



**Washington State
Energy Facility Site Evaluation Council**

As required by
The Washington State Administrative Procedures Act
Chapter 34.05 RCW

CONCISE EXPLANATORY STATEMENT
AND
RESPONSIVENESS SUMMARY
FOR THE AMENDMENT OF

CHAPTER 463-78 WAC

GENERAL AND OPERATING PERMIT REGULATIONS FOR AIR POLLUTION SOURCES

07/23/15

As required by the Washington State Administrative Procedures Act, RCW 34.05.

CONCISE EXPLANATORY STATEMENT
AND
RESPONSIVENESS SUMMARY
FOR THE ADOPTION OF
CHAPTER 463-78 WAC

General and Operating Permit Regulations for Air Pollution Sources

Prepared by:
Staff of
Washington State Energy Facility Site Evaluation Council

July 23, 2015

**Concise Explanatory Statement
Proposed Rule Language for
Chapters 463-80 and 463-85 WAC**

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ACRONYMS AND ABBREVIATIONS

AOP	Air Operating Permit
CFR	Code of Federal Regulations
ECOLOGY	Department of Ecology
EPA	Environmental Protection Agency
EFSEC	Energy Facility Site Evaluation Council
RCW	Revised Code of Washington
WAC	Washington Administrative Code

CONCISE EXPLANATORY STATEMENT

I. Introduction

◆ **Identify the reasons for adopting these rules** (RCW 34.05.325(6)(a)(i)):

EFSEC proposes to adopt by reference five recent Ecology air rule revisions into Chapter 463-78 WAC to assure consistency with Ecology's rules, as directed in RCW 70.94.422, and to assure consistency and compliance with federal rules. These revisions will also support EFSEC's future update of its state implementation plan (SIP) to the US Environmental Protection Agency.

EFSEC also proposes to adopt by reference six categories of Standards of Performance for New Stationary Sources, Title 40, Code of Federal Regulations, Part 60, as it exists on July 1, 2014. EFSEC proposes to adopt these standards because they may be applicable to future potential EFSEC projects. The proposed categories of federal performance standards will be added to an existing list of federal performance standards in WAC 463-78-115.

◆ **Identify the adoption date of rule and effective date of rule.**

The adoption date of the rule is July 23, 2015 and was filed on July 27, 2015. The effective date is 31 days after the rule is filed with the Code Reviser, or August 27, 2015.

II. Describe Differences Between Proposed and Final Rule

◆ **Describe the differences between the text of the proposed rule as published in the Washington State Register and the text of the rule as adopted, other than editing changes. State the reasons for the differences** (RCW 34.05.325(6)(a)(ii)):

Aside from minor editing changes (i.e. punctuation or grammatical corrections) there are no differences between the text of the proposed rule and the text of the rule as adopted.

III. Summarize Comments – Responsiveness Summary

- ◆ **Summarize all comments received regarding the proposed rule and respond to comments by category or subject matter. You must indicate how the final rule reflects agency consideration of the comments or why it fails to do so (RCW 34.05.325(6)(a)(iii)):**

No comments were received by EFSEC.

IV. Summary of public involvement opportunities

Please provide a summary of public involvement opportunities for this rule adoption:

- ◆ **Mass mailing pieces (i.e., FOCUS sheet, news releases)**
 - A press release was issued and posted on Ecology's Laws and Rules web site.
 - An email notice went out to a total of 436 subscribers of EFSEC's Agenda and Minutes list and EFSEC's Rulemaking Interested Parties list.
 - Notices were sent to the US Environmental Protection Agency and Tribes.
- ◆ **Advertisements and/or newspaper announcements**
 - Notice of this rulemaking was published in the Washington State Register on May 6, 2015.
 - A Determination of Nonsignificance (DNS) was posted on Ecology's SEPA Register on May 15, 2015.
 - A legal notice was published in The Olympian Newspaper on May 6, 2015.
 - Public notice was posted on EFSEC's Rulemaking web page.

No public hearings were held, as allowed in RCW 34.05.353(3).