



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do **NOT** use for expedited rule making

**Agency:** AO# 13-04

**Subject of possible rule making:** See Attachment A.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.94.331, 141, 152, and 165(2)

**Reasons why rules on this subject may be needed and what they might accomplish:** See Attachment B.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Seven local air agencies regulate this subject in their jurisdictions. These are the Benton Clean Air Agency, Northwest Clean Air Agency, Olympic Region Clean Air Agency, Puget Sound Clean Air Agency, Southwest Clean Air Agency, Spokane Regional Clean Air Agency, and Yakima Regional Clean Air Agency. Ecology will include these agencies in the stakeholder rule development process.

**Process for developing new rule (check all that apply):**

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Ecology is amending existing rules. During the rule-development process Ecology will ask for feedback from stakeholders on rule language and key issues related to this rule making. Ecology will post rule-making information on our rule-making webpage and distribute it to our email lists. Ecology will hold one public hearing on the proposed rules.

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

Interested parties can participate in the formulation of the proposed rules via stakeholder meetings, by contacting Ecology staff directly, and by commenting on the proposed rule. To follow our rule-making process, click on [http://www.ecy.wa.gov/laws-rules/wac173400\\_455\\_491/1304.html](http://www.ecy.wa.gov/laws-rules/wac173400_455_491/1304.html).

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<b>DATE</b> July 1, 2013
<b>NAME (TYPE OR PRINT)</b> Stu Clark
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<b>TITLE</b> Air Quality Program Manager

<b>CODE REVISER USE ONLY</b>
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## **Attachment A**

### **Subject of possible rulemaking:**

Ecology is beginning rule making to update requirements and make other administrative changes for sources emitting gasoline vapors to align with federal rules. Emission Standards and Controls for Sources Emitting Gasoline Vapors – Chapter 173-491 WAC – includes requirements for:

- gasoline dispensing facilities (Stage I requirements),
- gasoline loading terminals,
- bulk gasoline plants, and
- gasoline storage tanks.

Stage II requirements for large volume gasoline dispensing facilities are not part of this rule making.

The broader rule-making scope includes revising other rules to ensure consistency between:

- Washington state rules: Provisions in Chapter 173-455 WAC (Air Quality Fee Rule) and Chapter 173-400 WAC (General Regulations for Air Pollution Sources) may need to be updated to reflect changes to Chapter 173-491 WAC.
- Federal rules: Provisions in Chapter 173-400 WAC will be updated for compliance with:
  - federal air toxics rules,
  - New Source Performance Standards, and
  - emission guidelines for existing incineration units.

## **Attachment B**

### **Reasons why rules on this subject may be needed and what they might accomplish:**

This rule making will revise out-dated state requirements and make other administrative changes related to rules for gasoline marketing operations. In particular, rules for gasoline dispensing facilities need to be updated for consistency with federal Stage I vapor recovery requirements. The last significant update of emission standards for gasoline emitting sources was in 1997 so our rules don't include federal requirements adopted in 2008 and revised in 2011.

Controlling gasoline vapors helps protect public health by reducing benzene (a carcinogen) exposure at and near gasoline dispensing facilities, saves gasoline, and reduces formation of ground level ozone (a contributor to smog) which also protects public health.

This rule making will ensure streamlined connections between the two rules that intersect with requirements for sources emitting gasoline vapors: Chapter 173-455 WAC (Air Quality Fee Rule) and Chapter 173-400 WAC (General Regulations for Air Pollution sources).

This rule making will amend Chapter 173-400 WAC to update the adoption of federal air toxics rules and New Source Performance Standards, and include requirements that implement emission guidelines for certain incineration units.

Keeping our rules current with EPA requirements simplifies compliance for the regulated community, supports a healthy business climate, and maintains delegation of federal programs.