



STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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December 16, 2016

Notice to Withdraw Rulemaking and Immediately Refile

The Department of Ecology (Ecology) is withdrawing its notice of rulemaking (Preproposal Statement of Inquiry CR 101 form) filed July 21, 2015, AO # 15-07, WSR 15-15-162.

Ecology proposed to amend Chapter 173-400 WAC – General Regulations for Air Pollution Sources. Our current rules do not establish emission limits during periods of startup, shutdown and malfunction and allow a company to avoid a violation. These conditions mainly apply to large commercial and industrial facilities. EPA determined our rules were inadequate to meet federal Clean Air Act requirements and directed states, including Washington, to correct our deficiencies and submit a revision to our State Implementation Plan (SIP).

During 2016, EPA extended its rationale for the SIP deficiency to affirmative defense provisions in the Operating Permit Program and adopted rules allowing web posting of public notice and draft permits for major permitting actions. Therefore, Ecology is withdrawing our original notice of rulemaking and immediately refile a notice of rulemaking expanding the scope to include these actions. The new rulemaking will include amending Chapter 173-401 WAC – Operating Permit Regulation – and align sections of Chapters 173-400 and 173-401 WAC with these federal requirements.

For more information, contact Elena Guilfoil at (360) 407-6855 or elena.guilfoil@ecy.wa.gov.

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
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