



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-401 WAC

Operating Permit Regulation

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Publication and Contact Information

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Purpose

The Washington State Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

On February 3, 2016, Ecology adopted amendments to Chapter 173-401 WAC Operating Permit Regulation (AO # 13-12). The purpose of this rule implementation plan is to inform those who must comply with WAC 173-401 about how the Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Implementation and enforcement of this rule lies with Ecology and the seven local air agencies responsible for maintaining air quality within their jurisdictions. Local air authority staff and Ecology staff are the resources that will be used to implement this rule.

Permitting agency	Jurisdiction
Benton Clean Air Agency	Benton County
Northwest Clean Air Agency	Island, Skagit & Whatcom counties
Olympic Region Clean Air Agency	Clallam, Jefferson, Grays Harbor, Mason, Thurston & Pacific counties
Puget Sound Clean Air Agency	King, Kitsap, Pierce & Snohomish County
Southwest Clean Air Agency	Clark, Cowlitz, Lewis, Skamania, & Wahkiakum counties
Spokane Regional Clean Air Agency	Spokane
Yakima Regional Clean Air Agency	Yakima
Central Regional Office - Dept. of Ecology	Chelan, Douglas, Kittitas, Klickitat & Okanogan counties
Eastern Regional Office – Dept. of Ecology	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla & Whitman counties
Northwest Regional Office – Dept. of Ecology	San Juan County
Industrial Section, Waste 2 Resources Program – Dept. of Ecology	Major industries in Washington State
Nuclear Waste Program – Dept. of Ecology	U.S. Dept. of Energy’s Hanford Site

In addition to the above, Ecology's AOP Coordinator will:

- Determine final recommendations for the requirements of the overview and intensive performance audits.
- Publish reports on the overview and intensive audit results including:
 - Recommendations from the Performance Audit Advisory Committee members.
 - Ecology's final recommendations for performance audit requirements.
 - The audit results.
- Establish the air operating permit Performance Audit Advisory Committee including:
 - Appointment of committee members.
 - In cooperation with the committee, establish a written charter for the committee.
 - Arrange committee meetings at least once every three years.
 - Begin the first overview process no later than January 2017.
 - Developing a timeline for the schedule of agency reviews, collecting reports, reviewing reports, and submitting recommendations to Ecology.
 - Reviewing data reports prepared by the agencies every three years.
 - Submit to Ecology recommendations for intensive audit content if an intensive audit is recommended.
 - Make committee meetings open to the public.
- If Ecology determines an intensive audit is needed, establish the intensive audit schedule.
- Make arrangements for independent contracting if needed for intensive audit schedule.
- Establish interagency agreements as needed to implement this work.

Informing and Educating Persons Affected by the Rule

Throughout the rulemaking process, Ecology has done the following to help inform interested persons and regulated entities:

- Emailed persons on the distribution list established for this rulemaking, AQComments listserv, and the WACTrack listserv.
- Sent out public notices and issued press releases.
- Posted information on Ecology's website.
- Held numerous stakeholders meetings throughout rulemaking process.
- Held one public hearing, both in-person and by webinar.

Ecology will issue a press release when the rule is adopted and send email notice to the distribution list established for this rulemaking. The distribution list includes individuals that worked with us on developing the rule amendments. When contacted, Ecology and the local air agencies will provide information and education about the rule changes.

Promoting and Assisting Voluntary Compliance

The actions mentioned above to inform and educate affected persons on the changes also help to promote voluntary compliance. Ecology and local air agency staff are available to respond to stakeholder phone and e-mail inquiries.

Evaluating the Rule

Changes to the rule will be monitored and may be discussed by a variety of Ecology and local air agency staff. The Statewide Air Operating Permit Program Coordinator will track suggestions and necessary changes.

Training and Informing Agency Staff

Many of the Ecology and local air agency staff responsible for implementing this revised rule work directly with the affected industrial sources and are already familiar with the nuances of the rule changes. These staff are available to coach other permit writers in their sections on how to best implement the changes.

List of Supporting Documents that May Need to be Written or Revised

The following documents need to be written or amended in response to these revisions:

- Charter for the Air Operating Permit Performance Audit Advisory Committee (the committee) as required in WAC 173-401-920(5)
- Ecology’s “Besides the Permit – A summary of Air Operating Permit Related Activities”
- Ecology’s “Air Operating Permit Program Guidance”
- Focus on Air Operating Permit Fee Structure (F-AIR-93-035(rev.4/06))

More Information

For more information on the Air Quality Program see:
<http://www.ecy.wa.gov/programs/air/airhome.html>

Rulemaking documents are available at:
http://www.ecy.wa.gov/programs/air/rules/rules_laws/wac173401/1312/documents.htm

For more information on local clean air agencies see: <http://www.ecy.wa.gov/programs/air/local.html>

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