

Appendix D
Public Notices

Publication Number: 09-02-008d

Proposed Changes to Rules for Toxic Air Pollutants and General Air Pollution Sources

Ecology is changing its rules for toxic air pollutants (Chapter 173-460 WAC) and general sources of air pollution (Chapter 173-400 WAC). Both of these rules apply to new or modified sources of toxic air pollution.

What do the proposed rule changes do?

The changes:

- update the toxic air pollutant list;
- set emission limits that reflect the most current scientific information; and
- improve consistency between the two rules.

Who do the changes affect?

These proposed changes affect Washington businesses that emit toxic air pollutants. This is a broad range of industries and facilities.

What will these changes mean for affected businesses?

The rule changes:

- Require anyone proposing to install a new source or modify an existing source of toxic air pollution to submit a Notice of Construction (NOC) application.
- Consolidate permit process and exemptions into a new rule section, WAC 173-400-110, and streamline and clarify the permitting process.
- Set de minimis levels (levels low enough not to be regulated) for each regulated toxic air pollutant.
- Allow sources to reduce toxic air pollutant emissions across multiple sources to meet standards.

How to comment on the proposed rule changes

You can comment by attending one of the public hearings listed in the right-hand column above; or by writing or emailing Linda Whitcher using the contact information provided.

DATES AND LOCATIONS

LACEY, WASHINGTON

January 13, 2009

7:00 p.m.

Department of Ecology
Headquarters Building
Room 1S 16-17
300 Desmond Drive
Lacey, WA

SPOKANE, WASHINGTON

January 14, 2009

4:00 p.m.

Department of Ecology
Eastern Regional Office
2nd Floor Large Conference
Rm.
4601 N. Monroe Street
Spokane, WA

Contact information:

Linda Whitcher

(360) 407-6875

P.O. Box 47600

Olympia, WA 98504-7600

liwh461@ecy.wa.gov

If you need special accommodations, please contact the Air Quality Program at (360) 407-6800 by January 7, 2009. If you have a hearing loss, call 711 for Washington Relay Service. If you have a speech disability, call 877-833-6341.



News Release

FOR IMMEDIATE RELEASE – Jan. 9, 2009
09-008

Ecology seeks comments on changes to rules on air toxics

OLYMPIA – Washington businesses and residents can comment on proposed changes to the state's air toxics rules during two public hearings next week.

The Washington Department of Ecology (Ecology) is changing its rules for toxic air pollutants (Chapter 173-460 WAC) and general sources of air pollution (Chapter 173-400 WAC). Both of these rules apply to new or modified sources of toxic air pollution. The proposed rule changes:

- Update the toxic air pollutant list.
- Set emission limits that reflect current science.
- Improve consistency between the two rules.

Ecology will host two public hearings this month:

- 7 p.m. Jan. 13 at Ecology headquarters, 300 Desmond Drive SE, Lacey.
- 4 p.m. Jan. 14 at Ecology's Eastern Regional Office, 4601 N. Monroe St., Spokane.

The proposed rule changes affect Washington businesses that emit toxic air pollutants. That includes a broad range of industries and facilities. As proposed, the changes:

- Require anyone who wants to install a new source or modify an existing source of toxic air pollution to submit a Notice of Construction (NOC) application.
- Consolidate permit process and exemptions into a new rule section.
- Streamline and clarify the permitting process.
- Set de minimis levels (levels low enough not to be regulated) for each regulated toxic air pollutant.
- Allow sources to reduce toxic emissions across multiple sources to meet standards.

To view documents related to these proposed changes, go to <http://www.ecy.wa.gov/laws-rules/ecywac.html#air>. Then find the correct Washington Administrative Code (WAC) numbers as listed above and click on "view current rulemaking."

Air toxics rules - 2 of 2

Send written comments to Linda Whitcher, Air Quality Program, Washington Department of Ecology, P.O. Box 47600, Olympia, WA 98504-7600. Send e-mail to liwh461@ecy.wa.gov.

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Media Contact: Seth Preston, Ecology communications manager, 360-407-6848; 360-584-5744 cell; spre461@ecy.wa.gov

Ecology's Web site: <http://www.ecy.wa.gov>

Broadcast version

The state Ecology Department is holding public hearings next week on changes to air toxics rules.

The proposed changes update the toxic air pollutant list, set emission limits that reflect the most current scientific information and improve consistency between the two rules.

Hearings are scheduled at 7 p.m. January 13th at Ecology's headquarters in Lacey and at 4 p.m. January 14th at Ecology's Spokane office at 4601 North Monroe.



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 05-19

- Preproposal Statement of Inquiry was filed as WSR 06-03-135 ; 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:

This action amends the two rules that regulate new or modified sources of toxic air pollutants, Chapter 173-400-110 WAC, General Regulations for Air Pollution Sources, New Source Review, and WAC 173-460, Controls for New Sources of Toxic Air Pollutants.

Hearing location(s):

Lacey
Date: January 13, 2009
Time: 7:00 pm
 Dept. of Ecology
 300 Desmond Drive SE
 Lacey, WA 98503

Spokane
Date: January 14, 2009
Time: 4:00 pm
 Eastern Regional Office
 Dept of Ecology
 4601 N. Monroe St.
 Spokane, WA 99205

Submit written comments to:

Name: Linda Witcher
 Address: PO Box 47600
 Olympia WA 98504-7600
 e-mail liwh461@ecy.wa.gov
 fax: (360)407-7534 by (date) 5:00 pm on January 24, 2009

Assistance for persons with disabilities: Contact

Tami Dahlgren at (360) 407-6830 by January 3, 2009

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

Date of intended adoption: March 1, 2009
(Note: This is NOT the effective date)

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

This programmatic action involves a general update of Chapter 173-460 WAC and a limited update of WAC 173-400-110. The revision to Chapter 173-460 WAC includes an update of the list of toxic air pollutants, recalculation of the acceptable source impact levels and small quantity emission rates to reflect current scientific findings, setting the de minimis values for emissions of toxic air pollutants, and deleting out of date control technologies for best available control technologies. The revisions to WAC 173-200-110 are focused on integrating the new source review process in the two rules. Both WACs regulate new or modified sources of air pollution.

This rule making has three major goals: to update the toxic air pollutant list; to establish acceptable source impact levels for emission, small quantity emission rates, and de minimis emission levels to reflect current scientific information, and to increase the consistency between WAC 173-400 and WAC 173-460. In the new rule the permit process and exemptions have been consolidated in WAC 173-400-110.

Since the conclusion of the advisory committee meetings Ecology has added to the rulemaking a new de minimis level for PM^{2.5}. The method of determining this level is the same as was used in developing the other criteria pollutant de minimis values. We invite comments on this revision in addition to the other changes to the two rules.

Reasons supporting proposal:

Ecology has made a commitment to periodically update this rule, in order to reflect the most current scientific understanding of the toxic effects of industrial air emissions.

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:

DATE
November 18, 2008

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE
Deputy Director, Dept of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: November 19, 2008

TIME: 11:17 AM

WSR 08-23-097

(COMPLETE REVERSE SIDE)

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

N/A

Name of proponent: (person or organization) Private
 Public
 Governmental

Air Quality Program, Dept of Ecology

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Linda Whitcher	Lacey, WA	(360) 407-6875
Implementation....Richard Hibbard	Lacey, WA	(360) 407-6896
Enforcement.....Richard 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:
 Name: Kasia Patora
 Address: Economic & Regulatory Research
 Dept of Ecology
 PO BOX 47600
 Lacey, WA 98504-7600

phone (360) 407-6184
 fax (360) 407-6989
 e-mail kpat461@ecy.wa.gov

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:
 Name: Kasia Patora
 Address:
 Economic & Regulatory Research
 Dept of Ecology
 PO BOX 47600
 Lacey, WA 98504-7600

phone (360) 407-6184
 fax (360)407-6989
 e-mail kpat461@ecy.wa.gov

No: Please explain:

DEPARTMENT OF
ECOLOGY
State of Washington

Public Hearing on Proposed Changes to Rules for Toxic Air Pollutants and General Air Pollution Sources

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What will these changes mean for affected businesses?

The rule changes will:

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- consolidate permit process and exemptions into a new rule section, WAC 173-400-110, and streamline and clarify the permitting process;
- set de minimis levels (levels low enough not to be regulated) for each regulated toxic air pollutant;
- allow sources to reduce toxic air pollutant emissions across multiple sources to meet standards;

How to comment on the proposed rule changes

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Hearing dates and locations:

January 13, 2009
7:00 p.m.
Department of Ecology
Headquarters Building
Room JS-16-17
300 Desmond Drive
Lacey, WA

January 14, 2009
4:00 p.m.
Department of Ecology
Eastern Region Office
2nd Floor Large
Conference Room
4601 N. Monroe Street
Spokane, WA

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*Federal Tax ID No. 68-0617327

AFFIDAVIT OF PUBLICATION

STATE OF WASHINGTON
County of Spokane, ss.

Name: WA St. Dept. of Ecology **Acct:** 32164
P.O.: Air Quality Program **No. Lines:** 115
Total Cost: \$ 367.90 **Log No:** SR17613

I, Lori Nix,
do solemnly swear that I am the Principal Clerk of the **SPOKESMAN-REVIEW**, a newspaper established and regularly published, once each day in the English language, in and of general circulation in the City of Spokane, Spokane County, Washington; and in the City of Coeur d'Alene, Kootenai County, Idaho; that said newspaper has been so established and regularly published and has had said general circulation continuously for more than six (6) months prior to the 23rd day of July, 1941; that said newspaper is printed in an office maintained at its place of publication in the City of Spokane, Washington; that said newspaper was approved and designated as a legal newspaper by order of the Superior Court of the State of Washington for Spokane County on the 23rd day of July, 1941, and that said order has not been revoked and is in full force and effect; that the notice attached hereto and which is a part of the proof of publication, was published in said newspaper, one time(s), the publication having been made once each time on the following dates:

December 12, 2008

That said notice was published in the regular and entire issue of every number of the paper during the period of time of publication, and that the notice was published in the newspaper proper and not in a supplement.

Lori Nix

Subscribed and sworn to before me at the City of Spokane, this 12th day of December, 2008

Joni L. Vincent
Notary Public in and for the State of Washington,
residing in Spokane County, Washington

