DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

Chapter 173-400 WAC

General Regulations for Air Pollution Sources and State Implementation Plan revision

Summary of rule making and response to comments

Appendix B: Public Hearing Transcripts

Publication no. 12-02-024B

October 2012

MEMO

To File: AO #11-10, Chapter 173-400 WAC rule making
From: Linda Whitcher, Hearing Officer
Date: July 5, 2012

The recording device failed to record the June 27, 2012 hearing for AO #11-10.

These people testified at the hearing:
Rashad Morris, Washington Environmental Council
Patty Martin, Microsoft – Yes, Toxic air pollution – No
Mike Ruby
Nichol Keenan
Donna Ewing, League of Women Voters, Thurston County.

The first four also testified at the SIP hearing which was recorded successfully. Their testimony did not change significantly between the two hearings. Mrs. Ewing did not testify at the SIP hearing, but she did submit her comments in writing. Mrs. Ewing read her written comments into the record at the first hearing.

State of Washington, Department of Ecology
Rule Hearing, June 27, 2012

Linda Whitcher:
…your phone conversations out in the hallway. You're doing a great job tonight taking turns and letting everybody speak. I think that's really important. I am not certain, have we got, can I see a show of hands about how many folks would like to speak? Okay, about four folks. Do you think you could get your presentation out in five minutes or less? Great; so we'll try to stick to that. And I have an interest list of four of you; I don't think I would really need to call you in order, but when you do come up to testify if you could please give us your name, and if you represent a particular interest or particular agency or community group or, you know, if you could let us, identify that. If you signed in and given us your name and contact information, you don't really need to repeat that on the record, but if you didn't sign in, please give us your name and contact information.

And I think with that we can begin the formal hearing. Rashad, do you [indistinct]?

Rashad Morris:
For the record, my name is Rashad Morris, here representing the Washington Environmental Council. The Washington Environmental Council for the past forty years has been a voice representing Washington communities, its natural resources, including our air; and I want to note that my commentary right now is not the entirety of Washington Environmental Council's public comment. We will be submitting more extensive written commentary before the close of the official period which is on July 20th. For that reason, since we will be submitting extensive written testimony, I want to keep this at a high level.

My testimony right now is going to be focused on the changes of definition to air contaminants as well as that rule change then being proposed to EPA for adoption into the state implementation plan. And I've got two primary concerns that I'd like to address right now.

The first concern is about this hearing and the public comment process. We believe that the topics of the two hearings being proposed today are so intertwined that we don't understand why there's a need for a bifurcation of the two issues. We believe that separating these two topics at hearing and in the written testimony will only serve to limit adequate public participation. And because we know that the Department of Ecology does not want to limit public participation, we highly encourage you to accept any and all comments, whether it's at this public hearing today or whether those comments are submitted in written form; if they are related to the change to WAC 173.400 or if they're related to the adoption of that WAC into the state implementation plan, that the Department consider all comments submitted as part of either process, vice versa.

We also have a concern with the pre-notice inquiry that was distributed in May on this proposed rule change. We believe that the pre-notice inquiry was insufficient and inadequate, and providing adequate information to the public about the content of the

rules change as well as the content of the submittal to EPA. The public inquiry notice focused on new source review for the state implementation plan and it did not include the fact that there would be a change to the definition of air contaminants. And therefore, we have significant concern that the public is not adequately informed about what's going on tonight and as part of this process.

The second issue that I'm here to talk about is that definition of air contaminant. As the Department of Ecology knows and that some people in the room may know, Washington Environmental Council, along with the Sierra Club, sued the Department of Ecology for not enforcing WAC 173.400. Particularly on oil refineries who are emitting amounts of carbon dioxide in the air that current science indicates is excessive, and that there are reasonably available control technologies that the oil refineries can implement that would reduce, um --

[Audio file ends abruptly]

State of Washington, Department of Ecology
SIP Hearing, June 27, 2012

Linda Whitcher:
So now that we've concluded the first hearing, it's time to begin the second hearing, and it does concern submittal of specific sections of this changed rule to the EPA for inclusion in the state implementation plan. Let's follow the same procedure as we did for the first hearing. We want to get everybody's comments on the record. It's obvious that you all took a lot of time and you've made a lot of effort to come and be here tonight.

It's getting on towards 8:00, I know you all want to get home, so again could I get a show of hands, how many people think you'd like to testify at this portion of the hearing? We've got four, five folks to want to testify. Again, can I ask you then, do you think you can make your presentation in five minutes each? Okay, thank you very much for that.

Again, remember you are welcome to submit written comments via hard copy mail or via the email, and they should be submitted to the Department of Ecology by June 20th, 2012.

[voices/laughter]

July 20th! Sorry! It's all over! Just kidding! July 20th, 2012. Okay, I once again would like to introduce myself. I'm Linda Whitcher, Hearings Officer for this hearing. We are conducting a hearing on the submittal of WAC 173.400.020 and WAC 173.400.030 subparenth 3 to the state implementation plan.

Let the record show that it is 7:50 pm, June 27th, 2012 and we are holding this hearing at the Department of Ecology in the auditorium in Lacey, Washington. Legal notices of this hearing were published in the Washington State Register under Registers nos. 12.11.115 and 12.13.070. We sent email notices of this hearing to about 50 interested people. We placed legal ads in the Daily Journal of Commerce on May 24th, 2012, and a notice of the hearing was posted on Ecology's public involvement webpage on May 24, 2012.

So, Rashad, would you like to begin with your testimony again?

Rashad Morris:
Doesn't matter, if somebody else wants to go first…

Linda Whitcher:
Okay, so can we have, who would like to come up first?

Rashad Morris:
This thing is on?

Linda Whitcher:
I hope so.

Rashad Morris:
Okay, for the record, my name is Rashad Morris and I'm here representing the Washington Environmental Council. The Washington Environmental Council is an organization that's been in existence for over forty years and has a longstanding history of representing Washington's communities, families, and protecting our natural resources. I made a number of comments at the previous rule hearing just about less than an hour ago on climate change and greenhouse gases and the hearing process. Right now I want to take some time to focus on the Department of Ecology's letter to Dennis McLerran. As a side note, I'd also like to make clear that my testimony right now, my oral testimony is not the complete and entire testimony that will be submitted by Washington Environmental Council. We will be submitting more extensive written testimony before the close of the hearing, the public comment period.

First, on the issue of the definition of air contaminants, Washington Environmental Council believes that the reason that this issue was included in the SIP proposal was because the Department of Ecology lost a lawsuit brought by Washington Environmental Council and The Sierra Club. I thought it was interesting earlier to hear that industry became actively involved in this process two months ago, which is right about the time that the pre-notice inquiry was probably being developed, and when the pre-notice inquiry for this rule proposal came out, it did not include the fact that there would be a change to the definition of air contaminants. That strikes me as slightly irregular, however I will move on.

When it comes to the components of the letter from Stuart Clark to Dennis McLerran, there is language in the letter that says that, and I quote, "the new language reflects Ecology's longstanding understanding of the authority of the Federal Clean Air Act concerning SIP provisions." Close quote. Now, to my knowledge, the authority that expounds on what is or is not federal law is the federal court. The federal court determined that these components that are in the current WAC, that were adopted into the SIP, are federally enforceable; that there is no inconsistency here. When you have a federal court who says to Ecology, "No, you're wrong about that interpretation," and I believe that that opinion came out in December of 2011, and then you have a letter dated June 21st, 2012 that says that, open quote, "the new language reflects Ecology's long standing understanding…" ellipses, I find that completely inconsistent and unfortunate.

