



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, -116, -117, -120, -131, -136, -161, -171, -560, -700 through -750, creating two new sections -036 and -111, and several new 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 CR101 lists two sections that were not listed in the previous filing. The intent of this addition is to improve the rule structure and make it easier to implement. The new sections are WAC 173-400-036, Nonroad engines and WAC 173-400-111, Notice of construction procedures for sources and portable sources. Currently WAC 173-400-035 regulates both nonroad engines and portable sources. By establishing WAC 173-400-036 as a new section, this proposal makes a separate section for each subject. This structural change improves the rule readability and makes administration easier as there are substantial differences between nonroad engines and portable sources.

Currently WAC 173-400-110 covers both new source applicability and the new source permit process. This proposal divides the two topics two sections, which makes the rule easier to implement.

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 our proposals are consistant 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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DATE
November 9, 2009

NAME (TYPE OR PRINT)
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SIGNATURE

TITLE
Program Manager

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