General Regulations for Air Pollution Sources, Chapter 173-400 WAC

The Washington State Department of Ecology has updated its rule that regulates industrial sources of air pollutants (Chapter 173-400 WAC, General Regulations for Air Pollution Sources).

What is Chapter 173-400 WAC?

This is Ecology's rule for regulating criteria pollutants and toxic air pollutants emitted by industrial sources.

Criteria pollutants

Criteria pollutants are air pollutants for which the federal government sets health-based standards. Regulated criteria pollutants are:

- carbon monoxide (CO),
- particulate matter,
- ozone (O_3)
- sulfur dioxide (SO_2),
- lead (Pb), and
- nitrogen dioxide (NO_2).

Toxic air pollutants

The listing of toxic air pollutants is found in Chapter 173-460 WAC, Controls for New Sources of Toxic Air Pollutants.
Examples of toxic air pollutants include benzene from gasoline and heavy metals.

You can review the final rule changes on Ecology's Air Quality Program rules website. (http://www.ecy.wa.gov/laws-rules/wac173400/0901.html)

Summary of the rule changes adopted on March 1, 2011

The changes:
- Bring the rule into compliance with United States Environmental Protection Agency (EPA) regulations including standards for excess emissions, major stationary sources located in a nonattainment area, and update the date of federal regulations adopted by reference.

WHY IT MATTERS

Chapter 173-400 WAC is a major part of Washington's efforts to meet federal air quality standards and protect health. The rule changes contain new elements that regulate new pollution sources and modified major pollution sources in nonattainment areas (specific areas in the state where air quality does not meet federal air quality standards). The rule changes support programs to bring those areas into attainment.

Commercial Industrial Air Permits

http://www.ecy.wa.gov/programs/air/permit_register/NewPermitsPage.html

Code Reviser Filings

http://www.ecy.wa.gov/laws-rules/wac173400/0901.html

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

- Set a new exemption level for greenhouse gas emissions and particulate matter, PM2.5, below which permitting is not required.
- Create a program allowing inter-jurisdictional recognition of permits for portable sources.
- Keep the rule correlated with recent updates to related WAC.
- Update definitions to match current state and federal regulations.
- Clarify the permitting program for non-road engines.
- Establish a permitting procedure for emergency engines.
- Update the rule to resolve State Implementation Plan deficiencies.
- And other housekeeping corrections and changes.

Response to comments

Ecology accepted public comments on these rule amendments from October 6, 2010 to November 12, 2010. Ecology's response to comments received during the public comment period is now available. Download a copy at http://www.ecy.wa.gov/laws-rules/wac173400/0901.html.

Whom does this rule affect?

It affects a broad range of industries and facilities, including commercial and industrial businesses that emit criteria pollutants and toxic air pollutants as defined in Chapter 173-400 WAC and Chapter 173-460 WAC.

More information

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To get updates on Ecology's rule-making activities, sign-up for the WAC Track e-mail list at: 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.