



DEPARTMENT OF
ECOLOGY
State of Washington

Proposed rule to establish new State Waters Alteration Permit

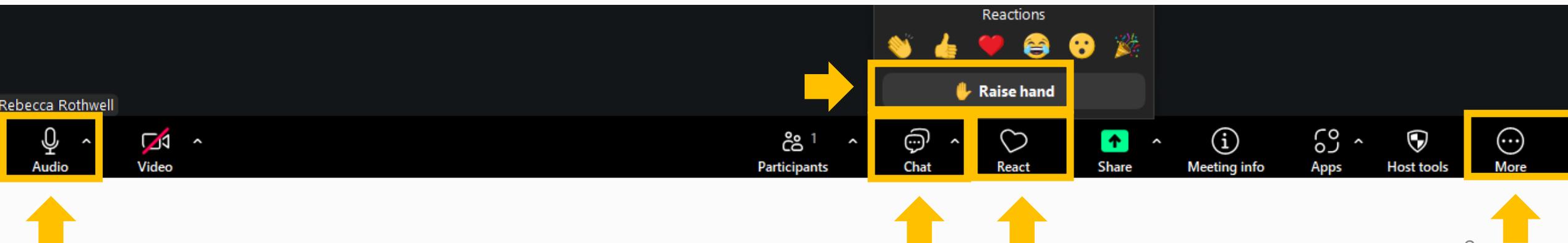
November 19, 2025

Ecology staff

- **Lauren Driscoll:** wetlands section manager & rulemaking manager
- **Sonal Gangawala Khanna:** rulemaking lead
- **Teresa Opolka:** wetlands policy lead
- **Sierra Blakely:** wetland specialist

Zoom meeting tips

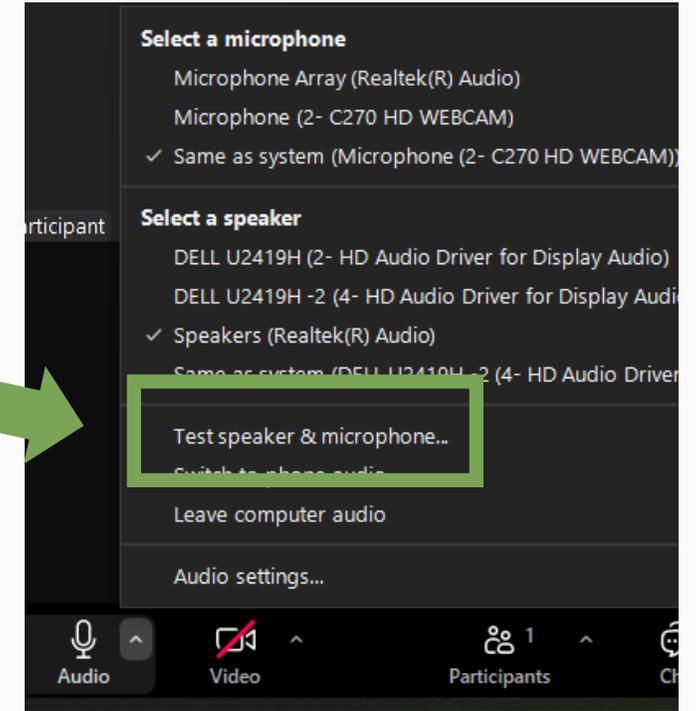
- Hover over the bottom of your screen for Zoom controls
- To speak, raise your virtual hand by clicking “react” then “raise hand.”
- Please stay muted unless you have been invited to speak.
- Chat and Q&A are available; Q&A may be under “more.”



Zoom audio tips



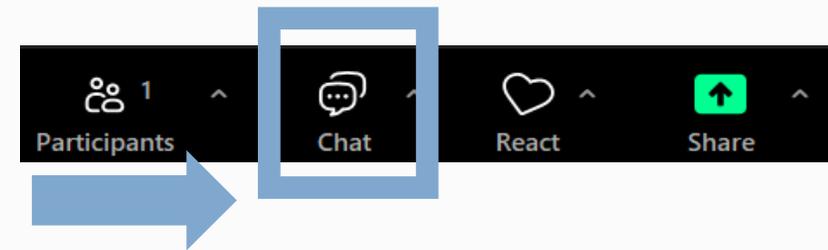
No sound? In audio settings, Click “Test speaker & microphone” to confirm speaker and mic match settings in Zoom.



Slow internet connection? Consider calling in for clearer audio. Dial 253 205 0468 or 253 215 8782; put in meeting ID: 857 2651 6031, then passcode: 716108



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

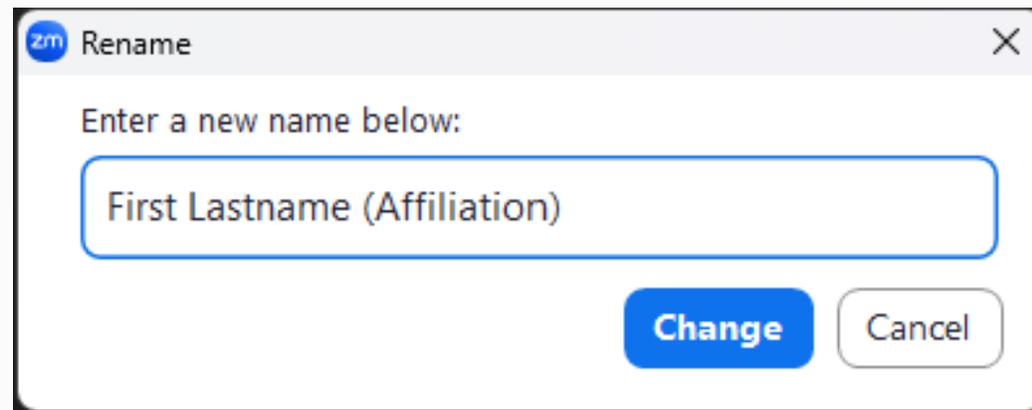
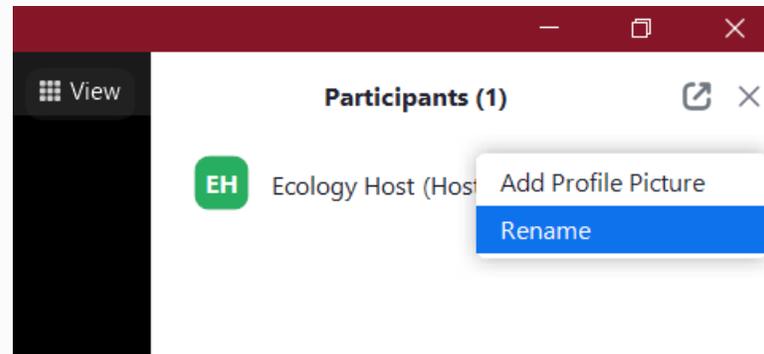
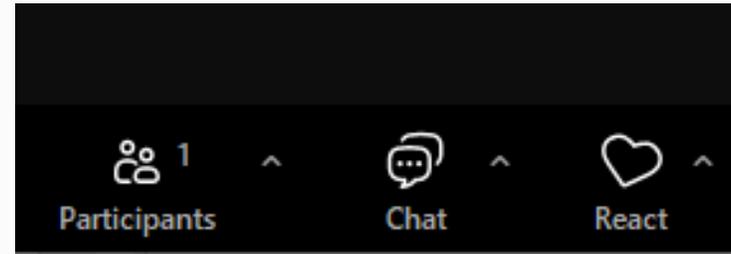


Changing your name

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 goal & agenda

Goal: Receive feedback to guide rule development

- Listening session overview
- Rulemaking summary
- Permit scope
- Potential exemptions
- Listening session

Need assistance? Type your request in chat, email Sierra Blakely at Sierra.Blakely@ecy.wa.gov, or call 564-250-0449.

Listening session approach



- We are capturing your comments. Let us know if something should be left out.
- Please let us know if you have preferences on how we attribute your comments

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)

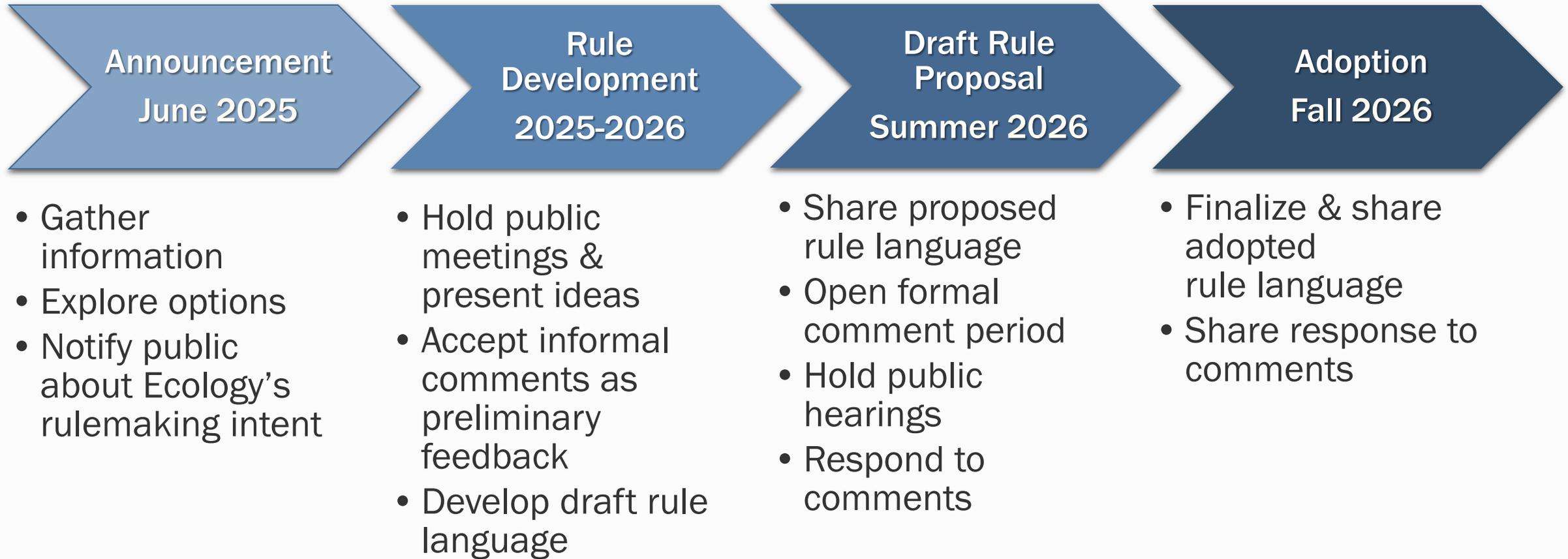
What are we proposing?

Establish new “State Waters Alteration Permit” program within Ecology to:

- Evaluate & authorize impacts to wetlands, streams & other state waters.
- Replace & streamline current regulatory process.



Rulemaking process overview



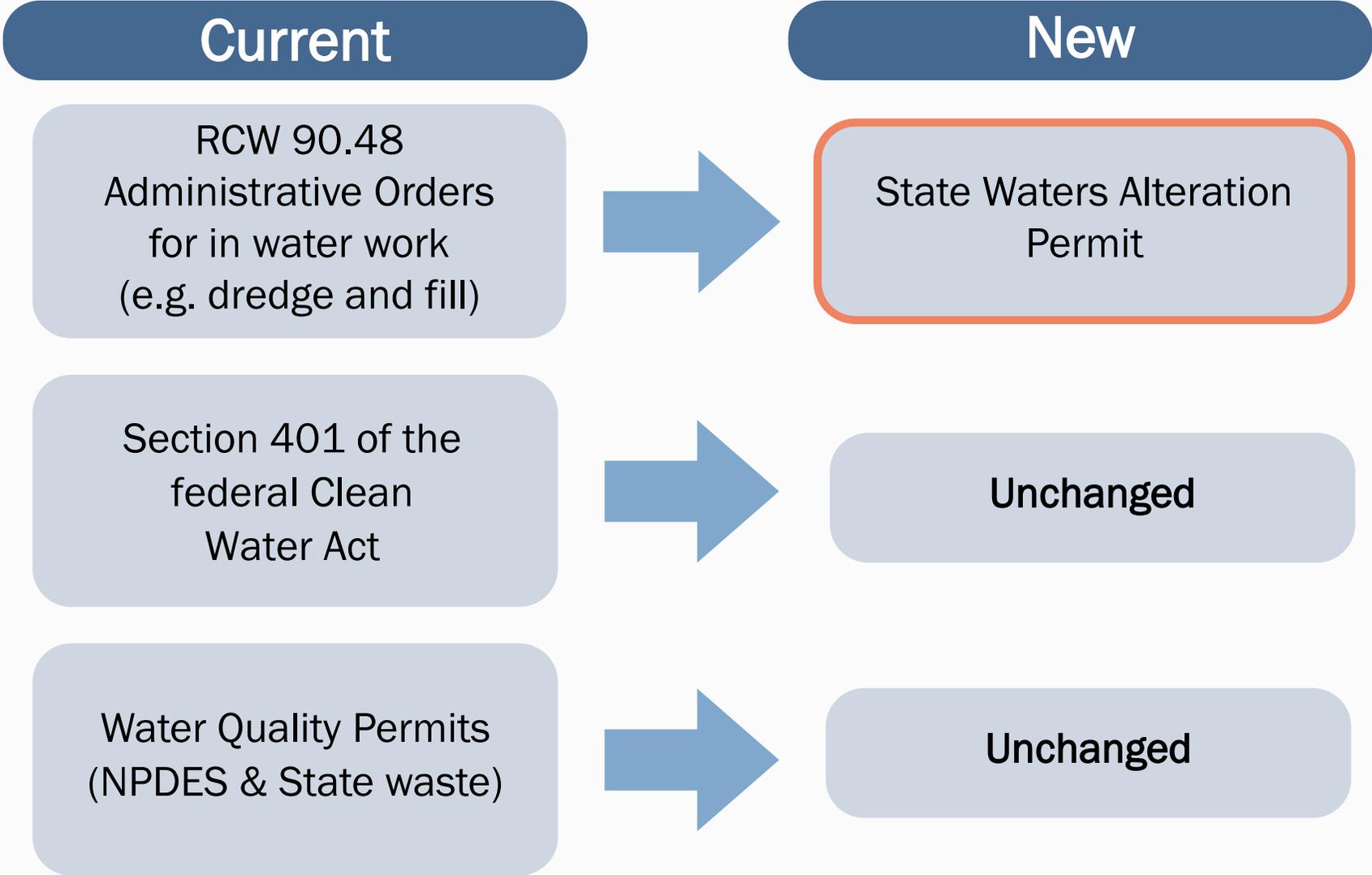


Ecology's regulatory authority over state waters will not change

Still protect waters of the state:

- State Water Pollution Control Act (RCW 90.48)
- Section 401 of federal Clean Water Act

Proposed Regulatory Process Change





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

Improve Customer Service

- Establishing opportunities for public review.
- Providing better clarity & predictability about our actions and requirements.
- Setting timelines for decisions
- Creating general permits to streamline approvals for projects with minor impacts.
- Establishing exemptions



Proposed Exemptions

Federally regulated waters

When a federal permit or Section 401 water quality certification (under federal Clean Water Act) provides authorization for **ALL** impacts to waters of the state, Ecology's new permit will not be needed.

Forest practices

- Activities covered under a Forest practices permit for Classes I, II, III and Class IV special non conversion forest practices regulated by Title 222 WAC.
- Activities that convert land out of forestry into a new land use are not exempt

Existing and ongoing agriculture

- Activities bringing new land into production that had not previously been used for agricultural production **are not exempt.**
- Activities to prepare lands already in agricultural use for a non-agricultural purpose **are not exempt.**
- Excavation, leveling and fill activities that alter land contours and impact state waters shall not be considered normal or necessary farm activities.

Existing and ongoing agriculture

- Abandonment: considering 5 years with no agricultural use
- Lands lying fallow under soil and land conservation programs is not considered abandoned for the purpose of this permit.
- Allowance for adverse market conditions

Maintenance of structures

- Maintenance exemption applies to serviceable structures
- Exemption only for original footprint and original materials
- Seeking Public Input on types of structures that would be covered: Bulkheads, dikes, transportation structures

Ditch maintenance

- Upland ditches and not streams
- Maintaining existing depth and width
- Expecting to have ongoing conversations with the state Department of Transportation and agricultural communities

Maintenance of water reuse and wastewater reclamation facilities

- Construction of new facilities or expansion into waters of the state is not exempt.
- The maintenance or reconstruction must not adversely affect wetlands or other waters of this state to a greater extent than when they were originally constructed.

Stormwater facility maintenance

- Actions covered by a municipal stormwater permit that do not adversely affect state waters to a greater extent than original construction.
- Maintenance or retrofit of municipal stormwater treatment or flow control facilities that are not located within a receiving water body may be exempt.
- Constructing new facilities or expanding existing ones into waters of the state **is not exempt.**

Activities or discharges covered under a state waste discharge permit

- Excludes activities covered under a Construction Stormwater Permit, assuming all proposed activities or discharges are above the ordinary high-water mark or outside of wetlands

Activities performed under a Model Toxics Control Act cleanup action

- Model Toxic Control Act cleanup actions that address project impacts may be exempt from a state waters alteration permit.

Emergency activities

- Activities that are necessary to prevent an immediate threat to public health, safety or welfare, the environment, or that are needed to prevent immediate risk of damage to property
- Exemption applies to the typical permitting process. Need to apply for a permit within a designated timeframe of the emergency work for impacts.

Emergency repair: ‘serviceable structures’

- Repairs needed after floods, fires, landslides, earthquakes and other natural disasters.
- “Serviceable structures” include public infrastructure: roads, bridges, rest areas, culverts, drainage structures, guardrails and barriers.

Emergency responses

- Floods, fires, landslides, earthquakes or other natural disasters
- Can include building temporary roads for moving vehicles, equipment and related materials.
- Roads must be constructed according to best management practices to protect state waters.

Summary of Proposed Exemptions

- Federally regulated waters
- Forest practices
- Existing and ongoing agriculture
- Maintenance of structures
- Ditch maintenance
- Maintenance of water reuse and water reclamation facilities
- Stormwater facility maintenance
- Activities or discharges covered under a state waste discharge permit
- Activities performed under a Model Toxics Control Act (MTCA) cleanup action
- Emergency activities
- Emergency repair: serviceable structures
- Emergency responses



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.

SWAPRulemaking@ecy.wa.gov