



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
(Implements RCW 34.05.360)

Agency: Department of Ecology, AO #09-01

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

Yes  No If Yes, explain:

**Purpose:**

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 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;
- 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.

**Citation of existing rules affected by this order:**

Repealed:

Amended: Chapter 173-400 WAC, General Regulations for Air Pollution Sources

Suspended:

**Statutory authority for adoption:** Chapter 70.94 RCW, Clean Air Act

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 10-20-151 on October 6, 2010 (date).

Describe any changes other than editing from proposed to adopted version:

See Attachment A for changes from the proposed rule text.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** 3/1/11

**NAME (TYPE OR PRINT)**

Ted Sturdevant

**SIGNATURE**

**TITLE**

Director, Department of Ecology

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: March 01, 2011**

**TIME: 4:26 PM**

**WSR 11-06-060**

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

<b>Federal statute:</b>	New	_____	Amended	_____	Repealed	_____
<b>Federal rules or standards:</b>	New	<u>7</u>	Amended	<u>29</u>	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

**The number of sections adopted at the request of a nongovernmental entity:**

New	_____	Amended	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	<u>10</u>	Amended	<u>20</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>2</u>	Amended	<u>3</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____