



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

**Rule Implementation Plan**  
**General Regulations for Air Pollution**  
**Sources**  
**Chapter 173-400 WAC**  
**and**  
**Operating Permit Regulation**  
**Chapter 173-401 WAC**

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## Publication and Contact Information

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Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

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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 August 16, 2018 Ecology adopted amendments to Chapter 173-400 WAC – General Regulations for Air Pollution Sources and Chapter 173-401 WAC – Operating Permit Regulation (AO # 15-07). The purpose of this rule implementation plan is to inform those who must comply with Chapters 173-400 and 173-401 WAC about how Ecology intends to:

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

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- 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 clean air agencies responsible for maintaining air quality within their jurisdictions. Local clean air agency staff and Ecology staff will update existing permits where needed, issue new permits that comply with the new requirements, and enforce the emission standards when the emissions from a business are higher than allowed.

<b>Permitting Agency</b>	<b>Jurisdiction</b>
Benton Clean Air Agency	Benton County
Ecology – Air Quality Program, Central Regional Office	Chelan, Douglas, Kittitas, Klickitat & Okanogan counties
Ecology – Air Quality Program, Eastern Regional Office	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Stevens, Walla Walla & Whitman counties
Ecology – Industrial Section, Solid Waste Management Program	All kraft and sulfite mills, and aluminum smelters
Ecology – Air Quality Program, Northwest Regional Office	San Juan County

<b>Permitting Agency</b>	<b>Jurisdiction</b>
Ecology – Nuclear Waste Program	US Department of Energy Hanford Site
Energy Facility Site Evaluation Council (EFSEC)	Large energy facilities
Olympic Region Clean Air Agency	Clallam, Jefferson, Grays Harbor, Mason, Thurston & Pacific counties
Northwest Clean Air Agency	Island, Skagit & Whatcom counties
Puget Sound Clean Air Agency	King, Kitsap, Pierce & Snohomish Counties
Southwest Clean Air Agency	Clark, Cowlitz, Lewis, Skamania, & Wahkiakum counties
Spokane Clean Air Agency	Spokane County
Yakima Regional Clean Air Agency	Yakima County

## **Informing and Educating Persons Affected by the Rule**

To help inform and educate persons affected by the rule, we will:

- Email notice with the adoption materials to persons who commented on the rulemaking, anyone who requested to be on the rulemaking distribution list, the Air Quality Program distribution list, and the agency distribution list (WACTrack)
- Post the rule adoption materials (final rule language, response to comments, final regulatory analyses, and the rule implementation plan) on the rulemaking webpage for public access
- Provide training when requested on the rule amendments. We have kept the statewide air quality permit writers informed of the rulemaking and discussed the final rule and our recommendations for implementation.
- Work with local clean air agencies to have them inform their regulated parties.

When an applicant contacts Ecology or a local clean air agency, we will inform and educate them about the rule changes. We will also contact existing air quality permit holders; in particular large facilities with an air operating permit and facilities that are known to use the current process in WAC 173-400-107 to excuse excess emissions (emissions above an emissions standard). These businesses may need to request a permit revision to address emissions during startup or shutdown periods. We encourage any business that needs to revise their permit revision to get an emission limit for shutdown or startup that is higher than a standard in the State Implementation Plan to begin that process as soon as possible. The permit revision process will be lengthy because Ecology, and ultimately EPA, must approve the new permit limit.

## **Promoting and Assisting Voluntary Compliance**

Ecology will promote voluntary compliance through technical assistance when air emission permits are applied for, issued, or revised.

The actions mentioned above to inform and educate affected persons on the changes also help to promote voluntary compliance. Program staff are available to respond to stakeholder phone and email inquiries.

## **Evaluating the Rule**

We will monitor rule change impacts and may continue discussions at a variety of agency staff meetings and statewide meetings of all permitting staff. The Air Quality Program maintains a file with comments and suggestions for improving our regulations that come from Ecology staff, the public, clean air agencies, and the regulated community. We refer to the file for consideration during future rulemakings.

Ecology will submit relevant rule changes to EPA for approval into the State Implementation Plan (SIP), a statewide plan for meeting air quality standards, in part to respond to EPA's 2015 SIP call. When EPA considers the rule changes for adoption into the SIP, they will review the changes for compliance with the federal Clean Air Act, court interpretations of the Act, and its implementing regulations. If EPA finds the state rule does not comply with federal regulations, they will notify us and we will have the opportunity to revise rule language in a future rulemaking to achieve compliance.

## **Training and Informing Ecology Staff**

Many of the Ecology 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 on the best way to implement the changes.

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

We have identified the following supporting documents that may need to be written:

- Guidance on modeling of the emissions from nonroad engines to determine that NAAQS is maintained (WAC 173-400-035(5)(a))
- Summary of the rulemaking (PowerPoint format)
- Summary of compliance options when the exclusion provided by WAC 173-400-107 is removed (PowerPoint format)
- Best practices manual for public outreach. Ecology is developing an agency-wide manual with a target completion date of December 2018.

We have not identified any existing supporting documents for revision.

## **More Information**

More information on this rulemaking:

<https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-400-July15>

More information on the Air Quality Program:  
<https://ecology.wa.gov/Air-Climate/Air-quality>

More information on businesses and industries in Washington that need air quality permits:  
<https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Air-Quality-permits/Notice-of-Construction-permit>

More information on local clean air agencies:  
<https://ecology.wa.gov/About-us/Our-role-in-the-community/Partnerships-committees/Clean-air-agencies>

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