



PROPOSED RULE MAKING

CR-102 (July 2022)
(Implements RCW 34.05.320)
Do **NOT** use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: July 21, 2023

TIME: 3:25 PM

WSR 23-16-034

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 Rule 1.12 State Regulations Reference Date

Hearing location(s):

Date:	Time:	Location: (be specific)	Comment:
September 13, 2023	10:00 AM	Olympic Region Clean Air Agency 2940 Limited Lane NW Olympia, WA 98502	In addition to attending the hearing in person, remote participation via Zoom is also an option. Please see our website for log-in information: www.orcaa.org/about/board-of-directors/

Date of intended adoption: September 13, 2023 (Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Mark Goodin
Address: 2940 Limited Lane NW
Email: mark.goodin@orcaa.org
Fax: 360-491-6308
Other:
By (date) September 12, 2023

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) September 6, 2023

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 and state regulations that were previously adopted by the agency. Currently, where federal and state rules are referenced in agency regulations, the effective date of the regulations are July 1, 2022. The agency intends to update the effective date annually. This proposal would change the reference date to July 1, 2023

Reasons supporting proposal:

Statutory authority for adoption: Chapter 70A.15 RCW

Statute being implemented: Chapter 70A.15 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:

Type of proponent: Private Public Governmental

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Lauren Whybrew	2940 Limited Lane NW, Olympia	360-539-7610 ext. 107
Implementation:	Jeff C. Johnston, Ph.D.	2940 Limited Lane NW, Olympia	360-539-7610 ext. 100
Enforcement:	Jeff C. Johnston, Ph.D.	2940 Limited Lane NW, Olympia	360-539-7610 ext. 100

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 applies to state government. It does not apply to local air agencies per RCW 70A.15.2040.

Regulatory Fairness Act and Small Business Economic Impact Statement

Note: The [Governor's Office for Regulatory Innovation and Assistance \(ORIA\)](#) provides support in completing this part.

(1) Identification of exemptions:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see [chapter 19.85 RCW](#)). For additional information on exemptions, consult the [exemption guide published by ORIA](#). 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:

- | | |
|---|---|
| <input type="checkbox"/> RCW 34.05.310 (4)(b)
(Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e)
(Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c)
(Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f)
(Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d)
(Correct or clarify language) | <input type="checkbox"/> 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 19.85.025](#)(4) (does not affect small businesses).

This rule proposal, or portions of the proposal, is exempt under RCW [19.85.011](#).

Explanation of how the above exemption(s) applies to the proposed rule: Chapter 19.85 RCW applies to “rules adopted by state agencies”. RCW 70A.15.2040(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.

(2) Scope of exemptions: *Check one.*

- The rule proposal is fully exempt (*skip section 3*). Exemptions identified above apply to all portions of the rule proposal.
- The rule proposal is partially exempt (*complete section 3*). The exemptions identified above apply to portions of the rule proposal, but less than the entire rule proposal. Provide details here (consider using [this template from ORIA](#)):
- The rule proposal is not exempt (*complete section 3*). No exemptions were identified above.

(3) Small business economic impact statement: *Complete this section if any portion is not exempt.*

If any portion of 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 minor cost analysis and how the agency determined the proposed rule did not impose more-than-minor costs. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses and a small business economic impact statement is required. Insert the required small business economic impact 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: July 21, 2023

Name: Jeff C. Johnston, Ph.D.

Title: Executive Director

Signature:

