



# PROPOSED RULE MAKING

## CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology, A.O. # 05-10

Preproposal Statement of Inquiry was filed as WSR 05-12-129 ; or  
 Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_ ; or  
 Proposal is exempt under RCW 34.05.310(4).

Original Notice  
 Supplemental Notice to WSR \_\_\_\_\_  
 Continuance of WSR \_\_\_\_\_

**Title of rule and other identifying information:** Chapter 173-423, Low Emission Vehicles. This rule implements ESHB 1397 in which the 2005 Legislature adopted the California vehicle emission standards for certain vehicles and directed Ecology to develop this rule. ESHB 1397 makes it illegal to register, lease, rent, or sell for use in the state any passenger car, light duty truck and medium duty passenger vehicle with less than 7,500 miles that does not meet California vehicle emission standards.

**Hearing location(s):**  
**Spokane:** November 9, 2005, Department of Ecology, Eastern Regional Office, 4601 N. Monroe St., Spokane, WA 99205  
**Bellevue:** November 14, 2005, Department of Ecology, Northwest Regional Office, 3190 160<sup>th</sup> Ave. SE, Bellevue, WA 98008  
**Vancouver:** November 15, 2005, Southwest Clean Air Agency, 11815 NE 99th St., Suite 1294 Vancouver, WA

Date:	Time:
Spokane, November 9	<u>7:00 PM</u>
Bellevue, November 14	<u>7:00 PM</u>
Vancouver, November 15	<u>7:00 PM</u>

**Submit written comments to:**  
Name: Brett Rude  
Address: Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504

e-mail [brud461@ecy.wa.gov](mailto:brud461@ecy.wa.gov)  
fax (360)407-7534 by (date) November 18, 2005

**Assistance for persons with disabilities:** Contact  
Tami Dahlgren at 360 407-6800 by November 2, 2005  
TTY 1-800 833-6388 or 711

**Date of intended adoption:** November 28, 2005  
(Note: This is **NOT** the **effective** date)

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** This new chapter of the Washington Administrative Code adopts specific California emission standards by reference, establishes that the requirements will apply to 2009 and subsequent model year vehicles, establishes certain exemptions, provides for a phase-in of the requirements, and establishes reporting, compliance and enforcement procedures that affect automobile manufacturers and dealers.

The effect of this rule is it will be illegal to register, sell, lease or rent for use in the state 2009 and later model year vehicles that are not certified to California standards. These vehicles will have lower emissions of ozone forming pollutants, cancer causing air toxics and greenhouse gases than would otherwise be the case. Reporting and registration requirements are established to help ensure compliance with these requirements. A penalty of up to \$5,000 per vehicle is established for violations of these requirements.

**Reasons supporting proposal:** The reduced emissions of ozone forming pollutants will reduce the risk of violating the national ozone standards and the possibility that some areas in Washington could be designated nonattainment for ozone by the Environmental Protection Agency. A designation of nonattainment would impose substantial costs on the start-up or expansion of industries with air emissions in such areas. The reduction of cancer causing air toxics will reduce health impacts and medical costs to citizens of Washington, especially those with impaired cardio-pulmonary health. Reduction of greenhouse gases will help Washington avoid the potentially serious impacts of global warming such as reduced snow pack, reduced summer water supplies, further impaired salmon runs, and reduced agricultural water supplies.

**Statutory authority for adoption:** ESHB 1397 codified as RCW 70.120A.010

**Statute being implemented:** RCW 70.120A.010, RCW 46.16.017, and RCW 46.37.540

**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:

### CODE REVISER USE ONLY

CODE REVISER'S OFFICE  
STATE OF WASHINGTON  
FILED

OCT 5 2005

TIME 9:43 AM  
WSR 05-20-099

DATE

**NAME** (type or print)  
Polly L. Zehm

**TITLE**  
Deputy Director, Department of Ecology

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

Department of Licensing may amend it's rules to further implement requirements pertaining to the registration and titling of vehicles pursuant to RCW 46.16 as amended by ESHB 1397. The California regulations being adopted by reference are available for inspection on Ecology's website, <http://www.ecy.wa.gov/ecyhome.html>

**Name of proponent:** Department of Ecology Air Quality Program

- Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

Name	Office Location	Phone
Drafting..... Bob Saunders	Olympia	(360) 407-6888
Implementation.... Brett Rude	Olympia	(360) 407-6847
Enforcement..... Brett Rude	Olympia	(360) 407-6847

**Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

Yes. Attach copy of small business economic impact statement.

A copy of the statement may be obtained by contacting:

Name: Bob Saunders  
Address: P.O. Box 47600, Olympia, WA 98504  
phone (360) 407-6888  
fax (360)407-7534  
e-mail [rsau461@ecy.wa.gov](mailto:rsau461@ecy.wa.gov)

No. Explain why no statement was prepared.

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

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

Name: Bob Saunders  
Address: P.O. Box 47600, Olympia, WA 98504  
phone (360) 407-6888  
fax (360)407-7534  
e-mail [rsau461@ecy.wa.gov](mailto:rsau461@ecy.wa.gov)

No: Please explain: