



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (10/1/89)

Agency: ENERGY FACILITY SITE EVALUATION COUNCIL

- Permanent Rule
- Emergency Rule

(1) Date of adoption: October 11, 1993

(2) Purpose: To update EFSEC's air rules consistent with the requirements of the 1990 Clean Air Act amendments and Washington's Clean Air Act.

(3) Citation of existing rules affected by this order:

Repealed:

Amended: WAC 463-39-005, 463.39.020, 463-39-030, 100, 115 and 120

Suspended:

(4) Authority for adoption:

Statute: RCW 80.50.040(1) and Chapter 70.94 RCW

Other Authority:

(5.1) PERMANENT RULE ONLY

Pursuant to notice filed as WSR 93.18.104 on 9/1/93 (date).

Describe any changes other than editing from proposed to adopted version:

(5.2) EMERGENCY RULE ONLY

Pursuant to RCW 34.05.350 the agency for good cause finds:

- (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

Yes No If yes, explain:

(6) Effective date of rule:

Permanent Rules

- 31 days after filing
- Other (specify) _____ *

*(If less than 31 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

Emergency Rules

- Immediately
- Later (specify) _____

CODE REVISER USE ONLY

CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED

NOV 10 1993

TIME
FILED

93-23-035

NAME (TYPE OR PRINT)

Jason J. Zeller

SIGNATURE

Jason J. Zeller

TITLE

EFSEC Manager

DATE

11/10/93

Chapter 463-39 WAC

GENERAL AND OPERATING PERMIT REGULATIONS FOR AIR POLLUTION
SOURCES

AMENDATORY SECTION (AMENDING WSR 92.09.013. filed 4/2/92)

WAC 463-39-005 Adoption By Reference. (1) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-400 WAC by reference. (~~Any revisions or changes to these rules are hereby adopted.~~)

- WAC 173-400-030: Definitions.
- WAC 173-400-040: General standards for maximum emissions.
- WAC 173-400-050: Emission standards for combustion and incineration units.
- WAC 173-400-060: Emission standards for general process units.
- ~~WAC 173-400-081: Startup and shutdown.~~
- ~~WAC 173-400-090: Voluntary limits on emissions.~~
- WAC 173-400-105: Records, monitoring, and reporting.
- ~~WAC 173-400-107: Excess emissions.~~
- WAC 173-400-110: New source review (NSR).
- ~~WAC 173-400-112: Requirements for new sources in nonattainment areas.~~
- ~~WAC 173-400-113: Requirements for new sources in attainment or unclassifiable areas.~~
- ~~WAC 173-400-114: Requirements for replacement or substantial alteration of emission control technology at an existing stationary source.~~
- WAC 173-400-120: Bubble rules.
- WAC 173-400-131: Issuance of emission reduction credits.
- WAC 173-400-136: Use of emission reduction credits.
- WAC 173-400-141: Prevention of significant deterioration (PSD).

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| WAC 173-400-151: | Retrofit requirements for visibility protection. |
| WAC 173-400-161: | Compliance schedules. |
| WAC 173-400-171: | Public involvement. |
| WAC 173-400-180: | Variance. |
| WAC 173-400-190: | Requirements for nonattainment areas. |
| WAC 173-400-200: | Creditable stack height and dispersion techniques. |
| WAC 173-400-205: | Adjustment for atmospheric conditions. |

(2) The energy facility site evaluation council adopts the following sections or subsections of chapter 173-401 WAC by reference.

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| <u>WAC 173-401-100:</u> | <u>Program overview.</u> |
| <u>WAC 173-401-200:</u> | <u>Definitions.</u> |
| <u>WAC 173-401-300:</u> | <u>Applicability.</u> |
| <u>WAC 173-401-500:</u> | <u>Permit applications.</u> |
| <u>WAC 173-401-520:</u> | <u>Certification.</u> |
| <u>WAC 173-401-600:</u> | <u>Permit content.</u> |
| <u>WAC 173-401-605:</u> | <u>Emission standards and limitations.</u> |
| <u>WAC 173-401-610:</u> | <u>Permit Duration.</u> |
| <u>WAC 173-401-615:</u> | <u>Monitoring and related recordkeeping and reporting requirements.</u> |
| <u>WAC 173-401-620:</u> | <u>Standard terms and conditions. Except</u> <u>(2) (i)</u> |
| <u>WAC 173-401-625:</u> | <u>Federally enforceable requirements.</u> |
| <u>WAC 173-401-630:</u> | <u>Compliance requirements.</u> |
| <u>WAC 173-401-635:</u> | <u>Temporary sources.</u> |
| <u>WAC 173-401-640:</u> | <u>Permit shield.</u> |
| <u>WAC 173-401-645:</u> | <u>Emergency provision.</u> |
| <u>WAC 173-401-650:</u> | <u>Operational flexibility.</u> |
| <u>WAC 173-401-700:</u> | <u>Action on application.</u> |
| <u>WAC 173-401-705:</u> | <u>Requirement for a permit.</u> |
| <u>WAC 173-401-710:</u> | <u>Permit renewal, revocation and expiration.</u> |
| <u>WAC 173-401-720:</u> | <u>Administrative permit amendments.</u> |

WAC 173-401-722: Changes not requiring permit revisions.
WAC 173-401-725: Permit modifications.
WAC 173-401-730: Reopening for cause.
WAC 173-401-750: General permits.
WAC 173-401-800: Public involvement.
WAC 173-401-810: EPA Review.
WAC 173-401-820: Review by affected states.

AMENDATORY SECTION (AMENDING ORDER 79.1. filed 8/6/79)

WAC 463-39-020 Applicability. The provisions of this chapter shall apply state-wide for those sources under the jurisdiction of the energy facility site evaluation council. The provisions of this chapter shall not apply to those facilities incorporated by reference in chapters 173-400 and 173-401 WAC which are not under the jurisdiction of the energy facility site evaluation council.

AMENDATORY SECTION (AMENDING WSR 92.09.013. filed 4/2/92)

WAC 463-39-030 Additional Definitions. ~~-(In addition to the definitions contained in WAC 173-400-030, the following terms shall have the following meaning unless a different meaning is plainly required by context.)~~ (1) "Council" means the energy facility site evaluation council.

(2) In addition to the definitions contained in WAC 173-400-030 and WAC 173-401-200, "ecology" and "authority" shall be synonymous with the energy facility site evaluation council unless a different meaning is plainly required by context ~~-(except for WAC 463-39-120 where the department of ecology is intended.)~~

AMENDATORY SECTION (AMENDING ORDER 79-1, filed 8/6/79)

WAC 463-39-100 Registration. (1) The owner or operator of each stationary source subject to chapter 80.50 RCW shall register the source with the council.

Registration shall be on forms which have been adopted for use by the department of ecology ~~((to be supplied by the council))~~ within the time specified thereon.

A report of closure shall be filed with the council within ninety days after ~~((whenever))~~ operations producing emissions ~~((are))~~ permanently ceased at any source within the council's jurisdiction ~~((above categories.))~~

(2) The council shall ensure that the following, as it pertains to sources covered under this rule, is passed on to ecology in a timely manner for inclusion in its permit register:

(a) Public meetings or hearings on draft operating permits;

(b) Receipt of complete applications;

(c) Permit appeals;

(d) Issuance or denial of final permit, permit modifications, or renewals;

(e) Authorization for a source to operate without an operating permit by limiting its potential to emit to levels below those that would require the source to obtain an operating permit;

(f) Periodic summaries of enforcement order and changes made without revising the permit pursuant to WAC 173-401-722.

AMENDATORY SECTION (AMENDING WSR 92.09.013. filed 4/2/92)

WAC 463-39-120 Monitoring And Special Report. The department of ecology or its designee shall conduct a ~~((continuous))~~ surveillance program to monitor the quality of the ambient atmospheres to concentrations and movements of air contaminants in accordance with the requirements of chapters 173-400 and 173-401 WAC.

As a part of this program, the director of the department of ecology or an authorized representative of the director may recommend that any source under the jurisdiction of the council conduct stack and/or ambient air monitoring, and to report the results to the council and department of ecology.

NEW SECTION

WAC 463-39-140 Appeals Procedure. Appeals from notices of violation issued by the Council will be handled via the Council's appellate review procedure as provided in WAC 463-54-070 (4) (c).