

Implementation Plan submitted to EPA by the Director of the Washington Department of Ecology (WDOE) on March 8, 1994. The revisions were submitted in accordance with the requirements of section 110 and Part D of the Clean Air Act (hereinafter the Act). EPA is also proposing to take no action on a number of provisions which are unrelated to the purposes of the implementation plan. EPA also invites public comment on its proposal to approve certain WDOE rules, and certain rules of the Puget Sound Air Pollution Control Agency (PSAPCA) and Southwest Air Pollution Control Authority (SWAPCA), submitted to EPA by the Director of WDOE on September 29, 1994, under the authority of section 112(l) of the Act in order to recognize conditions and limitations established pursuant to these rules as Federally enforceable.

DATES: Comments must be postmarked on or before March 24, 1995.

ADDRESSES: Written comments should be addressed to: David Bray, Permits Programs Manager, EPA, Air & Radiation Branch (AT-082), 1200 Sixth Avenue, Seattle, Washington 98101.

Copies of the State's request and other information supporting this proposed action are available for inspection during normal business hours at the following locations: EPA, Air & Radiation Branch (AT-082), 1200 Sixth Avenue, Seattle, Washington 98101, and State of Washington, Department of Ecology, 4550 Third Avenue SE, Lacey, Washington 98504.

FOR FURTHER INFORMATION CONTACT: David C. Bray, Permit Programs Manager, EPA, Air & Radiation Branch (AT-082), Seattle, Washington 98101, (206) 553-4253.

SUPPLEMENTARY INFORMATION:

I. Background

On November 15, 1990, Congress amended the Clean Air Act to require, among other things, revisions to state implementation plans (SIPs) to attain and maintain the National Ambient Air Quality Standards (NAAQS) in areas which violate those standards (nonattainment areas). Under the provisions of the Act, revisions to title I, part D (nonattainment area) new source review (NSR) rules were required to be submitted by June 30, 1992 for PM-10 nonattainment areas, by November 15, 1992 for most ozone and carbon monoxide nonattainment areas, and by November 15, 1993 for the remainder of the ozone and carbon monoxide nonattainment areas. The Washington Department of Ecology (WDOE) amended its part D NSR rules

on August 20, 1993 and submitted them to EPA on March 8, 1994 as a revision to the Washington SIP.

The Clean Air Act Amendments of 1990 also established a new title V which requires States to develop operating permit programs for most stationary sources. While title V operating permit programs are not intended to be part of the SIP, many provisions of the SIP will interact closely with the title V operating permit program. As such, most States will be revising provisions of their SIPs to facilitate and improve the relationship between their SIP and their title V operating permit program. The WDOE amended several provisions of its current rules for air pollution sources and submitted them to EPA on March 8, 1994 as a revision to the Washington SIP.

Section 112(l) of the Act also enables the EPA to approve State air toxics rules or programs for the implementation and enforcement of emission standards and other requirements for hazardous air pollutants. Approval is granted by the EPA if the Agency finds that: (1) The State rule or program is "no less stringent" than the corresponding Federal program or rule; (2) the State program is supported by adequate authority and resources; (3) the schedule for implementation and compliance of emission standards and other requirements is sufficiently expeditious; and (4) the rules are otherwise in compliance with Federal guidance.

On September 29, 1994, the Director of the WDOE submitted an official application to obtain approval for title V permitting authorities (with the exception of PSAPCA and SWAPCA) in the State of Washington to implement and enforce the statewide rules for "Controls for New Sources of Toxic Air Pollutants" (WAC 173-460) as an interim program to implement section 112(g) of the Act. The Director of the WDOE also submitted an official application on behalf of the PSAPCA and SWAPCA to obtain approval for those local agencies to implement and enforce their own rules (portions of PSAPCA Regulations I and III and SWAPCA Regulation 460) for new sources of toxic air pollutants.

II. Discussion of SIP Submittal

A. Description of SIP Submittal

On March 8, 1994, the Director of the WDOE submitted all of Chapter 173-400 WAC "General Regulations for Air Pollution Sources" (with the exception of WAC 173-400-114) as amended on August 20, 1993, as a revision to the

Washington SIP. The amended rules include changes to the following sections: WAC 173-400-030 "Definitions;" WAC 173-400-040 "General standards for maximum emissions;" WAC 173-400-100 "Registration;" WAC 173-400-105 "Records, monitoring, and reporting;" WAC 173-400-110 "New source review (NSR);" WAC 173-400-120 "Bubble rules;" WAC 173-400-131 Issuance of emission reduction credits;" WAC 173-400-136 "Use of emission reduction credits;" WAC 173-400-141 "Prevention of significant deterioration (PSD);" WAC 173-400-171 "Public involvement;" WAC 173-400-180 "Variance;" WAC 173-400-230 "Regulatory actions;" and WAC 173-400-250 "Appeals." The amended rules include the following new sections which are revised and recodified provisions from the previous rules: WAC 173-400-112 "Requirements for new sources in nonattainment areas;" and WAC 173-400-113 "Requirements for new sources in attainment or unclassifiable areas." Finally, the amended rules also include the following entirely new sections: WAC 173-400-081 "Startup and shutdown;" WAC 173-400-091 "Voluntary limits on emissions;" and WAC 173-400-107 "Excess emissions."

With the exceptions discussed in Section II.C. and II.D. below, EPA is proposing to approve the submitted version of Chapter 173-400 WAC as a revision to the Washington SIP. Note that those provisions of WAC 173-400 which were not revised on August 20, 1993 and are not discussed in Sections II.B., II.C., and II.D., below were previously approved by EPA on January 15, 1993 (58 FR 4578).

B. Discussion of Proposed Approvals

1. New Source Review

The existing provisions related to new source review (NSR) were extensively revised to meet the new requirements of Title I, Part D of the Act as set forth in the "State Implementation Plans: General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498, April 16, 1992) and to make the WDOE rules more consistent with EPA's regulations for new source review programs in 40 CFR part 51, subpart I Review of New Sources and Modifications. Specifically:

a. The definitions of the following terms were revised to be consistent with EPA's definitions: "actual emissions" (WAC 173-400-030(1)), "allowable emissions" (WAC 173-400-030(5)), "best available control technology