We are proposing to amend the rule to make it consistent with current practices, remove unused funding language, correct out of date agency information, and improve clarity and consistency in the rule.

Recent legislative provisos for drought relief funding varied from the language in WAC 173-166, requiring adoption of an emergency rule. We will continue to adopt emergency rules to implement drought relief funding programs when authorized by the Legislature. Removing the funding language from the permanent rule improves clarity versus having two rules for nearly identical functions and allows for funding decisions having an alternate appeal process.
Reasons supporting proposal: See “Purpose of the proposal” above for this information.

Statutory authority for adoption: RCW 43.83B.420

Statute being implemented: RCW 43.83B

Is rule necessary because of a:
- Federal Law? ☐ Yes ☒ No
- Federal Court Decision? ☐ Yes ☒ No
- State Court Decision? ☐ Yes ☒ No
If yes, CITATION:

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: N/A

Name of proponent: (person or organization) Department of Ecology ☒ Governmental

Name of agency personnel responsible for:

<table>
<thead>
<tr>
<th>Name</th>
<th>Office Location</th>
<th>Phone</th>
</tr>
</thead>
<tbody>
<tr>
<td>Drafting</td>
<td>Rebecca Inman</td>
<td>300 Desmond Dr., Lacey, WA 98503</td>
</tr>
<tr>
<td>Implementation</td>
<td>Jeff Marti</td>
<td>300 Desmond Dr., Lacey, WA 98503</td>
</tr>
<tr>
<td>Enforcement</td>
<td>Rusty Post</td>
<td>300 Desmond Dr., Lacey, WA 98503</td>
</tr>
</tbody>
</table>

Is a school district fiscal impact statement required under RCW 28A.305.135? ☒ Yes ☐ No
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:

Name:
Address:
Phone:
Fax:
TTY:
Email:
Other:

Is a cost-benefit analysis required under RCW 34.05.328? ☒ No: Please explain: A preliminary cost benefit analysis is not required because this rulemaking meets the following exemptions: RCW 34.05 .328 (5)(b)(ii) rules relating to internal governmental operations that are not subject to violation by
nongovernmental party, and RCW 34.05.328 (5)(b)(iv) rules that only correct typographical errors, make address or name changes, or clarify language of a rule without changing its effect (adds clarity to the rule language).
Regulatory Fairness Act Cost Considerations for a Small Business Economic Impact Statement:

This rule proposal, or portions of the proposal, may be exempt from requirements of the Regulatory Fairness Act (see chapter 19.85 RCW). Please check the box for any applicable exemption(s):

☐ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.061 because this rule making is being adopted solely to conform and/or comply with federal statute or regulations. Please cite the specific federal statute or regulation this rule is being adopted to conform or comply with, and describe the consequences to the state if the rule is not adopted.

Citation and description:
☐ This rule proposal, or portions of the proposal, is exempt because the agency has completed the pilot rule process defined by RCW 34.05.313 before filing the notice of this proposed rule.
☐ This rule proposal, or portions of the proposal, is exempt under the provisions of RCW 15.65.570(2) because it was adopted by a referendum.
☒ This rule proposal, or portions of the proposal, is exempt under RCW 19.85.025(3). Check all that apply:

☒ RCW 34.05.310 (4)(b) (Internal government operations)
☐ RCW 34.05.310 (4)(e) (Dictated by statute)
☐ RCW 34.05.310 (4)(c) (Incorporation by reference)
☐ RCW 34.05.310 (4)(f) (Set or adjust fees)
☒ RCW 34.05.310 (4)(d) (Correct or clarify language)
☐ RCW 34.05.310 (4)(g) (i) Relating to agency hearings; or (ii) process requirements for applying to an agency for a license or permit)

☐ This rule proposal, or portions of the proposal, is exempt under RCW ______.

Explanation of exemptions, if necessary:

COMPLETE THIS SECTION ONLY IF NO EXEMPTION APPLIES

If the proposed rule is not exempt, does it impose more-than-minor costs (as defined by RCW 19.85.020(2)) on businesses?

☐ No Briefly summarize the agency’s analysis showing how costs were calculated. ______

☐ Yes Calculations show the rule proposal likely imposes more-than-minor cost to businesses, and a small business economic impact statement is required. Insert statement here:

The public may obtain a copy of the small business economic impact statement or the detailed cost calculations by contacting:

Name: 
Address: 
Phone: 
Fax: 
TTY: 
Email: 
Other: 

Date: 12/29/17
Name: Polly Zehm
Title: Deputy Director

Signature:  Polly Zehm