



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Chapter 173-405 WAC - Kraft Pulping Mills

Chapter 173-410 WAC - Sulfite Pulping Mills

Chapter 173-415 WAC - Primary Aluminum Plants

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Publication and Contact Information

This document is available on the Department of Ecology's website at:
<https://fortress.wa.gov/ecy/publications/summarypages/1902008.html>

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Implementation Plan

Chapter 173-405 WAC - Kraft Pulping Mills

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Air Quality Program

Washington State Department of Ecology

Olympia, Washington

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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 April 23, 2019, Ecology adopted amendments (AO# 18-03) to the following statewide rules:

- Chapter 173-405 WAC, Kraft Pulping Mills,
- Chapter 173-410 WAC, Sulfite Pulping Mills,
- Chapter 173-415 WAC, Primary Aluminum Plants.

The purpose of this rule implementation plan is to inform those who must comply with Chapters 173-405, 173-410, and 173-415 WAC about how 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:

- 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

The Industrial Section of Ecology implements and enforces these rules statewide. Currently, these three rules impact eight facilities. Industrial Section staff will enforce these rules and work with the facilities to ensure they comply with the new requirements. Industrial Section has issued each of the facilities an Air Operating Permit, which incorporates all of the air quality requirements for the facility, including the rule requirements. Industrial Section renews these permits approximately every five years; and will need to either modify existing permits, or incorporate the new requirements under these rules during the next permit renewal process. Ecology will enforce these requirements through the existing inspection and technical assistance processes.

This rulemaking is an extension of the amendment to Chapter 173-400 WAC (General Air Regulation for Air Pollution Sources) that was adopted on August 16, 2019 to comply with

Environmental Protection Agency's (EPA) Startup, Shutdown, and Malfunction (SSM) State Implementation Plan (SIP) Call, and EPA SSM policy (80 F.R. 33840). This rulemaking harmonizes Chapters 173-405, 173-410, and 173-415 WAC with Chapter 173-400 WAC through adoption by reference of the SSM related provisions. Some of the SSM requirements in Chapter 173-400 WAC that we adopted by reference in these rules would not be effective until EPA removes WAC 173-400-107 from the Washington SIP. Ecology will submit the rule changes in Chapters 173-400 WAC to EPA for approval into the Washington SIP.

Informing and Educating Persons Affected by the Rule

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

- Email a notice with the adoption materials to the commenters, and to anyone who requested to be on the rulemaking distribution list, the Air Quality Program distribution list, the Industrial Section stakeholders contact 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.
- In spite of the adoption of the amendments in these rules, as well as the amendment in Chapter 173-400 WAC, most of the startup, shutdown, and malfunction requirements will not be effective until EPA approves the removal of WAC 173-400-107 from the Washington State Implementation Plan (SIP). We will send out a SIP approval notice to the same list as above when EPA approves the removal of WAC 173-400-107.

Industrial Section staff will inform and educate applicants for new permits, or permit renewals about the rule changes. The staff will also contact existing facilities with air quality permit conditions regarding the implementation of WAC 173-400-107. 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 to get an alternative emission limit for a specific mode of operation, including startup and shutdown, to begin that process as soon as possible. The permit revision process could be lengthy because Ecology, and ultimately EPA, must approve the new permit limit.

Promoting and Assisting Voluntary Compliance

Ecology will promote and assist voluntary compliance through technical assistance when permits are applied for, issued, or revised. The actions mentioned above to inform and educate affected facilities on the changes also help to promote and assist voluntary compliance. Air Quality Program and Industrial Section staff are available to respond to stakeholder phone and email inquiries.

Evaluating the Rule

Ecology will submit relevant rule changes to EPA for approval into the Washington State Implementation Plan (SIP), a statewide plan for meeting air quality standards, in part to respond to EPA's 2015 Startup, Shutdown, and Malfunction 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. Some of the changes would be effective when EPA approves to remove WAC 173-400-107 from the Washington SIP.

We will also 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.

Training and Informing Ecology Staff

Industrial Section engineers and Air Quality Program staff worked together throughout the development of these rules. Both programs are already familiar with the nuances of the rule amendments. These staff are available to coach other permit engineers on the best way to implement the changes.

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

We have not identified any existing supporting documents to write or revise. Industrial Section staff implementing these rules will benefit from the supporting documents prepared for the startup, shutdown, and malfunction amendments to Chapter 173-400 WAC (AO#15-07, rulemaking that Ecology adopted in August 2018.)

More Information

More information on this rulemaking: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-405-410-415>

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

More information on startup, shutdown and malfunction amendments to Chapter 173-400 WAC: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Closed-rulemaking/WAC-173-400-July15>

More information on industrial facilities permits: <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Industrial-facilities-permits>

More information on State Implementation Plan (SIP): <https://ecology.wa.gov/Regulations-Permits/Plans-policies/State-implementation-plans>

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