

WAC 173-401-625 Federally enforceable requirements. (1) Federal enforceability. All terms and conditions in a chapter 401 permit, including any provisions designed to limit a source's potential to emit, are enforceable by the administrator and citizens under the FCAA.

(2) Exceptions. Notwithstanding subsection (1) of this section, the permitting authority shall specifically designate as not being federally enforceable under the FCAA any terms and conditions included in the permit that are not required under the FCAA or under any of its applicable requirements. Terms and conditions so designated are not subject to the EPA and affected states review requirements of WAC 173-401-700 through 173-401-820.

[Statutory Authority: Chapter 70.94 RCW. WSR 93-20-075 (Order 91-68), § 173-401-625, filed 10/4/93, effective 11/4/93.]