



Chapter 173-400-040 WAC

Small Business Economic Impact Statement, Benefit Cost Analysis, and Burden Analysis for the Proposed Amendments to New Source Review

December 2004

Publication Number: 04-02-028



Original printed on recycled paper

*Download this report from the Department of Ecology's Web Site
at <http://www.ecy.wa.gov/biblio/air.html>*

If you need this information in another format, contact Tami Dahlgren at (360) 407-6800. If you are a person with a speech or hearing impairment, call 711 or 800-833-6388 for TTY.

Review of Proposed Amendments

These New Source Review proposed rule amendments encompass many different topics including:

- incorporation of the current federal Prevention of Significant Deterioration rules for new or modified sources,
- created a new way for permitting authorities to permit small sources through general permits,
- updating the fees charged for doing this analysis, and
- some changes to address concerns of the EPA as to whether our current rules are sufficiently aligned with the federal rules.

After analysis by the Attorney General's office, only one section was found to require analysis under the Administrative Procedures Act. This section, WAC 173-400-040(1)(e)(i) and (ii), which exempts military and smoke school activities from the twenty percent opacity standard, is evaluated here. The other sections of the proposed amendments were found to not meet the definition of significant legislative rule under the Administrative Procedures Act, or were otherwise exempt.

Small Business Economic Impact Statement Exemption

No Small Business Economic Impact Statement is required because no business is affected.¹ The proposed amendments affect only the US Military and the Yakima Regional Clean Air Authority.

Cost Benefit Analysis

The probable benefits of the proposed amendments exceed the probable costs.²

The Benefits

Training to fight firers and coordinate in these situations is necessary. The primary benefit of the rule amendments is that fire fighters and military personnel in Washington will not have to go out of state for Smoke School. This will reduce transportation needs, thus resulting in less particulate and other emissions.

The Costs

The cost of the proposed amendment to the rule is that a small amount of particulate is produced in generating the smoke. This is a very small contribution to the particulate load. For military operations smoke is not allowed if it begins to move off site.

Given this the costs are either so small that they can't be calculated or alternatively, there may be no cost.

Net Benefits

¹ Under RCW 19.85.030 the SBEIS is required only if it affects businesses.

² This determination is required by RCW 34.05.328.

Given the benefits of reduced travel and the negligible nature of the costs, it is highly likely that the benefits of the proposed amendment exceed the costs.

Least Burden Analysis

The proposed rule amendment is less burdensome for those who are required to comply. Given that the burden is being reduced it is the least burdensome version of the rule by comparison to the existing rule.³

³ This determination is required by RCW 34.05.328.