

WAC 173-401-400 Program delegation. (1) General. Ecology is authorized to submit the state operating permit program for approval under section 502 of the Federal Clean Air Act. Subject to federal approval, ecology may, in turn, delegate the federally approved state permit program to the local authority with jurisdiction in a given area. This section describes the procedures for delegating the federally approved state operating permit program to a local authority.

(2) Application. The board of any local air pollution control authority may apply to ecology for a delegation order authorizing that authority to administer the operating permit program for sources under that authority's jurisdiction pursuant to RCW 70A.15.2260 (2)(b).

(3) Delegation orders. Ecology will, by order, approve such delegation if ecology finds that the authority has the technical and financial resources needed to discharge the responsibilities of a permitting authority under the FCAA. Each delegation order shall specify the terms and conditions for program delegation and define the responsibilities of the permitting authority and ecology in implementing the statewide program. All delegation orders and supporting program documentation shall be submitted to EPA for review and approval.

(4) Required information. A delegation request from the authority shall include the information specified in 40 C.F.R. 70.4 (b)(3), (b)(7), (b)(8), and (b)(11). In addition, the request shall include a description of how the authority will meet the requirement that every proposed permit be reviewed and signed prior to issuance by a professional engineer or staff under the direct supervision of a professional engineer in the employ of the permitting authority and, with respect to the latter, signed, dated, and stamped by the supervising professional engineer.

(5) Effective date. Any delegation order issued under this section shall take effect 90 days after the EPA authorizes the local authority to issue operating permits under the FCAA.

(6) Public notice. Ecology shall publish in the *State Register* notice of proposed decisions on program delegation and substantial program revision. The notice shall summarize the proposal and provide at least a 30-day public comment period. EPA review of these requests may occur concurrently with the state process. Notice of approval of program delegation and substantial program revision requests shall be published in the *State Register*. Notice of approval of minor program revisions may be given by a letter from ecology to the authority.

(7) Performance review. Reviews of the implementation of the operating permit program by ecology and delegated local authorities shall be conducted as provided in WAC 173-401-920.

(8) Program revisions. Revisions to the state program, EPA approval of those revisions, and delegation to local authorities shall be implemented using the procedures in subsections (1) through (6) of this section.

[Statutory Authority: Chapter 70A.15 RCW and RCW 70A.02.060. WSR 25-05-042 (Order 23-08), s 173-401-400, filed 2/12/25, effective 3/15/25. Statutory Authority: Chapter 70.94 RCW. WSR 93-20-075 (Order 91-68), § 173-401-400, filed 10/4/93, effective 11/4/93.]