

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.]