



# **Concise Explanatory Statement Chapter 173-400 WAC, General Regulations for Air Pollution Sources and Chapter 173- 401 WAC, Operating Permit Regulation**

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## **Summary of Rulemaking and Response to Comments**

Washington State Department of Ecology  
Olympia, Washington

February 2025, Publication 25-02-006

## Publication Information

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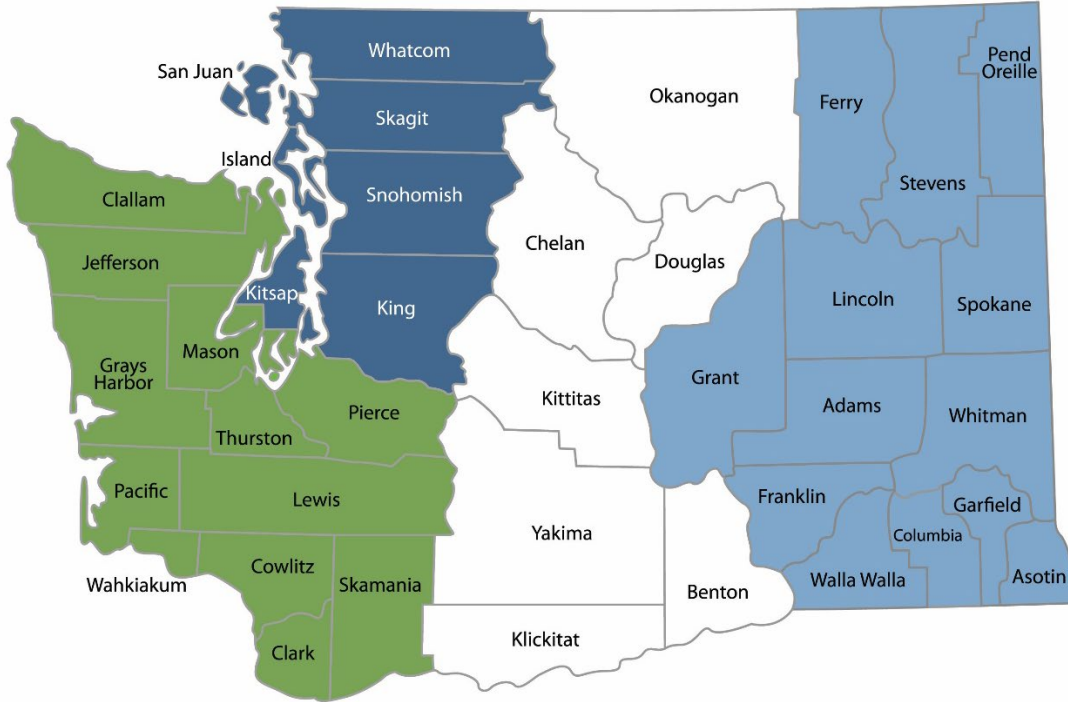
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<sup>1</sup> <http://www.ecology.wa.gov/contact>

# Department of Ecology's Regional Offices

## Map of Counties Served



<b>Southwest Region</b> 360-407-6300	<b>Northwest Region</b> 206-594-0000	<b>Central Region</b> 509-575-2490	<b>Eastern Region</b> 509-329-3400
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Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

# Concise Explanatory Statement

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## Chapter 173-400 WAC, General Regulations for Air Pollution Sources and Chapter 173-401 WAC, Operating Permit Regulation

Air Quality Program  
Washington State Department of Ecology  
Olympia, WA

**February 2025 | Publication 25-02-006**



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

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# Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology’s response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology’s (Ecology) rule adoption for:

Title:	General Regulations for Air Pollution Sources
WAC Chapter:	Chapter 173-400 WAC
Title:	Operating Permit Regulation
WAC Chapter:	Chapter 173-401 WAC
Adopted date:	February 12, 2025
Effective date:	March 15, 2025

To see more information related to this rulemaking or other Ecology rulemakings please visit our website: <https://ecology.wa.gov/About-us/How-we-operate/Laws-rules-rulemaking>.

## Reasons for Adopting the Rule

Ecology is adopting amendments to two air quality rules:

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

This chapter establishes standards and rules to control and prevent air pollution from emissions sources. The amendments to this chapter:

- Update references to a new publication date for Ecology’s Source Test Manual – Procedures for Compliance Testing.
- Update adoption by reference date in Section -025 for purposes of adopting federal rules by reference.

### Chapter 173-401 WAC, Operating Permit Regulation

This chapter establishes Washington’s operating permit program to comply with Title V of the federal Clean Air Act (CAA). The amendments to this chapter:

- Repeal the emergency affirmative defense provisions in WAC 173-401-645 to align with EPA’s July 2023 removal of these provisions from federal operating permit regulations.

This adoption also makes minor administrative updates in both chapters that include updating references to two chapters of the Revised Code of Washington that were recodified in 2020.

## Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

There are no differences between the proposed rule filed on September 18, 2024, and the adopted rule filed on February 12, 2025.

## List of Commenters and Response to Comments

Ecology did not receive any public comments during the formal comment period or at the public hearing.