

**WAC 463-78-005 Adoption by reference.** (1) The energy facility site evaluation council adopts by reference the provisions in the chapters listed below in this section and the federal rules in WAC 463-78-115 as it existed on November 11, 2019.

(2) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-400 WAC in effect on the date in subsection (1) of this section with the following exceptions:

(a) These provisions are not adopted by reference:

(i) WAC 173-400-111 (5)(a) (last six words), (6), (9);

(ii) WAC 173-400-730(4);

(iii) WAC 173-400-750(2) second sentence; and

(iv) The adoption date shall be November 11, 2019.

(b) The terms "ecology," "authority," "director," and "permitting authority" in WAC 173-400-030 shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

WAC 173-400-025:	Adoption of federal rules.
WAC 173-400-030:	Definitions.
WAC 173-400-036:	Relocation of portable sources.
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 173-400-075:	Emission standards for sources emitting hazardous air pollutants.
WAC 173-400-081:	Emission limits during startup and shutdown.
WAC 173-400-091:	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) for sources and portable sources.
WAC 173-400-111:	Processing notice of construction applications for sources, stationary sources and portable sources.
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 173-400-116:	Increment protection.
WAC 173-400-117:	Special protection requirements for federal Class I areas.
WAC 173-400-120:	Bubble rules.
WAC 173-400-131:	Issuance of emission reduction credits.

WAC 173-400-136:	Use of emission reduction credits (ERC).
WAC 173-400-161:	Compliance schedules.
WAC 173-400-171:	Public notice and opportunity for public comment.
WAC 173-400-175:	Public information.
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.
WAC 173-400-700:	Review of major stationary sources of air pollution.
WAC 173-400-710:	Definitions.
WAC 173-400-720:	Prevention of significant deterioration (PSD).
WAC 173-400-730:	Prevention of significant deterioration application processing procedures.
WAC 173-400-740:	PSD permitting public involvement requirements.
WAC 173-400-750:	Revisions to PSD permits.
WAC 173-400-800:	Major stationary source and major modification in a nonattainment area.
WAC 173-400-810:	Major stationary source and major modification definitions.
WAC 173-400-820:	Determining if a new stationary source or modification to a stationary source is subject to these requirements.
WAC 173-400-830:	Permitting requirements.
WAC 173-400-840:	Emission offset requirements.
WAC 173-400-850:	Actual emissions plantwide applicability limitation (PAL).
WAC 173-400-860:	Public involvement procedures.

(3) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-401 WAC, in effect on the date referenced in subsection (1) of this section, with the following exceptions:

- (a) WAC 173-401-620 (2) (i) is not adopted by reference; and
- (b) The terms "ecology," "authority," "director," and "permitting authority" shall mean "the energy facility site evaluation council" unless a different meaning is plainly required by the context.

WAC 173-401-100:	Program overview.
WAC 173-401-200:	Definitions.
WAC 173-401-300:	Applicability.
WAC 173-401-500:	Permit applications.
WAC 173-401-510:	Permit application form.
WAC 173-401-520:	Certification.
WAC 173-401-530:	Insignificant emission units.

WAC 173-401-531:	Thresholds for hazardous air pollutants.
WAC 173-401-532:	Categorically exempt insignificant emission units.
WAC 173-401-533:	Units and activities defined as insignificant on the basis of size or production rate.
WAC 173-401-600:	Permit content.
WAC 173-401-605:	Emission standards and limitations.
WAC 173-401-610:	Permit duration.
WAC 173-401-615:	Monitoring and related recordkeeping and reporting requirements.
WAC 173-401-620:	Standard terms and conditions.
WAC 173-401-625:	Federally enforceable requirements.
WAC 173-401-630:	Compliance requirements.
WAC 173-401-635:	Temporary sources.
WAC 173-401-640:	Permit shield.
WAC 173-401-645:	Emergency provision.
WAC 173-401-650:	Operational flexibility.
WAC 173-401-700:	Action on application.
WAC 173-401-705:	Requirement for a permit.
WAC 173-401-710:	Permit renewal, revocation and expiration.
WAC 173-401-720:	Administrative permit amendments.
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.

(4) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-406 WAC, in effect on the date referenced to in subsection (1) of this section.

Part I - GENERAL PROVISIONS

WAC 173-406-100:	Acid rain program general provisions.
WAC 173-406-101:	Definitions.
WAC 173-406-102:	Measurements, abbreviations, and acronyms.
WAC 173-406-103:	Applicability.
WAC 173-406-104:	New units exemption.
WAC 173-406-105:	Retired units exemption.
WAC 173-406-106:	Standard requirements.

Part II - DESIGNATED REPRESENTATIVE

WAC 173-406-200:	Designated representative.
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Part II - DESIGNATED REPRESENTATIVE

WAC 173-406-201: Submissions.

WAC 173-406-202: Objections.

Part III - APPLICATIONS

WAC 173-406-300: Acid rain permit applications.

WAC 173-406-301: Requirement to apply.

WAC 173-406-302: Information requirements for acid rain permit applications.

WAC 173-406-303: Permit application shield and binding effect of permit application.

Part IV - COMPLIANCE PLAN

WAC 173-406-400: Acid rain compliance plan and compliance options.

WAC 173-406-401: General.

WAC 173-406-402: Repowering extensions.

Part V - PERMIT CONTENTS

WAC 173-406-500: Acid rain permit.

WAC 173-406-501: Contents.

WAC 173-406-502: Permit shield.

Part VI - PERMIT ISSUANCE

WAC 173-406-600: Acid rain permit issuance procedures.

WAC 173-406-601: General.

WAC 173-406-602: Completeness.

WAC 173-406-603: Statement of basis.

WAC 173-406-604: Issuance of acid rain permits.

Part VII - PERMIT REVISIONS

WAC 173-406-700: Permit revisions.

WAC 173-406-701: General.

WAC 173-406-702: Permit modifications.

WAC 173-406-703: Fast-track modifications.

WAC 173-406-704: Administrative permit amendment.

WAC 173-406-705: Automatic permit amendment.

WAC 173-406-706: Permit reopenings.

Part VIII - COMPLIANCE CERTIFICATION

WAC 173-406-800: Compliance certification.

WAC 173-406-801: Annual compliance certification report.

WAC 173-406-802: Units with repowering extension plans.

Part IX - NITROGEN OXIDES

WAC 173-406-900: Nitrogen oxides emission reduction program.

Part X - SULFUR DIOXIDE OPT-IN

WAC 173-406-950: Sulfur dioxide opt-ins.

(5) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-460 WAC, in effect on the date referenced in subsection (1) of this section.

WAC 173-460-010:	Purpose.
WAC 173-460-020:	Definitions.
WAC 173-460-030:	Applicability.
WAC 173-460-040:	New source review.
WAC 173-460-050:	Requirement to quantify emissions.
WAC 173-460-060:	Control technology requirements.
WAC 173-460-070:	Ambient impact requirement.
WAC 173-460-080:	First tier review.
WAC 173-460-090:	Second tier review.
WAC 173-460-100:	Third tier review.
WAC 173-460-140:	Remedies.
WAC 173-460-150:	Table of ASIL, SQER, and de minimis emission values.

(6) The energy facility site evaluation council adopts by reference the following provisions of chapter 173-441 WAC, in effect on the date referenced in subsection (1) of this section.

WAC 173-441-010:	Scope.
WAC 173-441-020:	Definitions.
WAC 173-441-030:	Applicability.
WAC 173-441-040:	Greenhouse gases.
WAC 173-441-050:	General monitoring, reporting, recordkeeping and verification requirements.
WAC 173-441-060:	Authorization and responsibilities of the designated representative.
WAC 173-441-070:	Report submittal.
WAC 173-441-080:	Standardized methods and conversion factors incorporated by reference.
WAC 173-441-085:	Third-party verification.
WAC 173-441-086:	Assigned emissions level.
WAC 173-441-090:	Compliance and enforcement.
WAC 173-441-100:	Addresses.
WAC 173-441-110:	Fees.
WAC 173-441-120:	Calculation methods incorporated by reference from 40 C.F.R. Part 98 for facilities.
WAC 173-441-130:	Calculation methods for suppliers.
WAC 173-441-140:	Petitioning ecology to use an alternative calculation method to calculate greenhouse gas emissions.
WAC 173-441-150:	Confidentiality.
WAC 173-441-160:	Ecology to share information with local air authorities and with the energy facility site evaluation council.

WAC 173-441-170: Severability.

[Statutory Authority: RCW 80.50.040(1), chapter 34.05 RCW and RCW 70.94.422. WSR 20-16-052, § 463-78-005, filed 7/28/20, effective 8/28/20; WSR 19-16-025, § 463-78-005, filed 7/26/19, effective 8/26/19. Statutory Authority: RCW 80.50.040 and 70.94.422. WSR 15-16-033, § 463-78-005, filed 7/27/15, effective 8/27/15. Statutory Authority: Chapters 70.94 and 70.235 RCW. WSR 11-13-048, § 463-78-005, filed 6/9/11, effective 7/10/11. Statutory Authority: Chapter 80.50 RCW and RCW 80.50.040. WSR 09-01-046, § 463-78-005, filed 12/10/08, effective 1/10/09. Statutory Authority: RCW 80.50.040 (1) and (12). WSR 06-06-037, § 463-78-005, filed 2/23/06, effective 3/26/06; WSR 04-21-013, recodified as § 463-78-005, filed 10/11/04, effective 11/11/04; WSR 04-17-058, § 463-39-005, filed 8/11/04, effective 9/11/04. Statutory Authority: RCW 80.50.040(1). WSR 95-17-088, § 463-39-005, filed 8/21/95, effective 9/21/95; WSR 94-16-031, § 463-39-005, filed 7/26/94, effective 8/26/94. Statutory Authority: RCW 80.50.040(1) and chapter 70.94 RCW. WSR 93-23-035, § 463-39-005, filed 11/10/93, effective 12/11/93. Statutory Authority: RCW 80.50.040(1). WSR 92-09-013, § 463-39-005, filed 4/2/92, effective 5/3/92.]