WAC 173-400-180 Variance. Any person who owns or is in control of a plant, building, structure, establishment, process, or equipment may apply to ecology for a variance from provisions of this chapter governing the quality, nature, duration, or extent of discharges of air contaminants in accordance with the provisions of RCW 70A.15.2310.

(1) **Jurisdiction.** Sources in any area over which a local air pollution control authority has jurisdiction shall make application to that authority rather than ecology. Variances to state rules shall require ecology's approval prior to being issued by an authority. Ecology or the authority may grant such variance, but only after public involvement per WAC 173-400-171.

(2) **Full faith and credit.** Variances granted in compliance with state and federal laws by an authority for sources under their jurisdiction will be accepted as variances to this regulation.

(3) **EPA concurrence.** No variance or renewal shall be construed to set aside or delay any requirements of the Federal Clean Air Act except with the approval and written concurrence of the USEPA.

(4) Fees relating to this section can be found in chapter 173-455 WAC.

[Statutory Authority: Chapter 70A.15 RCW and RCW 70A.02.060. WSR 25-05-042 (Order 23-08), s 173-400-180, filed 2/12/25, effective 3/15/25. Statutory Authority: RCW 70.94.181, [70.94.]152, [70.94.]331, [70.94.]650, [70.94.]745, [70.94.]892, [70.94.]011. WSR 07-19-005 (Order 07-10), § 173-400-180, filed 9/6/07, effective 10/7/07. Statutory Authority: Chapter 70.94 RCW. WSR 93-18-007 (Order 93-03), § 173-400-180, filed 8/20/93, effective 9/20/93; WSR 91-05-064 (Order 90-06), § 173-400-180, filed 2/19/91, effective 3/22/91.]