



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: September 16, 2019

TIME: 3:39 PM

WSR 19-19-063

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 _____.

Title of rule and other identifying information: (describe subject) Olympic Region Clean Air Agency Regulations: Rule 1.11 Federal Regulation Reference Date and Appendix A – Adopted Federal Regulations and Standards.

Hearing location(s):

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

Date:	Time:	Location: (be specific)	Comment:
November 13, 2019	10:00 AM	Olympic Region Clean Air Agency 2940 Limited Ln NW Olympia, WA 98502	

Date of intended adoption: November 13, 2019_____ (Note: This is NOT the effective date)

Submit written comments to:

Name: Mark Goodin
Address: 2940 Limited Ln NW
Email: mark.goodin@orcaa.org
Fax: 360-491-6308
Other:
By (date) November 12, 2019

Assistance for persons with disabilities:

Contact Dan Nelson
Phone: 360-539-7610 ext 111
Fax: 360 491-6308
TTY:
Email: dan.nelson@orcaa.org
Other:
By (date) November 6, 2019

Purpose of the proposal and its anticipated effects, including any changes in existing rules: Olympic Region Clean Air Agency (ORCAA) proposes to update the effective date of the federal regulations that were previously adopted by the agency. Currently, where federal rules are referenced in agency regulations, the effective date of the federal regulations is July 1, 2018. The agency intends to update the effective date annually. This proposal would change the reference date to July 1, 2019. There are two proposed changes to Appendix A. The first change removes the dates from the descriptions and the second is a change to the sources affected by ORCAA adoption; specifically, gasoline dispensing stations included in 40 CFR Part 63 Subpart CCCCC. This change to the appendix aligns it with the existing ORCAA Rule 8.17.

Reasons supporting proposal:

Statutory authority for adoption: Chapter 70.94 RCW

Statute being implemented: Chapter 70.94 RCW

Is rule necessary because of a:

Federal Law? Yes No
Federal Court Decision? Yes No
State Court Decision? Yes 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 Private
 Public
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Mark Goodin	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 19.85.011.

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: September 16, 2019

Name: Francea L. McNair

Title: Executive Director

Signature:

