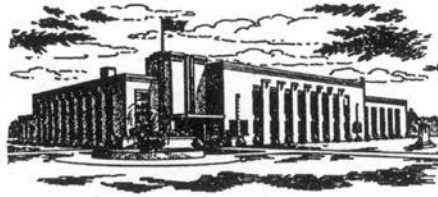


Wes McCart  
District No. 1

Don Dashiell  
District No. 2

Steve Parker  
District No. 3



### Stevens County Commissioners

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Clerk of the Board

Nettie LaDoux  
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Lois Haag  
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July 10, 2015

To: Peter Moulton  
Washington Department of Commerce  
P.O. Box 42525  
Olympia, WA 98504

Re: Comments on Proposed Rule: WAC 194-29 Practicable Use of Electricity and Biofuels to Fuel Local Government Vehicles, Vessels and Construction Equipment

I would like to submit the following for the record on behalf of the Board of Stevens County Commissioners and the over 43,000 citizens we represent in Stevens County.

Section 020: Definition 6 and 12 refer to the social cost of carbon emissions. This is a completely arbitrary set of definitions. The departments of commerce and ecology will work to put some artificial and undefined economic number to a social condition. There is no indication of what will be added or not accounted for, yet all entities will need to consider this number without deviation. Please delete the "Social cost of carbon" from this section and the reference to it.

Section 020: There is no definition of emergency vehicles. Since most of our road maintenance equipment is used to respond to emergencies on a frequent basis, this qualifies for exempt in our opinion. Snow removal, road safety, etc. all fit the category of emergency equipment and these are dual purpose vehicle every bit as much as a sheriff vehicle or ambulance that response to routine call. All of this equipment should fit into this category and definition.

Section 030 (3): This section refers to annual reporting. Any annual report required by this rule MUST be funded. There is no specific authority in statute (RCW 43.325 or 43.19.648) to require counties to report annually or otherwise. If we do not have the funding to fill out the report, we will not be able to comply. The agency has no authority to create law or unfunded mandates. Please delete or state how the department plans to fund this requirement.

Section 040: First, 200,000 gallons is an arbitrary figure with no indication on how to account for fuel usage. The county does not track fuel usage for all instances. If we have a tank in a service yard, that amount of fuel usage is fairly easy to track, but much of our fuel usage is done with fleet credit accounts. Other fuel is purchased when needed at various locations and under various accounts. It would take hundreds of hours to track or calculate all fuel usage by county vehicles. We are concerned about vehicle miles and dollars spent. Second, how was this number determined? The law talks about a phased in approach, yet one fixed number has no phased in approach, nor does it take into consideration all local governments. Some small entities with fuel or electricity available could comply, yet you have no method for them to report and the department would not be accounting for this usage.

Reporting should be tiered and should be voluntary. Lastly, this section refers to the “findings” in the underlying legislation to require monitoring beyond 2018. Some findings, RCW 43.325.001, expire on June 30, 2016 and therefore do not apply. Other finding talk about incentives, yet there is no mention of an incentive approach in this rule. This provision is beyond the scope of law and should be deleted.

Section 050: Please delete this section. Nothing in 43.325.005 states that local government are required to comply. The findings refers to businesses, consumers and farmers. This is beyond the department’s authority. Counties have law making authority consistent and not contrary to state law, and agencies have the ability to implement rules to carry out state law. This section is well beyond the department’s scope of authority. It also creates an unfunded mandate in reporting and procurement procedures. Without incentives and specific funding we will not be able to spend precious public resources to comply, nor will we be legally bound to do so.

Section 060: This section states that “local governments required to report under this rule.” Please delete this statement, for previously stated reasons, the department lacks authority to require reporting. Also, in order to achieve the stated goals of the law, the stakeholders involved in the technical coordination group should include all those trying to achieve the goals of the law. Further, please reconsider your 2020 date. The statute refers to local government trying to achieve a goal by 2018. There is no stated goals or requirements beyond this point. There seems to be a desire by the department to create this as a long term, never ending program, and there does not appear to be this statutory authority for a long term program as it pertains to local governments.

Section 070: Please add a “phased-in progress” approach as per RCW 43.325.080(2)(c). You also refer to an analytical tool that will be developed later. You then state that local government are require to use all the criteria in the tool. Please add the criteria here for comment. Rulemaking authority does not allow for the department to determine some factors for consideration now, then go to the back room and create other factors outside of the public comment and input requirement. This is a denial of due process and we ask that you reconsider the wording to allow local governments to determine factors that apply to the specific regions and availability of supply.

Section 070 (1) (c): Please delete the words “or convert” from this line. There are no requirements under the law to convert vehicles to other fuel usage. As a matter of fact there is language that specifically states that conversion is NOT required.

Section 080: Please delete this section. There is no requirement of law for reporting. As stated previously, this is an unfunded mandate for which the department lacks authority to implement.

The department also needs to consider weather. Winter conditions make electric vehicle batteries nonfunctioning and limited. Biodiesel has problems with stabilization in winter in storage. Additives are only effective if fuel usage is prompt. Long term storage is difficult or impossible in remote locations.

In regards to fuel usage, any vehicle exempt from consideration should be exempt from the total amount of fuel used. Our sheriff’s department is one of the largest fuel users, and without deducting this usage, we would not come close to meeting the statutory goals.

We believe that the department should do the work to find out what infrastructure currently exists or could be economically installed before requiring local governments to jump through hoops for which our reply is no infrastructure or supply exists. Please delay this rule implementation, gather appropriate information, revise the rule based on comment and redo the rulemaking process.

Thank you for allowing us to comment on this proposed rule. Please contact me should you have any questions.

Wes McCart,  
Stevens County Commissioner