



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Low Emission Vehicles

Chapter 173-423 WAC

November 2012
Publication no. 12-02-031

Publication and Contact Information

This report is available on the Department of Ecology's website at <https://fortress.wa.gov/ecy/publications/SummaryPages/1202031.html> .

For more information contact:

Publications Coordinator
Air Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

E-mail: neil.caudill@ecy.wa.gov
Phone: 360-407-6811

Washington State Department of Ecology - www.ecy.wa.gov

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Yakima	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

If you need this document in a version for the visually impaired, call the Air Quality Program at 360-407-6800.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Table of Contents

PURPOSE 1

INTRODUCTION 1

IMPLEMENTATION AND ENFORCEMENT..... 1

INFORMING AND EDUCATING PERSONS AFFECTED BY THE RULE 1

PROMOTING AND ASSISTING VOLUNTARY COMPLIANCE 2

EVALUATING THE RULE..... 2

TRAINING AND INFORMING ECOLOGY STAFF 2

LIST OF SUPPORTING DOCUMENTS THAT MAY NEED TO BE WRITTEN OR REVISED 3

MORE INFORMATION 3

CONTACT INFORMATION 3

~This page is intentionally left blank.~

Purpose

Ecology provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-423 WAC, Low Emission Vehicles about how the Department of Ecology (Ecology) intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

Ecology's implementation role is to conduct surveillance to detect possible non-compliance.

As it applies to the revised rule, Ecology's surveillance will include periodic, on-site inspections of auto dealer facilities. Ecology will also monitor Warranty Information Reports from manufacturers on the vehicles they have delivered to Washington, including recall and corrective action orders to ensure manufacturer's compliance with rule requirements.

If dealers are found to be selling non-compliant vehicles or vehicles without the Environmental Performance (EP) label; or if they fail to comply with warranty reporting, recall and corrective action requirements, Ecology will take appropriate compliance action. This includes the possibility of assessing penalties of up to \$5,000 per vehicle.

Informing and Educating Persons Affected by the Rule

The affected persons include the public, environmental groups, automotive manufacturers, dealers, and maintenance facilities. To help inform and educate the affected persons, Ecology is doing or has done the following:

Before the rule is finalized:

- Posted current rule-making information about the program and rule-making process on its web site.
- Sent email updates to interested parties throughout the rulemaking process.
- Held a public hearing during the formal rule making process.

Once the rule is adopted:

- Issuing a press release announcing the adoption of the rule.
- Emailing copies of the final rule and the Concise Explanatory Statement to all interested parties.
- Posting the final rule and Concise Explanatory Statement on the internet for public access.
- Continuing to include information on the program and rule-making process under the Archived Rules section of Ecology's Laws and Rules web site.

Promoting and Assisting Voluntary Compliance

The actions mentioned above to inform and educate affected persons on the changes also help promote voluntary compliance. Program staff is available to respond to stakeholder phone and e-mail queries.

A number of other activities will be useful to help promote voluntary compliance. They include the following:

- The regulations and information documents are available on Ecology's web site.
- The interested party list may be used to pass on program information and updates.
- Ecology will work with the Washington State Auto Dealers Association and the Independent Association of Auto Dealers to make sure that they have informed their members about the new requirements and procedures.

Evaluating the Rule

Ecology will review and monitor manufacturers' Warranty Information Reports from manufacturers on the vehicles they have delivered to Washington including recall and corrective action orders.

Training and Informing Ecology Staff

One and one-half Ecology staff are devoted to this activity. The primary staff member responsible for rule implementation developed this revised rule and in the process has learned how the California standards are implemented and enforced in California and other states. This staff member will continue to network with other states implementing this program and attend occasional conferences to keep up with procedures

List of Supporting Documents that May Need to be Written or Revised

Ecology will update the Clean Cars Information web site and Focus sheet 05-02-010, Focus on Clean Car Standards.

More Information

Rule making documents are available at:

<http://www.ecy.wa.gov/laws-rules/wac173423/1101.html>

Clean Car website: <http://www.ecy.wa.gov/programs/air/cleancars.htm>

Contact Information

Brett Rude
Air Quality Program
PO Box 47600
Olympia, WA 98504-7600
360-407-6847
brett.rude@ecy.wa.gov