



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Ecology AO # 12-04

<input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 13-04-029 ; or	<input checked="" type="checkbox"/> Original Notice
<input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____ ; or	<input type="checkbox"/> Supplemental Notice to WSR _____
<input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).	<input type="checkbox"/> Continuance of WSR _____

Title of rule and other identifying information: (Describe Subject) Updates to Chapter 173-433 WAC – Solid fuel burning devices

Hearing location(s):

Date: November 7, 2013

Time: 7pm – Presentation, question and answer session followed by the formal public hearing on the rule proposal. The SIP hearing will follow.

Location: Department of Ecology, Headquarters
300 Desmond Drive SE
Lacey, WA 98503

See attachment A for additional information about attending the hearing via webinar.

Submit written comments to:

Name: Richelle Perez
Address: Department of Ecology
PO Box 47600
Olympia, WA 98504-7600

e-mail AQComments@ECY.WA.GOV
fax (360)407-7534 by (date) November 15, 2013

Date of intended adoption: 1/9/2014
(Note: This is NOT the effective date)

Assistance for persons with disabilities: Contact
Richelle Perez at (360) 407-7528 by November 1, 2013

If you have hearing loss, call TTY (771) or For Washington Relay Service if you have speech disability call (877)833-6341

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

Solid Fuel Burning Devices (Chapter 173-433 WAC) helps to reduce Washington’s wood smoke emissions to help meet federal air quality standards. The focus of this rule making is to:

- Modify trigger levels for calling burn bans in areas at risk for nonattainment as outlined in statute.
- Align the rule with other statutory changes.
- Meet Environmental Protection Agency (EPA) requirements.
- Help Washington’s efforts to improve air quality in areas affected by pollution from wood stoves.
- Include housekeeping-type changes to the rule identified during rule making.

Reasons supporting proposal:

Ecology must update Chapter 173-433 WAC to align this chapter with changes in state laws. Ecology is updating the rule now because EPA requires us to update this rule to be consistent with state law before they will approve Washington’s maintenance plan and redesignation request for the Tacoma-Pierce County Nonattainment Area. The maintenance plan and redesignation request are related to a large portion of Pierce County. EPA designated this area nonattainment in 2009 because it did not meet the federal standard for fine particle pollution (also known as PM_{2.5}). If EPA cannot approve a redesignation request for the Tacoma-Pierce County Nonattainment Area, then additional stricter federal requirements, including economic constraints, will be imposed on the area.

Statutory authority for adoption: Chapter 70.94 RCW provides sufficient authority to adopt rule changes.

Statute being implemented: Chapter 70.94 RCW

Is rule necessary because of a:

Federal Law?	<input checked="" type="checkbox"/> Yes	<input 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:
Federal Clean Air Act

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **October 02, 2013**
TIME: **9:16 AM**

WSR 13-20-129

DATE
10/2/13

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE Deputy Director, Department of Ecology

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

N/A

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

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Richelle Perez	Department of Ecology, Lacey, Washington	(360) 407-7528
Implementation..... Julie Oliver	Department of Ecology, Lacey, Washington	(360) 407-6823
Enforcement..... Stu Clark	Department of Ecology, Lacey, Washington	(360) 407-6880

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.

No. Explain why no statement was prepared.

An agency must prepare a small business economic impact statement if a proposed rule will impose more than minor costs on businesses in an industry. RCW 19.85.030(1)(a). A Small Business Economic Impact Statement is not required in this case because the rule does not impose additional costs on businesses in an industry. The proposed amendments do not impose additional costs of any kind. The proposed amendments are either "housekeeping" amendments or are mandated by federal or existing state statute. See RCW 19.85.025(3) and RCW 34.05.310(4) (c) and (4)(d).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes

No: Please explain: This rule making is exempt from requirements under section 34.05.328 RCW to develop a cost-benefit and least burdensome alternative analysis because the proposed amendments are either "housekeeping" amendments (exempt under RCW 34.05.310(4)(d)) or are incorporating existing Washington state statutes without material change (exempt under RCW 34.05.310(4)(c)). Rules that only correct typographical errors, make address or name changes, clarify language of a rule without changing its effect, or rules the content of which is explicitly and specifically dictated by statute, are exempt from the requirements under section 34.05.328 RCW.

Attachment A –

During the first hearing, Ecology will explain the updated rule, answer questions, and then invite comments on the proposed rule. Immediately after the close of the rule proposal hearing, a second hearing will begin. At this hearing, Ecology invites comments on the proposal to submit the revised rule (except subsection 130, 170, and 200) to EPA for inclusion in the SIP. The rule revisions are intended to meet the requirements of Section 110(a)(2), Parts A, C and D, of the federal Clean Air Act

Information about webinar participation in public hearing on November 7, 2013 at 7pm

Webinar

Ecology is also offering this presentation, question and answer session and formal public hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. For more information and instructions, go to www.ecy.wa.gov/programs/air/rules/webinars.htm.

To register for the webinar, click on the following link for more information and instructions:
www.ecy.wa.gov/programs/air/rules/webinars.htm.

Comments

Ecology will accept formal comments at the Ecology location and through the phone at (1-877-668-4493/access code 922 294 309). For more information and instructions, go to www.ecy.wa.gov/programs/air/rules/webinars.htm.