



# PROPOSED RULE MAKING

**CR-102 (August 2017)**  
**(Implements RCW 34.05.320)**  
Do **NOT** use for expedited rule making

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 15, 2017

TIME: 1:33 PM

WSR 17-19-076

Agency: Department of Ecology AO# 16-14

- Original Notice
- Supplemental Notice to WSR \_\_\_\_\_
- Continuance of WSR \_\_\_\_\_

- Preproposal Statement of Inquiry was filed as WSR 17-06-066 ; or
- Expedited Rule Making--Proposed notice was filed as WSR \_\_\_\_\_; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).
- Proposal is exempt under RCW \_\_\_\_\_.

**Title of rule and other identifying information:** (describe subject) The Department of Ecology is proposing amendments to Chapter 173-03 WAC Public Records. The purpose of this chapter is to implement the requirements of the Public Records Act including the process the agency uses for disclosing records. This update will modernize the rule to reflect current law, technology, and processes.

**Hearing location(s):**

Date:	Time:	Location: (be specific)	Comment:
10/24/2017	1 p.m.	Lacey Department of Ecology 300 Desmond Drive SE Lacey, WA 98503	<b>Webinar:</b> Ecology is offering this hearing via webinar and in person. Webinars are online meeting forums that you can attend from any computer using internet access.  To join the webinar click on the following link for more information and instructions: <a href="https://wadismetings.webex.com/wadismetings/j.php?MTID=m40a6c90ecb7befd34a2c9346c7b48885">https://wadismetings.webex.com/wadismetings/j.php?MTID=m40a6c90ecb7befd34a2c9346c7b48885</a>  <b>Comments:</b> Ecology will accept comments at the Lacey location and through the webinar via phone at 1-877-668-4493.

**Date of intended adoption:** 11/08/2017 (Note: This is **NOT** the effective date)

**Submit written comments to:**

Name: Linda Anderson  
Address: Department of Ecology  
PO Box 47600  
Olympia, WA 98504- 7600  
Email: [linda.anderson@ecy.wa.gov](mailto:linda.anderson@ecy.wa.gov)  
Fax: Please submit comments by mail or online  
Other: <http://rd.ecology.commentinput.com/?id=HKAst>  
By (date) 10/31/2017

**Assistance for persons with disabilities:**

Contact Hanna Waterstrat  
Phone: 360-407-7668  
Fax: N/A  
TTY: 877-833-6341  
Email: [hanna.waterstrat@ecy.wa.gov](mailto:hanna.waterstrat@ecy.wa.gov)  
Other: N/A  
By (date) October 17, 2017

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:**  
The rule has not been updated since 1998 and needs to reflect current law, technology, and processes. The rule also contains outdated information about Ecology programs and staff, which will be made current.

The purpose of this chapter is to implement the requirements of the Public Records Act.

This update will modernize the rule to reflect current law, technology, and processes.

The Legislature passed two bills in the 2017 session (ESHB 1594 and EHB 1595) affecting public disclosure, which are addressed in the proposed rule amendments.

**Reasons supporting proposal:**  
See "Purpose of the proposal..." above for this information

**Statutory authority for adoption:** RCW 42.56.100 Protection of public records – Public Access of the Public Records Act.

**Statute being implemented:** Chapter 42.56 RCW Public Records Act

**Is rule necessary because of a:**

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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  Private  
 Public  
 Governmental

**Name of agency personnel responsible for:**

	Name	Office Location	Phone
Drafting:	Administrative Services	Lacey	360-407-7007
Implementation:	Administrative Services	Lacey	360-407-7007
Enforcement:	Administrative Services	Lacey ,	360-407-7007

**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?**

Yes: A preliminary cost-benefit analysis may be obtained by contacting:

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

No: Please explain: One or more of the exemptions in RCW 34.05.328(5)(b)(ii), (iii), (iv), and (vi) would apply to the proposed rule amendments. Therefore Ecology is not required to prepare a preliminary cost-benefit analysis.

**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:** September 15, 2017

**Name:** Polly Zehm

**Title:** Deputy Director

**Signature:**

