



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology, AO #09-01

- Preproposal Statement of Inquiry was filed as WSR 10-15-077 ; or
 Expedited Rule Making--Proposed notice was filed as WSR ; or
 Proposal is exempt under RCW 34.05.310(4).

- Original Notice
 Supplemental Notice to WSR
 Continuance of WSR

Title of rule and other identifying information:

Chapter 173-400 WAC, General regulations for air pollution sources.

Hearing location(s):

Department of Ecology, Headquarters Building
Room OA-32
300 Desmond Drive, Lacey, WA

Spokane – via video conference
Department of Ecology, Eastern Regional Office
4601 N. Monroe Street, Spokane, WA

Date: November 9, 2010 Time: 6:00 PM

Submit written comments to:

Name: Linda Whitcher, Air Quality Program
Address: Department of Ecology
PO Box 47600, Olympia WA 98504-7600
e-mail linda.whitcher@ecy.wa.gov
fax (360)407-7534 by (date) November 12, 2010

Assistance for persons with disabilities: Contact the Air Quality Program at (360) 407-6800 by October 25, 2010.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Date of intended adoption: December 1, 2010
(Note: This is **NOT** the **effective** date)

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

These amendments:

- Bring the rule into compliance with United States Environmental Protection Agency (EPA) regulations including standards for excess emissions, major stationary sources located in a nonattainment area, and updating the date of federal regulations adopted by reference;
- Set a new exemption level for greenhouse gas emissions and particulate matter, PM_{2.5}, below which permitting is not required;
- Create a program allowing inter-jurisdictional recognition of permits for portable sources;
- Keep the rule correlated with recent updates to related WAC;
- Update definitions to match current state and federal regulations;
- Clarify the permitting program for non-road engines;
- Establish a permitting procedure for emergency engines;
- Update the rule to resolve State Implementation Plan deficiencies, and
- Other housekeeping corrections and changes.

Reasons supporting proposal:

Ecology is required to keep the rules that implement the Washington Clean Air Act in compliance with EPA regulations. These amendments will bring the rules for new source review into compliance with the federal regulations.

Statutory authority for adoption:

Chapter 70.94 RCW Washington Clean Air Act

Statute being implemented:

Chapter 70.94 RCW Washington Clean Air Act

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: **October 06, 2010**

TIME: **8:51 AM**

WSR **10-20-151**

DATE **10/5/10**

NAME Polly Zehm

SIGNATURE

TITLE Deputy Director, Department of Ecology

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

N/A

Name of proponent:

Air Quality Program, Department of Ecology

- Private
 Public
 Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---------------------------------|-----------------|----------------|
| Drafting..... Linda Whitcher | Lacey, WA | (360) 407-6875 |
| Implementation.... Rich Hibbard | Lacey, WA | (360) 407-6896 |
| Enforcement..... Rich Hibbard | Lacey, WA | (360) 407-6896 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

No. Explain why no statement was prepared.

The proposed rule changes are exempt from the Small Business Economic Impact Statement (SBEIS) because they did not impose additional costs on businesses. Therefore, costs were determined to be below the minor cost threshold definition in RCW 18.85.020(2). RCW 18.85.030 exempts the department from the requirement to prepare an SBEIS when costs are minor.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Linda Whitcher
Address: Air Quality Program
Department of Ecology
PO Box 47600, Olympia WA 98504-7600

phone (360) 407-6875
fax (360) 407-7534
e-mail linda.whitcher@ecy.wa.gov

No: Please explain: