PROPOSED RULE MAKING

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

<table>
<thead>
<tr>
<th>Code Reviser Use Only</th>
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</thead>
<tbody>
<tr>
<td>OFFICE OF THE CODE REVISER</td>
</tr>
<tr>
<td>STATE OF WASHINGTON</td>
</tr>
<tr>
<td>FILED</td>
</tr>
<tr>
<td>DATE: February 04, 2021</td>
</tr>
<tr>
<td>TIME: 11:44 AM</td>
</tr>
<tr>
<td>WSR 21-05-007</td>
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</tbody>
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**Agency:** Department of Ecology AO #20-03

- **Original Notice**
- **Supplemental Notice to WSR _____**
- **Continuance of WSR _____**

- Preproposal Statement of Inquiry was filed as WSR _____; 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); or
- Proposal is exempt under RCW _____.

**Title of rule and other identifying information:** (describe subject)

Ecology is proposing to repeal the entire Chapter 173-04 WAC – Practice and Procedure.


**Hearing location(s):**

<table>
<thead>
<tr>
<th>Date:</th>
<th>Time:</th>
<th>Location: (be specific)</th>
<th>Comment:</th>
</tr>
</thead>
<tbody>
<tr>
<td>March 24, 2021</td>
<td>10:00am</td>
<td><a href="https://watech.webex.com/watech/onstage/g.php?MTID=edc32f29ae7160f6b737dff57a6ccc84f">Online</a></td>
<td>Presentation, question and answer session followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access. To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US Toll +1-415-655-0001 Show all global call-in numbers Access code: 177 853 7341</td>
</tr>
</tbody>
</table>

**Date of intended adoption:** April 9, 2021 (Note: This is NOT the effective date)

Submit written comments to:

Name: Laura Ballard  
Address: Send US mail at:  
Department of Ecology  
Governmental Relations  
PO Box 47600, Olympia, WA 98504-7600 (US mail).  
Or,  
Send parcel delivery services to:  
Department of Ecology  
Governmental Relations  
300 Desmond Dr. SE, Lacey, WA 98503  
Email: Submit comments by mail, online, or at the hearing(s).  
Fax: N/A
Other: Online: [http://admin.ecology.commentinput.com/?id=C4Ggk](http://admin.ecology.commentinput.com/?id=C4Ggk)
By (date) April 6, 2021

**Assistance for persons with disabilities:**
Contact Ecology ADA Coordinator
Phone: 360-407-6831
Fax: N/A
TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.
Email: [ecyADACoordinator@ecy.wa.gov](mailto:ecyADACoordinator@ecy.wa.gov)
Other: Visit [https://ecology.wa.gov/accessibility](https://ecology.wa.gov/accessibility) for more information.
By (date) March 17, 2021

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** Ecology is proposing to repeal the entire chapter 173-04 WAC, as it is obsolete and no longer useful to implement practices or procedures as the subject is currently governed by other laws and rule. Ecology regularly does reviews of existing rules to examine their content for accuracy. Review of chapter 173-04 WAC – Practice and Procedure indicated that it was no longer needed, as more contemporary rules and laws have replaced this chapter.

**Reasons supporting proposal:** See answer to "Purpose of the proposal…"

**Statutory authority for adoption:** Department of Ecology RCW 43.21A.080 – Rule-making authority.

**Statute being implemented:** Department of Ecology RCW 43.21A.081 – Five-year formal review process of existing rules.

**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>Laura Ballard</td>
<td>Lacey, WA</td>
</tr>
<tr>
<td>Implementation</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>Enforcement</td>
<td>N/A</td>
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**Is a school district fiscal impact statement required under RCW 28A.305.135?**
If yes, insert statement here:

The public may obtain a copy of the school district fiscal impact statement by contacting:
- Name: N/A
- Address: N/A
- Phone: N/A
Is a cost-benefit analysis required under RCW 34.05.328?

☐ Yes: A preliminary cost-benefit analysis may be obtained by contacting:
   - Name: N/A
   - Address: N/A
   - Phone: N/A
   - Fax: N/A
   - TTY: N/A
   - Email: N/A
   - Other: N/A

☒ No: Please explain: Cost-benefit analysis is not necessary because this rulemaking repeals a "procedural rule" that relates to agency hearings and internal governmental operations. (RCW 34.05.328 (5) (i); RCW 34.05 328 (5) (ii)).

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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)(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)

   ☐ 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)

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

Explanation of exemptions, if necessary:

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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: N/A
   - Address: N/A
   - Phone: N/A
   - Fax: N/A
   - TTY: N/A.
<table>
<thead>
<tr>
<th>Date:</th>
<th>2/4/2021</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Name:</strong></td>
<td>Heather Bartlett</td>
</tr>
<tr>
<td><strong>Title:</strong></td>
<td>Deputy Director</td>
</tr>
<tr>
<td><strong>Email:</strong></td>
<td>N/A</td>
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<tr>
<td><strong>Other:</strong></td>
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