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                | Comment                        | Webinar: 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: [https://wadismeetings.webex.com/wadismeetings/j.php?MTID=m40a6c90ecb7befd34a2c9346c7b48885](https://wadismeetings.webex.com/wadismeetings/j.php?MTID=m40a6c90ecb7befd34a2c9346c7b48885)
| 10/24/2017 | 1 p.m. | Lacey Department of Ecology 300 Desmond Drive SE Lacey, WA 98503 |                      | 

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
Fax: Please submit comments by mail or online
Other: [http://rd.ecology.commentinput.com/?id=HKAst](http://rd.ecology.commentinput.com/?id=HKAst)

By (date) 10/31/2017

Assistance for persons with disabilities:
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 The rule also contains outdated information about Ecology programs and staff, which will be made current.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? ☑ No
☐ Federal Court Decision? ☑ No
☐ State Court Decision? ☑ 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
☐ Private
☐ Public

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: Administrative Services</td>
<td>Lacey</td>
<td>360-407-7007</td>
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<td>Implementation:       Administrative Services</td>
<td>Lacey</td>
<td>360-407-7007</td>
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<tr>
<td>Enforcement:         Administrative Services</td>
<td>Lacey</td>
<td>360-407-7007</td>
</tr>
</tbody>
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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:
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)(c) (Incorporation by reference)
   ☒ RCW 34.05.310 (4)(d) (Correct or clarify language)
   ☒ RCW 34.05.310 (4)(e) (Dictated by statute)
   ☒ RCW 34.05.310 (4)(f) (Set or adjust fees)
   ☐ 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: ____________________________