



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Energy Facility Site Evaluation Council (EFSEC)

Subject of possible rule making: Update of EFSEC's air rules (Chapter 463-78) for consistency with federal Prevention of Significant Deterioration (PSD) and Ecology's new source review (NSR) programs for air emissions. Clarification of procedural elements (including but not limited to appeals and permit issuance processes) for permits issued pursuant to Chapter 463-78 WAC.

Statutes authorizing the agency to adopt rules on this subject: RCW 80.50.040 (1) and (12).

Reasons why rules on this subject may be needed and what they might accomplish: In August 2003, Ecology undertook revision of its rules relating to air emissions regulation (in particular Chapter 173-400 WAC), to incorporate new federal requirements under the PSD program that became effective in 2003, and to re-organize and simplify their rules. EFSEC intends to adopt some or all of the Ecology revised rules to retain and exercise its delegated authority from the U.S. Environmental Protection Agency (US EPA) and to implement state and federal air emissions laws and regulations for facilities under EFSEC jurisdiction. EFSEC's implementation of Chapters 173-401, 406, and 460 will also be reviewed to assure consistency with state statutory requirements.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: U.S. Environmental Protection Agency, Department of Ecology, and local Air Authorities.

EFSEC will coordinate directly with US EPA and Ecology, and will inform and seek input from local air authorities.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

EFSEC will coordinate development of draft rules with Ecology and US EPA. EFSEC will discuss the rulemaking activity at Regular EFSEC meetings. EFSEC will issue notices to its interested person mailing list and rulemaking lists. EFSEC will hold a public hearing prior to adoption.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

EFSEC will distribute this information through surface mail and e-mail to persons in EFSEC mailing lists. To be added to these lists interested persons should send a request to efsec@ep.cted.wa.gov or call 360-956-2121 stating that they wish to be placed on the "rule making" list. Notice of public hearings on this matter will be sent to these lists.

EFSEC will discuss draft and proposed rules at its regular Council meetings that are open to the public. For dates and locations go to www.efsec.wa.gov/meet.html or call 360-956-2121.

For specific information about this rulemaking contact Irina Makarow at 360-956-2047 or irinam@ep.cted.wa.gov.

DATE
December 21, 2004

NAME (TYPE OR PRINT)
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SIGNATURE

TITLE
EFSEC Manager

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