

WSR 21-13-125

PROPOSED RULES

BENTON CLEAN AIR AGENCY

[Filed June 21, 2021, 3:10 p.m.]

Original Notice.

Proposal is exempt under RCW 70A.15.2040(1).

Title of Rule and Other Identifying Information: Benton Clean Air Agency Regulation 1.

Hearing Location(s): On September 23, 2021, at 5:30 p.m., at Benton Clean Air Agency, 526 South Steptoe Street, Kennewick, WA 99336.

Date of Intended Adoption: September 23, 2021.

Submit Written Comments to: Tyler Thompson, Benton Clean Air Agency, 526 South Steptoe Street, Kennewick, WA 99336, email tyler.thompson@bentoncleanair.org, fax 509-783-6562, by September 23, 2021.

Assistance for Persons with Disabilities: Contact 711 relay, or Tyler Thompson, phone 509-783-1304, fax 509-783-6562, email tyler.thompson@bentoncleanair.org, by September 23, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: The changes to Regulation 1 are administrative in nature. The changes consist of removing references to outdated RCW and replacing them with the current RCW. References to fees and fee tables that are no longer part of Regulation 1 will be removed. Variance language will be added to clarify consistency with the WAC. The changes are primarily to clarify where the agency's authority is delegated from.

Reasons Supporting Proposal: The changes to Regulation 1 are proposed to clarify where the agency's authority is delegated within the RCW and WAC, and to make Regulation 1 more consistent.

Statutory Authority for Adoption: RCW 70A.15.2040, 70A.15.3050(2).

Statute Being Implemented: Chapter 70A.15 RCW; and 42 U.S.C. 7401 et. seq., 42 U.S.C. 7412.

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

Name of Proponent: Benton Clean Air Agency, governmental.

Name of Agency Personnel Responsible for Drafting: Tyler Thompson, 526 South Steptoe Street, Kennewick, WA 99336, 509-783-1304; Implementation and Enforcement: Rob Rodger, 526 South Steptoe Street, Kennewick, WA 99336, 509-783-1304.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. This is a local agency rule and pursuant to RCW 70A.15.2040(1); RCW 34.05.328 does not apply to this rule.

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 70A.15.2040(1).

Explanation of exemptions: A small business economic impact statement was not prepared under RCW 19.85. This is a local agency rule and pursuant to RCW 70A.15.2040(1); chapter 19.85 RCW does not apply.

June 8, 2021  
Tyler Thompson  
Air Quality Specialist

**Reviser's note:** The material contained in this filing exceeded the page-count limitations of WAC 1-21-040 for appearance in this issue of the Register. It will appear in the 21-15 issue of the Register.