



PROPOSED RULE MAKING

CR-102 (June 2004)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology AO #10-10

| | |
|--|---|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 10-16-065 ; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) The Department of Ecology proposes to adopt amendments to the Water Quality Standards for Surface Waters of the State of Washington, Chapter 173-201A Washington Administrative Code (WAC). The water quality standards are the basis for protecting and regulating the quality of surface waters in Washington.

Hearing location(s):

- **Lacey**
Ecology Headquarters Office
300 Desmond Drive SE
Lacey, WA 98503
- **Spokane** – via video conference
Ecology Eastern Regional Office
4601 N. Monroe Street
Spokane, WA 99205-1295
- **Yakima**– via video conference
Ecology Central Regional Office
15 West Yakima Ave -- Suite 200
Yakima, WA 98902-3452
- **Bellevue**– via video conference
Ecology Northwest Regional Office
3190 - 160th Ave. SE
Bellevue, WA 98008-5452

Submit written comments to:

Name: Becca Conklin
Address:
Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504

e-mail swqs@ecy.wa.gov
fax (360)407-6426 by March 16, 2011

Date: March 2, 2011 Time: 1:30 p.m.

Date of intended adoption: April 6, 2011
(Note: This is NOT the effective date)

Assistance for persons with disabilities:

Contact Becca Conklin by February 28, 2010.
Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

Purpose of the proposal and its anticipated effects, including any changes in existing rules: The purpose of this rule proposal is to correct several language errors identified since Ecology adopted the current version of the Water Quality Standards (Chapter 173-201A WAC) in 2006. These amendments will address portions of the Standards containing typographic errors and narrative text or tables that need more clarity.

Reasons supporting proposal: Adopting these changes will make the rule more accurate and easier to understand by correcting and clarifying sections that have caused confusion for some stakeholders.

Statutory authority for adoption: Chapter 90.48.035 RCW provides clear and direct authority for Ecology to revise the water quality standards. Additionally, 40 CFR 131.20 requires states or tribes (with primacy for clean water act actions) to periodically review and update the Water Quality Standards.

Statute being implemented: Chapter 90.48.035 RCW.

Is rule necessary because of a:

| | | |
|-------------------------|---|-----------------------------|
| Federal Law? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input type="checkbox"/> No |

If yes, CITATION:
40 CFR 131.20.

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: **January 18, 2011**
TIME: **9:09 AM**

WSR 11-03-066

DATE 1/18/11

NAME (type or print)
Polly Zehm

SIGNATURE *Polly Zehm*

TITLE
Deputy Director

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: (person or organization) Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

| Name | Office Location | Phone |
|---|-----------------|----------------|
| Drafting..... Becca Conklin | Lacey, WA | (360) 407-6413 |
| Implementation.....Melissa Gildersleeve | Lacey, WA | (360) 407-6461 |
| Enforcement.....Melissa Gildersleeve | Lacey, WA | (360) 407-6461 |

Has a small business economic impact statement been prepared under chapter 19.85 RCW?

No. Explain why no statement was prepared.

These proposed rule changes are exempt from the Small Business Economic Impact Statement (SBEIS) because they did not impose additional costs on businesses. Therefore, costs were determined to be below the minor cost threshold definition in RCW 18.85.020(2). RCW 18.85.030 exempts the department from the requirement to prepare an SBEIS when costs are minor.

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

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Water Quality Program
PO Box 47600
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