



EXPEDITED RULE MAKING

CR-105 (June 2004)
(Implements RCW 34.05.353)
EXPEDITED RULE MAKING ONLY

Agency: Washington Department of Ecology AO #14-01

Title of rule and other identifying information: (Describe Subject)

Ecology is proposing to repeal two obsolete rules:

- Chapter 173-330 WAC Used Automobile Oil Recycling Sign Requirements for Automobile Oil Sellers
- Chapter 173-24 WAC Tax Exemptions and Credits for Pollution Control Facilities

NOTICE

THIS RULE REPEAL IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO

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AND RECEIVED BY September 3, 2014

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Repeal of Chapter 173-330 WAC. Repeal of this obsolete rule will not impact other existing rules or any entities who currently provide used oil recycling.

Repeal of Chapter 173-24 WAC. Repeal of this obsolete rule will not impact any tax exemptions or credits currently received by facilities.

Reasons supporting proposal: See attachment A.

Statutory authority for adoption: Chapter 173-330 WAC requires sellers of automotive oil to post signs informing the public about how to recycle used automotive oil. The statute enabling Chapter 173-330 WAC, Chapter 19.114 RCW, was repealed in 1991 and replaced by Chapter 70.95I RCW. Chapter 173-330 WAC is no longer authorized or needed, and was replaced by requirements for signs found in the more comprehensive Chapter 70.95I RCW

Chapter 173-24 WAC was originally adopted under the authority in RCW 82.34.040, which authorized Ecology to “adopt such rules as it deems necessary for the administration of this chapter...”. RCW 82.34.040 likewise authorizes repeal of the chapter.

Statute being implemented: N/A

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

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: June 19, 2014

TIME: 3:43 PM

WSR 14-14-010

DATE 6/19/2014

NAME (TYPE OR PRINT)

Polly Zehm

SIGNATURE

TITLE Deputy Director, Department of Ecology

Name of proponent: (person or organization)

Washington Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... DNA		
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Enforcement.....DNA		

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

N/A

Attachment A

Reasons supporting proposal:

Chapter 173-330 WAC:

All sections of the enabling statute (Chapter 19.114 RCW – *Used Automotive Oil Recycling*) were repealed in 1991. More comprehensive legislation and requirements for used oil recycling were adopted by the 1991 Legislature as Chapter 70.95I RCW – *Used Oil Recycling*. Chapter 70.95I RCW contains requirements for education, including signs. Chapter 173-330 WAC is no longer authorized or necessary.

Chapter 173-24 WAC:

Until November 30, 1981, Chapter 82.34 RCW – *Pollution Control Facilities – Tax Exemptions and Credits*, authorized pollution control facilities to apply to the Department of Revenue for a tax credit or exemption. The appropriate pollution control agency was then required to review the application and if appropriate approve that the facility was a pollution control facility. Ecology's role for facilities under its jurisdiction was to identify and classify facilities, and to confirm that the facility controlled, captured and removed pollutants from the air and water. The review was conducted for water pollution control facilities and any facilities related to an air contaminant source. Chapter 173-24 WAC describes Ecology's process for reviewing and approving facilities.

In 1981, the Legislature amended the law in Chapter 82.34 RCW to provide that the last date applications for pollution control tax credits or exemptions could be filed was November 30, 1981. Since applications are no longer accepted under Chapter 82.34 RCW, the rules in Chapter 173-24 WAC have no purpose, and we are proposing to repeal them. Repealing this chapter will not impact any tax exemptions or credits currently received by facilities.