

Operating Permit Regulation, Chapter 173-401 WAC

The Department of Ecology (Ecology) has amended the Operating Permit Regulation, Chapter 173-401 WAC. The amendments change the state rule to match U.S. Environmental Protection Agency's (EPA) requirements. EPA has set thresholds that define which sources of greenhouse gases need a federal air operating permit. This rule change means small greenhouse gas sources in Washington will no longer be required to get a permit.

What is Chapter 173-401 WAC?

Chapter 173-401 WAC is Washington's state rule for air operating permits. The federal Clean Air Act regulates many pollutants such as particulate matter, sulfur dioxide and nitrogen dioxide. Facilities that emit these pollutants (emitters) must have an air operating permit. An air operating permit contains all the emitter's requirements for limiting air pollution emissions. The federal Clean Air Act will soon include greenhouse gases as regulated pollutants. According to EPA's thresholds, small-scale greenhouse gas sources do not need air operating permits.

The Washington Department of Ecology (Ecology) must change state rules to match EPA's requirements by January 2011.

Response to comments

Ecology's response to comments received during the public comment period is now available. Download a copy at <http://www.ecy.wa.gov/biblio/1002043.html>.

Whom does this rule affect?

Up to now, greenhouse gas emissions have not been regulated. Beginning in January 2011, these emissions will be regulated for the first time. Emitters that have actual emissions or the potential to emit 100,000 short tons or more of greenhouse gases each year will have to get new permits.

WHY IT MATTERS

These changes establish when facilities that already have an air operating permit must begin reporting their greenhouse gas emissions. They also establish that facilities that don't currently require an air operating permit must apply for an air operating permit before July 2012 if they have the potential to emit at least 100,000 tons per year of greenhouse gas emissions. Emitters of less than this threshold won't require this permit unless they already need one for other air pollutants.

MORE INFORMATION

Online:

http://www.ecy.wa.gov/la_ws-rules/wac173401/1013.html

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Special accommodations:

If you need this publication in an alternate format, call the Air Quality Program at 360-407-6800. Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Rule Adoption Notice

Air Quality Program

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More information

Contact Elena Guilfoil at 360-407-6855 or elena.guilfoil@ecy.wa.gov for more information or to sign up for updates about the operating permit regulation.

To get updates on Ecology's rule-making activities, sign up for the WAC Track e-mail list. Go to: www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption please contact Bari Schreiner in the rules unit at (360) 407-6998 or by email bari.schreiner@ecy.wa.gov.

