



# 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 # ~~06-05~~ 07-08

**Subject of possible rule making:**

This proposed rule making would amend one section of Chapter 173-134A WAC. A formal petition for amendment rule making was received by Ecology on January 3, 2006 and amended in a letter dated January 11, 2006. Ecology has agreed to initiate rule making. The focus of the amendments pertain to language within WAC 173-134A-080. The proposed amendments would change the following:

- Allow extensions of the permit development schedule on a case-by case basis if the permit holder can show good cause for extending the development schedule.
- Additional amendments to chapter 173-134A WAC may be identified during a public scoping process on the rule.

Statutes authorizing the agency to adopt rules on this subject: RCW 43.21A.064(9), 43.21A.080, 90.54.040(2), and 90.44.130.

**Reasons why rules on this subject may be needed and what they might accomplish:**

The purpose of Chapter 173-134A WAC is to set forth rules for Ecology to administer, regulate, and manage all ground waters within the Quincy Basin (QB) Ground Water Subarea, including commingled public ground waters and artificially stored ground waters. The Department of Ecology works in cooperation with the affected entities including the Bureau of Reclamation to implement protection to the public interest and private rights.

The current rule language limits the development schedule to three years. Non-agricultural entities including the business community, developers, and municipalities generally require greater flexibility in their development schedules, depending on the scale of the project. During three 2006 public workshops on the topic, the agricultural community expressed that the case-by-case flexibility of development schedules and extensions should apply to all permits.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** The U.S. Bureau of Reclamation (Bureau) is identified as the water right holder and owner of the artificially stored ground water. Ecology plans to coordinate the rule making process with the Bureau. Ecology has and will continue to request the Bureau's response to draft rule language and its participation in the rule-making activities.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology held three public workshops in 2006 and will hold at least one additional workshop in Spring 2007.

Ecology will also hold hearings to provide information to interested parties and to receive comments on the scope of the rule making. Ecology will solicit informal comments and feedback from stakeholders on draft language through mailings, media notification, and information posted on the agency web site.

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

Interested parties can participate in the decision to adopt amendments and provide comments to initial drafts by contacting Janet Rajala, either by phone (509) 329-3421, by e-mail at [jaca461@ecy.wa.gov](mailto:jaca461@ecy.wa.gov), or by mail at Janet Rajala, Eastern Regional Office, Department of Ecology, N. Monroe Street, Spokane, WA 99205-1295. They may also participate in workshops and public hearings and provide comments to the mailings and Internet postings of the proposed amendments.

DATE 3/29/07
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SIGNATURE 
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