There's also some statement in this letter that says that the new language, and I open quote, "The new language in WAC 173.400.020 and WAC 173.400.030 is approvable into the SIP because it in no way interferes with any applicable requirement concerning attainment or reasonable progress, both of which are tied to national ambient air quality standards," close quote. We know, and the science is showing, both by EPA determinations and by scientific determinations around the world, that an increase in greenhouse gases can make it more difficult to attain, to reach attainment of the max for ozone. The Puget Sound Regional Clean Air Agency is currently aware of the fact that there are portions of Tacoma and the State of Washington that are quickly approaching non-attainment of ozone standards. So I believe, and I'm representing to you before you

now and in this public hearing, that the language in this letter to Mr. McLerran is also inconsistent with scientific holding.

There was a question earlier about what is the effect of these rule changes and what is the effect of the adoption of these rules changes into the SIP. And I will tell you what the rule change, what the effect is. The effect is that right now the Department of Ecology is under a federal order to determine reasonable available control technologies on the state's five oil refineries. When the lawsuit began, Department of Ecology said, "No, we don't have to do that because it's not required under the SIP and Washington Environmental Council and Sierra Club can't even sue us under the SIP." And the federal judge said, "No, you're wrong." The federal judge said, "No, you're wrong." And then this rule proposal comes out. So the change that would happen if this rule is adopted and if it is accepted into the SIP, is that the Department of Ecology would no longer be required to determine what reasonably available control technologies there are for oil refineries.

And even more importantly than that, because Ecology has said before, "You know what, if we determine what RACT is for these oil refineries, it probably won't reduce greenhouse gases that much." "Debatable," the judge said. And they presented this argument to the judge, and the judge said, "Well, don't assume. Go ahead and do the science and find out how much this would impact the oil refineries. Find out how much greenhouse gas reductions can be achieved by these control technologies." What this rule change would do would prevent Washington Environmental Council and the Sierra Club and any person in this room and any person in this state from saying, "Hey, Ecology, you're not doing your job under the law."

So that's what this change would do. And not only would it do it for these oil refineries, it would remove this tool from the SIP forever. Or until it is re-implemented into the SIP. Now as you all saw, the last time that the SIP was changed and adopted was in 1995; that's 17 years ago. How many governors have we had in the past 17 years? How many directors of the Department of Ecology have we had in the past 17 years? How many might we have going forward? To eliminate this tool, which is an effective tool for citizens to become engaged in this process, for citizens to say, "Hey, wait a minute. Industry is not doing what they should do. Department of Ecology, it's your obligation to make sure that industry is adhering to the law and protecting our environment." This tool will be gone forever, so when you ask what the effect would be, that's what the effect would be.

I will close my testimony with that, but I'd also like to say, Washington Environmental Council has had a long standing relationship with Ecology. As I mentioned earlier, the Department of Ecology is really, I think, a leader when it comes to air quality regulators across the country. And it is with a heavy heart that I am here giving this testimony. It is with a heavy heart that Washington Environmental Council brought this lawsuit. We believe that Washington, that the Department of Ecology still has the opportunity to see the light, and to do the right thing, and to, if they do adopt this rule change, which we would encourage them not to do, to not try to put it into the federally enforceable SIP for the foreseeable future, for the next 17 or 20 or longer years, when who knows what

technologies might be available, when who knows who might be in a leadership position, when who knows what industries might come into our state.

So please, Department of Ecology, we encourage you to do the right thing and not propose this change in the definition of air contaminants into the state implementation plan. Thank you.

Linda Whitcher:
Thank you. Ms. Martin, Mr. Ruby, Mrs. Ewing, Nicole? And if you could just give your name again, thank you.

Patty Martin:
That's fine. Patty Martin, Quincy, Washington. Microsoft-Yes; Toxic Air Pollution-No. And I also want to just address a couple of issues and reiterate again what the gentleman with Washington Environmental Council had to say, and the fact that, explaining a little bit about the state implementation plan, because I know that there were some questions about what that meant. And so, the state has an obligation to maintain the national ambient air quality standards, and so those are the criteria pollutants they are talking about, those six pollutants. Okay, but the state also has an opportunity and has the prerogative, under federal law that was granted to them with the Clean Air Act amendments of 1990, to also adopt their state air toxics programs under 42 U.S.C. 7412(l). And the state did that. Okay, and once those regulations are adopted under the state implementation plan, they become federally enforceable. So now, for communities like Quincy, where we know that Ecology is fudging on the rules, okay, they modified the regulations that are presently under the SIP, and in violation of the Clean Air Act. There are avenues for citizens to bring suit. Okay, under Washington law, all you can do is go to the PCHB. I've got four appeals right now before the PCHB. And even some of the language that was in the original rules that said that you had an option to go the Environmental Appeals Board, for example, under some state implementation rules, has been removed over time; it probably is still federally enforceable. But that language wasn't available to me at the time that we started asking questions, and my knowledge base is only because I have spent two years, almost two years in August now, studying the Clean Air Act so that I could stand up for my community.

So, when we reduce this to six criteria pollutants and we remove those seven hundred that are regulated, it's going to have an effect on our air. And when we take away a citizen's right to sue, right, by taking away those four sixties, we deprive, we give more power to agencies that extract their power from us, right? These are the agencies that we created to serve us. And personally am not willing to give them back that, what's the word I want --

Male Speaker:
Discretion--

Patty Martin:
Yeah, it's not even discretion. I don't yield my sovereignty to these agencies we created. The other thing that it does is having our rules under the SIP provides an opportunity for

additional enforcement. So when Ecology is not doing what they're supposed to do under the law, when they're operating under modified, impermissibly operating under modified regulations, then you can go to the EPA, and they have the same responsibility to enforce that law that Ecology does. And EPA can hold Ecology's feet to the fire, where a citizen, without that citizen's suit provision or that oversight the EPA may not be able to do that.

So hopefully that answers your question in not too long-winded way. The other advantage is, when you bring a citizen's suit those attorneys fees are recoupable. Recoupable? Is that a word?

Male Speaker:
Recoverable.

Patty Martin:
Thank you. I knew that didn't sound right. Please strike that from the record.

[Laughter]

Patty Martin:
Anyway, you can recoup those attorneys fees, and when you go to the PCHB there is none. And so we've got two years out of pocket, okay, funding something that we should be in a federal court. I also, I want to add, before I actually read a letter I've written to Dennis McLerran in response to the letter written by Stu Clark, is that I'm going to publically request, right now, that before those rules, any changes to those rules are even considered for adoption to the SIP that there's a second public hearing. Because the citizens of this great state of Washington deserve to know exactly what would become federally enforceable.

There was a statement brought up about backsliding, and that's very consistent with federal regulations that, typically there are no, there are provisions that anti-backsliding. And I think that that may be the portion found under 42 U.S.C. 7416(2) that says that no state or local agency can have any, can enforce anything less stringent than what's in a state implementation plan.

So, with regard to those comments by Stuart Clark and his reliance on the 1979 EPA memorandum, this is the letter I've written to Administrator McLerran with the EPA.

I'm in receipt of a copy of a letter from Ecology Director Stu Clark to you, dated -- and I think I promoted Stu -- to you, dated June 21, 2012 regarding his interpretation of what is federally enforceable under Washington State Implementation Plan and what effects Ecology's proposed revisions to WAC 173.400 will have on the SIP if approved by EPA. Mr. Clark claims that the suggested language does not change the scope of Ecology's regulations or the SIP in any way. This is not true. The regulations as amended will have a devastating effects on the SIP, by removing the state program regulations WAC 173.460 adopted under the authority of Section 112(l) of the Clean Air Act 42 U.S.C. 7412(l) and relegating the SIP to regulation of the six criteria pollutants. Currently

Washington's SIP includes all of WAC 173.460 and with few exceptions all of the regulations under WAC 173.400. Therefore the SIP regulates many more air contaminants than just the six criteria pollutants as Mr. Clark asserts. Citing to a 1979 EPA memorandum, Mr. Clark would have you believe that there is no statutory authority for adopting, implementing, and enforcing regulations for non-criteria pollutants under the SIP. Again, SIP is the State Implementation Plan.

