



Explanation of Partial State Implementation Plan (SIP) Withdrawal Submitted to EPA on December 15, 2023

On December 15, 2023, Ecology submitted a partial State Implementation Plan (SIP) withdrawal to EPA. The SIP withdrawal only applies to WAC 173-400-040(2),¹ WAC 173-405-040(6)(b),² WAC 173-410-040(3)(b),³ and WAC 173-415-030(3)(b)⁴ of the 2019 Washington State Implementation Plan Revision for Startup, Shutdown, and Malfunction provisions in Chapters 173-400, 173-405, 173-410, and 173-415 WAC (referred to as the “2019 SSM SIP Revision”). Ecology held a public comment period about the partial SIP withdrawal starting October 25, 2023 through November 29, 2023. We received no adverse comments.

The 2019 SSM SIP Revision was intended to address EPA’s 2015 SIP Call for exemptions to emission exceedances during startup, shutdown, and malfunction (SSM) events. We withdrew a portion of the 2019 SSM SIP Revision in response to a comment EPA received about the “practical enforceability” of alternative emission limitations (AELs) in the most recent version of WAC 173-400-040, which Ecology adopted on August 16, 2018. The AELs primarily apply to visible emissions from lime kilns during refractory curing and hog fuel and wood-fired boilers during soot blowing, grate cleaning, and planned startup and shutdown events. WAC 173-405-040(6)(b), WAC 173-410-040(3)(b), and WAC 173-415-030(3)(b) are corollaries of WAC 173-400-040(2) that apply the same AELs to kraft pulping mills, sulfite pulping mills, and primary aluminum plants, respectively.

Ecology submitted the partial SIP withdrawal because we need additional time to work with EPA and stakeholders to ensure that AELs submitted for approval in the SIP are practically enforceable and otherwise consistent with reporting requirements of the federal Clean Air Act. We plan to re-submit AELs to EPA that align state and federal opacity standards in the SIP as soon as practicable.

The relevant provisions of WAC 173-400-040 that are currently in the SIP, which EPA approved on October 6, 2016, will remain in the SIP unless EPA approves changes related to WAC 173-400-040 in a later SIP action. The version of WAC 173-400-040 that is currently in the SIP includes a 20% opacity limit. The version of WAC 173-400-040 that Ecology withdrew from the 2019 SSM SIP Revision includes an AEL for startup and shutdown events with a 40% opacity limit.

The main effect of withdrawing WAC 173-400-040(2) and its corollaries from the 2019 SSM SIP Revision is that the AELs in WAC 173-400-040 will not become federally enforceable when EPA approves the 2019 SSM SIP Revision, even if the same AELs are otherwise valid at the state and local level. EPA approval of SIP revisions does not change the content or validity of existing state and local regulations. In a December 28, 2023 final action, EPA approved the non-withdrawn parts of the 2019 SSM SIP Revision, effective January 29, 2024, which resolves the deficiency of the 2015 SIP Call (88 FR 89582).

¹ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-400-040>

² <https://app.leg.wa.gov/WAC/default.aspx?cite=173-405-040>

³ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-410-040>

⁴ <https://app.leg.wa.gov/WAC/default.aspx?cite=173-415-030>

The SIP is a collection of state and local regulations that shows how Washington will attain, maintain, and enforce National Ambient Air Quality Standards and other requirements of the federal Clean Air Act. To update state and local regulations in the SIP, Ecology submits SIP revisions to EPA for approval. EPA approval of SIP revisions outlines which state and local regulations are enforceable in federal court under the Citizen Suit provision of the federal Clean Air Act.

For more information, go to Ecology's SIP web page.⁵

⁵ <https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans>