

WSR 23-04-063

PERMANENT RULES

DEPARTMENT OF HEALTH

[Filed January 27, 2023, 3:44 p.m., effective February 27, 2023]

Effective Date of Rule: Thirty-one days after filing.

Purpose: WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions. This rule making updates the federal regulations publication date from 2021 to the most recently adopted 2022 version previously adopted by reference. This amendment makes no changes to any requirements previously adopted, but is required for the department of health to receive delegation of the Radionuclide Air Emissions Program from the United States Environmental Protection Agency.

Citation of Rules Affected by this Order: Amending WAC 246-247-035.

Statutory Authority for Adoption: RCW 70A.388.040 and 70A.388.050(5).

Adopted under notice filed as WSR 22-21-130 on October 18, 2022.

Number of Sections Adopted in Order to Comply with Federal Statute: New 0, Amended 0, Repealed 0; Federal Rules or Standards: New 0, Amended 1, Repealed 0; or Recently Enacted State Statutes: New 0, Amended 0, Repealed 0.

Number of Sections Adopted at the Request of a Nongovernmental Entity: New 0, Amended 0, Repealed 0.

Number of Sections Adopted on the Agency's own Initiative: New 0, Amended 1, Repealed 0.

Number of Sections Adopted in Order to Clarify, Streamline, or Reform Agency Procedures: New 0, Amended 0, Repealed 0.

Number of Sections Adopted using Negotiated Rule Making: New 0, Amended 0, Repealed 0; Pilot Rule Making: New 0, Amended 0, Repealed 0; or Other Alternative Rule Making: New 0, Amended 1, Repealed 0.

Date Adopted: January 27, 2023.

January 27, 2023
Kristen Petersen, JD
Chief of Policy
for Umair A. Shah, MD, MPH
Secretary

OTS-4000.1

AMENDATORY SECTION (Amending WSR 21-22-118, filed 11/3/21, effective 12/4/21)

WAC 246-247-035 National standards adopted by reference for sources of radionuclide emissions. (1) In addition to other requirements of this chapter, the following federal standards, as in effect on July 1, ((2021)) 2022, are adopted by reference except as provided in subsection (2) of this section.

(a) For federal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart H - National Emission Standards for Emissions of Radionuclides Other Than Radon From Department of Energy Facilities.

(iii) 40 C.F.R. Part 61, Subpart I - National Emission Standards for Radionuclide Emissions From Federal Facilities Other Than Nuclear Regulatory Commission Licensees and Not Covered by Subpart H.

(iv) 40 C.F.R. Part 61, Subpart Q - National Emission Standards for Radon Emissions From Department of Energy Facilities.

(b) For nonfederal facilities:

(i) 40 C.F.R. Part 61, Subpart A - General Provisions.

(ii) 40 C.F.R. Part 61, Subpart B - National Emission Standards for Radon Emissions From Underground Uranium Mines.

(iii) 40 C.F.R. Part 61, Subpart K - National Emission Standards for Radionuclide Emissions From Elemental Phosphorus Plants.

(iv) 40 C.F.R. Part 61, Subpart R - National Emission Standards for Radon from Phosphogypsum Stacks.

(v) 40 C.F.R. Part 61, Subpart T - National Emission Standards for Radon Emissions From the Disposal of Uranium Mill Tailings.

(vi) 40 C.F.R. Part 61, Subpart W - National Emission Standards for Radon Emissions From Operating Mill Tailings.

(2) References to "Administrator" or "EPA" in 40 C.F.R. Part 61 include the department of health except in any section of 40 C.F.R. Part 61 for which a federal rule or delegation indicates that the authority will not be delegated to the state.

[Statutory Authority: RCW 70A.388.040, 70A.388.050(5) and 2020 c 20. WSR 21-22-118, § 246-247-035, filed 11/3/21, effective 12/4/21. Statutory Authority: RCW 70.98.050 and 70.98.080(5). WSR 19-23-039, § 246-247-035, filed 11/12/19, effective 12/13/19. Statutory Authority: RCW 70.98.050, 70.98.080(5) and 40 C.F.R. 63.91. WSR 19-04-042, § 246-247-035, filed 1/29/19, effective 3/1/19. Statutory Authority: RCW 70.98.050 and 70.98.080(5). WSR 18-12-075, § 246-247-035, filed 6/1/18, effective 7/2/18; WSR 17-13-037, § 246-247-035, filed 6/13/17, effective 7/14/17. Statutory Authority: RCW 70.98.050 and 70.98.080. WSR 16-15-083, § 246-247-035, filed 7/19/16, effective 8/19/16; WSR 16-06-003, § 246-247-035, filed 2/17/16, effective 3/19/16. Statutory Authority: RCW 70.98.050 and 70.98.080(5). WSR 12-01-071, § 246-247-035, filed 12/19/11, effective 1/19/12. Statutory Authority: RCW 70.98.050. WSR 05-12-059, § 246-247-035, filed 5/26/05, effective 6/26/05.]