Contrary to Mr. Clark's assertions, states may adopt their state program regulations under the SIP for federal enforceability as allowed under the authority of the Clean Air Act amendments of 1990. And that's Senate Bill 1630, Section 112(l), and it says each state may adopt and submit to the Administrator for approval a program for the implementation and enforcement, including review of enforcement delegations, the emission standards, and other requirements for air pollutants. The state of Washington elected to do this in 1995 under the authority of Section 112(l), adopting WAC173.460 under the SIP. I've brought those federal registers for inclusion in the record.

Mr. Clark's claim that Ecology has always understood that the SIP applies only to the six criteria pollutants is obviously, therefore, in error. If the language is amended as Ecology suggests, the more protective regulations will be removed and Clean Air protections will be undermined immediately in areas without Clean Air authorities, including most all of eastern Washington, where low-income and minority communities are a higher percentage of the population. I've also brought -- this is the section of eastern Washington that is without Clean Air authorities. Eastern Washington has a higher Hispanic population, has a relatively higher, actually has a higher low-income population, so people are disenfranchised already, and we're talking about removing Clean Air protections disproportionately for people of color and low income.

The EPA has responsibility under Executive Order 12898, which is environmental justice, and Title Six of the Civil Rights Act of 1964, to ensure that regulations do not disproportionately impact low income or communities of color, or prejudice communities based on the national origin, race, or color of the residents. The fact that this regulation will immediately disenfranchise rural Washington state from equal protection under the Clean Air Act is an environmental injustice. Ecology has carefully calculated the language change for inclusion into the SIP to specifically remove the more stringent requirements of WAC 173.460, and to reduce the EPA's oversight and enforcement authority. This maneuvering is an after-the-fact attempt by Ecology to legitimize their violations of the Clean Air Act in the permitting of scores of locomotive sized diesel generators in Quincy without complying with the requirements of WAC 173.460 as it exists under the SIP. The state program is fully enforceable under the SIP, requires no amendments or clarifications as Ecology alleges, and would create an environmental injustice if the rules are changed as proposed.

Please do not accept Mr. Clark's misleading assurances that the proposed changes do not have an effect. Thank you.

Linda Whitcher:

Thank you. Mr. Ruby, would you like to come forward?

Mike Ruby:
Thank you for holding this hearing so we can get some things out on the table about this particular proposed change. I think it's clear from the comments that have been made by the Washington Environmental Council, Representative, that there is a relationship between the federal court's findings and this proposal. Given that, that suggests there is a significant relationship between this proposal and whether or not there would be some forward movement on control of greenhouse gas emissions in the State of Washington. Now there are some difficulties with this, not the least of which is that the definition of air pollution under 400 would not prohibit Ecology from adopting other regulations relating to greenhouse gases, in furtherance of laws adopted by the Washington State Legislature, which essentially has instructed it to do that.

So I think it's necessary for Ecology to make itself very clear what its intentions are on this before -- I think language that's been proposed does need to be modified in order to make it very clear that there is no intention of Ecology, by this language, to remove the current placement of 460 into the SIP, if that is not the intention of Ecology, and they have no desire to do that. And I think it is also necessary to indicate, in this proposed amendment, that Ecology has no desire to reduce the applicability of current Washington law to the requirements to move forward on greenhouse gas emission control.

I think that there is a difficulty, however, with this in just exactly the problems stated in Stu's letter. The letter that Stuart Clark wrote is very carefully written. I would expect no less from him. For example, let me read you this:

“Furthermore, Ecology has never relied on controlled pollutants, other than criteria pollutants, and their federally identified precursors, to make any demonstration of Washington SIP as adequate to attain and maintain the NAAQS”. That's an absolutely true statement, because the national ambient air quality standards are defined by the criteria pollutants. If it's a criteria pollutant, it has a national ambient air quality standard; if it has a national air quality standard, it is a criteria pollutant. It's totally circular.

And the federal identified precursors, of course, refers to hydrocarbons and nitrogen oxides which have been identified in the criteria document for ozone. And that is exactly what was done. However, there is an additional fact. And this is an important one, and it is very well known, and very well proven, that the ocurrence of ozone exceedances, particularly in the Puyallup and northern Pierce County area, are almost directly related to the temperatures that are observed during the summer.

We also know that the general problem we're having with climate change is that we will have more frequent high temperatures during the summer. And because the ozone standard is a statistical rule, more frequent means much greater possibility that we will violate the standard, that we will not be able to do that. However, temperature is not a federally identified precursor, and temperatures were not used in the original demonstration. So, the statement is true, but very misleading in terms of our ability to

maintain the ozone NAAQS. The first part of the paragraph similarly has the same problem that it says that the SIP will continue to be federally enforceable to the extent that they regulate the pollutants required of Washington to attain and maintain the NAAQS. Well that's certainly true, that's another circular statement. And this is the sort of thing that we should not be relying on. Ecology needs to really come clean and state very clearly for the people just exactly what is happening as it makes these changes.

I'd just to add one note on the comment about greenhouse gasses and whether or not regulating the next big boy on the block, which is the -- after Centralia, that's the oil refineries -- whether that really makes a difference. And the answer is, when we were doing the modeling for Centralia, we were of course able to show that there was no impact whatsoever from Centralia on the SO_2 non-attainment area in King County. There was an impact on the SO_2 non-attainment area in the Southwest air quality district. At that time, we only had total suspended particulate as a particulate matter pollutant. And even though, in the process of doing the modeling I'd looked at what happens as sulphur dioxide converts to sulfate in the atmosphere to a tiny particle, and was able to show that it did have impacts in South Tacoma, there was no federal standard. There is now a federal standard, and if Centralia had not adopted the controls which they were forced to adopt, it would have, under the old modeling, it would in fact be creating a problem in Pierce County under the PM2.5 standard.

So what I'm saying is, that what's a standard today, and what we're regulating today, and that's sort of what the letter is talking about, really doesn't get us there. We need to think more globally in terms of the pollution we're dealing with because, as the science has done, and the new standards are adopted, and as we figure out a little bit more, we may find that we missed a bit. The problems with the oil refineries, in saying that they're just a small percentage, that's certainly true. The, really the significant additions to carbon dioxide in the world, in the coming years, are going to come from China, not from Bellingham, but you have, each one has to do their own.

I just recently returned from a mission in China, organized by the State Council for Foreign Expert Affairs, which they got a whole bunch of us together to come over to China and talk to them about, the program was called Low Carbon Industries, and work with them on trying to reduce their carbon emissions. We met at the end with members of the State Council, which is China's equivalent of our cabinet, and I would like to tell you that they are extremely serious about reducing their greenhouse gas emissions; very serious. And the people we met with, the technocrats at the highest levels in the Chinese government, are extremely knowledgeable, and very serious, and very determined.

So I think it would be frankly embarrassing for Washington to say that they're not prepared to do what China is setting out to do. They're proposing a carbon cap, a coal cap, they're actually gonna put a cap on how much coal they will burn in China. They have adopted and are prepared to implement cap and trade in China. We can't do less. So we really need to be honest about the effects of this on greenhouse gas. We need to be honest about the effects of this on toxic air pollutants. And we need to say that very

clearly for the public, and we need to say very clearly in any submission what exactly we're doing and what we're not doing.

Linda Whitcher:
Thank you, Mr. Ruby. Nicole? Mrs. Ewing?

Female Voice:
No, I'll give a written statement.

Linda Whitcher:
Thank you. Nicole?

Nicole Keenan:
I'm just moving this to the left so it'll be close enough; I'm a quiet talker. Hi, again, I'm Nicole Keenan, and I'm here representing myself, and I'm just going to reread part of it and then continue. So, I grew up near a Superfund site, an airfield, and a freeway, and I've seen - I want to actually just take us outside of code and language and specifically all of the things that I now understand a little better in the past hour and a half, and talk about what it means to be a person living in the world today, and then also somebody who, you know most of my family actually still lives on the other side of the world and is also affected by things like climate change; my family lives on the Pacific islands and as the ocean rises so does, their homes disappear. So it's something that's tangible both to my life here and then also globally.

I want to just talk about what it means to actually live in air pollution. Living in New Jersey, growing up there, far more people have and had asthma, at least in my experience, than kids that I saw in Washington. Before I even started doing any of this work, I'm actually a social worker, worked with many kids and, in Washington far fewer kids that I worked with had asthma, except for in the neighborhood that I live in. So, Georgetown is actually in a study right now to see how much higher the asthma rate is in Georgetown and Soto than in other parts of the state. Most of that's probably because of moving emissions like diesel, things like that, but I do live near a lot of industry, and I just want to enforce, and talk to Department of Ecology about why it's so important for our lives and our health and for the future of children to have clean air and to push the standard beyond.

So instead of going back to whatever federal standards are, I agree with what you were saying, that we need as a state to actually stick to being leaders in our clean air and our green energy economies. And I know Department of Ecology wants to take us there, and so I hope that every rule change that you make - a, I will understand it in the future, and b - that it actually gets us closer to a clean energy economy and closer to a place where it will continue to be a clean air state where people will get off the plane in Washington and say 'I can breath cleaner here,' which is what I usually say and hopefully will continue to as I grow old here, hopefully.

So, thank you for letting me speak tonight, and I'm going to be done now.

Linda Whitcher:
Yes, would you like to make some testimony?

Elizabeth Daly:
Yes.

Linda Whitcher:
Thank you. Please identify yourself for the record.

Elizabeth Daly:
I'm Elizabeth Daly and I'm with the BP Cherry Point Refinery, and I have just a very short statement. There's a disconnect between federal rules that are in place and the state SIP, and it needs to be corrected. And there is more evidence beyond just the letter that's cited by Stu Clark as the EPA's position, that the purpose of the SIP is to address the NAAQS issues. It is to address the NAAQS. The rule change tonight doesn't change what the state's authority has. But what it does do is it brings into focus the alignment that's needed so that the EPA can approve the state SIP. So we do support the rule; it is long standing in EPA's comments on other state SIPS on other permits that they are there to protect the healthy standards which are the NAAQS, and so we support the fact that Ecology is going in this direction. Thank you.

Linda Whitcher:
Thank you for your testimony. Is there anyone else tonight who would like to give some testimony on submittal of these regulations to the EPA for adoption as the SIP?

Okay. I want to thank you all for coming. This has been a very interesting and very informative hearing tonight, and I really appreciate each of you for taking the time to come and to participate.

So, all the testimony that has been received at this hearing, all the written comments that we receive no later than July 20th, 2012, will be made part of the official hearing record for this proposal. At this point in time, the next step is that the Department of Plangy -- The Department of…

[laughter in room]

I don't know what I said; I don't think it was apology! Ecology plans to submit an official request to the EPA Region 10 for inclusion of WAC 173.400.020 and 030 for inclusion in Washington SIP. Once the revisions to this chapter, 173.400 WAC, are final, EPA will review the request and they will make a determination in the next few months.

Again, if we can answer questions for you as this process goes forward, please contact us. On behalf of the Department of Ecology, thank you for coming. I appreciate your cooperation and your courtesy that you extended to all of us, and this hearing is adjourned at 8:25 pm.

[end of recording]