



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017)
(Implements RCW 34.05.310)

Do **NOT** use for expedited rule making

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FILED

DATE: June 16, 2025

TIME: 8:04 AM

WSR 25-13-073

Agency: Department of Ecology AO #24-09

Subject of possible rule making: Amend chapters 173-507, 173-508, 173-513, 173-514 & 173-515 WAC, Instream Resources Protection Programs, to incorporate specific requirements from RCW 90.94.030(4) into rule, harmonize the rule language, and make minor technical corrections. |

Statutes authorizing the agency to adopt rules on this subject: Chapter 90.94 RCW – Streamflow Restoration; Chapter 90.22 RCW – Minimum Water Flows and Levels; Chapter 90.54 RCW – Water Resources Act of 1971; Chapter 90.03 RCW – Water Code; Chapter 90.44 RCW – Regulation of Public Groundwaters; Chapter 43.27A RCW – Water Resources; Chapter 43.21B RCW – Environmental and Land Use Hearings Office – Pollution Control Hearings Board; RCW 43.21A.080 – Department of Ecology |

Reasons why rules on this subject may be needed and what they might accomplish: Conducting rulemaking will satisfy Ecology's statutory obligation under RCW 90.94.030(3)(h) to initiate rule making within six months of plan adoption, and complete rulemaking within two years of plan adoption. Referenced plans were adopted December 17, 2024.

The goal of this rule amendment is to incorporate statutory requirements found in RCW 90.94.030(4). The 90.94.030(4) requirements sunset unless adopted into the rule. Therefore, these rule amendments will maintain important requirements that support Ecology's ability to track the number of permit exempt wells being installed in these watersheds. |

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: Ecology has exclusive statutory authority under Chapter 90.94.030 RCW. Consultation and notifications will occur with the Washington state agencies and affected Tribes. |

Process for developing new rule (check all that apply):

- ☐ Negotiated rule making
☐ Pilot rule making
☐ Agency study
☒ Other (describe) Ecology will follow the standard process for the adoption of rules under the Administrative Procedure Act

(Chapter 34.05 RCW) |

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting:

	(If necessary)
Name: Danielle Gallatin	Name:
Address: P.O. Box 47600, Olympia WA 98504	Address:
Phone: 425-516-3012	Phone:
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TTY: For Washington Relay Service or TTY call 711 or 877-833-6341.	TTY:
Email: Danielle.gallatin@ecy.wa.gov	Email:
Web site: https://ecology.wa.gov/regulations-permits/laws-rules-rulemaking/rulemaking/wac-173-507-508-513-514-515	Web site:
Other: n/a	Other:

Additional comments: Interested parties can stay informed about the rulemaking and public involvement opportunities as described above. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

Ecology will conduct an Environmental Justice Assessment in accordance with RCW 70A.02.060 as a part of this rulemaking.

Date: 06/12/2025

Name: Ria Berns

Title: Water Resource Program Manager

Signature:

A handwritten signature in black ink, appearing to read 'R. Berns', is written over the signature line.