



RULE-MAKING ORDER EMERGENCY RULE ONLY

CR-103E (December 2017) (Implements RCW 34.05.350 and 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: July 24, 2023

TIME: 8:07 AM

WSR 23-16-036

Agency: Department of Ecology AO #23-05

Effective date of rule:

Emergency Rules

- Immediately upon filing.
- Later (specify) _____

Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?

- Yes No If Yes, explain: Issuance of a formal Emergency Drought Declaration, directed by the Governor and signed by Ecology Director.

Purpose: The Department of Ecology is adopting a new emergency rule chapter 173-167 WAC, Emergency Drought Funding. This emergency rule provides eligibility criteria for grant funds to alleviate hardship resulting from the drought declared on July 24, 2023.

The emergency rule will be effective through November 20, 2023. If needed, Ecology may adopt subsequent emergency rules.

Under the authority of RCW 70A.02.120(2), the director of Ecology determined that in the event this emergency rule is considered to be a significant agency action under the Healthy Environment for All (HEAL) Act, this emergency rule is exempted from the requirements of RCW 70A.02.060, including the requirement to complete an environmental justice assessment. It was determined that any delay in adopting this emergency rule would be likely to cause serious harm to the public interest. Nevertheless, Ecology has prepared an assessment to the best of its abilities under the circumstances in the spirit of advancing the interests of the HEAL Act.

Please visit our website for information and supporting documents: <https://www.ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-167-2023>

Citation of rules affected by this order:

- New: Chapter 173-167 WAC
- Repealed: N/A
- Amended: N/A
- Suspended: N/A

Statutory authority for adoption: RCW 43.83B Drought Conditions

Other authority: NA

EMERGENCY RULE

Under RCW 34.05.350 the agency for good cause finds:

- That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
- That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.

Reasons for this finding: An emergency rule is necessary to protect public health and safety and promote timelines that are in the best interest of the public. Once the rule is in place, Ecology may distribute funds to alleviate hardship. Drought can cause immediate impacts to public welfare. To address these impacts, drought funding needs to be administered in a timely manner.

**Note: If any category is left blank, it will be calculated as zero.
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.
A section may be counted in more than one category.**

The number of sections adopted in order to comply with:

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>13</u>	Amended	___	Repealed	___

The number of sections adopted at the request of a nongovernmental entity:

New	___	Amended	___	Repealed	___
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The number of sections adopted on the agency's own initiative:

New	<u>13</u>	Amended	___	Repealed	___
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The number of sections adopted in order to clarify, streamline, or reform agency procedures:

New	<u>13</u>	Amended	___	Repealed	___
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The number of sections adopted using:

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

Date Adopted: 7/24/2023

Name: Laura Watson

Title: Director

Signature:

