



# PROPOSED RULE MAKING

## CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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STATE OF WASHINGTON  
FILED

DATE: May 15, 2019

TIME: 2:44 PM

WSR 19-11-066

Agency: Olympic Region Clean Air Agency

Original Notice

Supplemental Notice to WSR \_\_\_\_\_

Continuance of WSR \_\_\_\_\_

Preproposal Statement of Inquiry was filed as WSR \_\_\_\_\_ ; or

Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW 70.94.141.

Title of rule and other identifying information: (describe subject) Olympic Region Clean Air Agency Regulations: Rules 6.1 Notice of Construction Required, 6.1.10 Requirements for Replacement or Substantial Alteration of Emission Control Technology at an Existing Stationary Source, and 8.12 Gasoline Stations-Applicability.

### Hearing location(s):

Date: Time: Location: (be specific) Comment:

Date:	Time:	Location: (be specific)	Comment:
July 10, 2019	10:00 AM	Olympic Region Clean Air Agency 2940 Limited Ln NW Olympia, WA 98502	

Date of intended adoption: July 10, 2019\_\_\_\_\_ (Note: This is NOT the effective date)

### Submit written comments to:

Name: Lauren Whybrew

Address: 2940 Limited Ln NW, Olympia WA 98502

Email: lauren.whybrew@orcaa.org

Fax: 360-491-6308

Other:

By (date) July 8, 2019

### Assistance for persons with disabilities:

Contact Dan Nelson

Phone: 360-539-7610 extension 111

Fax: 360 491-6308

TTY:

Email: [dan.nelson@orcaa.org](mailto:dan.nelson@orcaa.org)

Other:

By (date) July 1, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of the proposal is to create a streamlined permitting process for qualifying gasoline dispensing facilities by implementing a notification system in lieu of a Notice of Construction (NOC). Rule 8.12 was revised to include relevant requirements for proper operation, maintenance, testing, and recordkeeping for gasoline dispensing facilities. Additional changes include, but are not limited to, an exemption from New Source Review (NSR) for gasoline dispensing facilities with a cumulative gasoline storage capacity of less than 10,000 gallons. Rule 6.1.10 was edited to align with ORCAA Rule 6.1 to further clarify NSR requirements for existing stationary sources proposing to replace or substantially alter control technology. Other revisions include grammatical edits to clarify the language.

**Reasons supporting proposal:** The proposal will lessen industry and staff resources spent on gas station NOC reviews and will clearly outline the requirements for gas station owners, operators, and relevant third-party vendors. The proposed language will also help align ORCAA regulations with applicable State and Federal Regulations for gas stations.

**Statutory authority for adoption:** Chapter 70.94 RCW

**Statute being implemented:** Chapter 70.94 RCW

**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:

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

**Name of proponent:** (person or organization) Olympic Region Clean Air Agency

<input type="checkbox"/> Private
<input type="checkbox"/> Public
<input checked="" type="checkbox"/> Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Lauren Whybrew	2940 Limited Lane NW, Olympia	360 539-7610
Implementation:	Francea L. McNair	2940 Limited Lane NW, Olympia	360 539-7610
Enforcement:	Francea L. McNair	2940 Limited Lane NW, Olympia	360 539-7610

**Is a school district fiscal impact statement required under RCW 28A.305.135?**  Yes  No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

**Is a cost-benefit analysis required under RCW 34.05.328?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

No: Please explain: RCW 34.05.328 does not apply to local air agencies per RCW 70.94.141.

**Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:**

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- RCW 34.05.310 (4)(b) (Internal government operations)
- RCW 34.05.310 (4)(c) (Incorporation by reference)
- RCW 34.05.310 (4)(d) (Correct or clarify language)
- RCW 34.05.310 (4)(e) (Dictated by statute)
- RCW 34.05.310 (4)(f) (Set or adjust fees)
- RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

This rule proposal, or portions of the proposal, is exempt under RCW 70.94.141.

Explanation of exemptions, if necessary: Chapter 19.85 RCW applies to "rules adopted by state agencies". RCW 70.94.141(1) states: "An air pollution control authority shall not be deemed to be a state agency." The Olympic Region Clean Air Agency is an air pollution control authority.

**COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES**

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. \_\_\_\_\_
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:  
Address:  
Phone:  
Fax:  
TTY:  
Email:  
Other:

Date: May 15, 2019

Name: Francea L. McNair

Title: Executive Director

Signature:

