

Proposed State Waters Alteration Permit

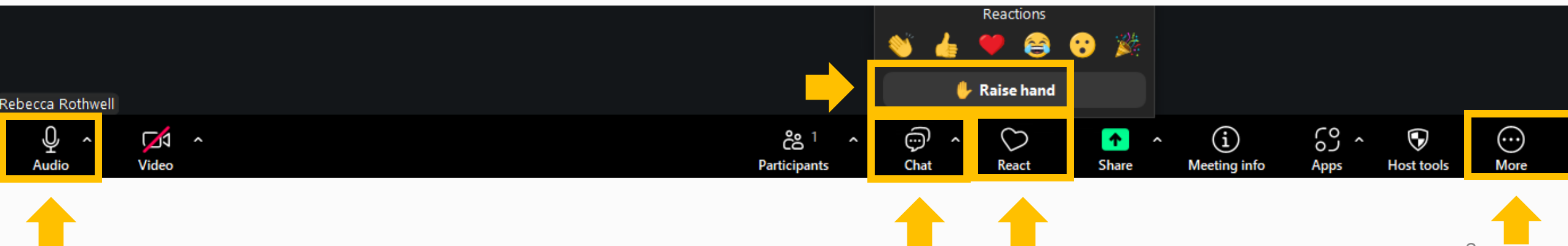
August 2026 Public Listening Session

Ecology staff

- **Lauren Driscoll:** wetlands section manager & rulemaking manager
- **Wendy Peterman:** incoming wetlands section manager & rulemaking manager
- **Nathan Rudolph:** rulemaking lead
- **Teresa Opolka:** wetlands policy lead
- **Sierra Blakely:** wetland specialist
- **Loree' Randall:** Aquatic permitting and protection section manager & in-water specialist

Zoom meeting tips

- Hover over the bottom of your screen for Zoom controls
- To speak, raise your virtual hand by clicking “react” then “raise hand.”
- Please stay muted unless you have been invited to speak.
- Chat and Q&A are available; Q&A may be under “more.”



Zoom audio tips



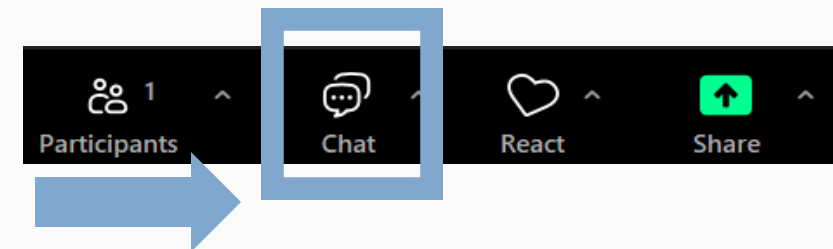
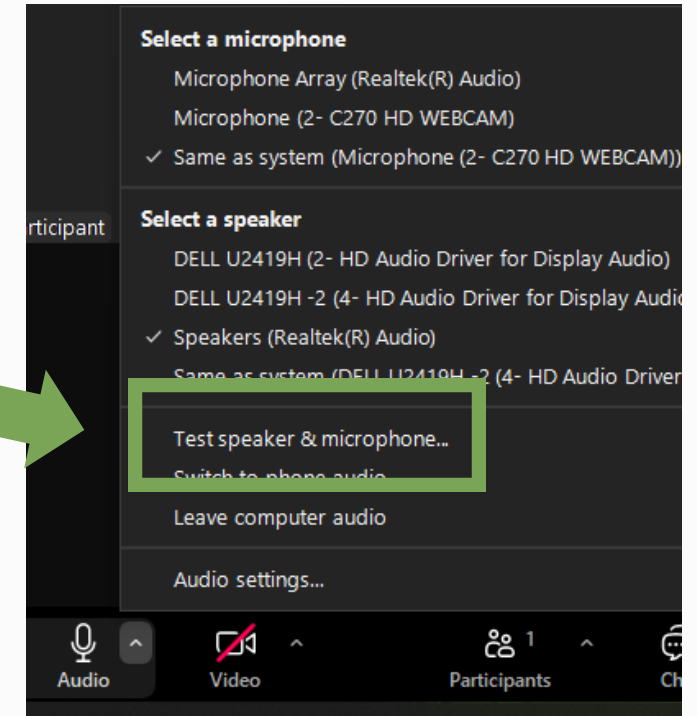
No sound? In audio settings, Click “Test speaker & microphone” to confirm speaker and mic match settings in Zoom.



Slow internet connection? Consider calling in for clearer audio. Dial 253 205 0468 or 253 215 8782; put in meeting ID: 886 3117 0895, then passcode: 495865



Still experiencing technical difficulties? Message Ecology’s Sierra Blakely in chat.

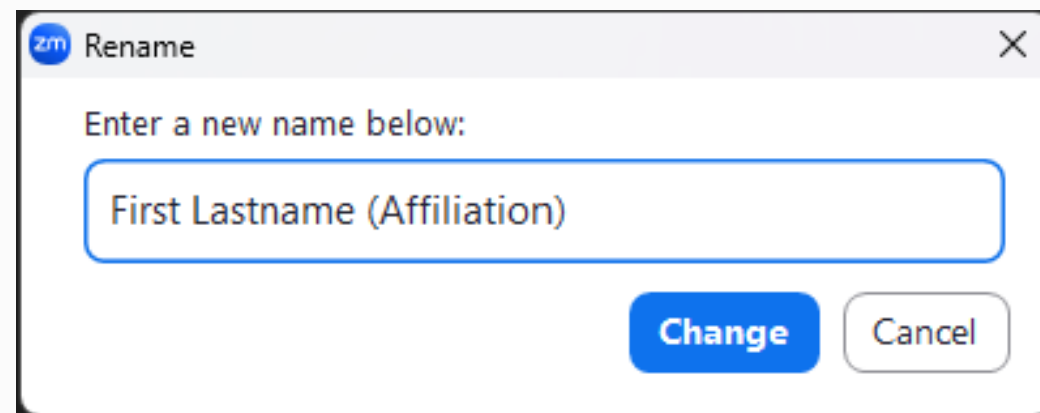
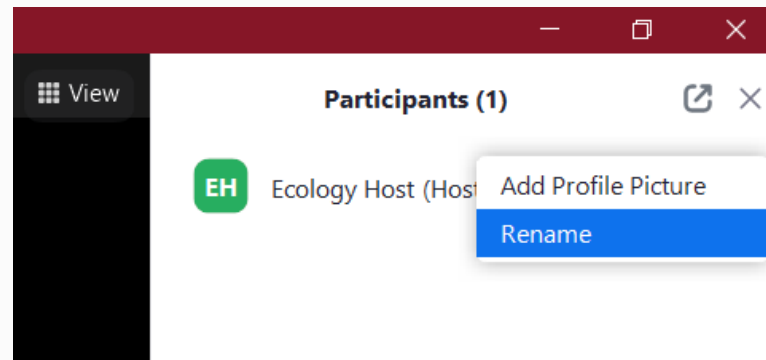
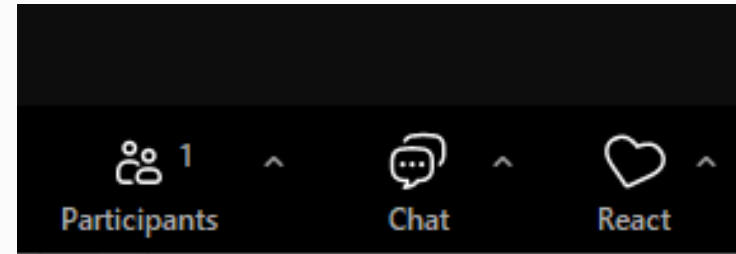


Changing your name

Click “Participants” icon located at bottom of Zoom window.

Select the “...” next to your name to open the options menu.

Click “Rename” with your affiliation (optional)

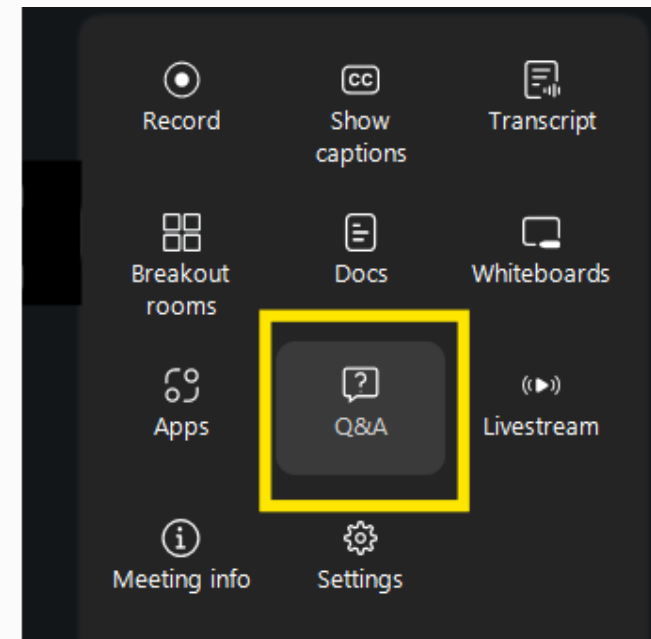
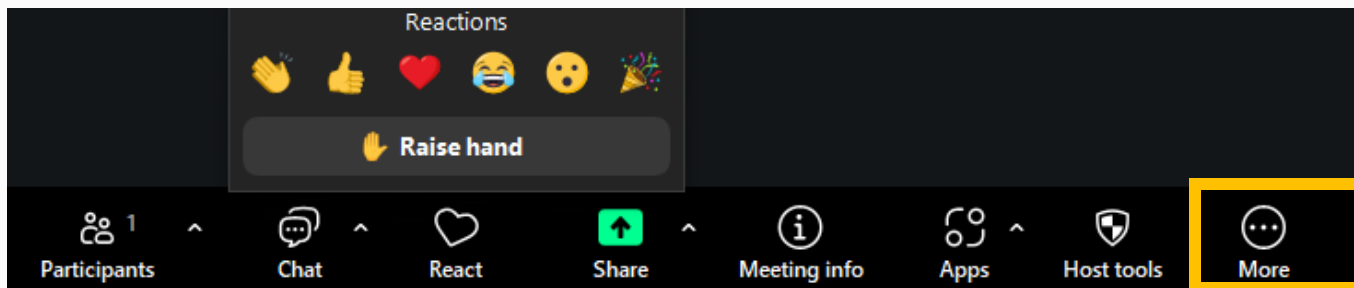


Meeting Ground Rules

- This session is not being recorded
- This is a **listening session**, not a formal public hearing
- Treat all speakers and attendees with respect
- Mute your microphone, unless called on to speak
- Respect speaking time limits (~2 minutes)

Guidance for submitting questions

- Use the Q&A to submit all questions
- Use the chat for technical issues or general comments only
- Send additional questions to email SWAPRulemaking@ecy.wa.gov



Meeting goal & agenda

Goal: Receive feedback to guide rule development

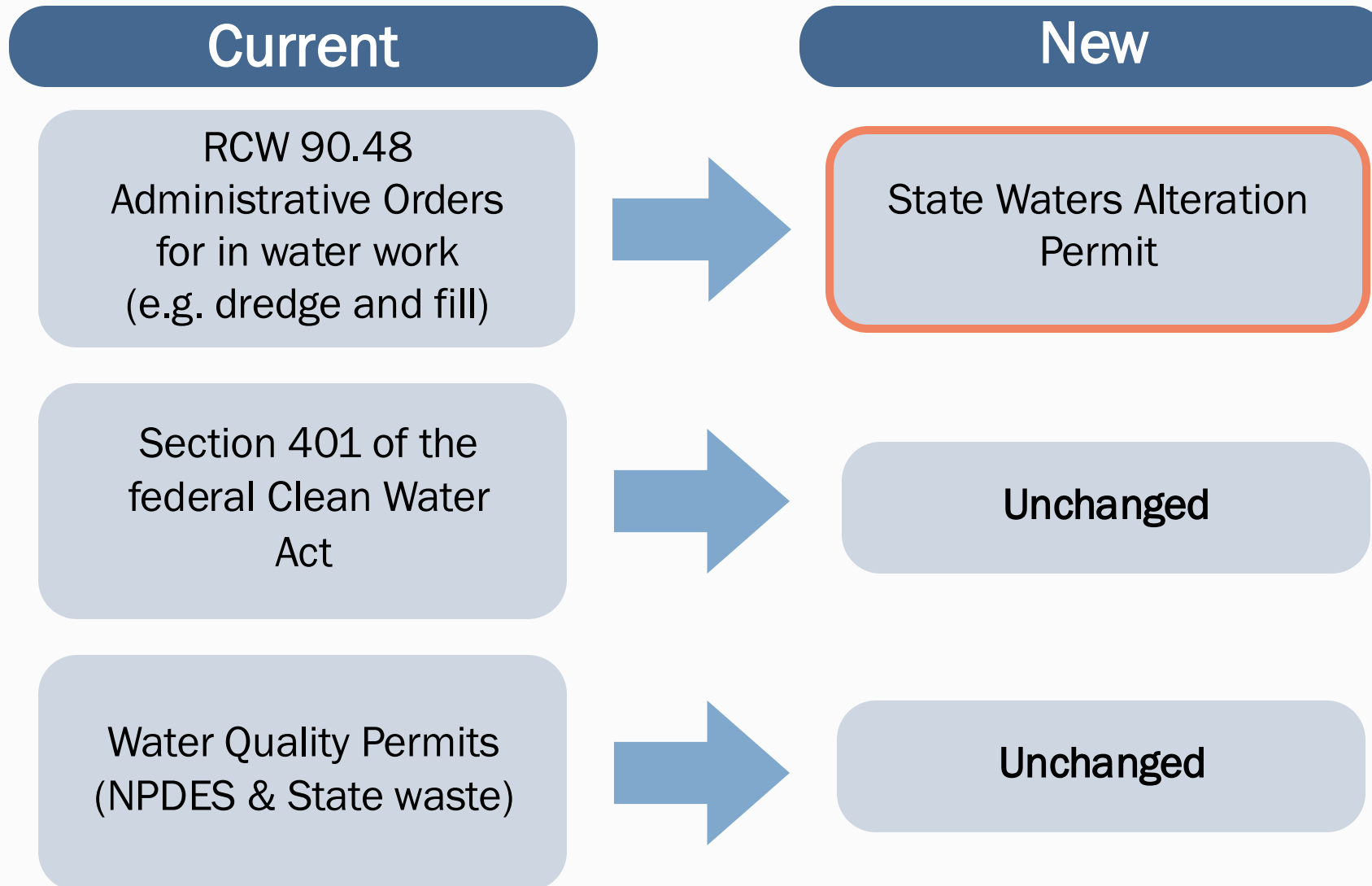
- Rulemaking objectives
- Rulemaking timeline
- Permit scope
- Exemptions

What are we proposing?

- Establish new “State Waters Alteration Permit” program within Ecology to evaluate & authorize impacts to wetlands, streams & other surface waters of the state.
- Use existing regulatory authority under Water Pollution Control Act RCW 90.48 to establish new Chapter to WAC 173-217



Proposed Regulatory Process Change



Rule objectives

- Continue to protect all surface waters of the state
- Establish opportunities for public review
- Provide clarity & predictability about our actions and requirements
- Set timelines for decisions
- Create general permits for projects with minor impacts
- Establish exemptions



Rulemaking process overview





Permit scope

Surface waters of the state
including wetlands

Regulated activities

- Work affecting wetlands
- Work below the ordinary high-water mark in state waters, including:
 - Streams
 - Ponds
 - Lakes
 - Marine waters

Preliminary Draft Exemptions

Forest practices

Projects receiving a Forest Practices Permit under the Forest Practices Rules RCW 76.09. Projects receiving a Class I, II, III, or Class IV non-conversion, forest practices permit from the department of natural resources.



Existing and ongoing agriculture

Existing and ongoing agricultural activities that do not cause new or expanded impacts or pollution of waters of the state and will not cause violations of water quality standards.

1. This includes activities for repair and maintenance of drainage and irrigation ditches provided the activities do not cause new or expanded impacts or pollution of state waters and will meet water quality standards.
2. This does not include:
 1. Activities bringing new land into production that had not previously been used for agricultural production;
 2. Activities to prepare lands already in agricultural use for a non-agricultural purpose;
 3. Excavation, leveling and fill activities that alter land contours and impact state waters;
 4. Lands that have not had agricultural activities take place on them for 10 years or longer and that are not enrolled in a soil or land conservation program; or
 5. Work in channelized streams.

Ditch maintenance

Activities for maintenance of existing ditches and culverts which are constructed in uplands, convey only stormwater, involve no expansion or use beyond previously existing conditions, and will meet water quality standards. Ditches and culverts that convey streams, contain fish life, or are located in wetlands are not included in this exemption.

Scientific Work

Scientific work, including placement of survey monuments, gage installation, survey work, data collection, exploration, and research if conducted using non mechanical or handheld equipment, and with minimal clearing necessary for monitoring and data collection.



Maintenance of Structures

Maintenance of serviceable structures such as dikes, dams, levees, lagoons, groins, riprap, breakwaters, causeways, bridge abutments or approaches, culverts, and transportation structures to previously existing conditions. Such activities include minor deviations in a structure's configuration or filled area to accommodate changes in materials, construction techniques, regulatory requirements, or construction codes or safety standards.

Maintenance of water reuse and wastewater reclamation facilities

Maintenance of water reuse facilities, wastewater reclamation facilities, water management facilities, water treatment facilities, or wastewater treatment facilities. Includes reconstruction due to recent damage or maintenance of currently serviceable structures, such as pumps, control systems, weirs, gates, clarifiers, solids handling, filters, sedimentation basins, treatment ponds and lagoons, and related features, to keep the facility in its existing state or proper condition to preserve it from failure or decline.

Maintenance of stormwater facilities

Existing stormwater facilities created in uplands. Maintenance or retrofit of stormwater treatment or flow control facilities created in uplands. Expansion of a facility into wetlands is not exempt.

Activities performed under a Model Toxics Control Act cleanup action

Projects or activities authorized through a Model Toxics Control Act (MTCA) order or a Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) order.





Federally regulated waters

Projects covered under a federal Clean Water Act Section 401 water quality certification as long as the associated federal permit or license addresses all activities conducted in state waters.

Summary of draft exemptions

- Forest Practices
- Existing and ongoing agriculture
- Ditch maintenance
- Scientific work
- Maintenance of structures
- Maintenance of water reuse and wastewater reclamation facilities
- Maintenance of stormwater facilities
- Activities performed under a Model Toxics Control Act cleanup action
- Federally regulated waters



Thank you for your partnership

Ecology commits to working with the public on the development of the proposed State Waters Alteration Permit.

As we continue rule development, we will be offering additional public engagement opportunities with future listening sessions.

Ways to stay involved

- Stay informed

[WAC 173-217 - Washington State
Department of Ecology](#)

- Sign up for notices

[GovDelivery](#)

- We want to hear from you

SWAPrulemaking@ecy.wa.gov



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