



**PREPROPOSAL STATEMENT OF INQUIRY**  
(RCW 34.05.310)

**CR-101 (7/10/97)**  
Do **NOT** use for expedited repeal or adoption

**Agency:** Department of Ecology A.O. # 99-02

**Subject of possible rule making:** Consolidation, clarification, and repeal of New Source Review for criteria and toxic air pollutants currently in WAC chapters 400 and 460 into new chapter 465. Incidental changes to WAC chapters 173-400, -401, -405, -410, -415, -434, -490, & -491. Adoption of *de minimis* exemptions levels for toxic air pollutants. Adoption of new control technology requirements. Modification of small quantity emission rates. Routine update of ASILs.

**(a) Statutes authorizing the agency to adopt rules on this subject:** [RCW 70.94.331\(2\)\(c\)](#) and [RCW 70.94.152](#)

**(b) Reasons why rules on this subject may be needed and what they might accomplish:** [WAC 173-400-110\(5\)](#) provides that *de minimis* exemption levels for toxic air pollutants are specified in [WAC 173-460](#), but they aren't. This amendment would establish these *de minimis* levels in [WAC 173-460](#). Developments in control technology should be reflected in the regulations. Clarifications will make the rule easier to follow and administer.

**(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The 1990 amendments to the federal Clean Air Act established numerous requirements for a nationwide strategy for reducing toxic air pollution; many of the requirements are to be implemented by state and local authorities upon receiving approval from the EPA.

**(d) Process for developing new rule (check all that apply):**  
 Negotiated rule making  
 Pilot rule making  
 Agency study  
 Other (describe): Following APA procedures.

**(e) 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 of persons to contact; describe meetings, other exchanges of information, etc.)

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Program Manager 8-9-99