



EXPEDITED RULE MAKING

CR-105 (December 2017) (Implements RCW 34.05.353)

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STATE OF WASHINGTON
FILED

DATE: May 20, 2020

TIME: 11:40 AM

WSR 20-11-082

Agency: Energy Facility Site Evaluation Council (EFSEC)

Title of rule and other identifying information: (describe subject) This rulemaking would revise adoption-by-reference Chapter 463-78-005 WAC - General and Operating Permit Regulations for Air Pollution Sources.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: This proposal would revise the adoption-by-reference to provide continuity with the current version(s) of Department of Ecology updated air rules.

Reasons supporting proposal: EFSEC is updating its adoption of Chapters as listed below, Adoption of the WAC Air Rules will incorporate the updates made by Department of Ecology air rules, reflected below.
Chapter 173-460 Updated 11/11/2019.

Statutory authority for adoption: RCW 80.50.040(1), RCW 34.05

Statute being implemented:

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:

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:	Tammy Mastro Commerce Specialist	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1359
Implementation:	Sonia Bumpus EFSEC Manager	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1363
Enforcement:	Sonia Bumpus EFSEC Manager	P.O. Box 43172 Olympia Washington 98504-3172	(360)664-1363

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

Expedited Adoption - Which of the following criteria was used by the agency to file this notice:

- Relates only to internal governmental operations that are not subject to violation by a person;
- Adopts or incorporates by reference without material change federal statutes or regulations, Washington state statutes, rules of other Washington state agencies, shoreline master programs other than those programs governing shorelines of statewide significance, or, as referenced by Washington state law, national consensus codes that generally establish industry standards, if the material adopted or incorporated regulates the same subject matter and conduct as the adopting or incorporating rule;
- Corrects typographical errors, make address or name changes, or clarify language of a rule without changing its effect;
- Content is explicitly and specifically dictated by statute;
- Have been the subject of negotiated rule making, pilot rule making, or some other process that involved substantial participation by interested parties before the development of the proposed rule; or
- Is being amended after a review under RCW 34.05.328.

Expedited Repeal - Which of the following criteria was used by the agency to file notice:

- The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule;
- The statute on which the rule is based has been declared unconstitutional by a court with jurisdiction, there is a final judgment, and no statute has been enacted to replace the unconstitutional statute;
- The rule is no longer necessary because of changed circumstances; or
- Other rules of the agency or of another agency govern the same activity as the rule, making the rule redundant.

Explanation of the reason the agency believes the expedited rule-making process is appropriate pursuant to RCW 34.05.353(4):

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

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AND RECEIVED BY (date) July 21, 2020

Date: May 20, 2020

Name: Kathleen Drew

Title: EFSEC Chair

Signature:

