WSR 21-15-049
PROPOSED RULES
OLYMPIC REGION
CLEAN AIR AGENCY
[Filed July 14, 2021, 3:06 p.m.]

Original Notice.
Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Olympic Region
Clean Air Agency (ORCAA) Regulations: Rule 1.11 Federal Regulation
Reference Date.

Hearing Location(s): On September 8, 2021, at 10:00 a.m., at
Olympic Region Clean Air Agency, 2940 Limited Lane N.W., Olympia, WA
98502.

Date of Intended Adoption: September 8, 2021.

Submit Written Comments to: Mark Goodin, 2940 Limited Lane N.W.,
email mark.goodin@orcaa.org, fax 360-491-6308, by September 7, 2021.

Assistance for Persons with Disabilities: Contact Dan Nelson,
phone 360-539-7610 ext. 111, fax 360-491-6308, email
dan.nelson@orcaa.org, by September 1, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including
Any Changes in Existing Rules: ORCAA proposes to update the effective
date of the federal regulations that were previously adopted by the
agency. Currently, where federal rules are referenced in agency regu-
lations, the effective date of the federal regulations is July 1,
2020. The agency intends to update the effective date annually. This
proposal would change the reference date to July 1, 2021.

Statutory Authority for Adoption: Chapter 70A.15 RCW.
Statute Being Implemented: Chapter 70A.15 RCW.
Rule is not necessitated by federal law, federal or state court
decision.

Name of Proponent: ORCAA, governmental.
Name of Agency Personnel Responsible for
Drafting: Robert Moody,
2940 Limited Lane N.W., Olympia, 360-539-7610; Implementation and En-
forcement: Francea L. McNair, 2940 Limited Lane N.W., Olympia,
360-539-7610.

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. RCW
34.05.328 applies to state government. It does not apply to local air
agencies per RCW 70A.15.2040.

This rule proposal, or portions of the proposal, is exempt from
requirements of the Regulatory Fairness Act because the proposal:
Is exempt under RCW 19.85.025(3) as the rules are adopting or in-
corporating by reference without material change federal
statutes or regulations, Washington state statutes, rules of
other Washington state agencies, shoreline master programs
other than those programs governing shorelines of statewide
significance, or, as referenced by Washington state law, na-
tional consensus codes that generally establish industry
standards, if the material adopted or incorporated regulates
the same subject matter and conduct as the adopting or in-
corporating rule.

Is exempt under RCW 19.85.011.

Explanation of exemptions: Chapter 19.85 RCW applies to "rules
adopted by state agencies." RCW 70A.15.2040(1) states "An air pollu-
tion control authority shall not be deemed to be a state agency." ORCAA is an air pollution control authority.

July 14, 2021
Francea L. McNair
Executive Director

AMENDED SECTION

RULE 1.11 FEDERAL REGULATION REFERENCE DATE

Whenever federal regulations are referenced in ORCAA's rules, the effective date shall be July 1, 2021.