



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO # 14-01

- Preproposal Statement of Inquiry was filed as WSR _____ ; or
- Expedited Rule Making--Proposed notice was filed as WSR 14-14-010; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

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

Hearing location(s):

Department of Ecology – Lacey
Headquarters
300 Desmond Drive
Lacey, WA

Date: February 25, 2015 Time: 1:30 PM

Submit written comments to:

Name: Bari Schreiner
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600
e-mail rulemaking@ecy.wa.gov
fax (360) 407-6989 by (date) March 5, 2015

Assistance for persons with disabilities: Contact

Waste 2 Resources main reception by February 18, 2015

TTY (877) 833-6341 or (360) 407-6900

Date of intended adoption: March 18, 2015

(Note: This is NOT the effective date)

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

Reasons supporting proposal: See Attachment B

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 The statute enabling Chapter 173-330 WAC, Chapter 19.114 RCW, was repealed in 1991 and replaced by Chapter 70.951 RCW. Chapter 173-330 WAC is no longer authorized or needed, and was replaced by requirements for signs found in Chapter 70.951 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? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE

1/8/15

NAME (type or print)

Polly Zehm

SIGNATURE

TITLE

Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **January 08, 2015**

TIME: **2:43 PM**

WSR 15-03-018

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

N/A

Name of proponent: (person or organization) Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Kyle Dorsey and Bari Schreiner	Ecology Headquarters Building, Lacey WA	(360) 407-6998
Implementation....N/A	N/A	()
Enforcement..... N/A	N/A	()

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

This rule making is exempt from Chapter 19.85 RCW because the "content of the rule is "explicitly and specifically dictated by statute" and the rules are being repealed because they are no longer needed. (RCW 34.05.310(4)(e). (See statutory authority for adoption, above, for more details.)

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 () _____

e-mail _____

No: Please explain: This rule making is exempt from Chapter 34.05 RCW because the "content of the rule is

"explicitly and specifically dictated by statute" and the rules are being repealed because they are no longer needed. (RCW 34.05.328(5)(b)(ii). (See statutory authority for adoption, above, for more details.)

Attachment A: 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.

On June 19, 2014 Ecology filed an expedited notice (WSR 14-14-010) to repeal the above referenced chapters. The expedited rule-making process is intended to save taxpayer time and money by providing a streamlined process to repeal rules that meet certain criteria. In this case, the rules are no longer necessary and the statutory authority for one has been repealed. Ecology received one objection to the expedited process that was not withdrawn. The agency is now moving forward proposing these repeals and will hold a public hearing and accept comments.

Attachment B: 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. 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.