

Interested persons can access information on this rulemaking on the EFSEC website at <http://efsec.wa.gov/rulerev.shtml> or by contacting:

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Interested persons are encouraged to go the Ecology web site for documents related to its air quality rule revisions: <http://www.ecy.wa.gov/laws-rules/archive/archive.html>. Available documents include, but are not limited to, cost-benefit analyses, SEPA checklists, and concise explanatory statements, when applicable.

Public Comment

Interested persons are invited to submit written comments regarding this rule making. **To be considered, all comments must be submitted by 5:00 p.m., Tuesday, July 7, 2015.** Comments should be sent to EFSEC: by email to efsec@utc.wa.gov; or EFSEC, Attn: Jim La Spina, P.O. Box 43172, Olympia, WA 98504-3172.

EFSEC expects to adopt this rule no earlier than July 14, 2015.