

Rule Proposal Notice

Air Quality Program

July 2011

General Regulations for Air Pollution Sources (Chapter 173-400 WAC) and Operating Permit Regulation (Chapter 173-401 WAC)

The Department of Ecology (Ecology) proposes to adopt amendments to General Regulations for Air Pollution Sources (Chapter 173-400 WAC) and Operating Permit Regulation (Chapter 173-401 WAC). The rule proposal notice will be published in the Washington State Register on July 6, 2011.

The purpose of the proposed updates is to bring the two rules into compliance with the Environmental Protection Agency's (EPA's) "tailoring rule." The federal tailoring rule phases in regulation of greenhouse gases (GHGs). It became controversial due to its permitting requirement for sources that burn biomass and biologically-based fuels (biofuels). As a result of comments received on the tailoring rule, EPA has now proposed to temporarily postpone the GHG permitting requirement for these sources.

Ecology is proposing to amend its two rules that implement the federal GHG permitting rule to assure consistency between the state and federal regulations. This rule making does not change the GHG reporting requirements in Chapter 173-441 WAC.

Ecology has issued a Determination of Nonsignificance (DNS) under the State Environmental Policy Act. The environmental checklist and DNS are available for review and comment until July 26, 2011.

Public hearing schedule

Lacey:

July 26, 2011

6:00 p.m.

Department of Ecology Headquarters building

Room 0A-32, 300 Desmond Drive

Lacey, WA

WHY IT MATTERS

The two rules being amended implement the greenhouse gas (GHG) permitting rule. Now that EPA is proposing to change its GHG permitting rule, Washington must also change its rules to comply with federal requirements.

Contact information:

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Information is available online at:

www.ecy.wa.gov/laws-rules/wac173400_401/1104.html

If you need special accommodations, please contact the Air Quality Program at (360) 407-6800 by July 19, 2010. If you have a hearing loss, call 711 for Washington Relay Service. If you have a speech disability, call 877-833-6341.



How to submit your comments

You can submit comments through August 2, 2011 in the following ways:

1. Testify at public hearings.
2. Email your comments to linda.whitcher@ecy.wa.gov
3. Mail comments to:

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

Ecology's response to your comments

All of the comments we receive will become part of the official record and responded to in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is published after the rule is adopted. You will be able to find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than August 10, 2011.

