



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Energy Facility Site Evaluation Council

Title of rule and other identifying information: (Describe Subject)

Chapter 463-78 WAC – General and Operating Permit Regulations for Air Pollution Sources. In WAC 463-78-005(1) the effective date of adoption by reference of Chapter 173-400 WAC will be changed from November 1, 2008 to December 29, 2012. In WAC 463-78-005(2) the effective date of adoption by reference of Chapter 173-401 WAC will be changed from March 1, 2005 to September 10, 2011.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Stephen Posner, EFSEC Manager
Agency: Energy Facility Site Evaluation Council
Address: PO Box 43172, Olympia WA 98504-3172

AND RECEIVED BY July 7, 2015

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

See Attachment A for a summary of EFSEC's proposed rule revisions.

Reasons supporting proposal:

EFSEC proposes to adopt by reference Ecology's recent rule revisions into Chapter 463-78 WAC to assure consistency with Ecology's rules, as directed in RCW 70.94.422, and to assure consistency and compliance with federal rules. Many of these revisions will also support EFSEC's future update of its state implementation plan (SIP) to the US Environmental Protection Agency.

Statutory authority for adoption: RCW 80.50.040

Statute being implemented: Chapter 80.50.RCW

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes No

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 06, 2015

TIME: 10:59 AM

WSR 15-10-106

DATE
May 6, 2015

NAME (TYPE OR PRINT)
Stephen Posner

SIGNATURE

TITLE
EFSEC Manager

Name of proponent: (person or organization) Energy Facility Site Evaluation Council

Private
 Public
 Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Jim La Spina	EFSEC, Olympia WA	(360)664-1362
Implementation..... Jim La Spina	EFSEC, Olympia WA	(360)664-1362
Enforcement..... Jim La Spina	EFSEC, Olympia WA	(360)664-1362

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Attachment A

From 2010 through 2012 Department of Ecology conducted three rulemaking processes to revise air quality rules contained in Chapter 173-400 WAC and Chapter 173-401 WAC. The purpose of these rule revisions was to assure consistency and compliance with recent US Environmental Protection Agency (EPA) rule revisions.

In this rulemaking, EFSEC proposes to adopt by reference recent Ecology rule revisions that apply to facilities under EFSEC jurisdiction. State statute requires that EFSEC rules be consistent with the Washington Clean Air Act and Ecology rules, so those Ecology rule revisions that do not apply to EFSEC facilities have been deleted.

A summary of Ecology and Federal rule revisions encompassed by this rulemaking that EFSEC proposes to adopt by reference is presented below and organized by the effective date of Ecology rule adoption.

General Regulations for Air Pollution Sources, Chapter 173-400 WAC, effective 4/1/11.

- Bring the rule into compliance with EPA's regulations including standards for excess emissions and major stationary sources located in a nonattainment area, and update the date of federal regulations adopted by reference.
- Set a new exemption level for greenhouse gas emissions and particulate matter, PM2.5, below which permitting is not required.
- Keep the rule consistent with recent updates to related WACs.
- Update definitions to match current state and federal regulations.
- Establish a permitting procedure for emergency engines.
- Update the rule to resolve State Implementation Plan deficiencies.
- Additional housekeeping corrections and changes.

General Regulations for Air Pollution Sources, Chapter 173-400 WAC, and Operating Permit Regulation, Chapter 173-401 WAC, effective 9/10/11.

- This rule making does not change the greenhouse gas reporting requirements in Chapter 173-441 WAC.

General Regulations for Air Pollution Sources, Chapter 173-400 WAC, effective 12/29/12

- Make the rule consistent with requirements in the Federal Clean Air Act.
- Support EFSEC's request for EPA's approval of State Implementation Plan (SIP) revisions.
- Amend the rule sections related to permits for industrial sources of air pollution including minor new source review and major new source review (Prevention of Significant Deterioration).
- Help emitters comply with the rule through better access to references, improved readability, and better understanding of regulations and permitting requirements.

Operating Permit Regulation, Chapter 173-401 WAC, effective 1/1/11.

- Make the rule consistent with EPA and Ecology requirements for reporting emissions of greenhouse gases.
- Beginning January 1, 2011, sources with an Air Operating Permit must report their greenhouse gas emissions when revising or renewing this permit.
- Beginning July 1, 2011, sources that have the potential to emit 100,000 tons per year or more of greenhouse gases become subject to the Air Operating Permit Program, regardless of their emissions of other pollutants. These newly subject sources must apply for an Air Operating Permit on or before July 12, 2012.

Operating Permit Regulation, Chapter 173-401 WAC, effective 9/10/11.

- This rule making does not change the greenhouse gas reporting requirements in Chapter 173-441 WAC.

Standards of Performance for New Stationary Sources, Title 40, Code of Federal Regulations, Part 60, as it exists on July 1, 2014.

- List of new source performance standards in WAC 463-78-115 revised to incorporate additional categories of industries to be consistent with EFSEC's jurisdictional authority in Chapter 80.50 Revised Code of Washington (RCW).