



PROPOSED RULE MAKING

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

Do NOT use for expedited rule making

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STATE OF WASHINGTON
FILED

DATE: October 31, 2019

TIME: 4:01 PM

WSR 19-22-040

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 70.94.141(1).

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

SWCAA 476-010 – Purpose . This is an existing rule section identifying the purpose of the asbestos regulation.

SWCAA 476-030 – Definitions. This is an existing section containing definitions for terms and words directly relevant to the regulation.

SWCAA 476-040 – Asbestos Project Requirements. This is an existing section describing the requirements for asbestos projects.

SWCAA 476-050 – Notification Requirements and Fees. This is an existing section containing notification requirements for asbestos projects and applicable fees.

SWCAA 476-060 – Procedures for Asbestos Projects. 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.

Hearing location(s):

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

January 14, 2020	6:00 PM	SWCAA Business Office	
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Date of intended adoption: February 6, 2020 (Note: This is NOT the effective date)

Submit written comments to:

Name: Jerry Ebersole

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

Email: jerry@swcleanair.org

Fax: (360) 576-0925

Other:

By (date) January 17, 2020

Assistance for persons with disabilities:

Contact Tina Hallock

Phone: (360) 574-3058 x110

Fax: (360) 576-0925

TTY: (360) 574-3058

Email: tina@swcleanair.org

Other:

By (date) January 15, 2020

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

SWCAA 476-010 – Purpose. The proposed rule change removes encapsulation from the list of regulated activities.

SWCAA 476-030 – Definitions. The proposed rule change re-orders two definitions and makes formatting changes to existing definitions.

SWCAA 476-040 – Asbestos Project Requirements. The proposed rule change corrects sectional references, replaces the term Agency with the term SWCAA, removes the Exceptions paragraph, revises bulk sampling requirements and makes minor text edits.

SWCAA 476-050 – Notification Requirements and Fees. The proposed rule change clarifies the need for SWCAA approval for project notices, replaces the term Agency with the term SWCAA and makes minor text edits.

SWCAA 476-060 – Procedures for Asbestos Projects. The proposed rule change adds a requirement for worker certification and identification cards and replaces the term Agency with the term SWCAA.

SWCAA 476-070 – Disposal of Asbestos-Containing Waste Material. The proposed rule change replaces the term Agency with the term SWCAA.

Reasons supporting proposal:

The proposed changes are necessary to support SWCAA's implementation of its local asbestos program.

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: None

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

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Jerry Ebersole	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x122
Implementation:	Paul Mairose	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x130
Enforcement:	Jerry Ebersole	11815 NE 99 th Street, Suite 1294, Vancouver, WA 98682	(360) 574-3058 x122

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: Pursuant to RCW 70.94.141(1), Section 201, Chapter 403, Laws of 1995, does not apply to this rule adoption. SWCAA is not voluntarily invoking Section 201, Chapter 403, Laws of 1995 for this action.

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: October 31, 2019

Name: Uri Papish

Title: Executive Director

Signature:

A handwritten signature in black ink, appearing to read 'U. Papish', is positioned to the right of the 'Signature:' label.