



PROPOSED RULE MAKING

CR-102 (December 2017) (Implements RCW 34.05.320)

Do NOT use for expedited rule making

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: March 06, 2018

TIME: 5:15 PM

WSR 18-06-094

Agency: Southwest Clean Air Agency

Original Notice

Supplemental Notice to WSR _____

Continuance of WSR _____

Preproposal Statement of Inquiry was filed as WSR _____ ; or

Expedited Rule Making--Proposed notice was filed as WSR _____; or

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1); or

Proposal is exempt under RCW _____.

Title of rule and other identifying information: (describe subject)

SWCAA 476-030

Definitions. This is an existing section containing definitions for terms and words directly relevant to the regulation.

SWCAA 476-040

Asbestos Survey Requirements. This is an existing section describing the requirements for asbestos surveys.

SWCAA 476-050

Notification Requirements and Fees. This is an existing section containing notification requirements for asbestos projects.

SWCAA 476-060

Procedures for Asbestos Emission Control. This is an existing section describing required measures to control emissions from asbestos projects.

SWCAA 476-070

Disposal of Asbestos-Containing Waste Material. This is an existing section containing requirements for disposal and storage of asbestos containing waste material.

SWCAA 476-080

Demolition By Intentional Burning. This is an existing section containing requirements for fire training exercises that intentionally demolish a structure by burning..

Hearing location(s):

Date: Time: Location: (be specific) Comment:

| Date: | Time: | Location: (be specific) | Comment: |
|-------------|---------|---|----------|
| May 3, 2018 | 3:00 PM | Office of SWCAA 11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682 | |

Date of intended adoption: June 7, 2018 (Note: This is NOT the effective date)

Submit written comments to:

Name: Gerald Strawn

Address: 11815 NE 99th Street, Suite 1294, Vancouver, WA 98682

Email: gerry@swcleanair.org

Fax: 360-576-0925

Other:

By (date) May 4, 2018

Assistance for persons with disabilities:

Contact Tina Hallock

Phone: 360-574-3058

Fax:

TTY:
Email: tina@swcleanair.org
Other:
By (date) May 1, 2018

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

SWCAA 476-030

Definitions. The proposed rule change adds additional definitions necessary for implementation and updates existing definitions.

SWCAA 476-040

Asbestos Survey Requirements. The proposed rule change clarifies and updates existing asbestos inspection and sampling procedures, adds alternate inspection and sampling procedures, and adds asbestos inspection reporting requirements to require detailed inspection information, as well as details of identified asbestos-containing materials.

SWCAA 476-050

Notification Requirements and Fees. The proposed rule change reduces the required notification period from 10 business days to 10 calendar days for both the Notice of Intent to Remove Asbestos and Notification of Demolition, adds abandoned asbestos-containing materials procedures, and adds State of Emergency procedures for storms, floods, or other disasters. Minor clarifications and updates will be made to existing language.

SWCAA 476-060

Procedures for Asbestos Emission Control. The proposed rule change adds a provision for storage of asbestos-containing materials in a leak tight container. Minor clarifications and updates will be made to existing language.

SWCAA 476-070

Disposal of Asbestos-Containing Waste Material. The proposed rule change adds waste tracking requirements for the disposal of any asbestos-containing waste materials. Minor clarifications and updates will be made to existing language.

SWCAA 476-080

Demolition By Intentional Burning. The proposed rule change increases the notification period for fire training burns from 5 calendar days to 10 calendar days. Minor clarifications and updates will be made to existing language..

Reasons supporting proposal:

See purpose above.

Statutory authority for adoption: RCW 70.94.141

Statute being implemented: RCW 70.94.141

Is rule necessary because of a:

Federal Law? Yes No

Federal Court Decision? Yes No

State Court Decision? Yes No

If yes, CITATION:

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

Name of proponent: (person or organization) Southwest Clean Air Agency

Private

Public

Governmental

| Name of agency personnel responsible for: | | | |
|---|---------------|---|--------------|
| | Name | Office Location | Phone |
| Drafting: | Gerald Strawn | 11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682 | 360-574-3058 |
| Implementation: | Uri Papish | 11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682 | 360-574-3058 |
| Enforcement: | Uri Papish | 11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682 | 360-574-3058 |

Is a school district fiscal impact statement required under RCW 28A.305.135? Yes No

If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328?

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

No: Please explain: SWCAA is an air pollution control authority and is not included in the list of affected agencies provided in RCW 34.05.328(5)(a). SWCAA is not voluntarily making the rule applicable..

Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, **may be exempt** from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:

This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.

This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.

This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

- | | |
|---|--|
| <input type="checkbox"/> RCW 34.05.310 (4)(b) (Internal government operations) | <input type="checkbox"/> RCW 34.05.310 (4)(e) (Dictated by statute) |
| <input type="checkbox"/> RCW 34.05.310 (4)(c) (Incorporation by reference) | <input type="checkbox"/> RCW 34.05.310 (4)(f) (Set or adjust fees) |
| <input type="checkbox"/> RCW 34.05.310 (4)(d) (Correct or clarify language) | <input type="checkbox"/> RCW 34.05.310 (4)(g) ((i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit) |

This rule proposal, or portions of the proposal, is exempt under RCW 70.94.141(1).

Explanation of exemptions, if necessary: Pursuant to RCW 70.94.141(1), air pollution control authorities are authorized to adopt and amend rules and regulations in accordance with Chapter 42.30 RCW and selected portions of Chapter 34.05 RCW. SWCAA is not deemed a state agency and is not required to comply with the provisions of Chapter 19.85 RCW.

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is **not exempt**, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

- No Briefly summarize the agency's analysis showing how costs were calculated. _____
- Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Date: March 6, 2018

Name: Uri Papish

Title: Executive Director

Signature:

