



# 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, -101 -102, -104, -105, -107, -110, -112, -113, -115, -116, -117, -120, -131, -136, -161, -171, -560, -700 through -750, creating the following new sections: -036, -108, -109 and -111, several new sections between -800 and -890 for Non-attainment new source review, and -900 for emergency generators.

**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:**

The new sections proposed in this CR101 will establish regulatory criteria for a variety of situations and sources: excess emissions, nonroad engines, emergency generators, and non-attainment new source review. The intent of this addition is to improve the rule structure and make it easier to implement. We are opening WAC 173-400-101 to make a minor housekeeping correction.

This rule making has three focal points: development of non-attainment area New Source Review (NSR) rules, correcting State Implementation Plan deficiencies, and general housekeeping.

**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 and local clean air agencies to ensure that the proposals are consistent with federal requirements.

**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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