



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:**

Department of Ecology AO # 10-09

**Subject of possible rule making:**

This rule making will amend Chapter 173-175 WAC, Dam Safety. The amended rule will increase the fees collected under RCW 90.03.470(7) and (8) for periodic inspections and engineering plan reviews by Dam Safety Office Engineers.

**Statutes authorizing the agency to adopt rules on this subject:**

The 2011 Legislature gave Ecology authority to increase fees in Section 302(2) of 2ESHB1087.SL and chapters 43.21A, 43.27A, 86.16, 90.03, 90.28, and 90.54 RCW

**Reasons why rules on this subject may be needed and what they might accomplish:** Fees set in the current rule do not collect sufficient revenue to offset costs per RCW 90.03.470. Furthermore, the Legislature authorized Ecology to increase dam safety fees by up to 35% in Fiscal Year 2012 and up to 4.62 percent in FY 2013 as necessary to meet the actual costs of conducting business (2ESHB1087.SL). Based on this proviso, OFM directed Ecology to increase collected fees to recoup actual costs.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

The changes will not affect federal agencies. State agencies affected will be Washington Department of Fish and Wildlife and State Parks, which will see increased inspection fees for dams that they own and operate. There will be an increase in fees for water quality-related projects, such as dairy or municipal waste lagoons 1) for plan review and construction inspection, as well as 2) periodic inspections by Ecology. This will require coordination with conservation districts and the state Dept. of Agriculture.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe)

Ecology will work with stakeholders who will have the opportunity to comment on the proposed rule. We will send a mailing to those potentially impacted by the rule change. To explain the elements of the proposed fee schedule, Ecology will distribute information via focus sheets, direct mail, a webpage, and email. Prior to the regional public hearings, staff will be available to discuss the proposal and answer questions. To follow our rulemaking progress, go to the Ecology web site, Current Rule making, at <http://www.ecy.wa.gov/laws-rules/currentactivity.html>. Scroll down the page to Water Resources, and click on "Chapter 173-175 WAC Dam Safety."

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

(List names, addresses, telephone, fax numbers, and e-mail of persons to contact; describe meetings, other exchanges of information, etc.)

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**DATE**  
8-18-11

**NAME (TYPE OR PRINT)**  
Maia Bellon

**SIGNATURE**

**TITLE**  
Water Resources Program Manager

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FILED

**DATE: August 23, 2011**

**TIME: 10:53 AM**

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