



# PROPOSED RULE MAKING

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

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STATE OF WASHINGTON  
FILED

**DATE: January 02, 2018**  
**TIME: 2:04 PM**  
**WSR 18-02-085**

**Agency:** Department of Ecology AO # 17-01

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

- Preproposal Statement of Inquiry was filed as WSR 17-17-036 ; 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) Chapter 173-166 WAC - Emergency Drought Relief is the permanent rule related to drought monitoring, declaration, and response.

**Hearing location(s):**

<b>Date:</b>	<b>Time:</b>	<b>Location: (be specific)</b>	<b>Comment:</b>
February 7, 2018	10:00 am	300 Desmond Dr., Lacey, WA 98503 1250 W Alder St., Union Gap, WA 98903	

**Date of intended adoption:** February 28, 2018 (Note: This is **NOT** the **effective** date)

**Submit written comments to:**

Name: Rebecca Inman  
Address: PO Box 47600  
Email: Rebecca.Inman@ecy.wa.gov  
Fax: 360-407-7162  
Other: Online: <http://ws.ecology.commentinput.com/?id=H5PB6>  
By (date) February 16, 2018

**Assistance for persons with disabilities:**

Contact Hanna Waterstrat  
Phone: 360-407-7668  
Fax: NA  
TTY: 877-833-6341  
Email: Hanna.Waterstrat@ecy.wa.gov  
Other: 711 Relay Service  
By (date) January 19, 2018

**Purpose of the proposal and its anticipated effects, including any changes in existing rules:** 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are proposing to amend the rule to make it consistent with current practices, remove unused funding language, correct out of date agency information, and improve clarity and consistency in the rule.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

Private  
 Public  
 Governmental

Name of agency personnel responsible for:

	Name	Office Location	Phone
Drafting:	Rebecca Inman	300 Desmond Dr., Lacey, WA 98503	360-407-6450
Implementation:	Jeff Marti	300 Desmond Dr., Lacey, WA 98503	360-407-6627
Enforcement:	Rusty Post	300 Desmond Dr., Lacey, WA 98503	360-407-6625

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: 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:

<b>Date:</b> 12/29/17	<b>Signature:</b> 
<b>Name:</b> Polly Zehm	
<b>Title:</b> Deputy Director	