



RULE-MAKING ORDER PERMANENT RULE ONLY

CR-103P (December 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: February 12, 2025
TIME: 7:45 AM

WSR 25-05-042

Agency: Department of Ecology AO # 23-08

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: Ecology is adopting amendments to two air quality rules:

Chapter 173-400 WAC, General Regulations for Air Pollution Sources

- Update references to a new publication date for Ecology’s Source Test Manual – Procedures for Compliance Testing.
- Update adoption by reference date in Section -025 for purposes of adopting federal rules by reference.

Chapter 173-401 WAC, Operating Permit Regulation

- Repeal the emergency affirmative defense provisions in WAC 173-401-645 to align with EPA’s July 2023 removal of these provisions from federal operating permit regulations.

This adoption also makes minor administrative updates that include updating references to two chapters of the Revised Code of Washington that were recodified in 2020.

Citation of rules affected by this order:

- New:
- Repealed:
- Amended: Chapters 173-400 and 173-401 WAC
- Suspended:

Statutory authority for adoption: Chapter 70A.15 RCW, Washington Clean Air Act

Other authority: Ecology completed an Environmental Justice Assessment under RCW 70A.02.060 for this rulemaking.

PERMANENT RULE (Including Expedited Rule Making)

Adopted under notice filed as WSR 25-19-098 on September 18, 2024 (date).

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

There were no changes from the proposed to the adopted version of these rules.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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 Air Quality Program
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 Web site: <https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-400-401-air-pollution-sources>
 Other: N/A

**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	Amended	_____	Repealed	<u>1</u>
Recently enacted state statutes:	New	Amended	_____	Repealed	_____

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

New	_____	Amended	_____	Repealed	_____
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The number of sections adopted on the agency's own initiative:

New	_____	Amended	<u>36</u>	Repealed	_____
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	_____	Amended	_____	Repealed	_____
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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	_____

Date Adopted: February 12, 2025

Name: Casey D. Sixkiller

Title: Director

Signature:

