

# PSCAA

Thank you for the opportunity to comment on the proposed changes to WAC 173-400 and 173-401. We submit the following comments.

Regarding proposed changes to WAC 173-400-040(2) Visible Emissions:

This section allows exceptions to the twenty percent opacity visible emissions standards. Per WAC 173-400-020(1) We believe this provision will not apply in the Puget Sound Clean Air Agency jurisdiction as we have a more stringent corresponding rule in Regulation I, Section 9.03.

Regarding proposed changes to WAC 173-400-171(6)(a)(vi) and (7) Public notice and opportunity for public comment/Public notice components/Length of the public comment period and WAC 173-401-800(2)(d)(ii) Public involvement/Public notice:

The proposed rule requires that Washington State holidays not be counted as one of the thirty days in the required thirty day comment periods. This seems unnecessary and increases the likelihood of errors in determining the end date of a public comment period. It may also introduce uncertainty in how to determine the end date. For example, if a holiday is on a Saturday, it would not be counted in the thirty days, but this could easily be misunderstood or missed when determining the end date of the thirty days. If an agency were to make an error in the calculating the end date, the public comment period would presumably have to be started over, incurring unnecessary delays in issuing orders. The regulatory analysis identifies these reasons why this is being proposed:

- Excluding state holidays from public comment periods could result in better or more comprehensive public input.
- The proposed change to the 30-day public comment period would increase some public comment periods, and potentially benefit the public by reducing potential barriers to commenting that holidays might cause for the public.
- The proposed exclusion of state holidays from the 30-day comment period would increase some public comment periods, and potentially benefit the public by reducing potential barriers to commenting caused by holiday commitments, travel, or office closure. It would reflect a best practice in public engagement, and potentially better or more comprehensively reflect public input.

It seems unlikely that excluding one day (or possibly two depending on the public comment period) will result in more public comment or reduce barriers. If the goal is to provide additional time for the public to comment, it may be more useful to extend the required length of all comment periods by an additional day or more. At the same time, it increases the likelihood of errors.