



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (June 2004)
(Implements RCW 34.05.310)
Do **NOT** use for expedited rule making

Agency: Department of Ecology AO# 09-01

Subject of possible rule making:

Chapter 173-400 WAC, General Regulations for Air Pollution Sources; specifically sections -030, -035, 040, -050, -070, -075, -081, -091, -099, -102, 104, -105, -107, -110, -112, -113, -115, -117, -120, -131, -136, -161, -171, -560, -700 through -750, and creating several sections between -800 and -890.

Statutes authorizing the agency to adopt rules on this subject:

Washington Clean Air Act, RCW 70.94.151; RCW 70.94.152; RCW 70.94.155; RCW 70.94.510

Reasons why rules on this subject may be needed and what they might accomplish:

This rule making has three focal points: development of non-attainment area New Source Review (NSR) rules, correcting State Implementation Plan deficiencies, and non policy general housekeeping issues. The first two focal points are required to retain delegated federal programs. The purpose of the last point is to update the rule without making significant policy changes. These updates include incorporating recent updates from related WACs, updating incorporations by reference of federal emissions standards and other federal rules, reviewing the use of defined words to insure that their use is consistent throughout the rule, and to update definitions to match current state and federal regulations.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

We will maintain an active dialog with the US Environmental Protection Agency to ensure our proposals are constant with federal requirements. We are also working with the seven local air agencies to promote rule consistency.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) The proposed rule will be drafted internally by staff. The public will have the opportunity to comment on the proposed rule. At least one public hearing will be held. The proposed amendments will be posted on the agency website, <http://www.ecy.wa.gov/laws-rules/currentactivity.htm> and provided to interested parties.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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DATE
February 4, 2009

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TITLE
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