



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Energy Facility Site Evaluation Council

Title of rule and other identifying information: (Describe Subject)

Chapter 463-78 WAC –General and Operating Permit Regulations for Air Pollution Sources. In WAC 463-78-005(1) the effective date of adoption by reference of Chapter 173-400 WAC will be changed from March 1, 2005 to November 1, 2008.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

Name: Allen Fiksdal, EFSEC Manager
Agency: Energy Facility Site Evaluation Council
Address: PO Box 43172, Olympia, WA 98504-3172

AND RECEIVED BY (Date) November 18, 2008

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Adoption of the Department of Ecology’s most recent rules for the Prevention of Significant Deterioration (PSD) program will enable EFSEC to received full delegation from the U. S. Environmental Protection Agency (USEPA) for new major stationary sources and major modifications to major stationary sources located in attainment or unclassified areas in Washington. Currently EFSEC has only partial delegation of that program. This partial delegation requires the USEPA to co-sign all of EFSEC’s PSD permits. The USEPA has informed EFSEC that if EFSEC adopts the most recent Ecology rules regarding the PSD program it will grant EFSEC full delegation. The effect will be that EFSEC will have the same rules as Ecology allowing the USEPA to grant EFSEC full PSD delegation. Once full delegation is granted EFSEC will be able to issue PSD permits without co-signature by USEPA.

WAC 463-78-005(1) will be amended so the effective date of adoption by reference of Chapter 173-400 WAC will be November 1, 2008 rather than March 1, 2005.

Reasons supporting proposal:

With full delegation of the PSD program, there will be no differences between EFSEC’s and Ecology’s PSD programs and there will be reduced costs to new energy facilities with the removal of a regulatory step prior to start of construction.

Statutory authority for adoption: RCW 80.50.040

Statute being implemented: Chapters 80.50 RCW

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

If yes, CITATION:

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: September 16, 2008
TIME: 2:56 PM

WSR 08-19-092

DATE
September 16, 2008

NAME (TYPE OR PRINT)
Allen J. Fiksdal

SIGNATURE /s/

TITLE
EFSEC Manager

Name of proponent: (person or organization) Energy Facility Site Evaluation Council

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Allen Fiksdal	PO Box 43172, Olympia, WA 98504-3172	(360) 956-2152
Implementation....Allen Fiksdal	PO Box 43172, Olympia, WA 98504-3172	(360) 956-2152
Enforcement.....Allen Fiksdal	PO Box 43172, Olympia, WA 98504-3172	(360) 956-2152

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

Adoption of these rules will not have any fiscal impact on the agency, nor will the rule adoption change the effectiveness or enforcement of the PSD permit for air emissions from EFSEC regulated energy facilities.