

WSR 21-04-032

EXPEDITED RULES

DEPARTMENT OF ECOLOGY

[Order 20-06—Filed January 26, 2021, 11:43 a.m.]

Title of Rule and Other Identifying Information: Chapter 173-422 WAC, Motor vehicle emission inspection; and chapter 173-422A WAC, Motor vehicle emission inspection.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The department of ecology proposes to repeal these two rules because the statutory authority for the motor vehicle emission inspection program ended January 1, 2020.

Reasons Supporting Proposal: This repeal will eliminate possible confusion over obsolete rules.

In 2005, the legislature phased out emission testing in Clark, King, Pierce, Snohomish and Spokane counties on January 1, 2020 (RCW 70A.25.100 (section 6, chapter 295, Laws of 2005)). Washington's emission check program ended after thirty-eight years so vehicle owners are no longer required to have their vehicle's emissions tested before renewing their registration.

Statutory Authority for Adoption: Chapter 70A.25 RCW, Motor vehicle emission control, specifically RCW 70A.25.100 (section 6, chapter 295, Laws of 2005) - formerly RCW 70.120.170(6).

Statute Being Implemented: Chapter 70A.25 RCW, Motor vehicle emission control.

Rule is not necessitated by federal law, federal or state court decision.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Elena Guilfoil, Lacey, 360-407-6855.

This notice meets the following criteria to use the expedited repeal process for these rules:

The statute on which the rule is based has been repealed and has not been replaced by another statute providing statutory authority for the rule.

Explanation of the Reason the Agency Believes the Expedited Rule-Making Process is Appropriate: In 2005, the legislature established the end date of January 1, 2020, for the motor vehicle emission inspection program (RCW 70A.25.100 (section 6, chapter 295, Laws of 2005)). The statutory authority was not replaced by another statute.

NOTICE

THIS RULE IS BEING PROPOSED UNDER AN EXPEDITED RULE-MAKING PROCESS THAT WILL ELIMINATE THE NEED FOR THE AGENCY TO HOLD PUBLIC HEARINGS, PREPARE A SMALL BUSINESS ECONOMIC IMPACT STATEMENT, OR PROVIDE RESPONSES TO THE CRITERIA FOR A SIGNIFICANT LEGISLATIVE RULE. IF YOU OBJECT TO THIS USE OF THE EXPEDITED RULE-MAKING PROCESS, YOU MUST EXPRESS YOUR OBJECTIONS IN WRITING AND THEY MUST BE SENT TO Katie Wolt, Agency Rules Coordinator, Department of Ecology, Governmental Relations, P.O. Box 47600, Olympia, WA 98503-7600, phone 360-407-6998, email rulemaking@ecy.wa.gov, AND RECEIVED BY April 5, 2021.

January 26, 2021
Heather R. Bartlett
Deputy Director

OTS-2691.1REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-422-010	Purpose.
WAC 173-422-020	Definitions.
WAC 173-422-030	Vehicle emission inspection requirement.
WAC 173-422-031	Vehicle emission inspection schedules.
WAC 173-422-035	Registration requirements.
WAC 173-422-040	Noncompliance areas.
WAC 173-422-050	Emission contributing areas.
WAC 173-422-060	Gasoline vehicle emission standards.
WAC 173-422-065	Diesel vehicle exhaust emission standards.
WAC 173-422-070	Gasoline vehicle exhaust emission testing procedures.
WAC 173-422-075	Diesel vehicle inspection procedure.
WAC 173-422-090	Exhaust gas analyzer specifications.
WAC 173-422-095	Exhaust opacity testing equipment.
WAC 173-422-100	Testing equipment maintenance and calibration.
WAC 173-422-120	Quality assurance.
WAC 173-422-130	Inspection fees.
WAC 173-422-145	Fraudulent certificates of compliance/acceptance.
WAC 173-422-160	Fleet and diesel owner vehicle testing requirements.
WAC 173-422-170	Exemptions.
WAC 173-422-175	Fraudulent exemptions.
WAC 173-422-190	Emission specialist authorization.
WAC 173-422-195	Listing of authorized emission specialists.

OTS-2692.1REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-422A-010	Purpose.
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WAC 173-422A-020 Definitions.

WAC 173-422A-030 Vehicle emission test requirements and testing schedule for private and United States government vehicles.

WAC 173-422A-040 Emission test schedule for state and local government vehicles.

WAC 173-422A-050 Emission test areas.

WAC 173-422A-060 Exemptions.

WAC 173-422A-100 Gasoline vehicle emission test standards.

WAC 173-422A-110 Gasoline vehicle emission testing procedures.

WAC 173-422A-120 Gasoline vehicle emission testing equipment specifications.

WAC 173-422A-200 Exhaust emission test standards for diesel vehicles.

WAC 173-422A-210 Test procedure for diesel vehicles.

WAC 173-422A-220 Diesel vehicle testing equipment specifications.

WAC 173-422A-300 Testing equipment maintenance and calibration.

WAC 173-422A-310 Quality assurance.

WAC 173-422A-320 Test fees.

WAC 173-422A-340 Authorized testers.

WAC 173-422A-400 Emission specialist authorization.

WAC 173-422A-410 Requirements for listing businesses with authorized emission specialists.

WAC 173-422A-500 Civil penalty.