



DEPARTMENT OF
ECOLOGY
State of Washington

Concise Explanatory Statement

**Used Automotive Oil Recycling Sign
Requirements for Automotive Oil Sellers
(Chapter 173-330 WAC)**

And

**Tax Exemptions and Credits for Pollution
Control Facilities (Chapter 173-24 WAC)**

Summary of rulemaking and response to comments

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

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Waste 2 Resources Program
Washington State Department of Ecology
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Introduction

The purpose of a Concise Explanatory Statement is to:

- Meet the Administrative Procedure Act (APA) requirements for agencies to prepare a Concise Explanatory Statement (RCW 34.05.325).
- Provide reasons for adopting the rule.
- Describe any differences between the proposed rule and the adopted rule.
- Provide Ecology's response to public comments.

This Concise Explanatory Statement provides information on The Washington State Department of Ecology's (Ecology) repeal of:

Title and WAC: Chapter 173-330 WAC Used Automotive Oil Recycling Sign Requirements for Automotive Oil Sellers and Chapter 173-24 WAC Tax Exemptions and Credits for Pollution Control Facilities

Repeal date: April 16, 2015

Effective date: May 17, 2015

To see more information related to this rule making or other Ecology rule makings please visit our web site: <http://www.ecy.wa.gov/laws-rules/index.html>.

Reasons for Adopting the Rule

Ecology is repealing two obsolete rules:

- Chapter 173-24 WAC Tax Exemptions and Credits for Pollution Control Facilities
- Chapter 173-330 WAC Used Automotive Oil Recycling Sign Requirements for Automotive Oil Sellers

Chapter 173-24 WAC

Until November 30, 1981, Chapter 82.34 RCW – *Pollution Control Facilities – Tax Exemptions and Credits*, authorized pollution control facilities to apply to the Department of Revenue for a tax credit or exemption. The appropriate pollution control agency was then required to review the application and if appropriate approve that the facility was a pollution control facility. Ecology's role for facilities under its jurisdiction was to identify and classify facilities, and to confirm that the facility controlled, captured and removed pollutants from the air and water. The review was conducted for water pollution control facilities and any facilities related to an air contaminant source. Chapter 173-24 WAC described Ecology's process for reviewing and approving facilities.

In 1981, the Legislature amended the law in Chapter 82.34 RCW to provide that the last date applications for pollution control tax credits or exemptions could be filed was November 30, 1981. Since applications are no longer accepted under Chapter 82.34 RCW, the rules in Chapter 173-24

WAC have no purpose, and we are repealing them. Repealing this chapter will not impact any tax exemptions or credits currently received by facilities.

Chapter 173-330 WAC

All sections of the enabling statute (Chapter 19.114 RCW – *Used Automotive Oil Recycling*) were repealed in 1991. Requirements for used oil recycling were adopted by the 1991 Legislature as Chapter 70.95I RCW – *Used Oil Recycling*. Chapter 70.95I RCW contains requirements for education, including signs. Chapter 173-330 WAC is no longer authorized or necessary. Repeal of this obsolete rule will not impact other existing rules or any entities who currently provide used oil recycling.

Differences Between the Proposed Rule and Adopted Rule

RCW 34.05.325(6)(a)(ii) requires Ecology to describe the differences between the text of the proposed rule as published in the *Washington State Register* and the text of the rule as adopted, other than editing changes, stating the reasons for the differences.

No changes were made.

Response to Comments

On June 19, 2014 Ecology filed an expedited notice (WSR 14-14-010) to repeal the above referenced chapters. The expedited rule-making process is intended to save taxpayer time and money by providing a streamlined process to repeal rules that meet certain criteria. In this case, the rules are no longer necessary and the statutory authority for one has been repealed. Ecology received one objection to the expedited process that was not withdrawn. The agency then moved forward with a proposal (CR-102 form) to repeal these chapters. We held one public hearing. No one attended the hearing and we received no comments.

Written Comments – None Received

During the formal comment period, Ecology did not receive any written comments.

Transcripts from Public Hearings

Below is a copy of the transcript from the public hearing.

DEPARTMENT OF ECOLOGY
Waste 2 Resources Program

February 25, 2015

Subject: WACs 173-330 and 173-24 Public Hearing Recording Transcription

I am Adrienne Dorrah, hearing officer for this hearing. This afternoon, we are here to conduct a hearing on the proposed repeals of Chapter 173-330 WAC *Used Automotive Oil Recycling Sign Requirements for Automotive Oil Sellers* and Chapter 173-24 WAC *Tax Exemptions and Credits for Pollution Control Facilities*. Let the records show it is 1:46 on February 25, 2015, and this hearing is being held at Department of Ecology Headquarters: 300 Desmond Drive Southeast Lacey, Washington 98503.

Legal notices of this hearing were published in the Washington State Register on February 4, 2015. Washington State Register Number: 15-03-018. In addition, notices of the hearing were emailed to about 1500 interested people via the WAC Track listserv, and we also notified the statewide local environmental health directors via their designated chairperson.

Let the records show that Ecology held the hearing on this rule proposal, and no one attended the public hearing.

To send Ecology written comments, please send them to Bari Schreiner, Department of Ecology: P.O. Box 47600 Olympia, Washington 98504-7600. You can also submit comments by email to rulemaking@ecy.wa.gov or by fax to 360-407-6989. Comments are due by March 5, 2015. All testimony received at this hearing along with all written comments submitted no later than March 5, 2015 will be part of the official hearing record for this proposal.

Ecology will send notice about the Concise Explanatory Statement, or CES publication, to everyone that provided written comments or oral testimony on this rule proposal and submitted contact information, to everyone that signed in for today's hearing and provided an email address, and to other interested parties on the agency's WAC Track email list. The CES will, among other things, contain the agency's response to questions and issues of concern that were submitted during the public comment period. If you would like to receive a copy, contact Bari Schreiner at the contact information provided for submitting comments.