



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

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DATE: July 17, 2018

TIME: 11:42 AM

WSR 18-15-074

Agency: Department of Ecology AO #18-06

Subject of possible rule making:

Chapter 173-400 WAC General Regulations For Air Pollution Sources establishes the regulatory framework to ensure that healthy air quality exists in Washington, including meeting federal air quality standards. We are proposing to revise:

- WAC 173-400-040(7) to add an alternative emission standard for sulfur dioxide from a petroleum refinery sulfur recovery unit that would apply during startup and shutdown. The change will allow the petroleum refineries with sulfur recovery units to comply with the Environmental Protection Agency's (EPA) direction in the Startup Shutdown Malfunction State Implementation Plan Call (SSM SIP Call) ([80 FR 33840](#)). We started this discussion during the 2018 SSM rulemaking and plan to complete this work as part of this rulemaking.
- WAC 173-400-030 to add any definitions needed to support changes.
- WAC 173-400-025 to update our adoption by reference of federal rules. We need to adopt federal rules before they can apply to a facility, including changes since our last adoption.
- Other sections to update and make simple changes to clarify and simplify the application of the rule.

Statutes authorizing the agency to adopt rules on this subject:

Chapter 70.94 RCW, RCW 70.94.331

Reasons why rules on this subject may be needed and what they might accomplish:

See subject of possible rule making.

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Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

Ecology will communicate with and seek input from the EPA to ensure compliance with EPA's decision on the treatment of emissions from startup, shutdown, and malfunction published in 80 FR 33840 on June 12, 2015. Ecology will also coordinate with the local clean air authorities and regional offices, especially the two local authorities that regulate petroleum refineries.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act (Chapter 34.05 RCW).

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

Name: Colleen Stinson
Address: Department of Ecology
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: (360) 407-6837
Fax: N/A

(If necessary)

Name:
Address:

Phone:
Fax:

TTY: People with speech disability may call TTY at 877-833-6341.
People with impaired hearing may call Washington Relay Service at 711.)

Email: Colleen.Stinson@ecy.wa.gov

Web site: <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC173-400Jun18>

Other: Sign up to receive email notices:
<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=ECY-AQ-RULE-AND-SIP-UPDATES&X=OF7D460E8D17CE2B31F&Y=equi461%40ecy.wa.gov>

TTY:

Email:

Web site:

Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Date: July 17, 2018

Name: Stuart A. Clark

Title: Air Quality Program Manager

Signature:

