



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Washington State Department of Ecology AO# 11-08

Subject of possible rule making: Water Quality Standards for Surface Waters of the State of Washington - Chapter 173-201A WAC
The Surface Water Quality Standards rule-making will amend the following areas of the rule related to implementation tools:

- Clarify and modify existing regulatory tools.
- Evaluate and potentially add other new tools identified during the rule-development process.
- Evaluate and potentially add other amendments related to updates listed above

Statutes authorizing the agency to adopt rules on this subject: Chapter 90.48.035 RCW provides clear and direct authority for Ecology to revise the water quality standards. Additionally, 40 CFR 131.20 requires states or tribes (with primacy for clean water act actions) to review and update the Water Quality Standards.

Reasons why rules on this subject may be needed and what they might accomplish: In October 2011, Ecology started a rule-making effort to amend implementation-related portions of the Surface Water Quality Standards (WAC 173-201A). Ecology has withdrawn that notice and is filing a new notice to clarify the focus of the amendments. We will continue to focus on sections of the rule regarding implementation, with the goal of providing more predictable regulatory tools that help entities subject to National Pollutant Discharge Elimination System (NPDES) permits comply with new, more protective standards.

The rule-making to amend implementation tools will also directly address legislation passed (RCW 90.48.605) that obligates Ecology to amend water quality standards to allow compliance schedules in excess of ten years under certain circumstances for permitted discharges.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:
Developing and administering surface water quality standards to protect water quality and meet objectives of the federal Clean Water Act is a unique responsibility assigned to the Department of Ecology in Chapter 90.48 RCW. Ecology will work with tribes to discuss rule activities and seek input. Other coordinating federal and state agencies include Washington Department of Fish and Wildlife, Washington State Department of Health, and United States Environmental Protection Agency.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) This is an amendment to Chapter 173-201A WAC, Water Quality Standards for Surface Waters of the State of Washington. The process includes public hearings held around the State of Washington. Ecology plans to involve interest groups and notify the public throughout the process through open forums and use of media. Ecology will use these public activities to seek input from interested parties and provide a structured dialogue for those groups to understand issues, offer advice, and provide perspective to the agency. Additionally, the agency's goal is to educate the public on surface water quality standards and why the rule needs to be amended.

How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication: Interested parties can access more information on this rule making by contacting the Department of Ecology staff member listed below or by accessing the Water Quality Program Surface Water Quality Standards Activities website:
www.ecy.wa.gov/programs/wq/swqs/RuleRev2011.html.

Ecology will also share information on the agency web site and through a list serv. Join our ListServ at: <http://listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WATER-QUALITY-INFO>.

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DATE 9/11/2012

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SIGNATURE

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Water Quality Program Manager

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