



RULE-MAKING ORDER

CR-103P (May 2009)
(Implements RCW 34.05.360)

Agency: Department of Ecology AO#16-01

Permanent Rule Only

Effective date of rule:

Permanent Rules

31 days after filing.

Other (specify) _____ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes No If Yes, explain:

Purpose: This rulemaking amends three rules:

- General Regulations for Air Pollution Sources – Chapter 173-400 WAC
 - Washington rules need to require compliance with the most recent federal rules. Maintaining EPA approval of our state Air Operating Permit and Prevention of Significant Deterioration Programs requires the adoption of federal rules. Ecology updated references to federal requirements and added a single reference point for specifying the date of the federal rules, providing consistency for users of the rule and simplifies future updates.
- Low Emission Vehicles – Chapter 173-423 WAC
 - As required by the federal Clean Air Act and RCW 70.120A.010 Ecology is updating this chapter to maintain consistency with the California motor vehicle emission standards.
- Ambient Air Quality Standards – Chapter 173-476 WAC
 - Ecology is adopting the lower federal ozone standard which will protect people from the harmful effects of ground level ozone smog and complies with a federal requirement.

Citation of existing rules affected by this order:

Repealed:

Amended: Chapter 173-400 WAC, General Regulations for Air Pollution Sources; Chapter 173-423 WAC, Low Emission Vehicles; and Chapter 173-476 WAC, Ambient Air Quality Standards

Suspended:

Statutory authority for adoption: Chapter 173-423 WAC: RCW 70.120A.010
Chapters 173-400 and 173-476 WAC: RCW 70.94.152, RCW 70.94.331, RCW 70.94.860

Other authority :

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 16-06-068 on February 25, 2016.

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

Ecology made the following changes:

- In Chapter 173-400 WAC, Ecology added “in effect on the date in WAC 173-400-025” throughout the rule wherever federal rules were adopted for clarity and consistency.
- Ecology did not adopt EPA requirements for sewage sludge incinerators because EPA had not adopted their rule in time for the adoption of Ecology’s rule amendments.

Date adopted: 5/31/16

NAME (TYPE OR PRINT)

Maia D. Bellon

SIGNATURE

TITLE

Director, Department of Ecology

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 31, 2016

TIME: 3:30 PM

WSR 16-12-099

(COMPLETE REVERSE SIDE)

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	_____	Amended	_____	Repealed	_____
Federal rules or standards:	New	<u>1</u>	Amended	<u>25</u>	Repealed	_____
Recently enacted state statutes:	New	_____	Amended	_____	Repealed	_____

The number of sections adopted at the request of a nongovernmental entity:

New	_____	Amended	_____	Repealed	_____
-----	-------	---------	-------	----------	-------

The number of sections adopted in the agency's own initiative:

New	<u>1</u>	Amended	_____	Repealed	_____
-----	----------	---------	-------	----------	-------

The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>1</u>	Amended	<u>21</u>	Repealed	_____
-----	----------	---------	-----------	----------	-------

The number of sections adopted using:

Negotiated rule making:	New	_____	Amended	_____	Repealed	_____
Pilot rule making:	New	_____	Amended	_____	Repealed	_____
Other alternative rule making:	New	_____	Amended	_____	Repealed	_____