



# RULE-MAKING ORDER

**CR-103P (May 2009)**  
**(Implements RCW 34.05.360)**

**Agency:** Washington State Department of Ecology AO #10-10

**Permanent Rule Only**

**Effective date of rule:**

**Permanent Rules**

31 days after filing.

Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

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

Yes  No If Yes, explain:

**Purpose:**

Portions of the surface water quality standards (Chapter 173-201A WAC) adopted in 2003 and 2006 contain typographic errors and narrative text or tables that need more clarity. This rule making process is limited to correcting those minor, non substantive changes. These changes will make the rule more accurate and easier to understand, and will clarify certain sections of the rule which have caused confusion for some stakeholders.

**Citation of existing rules affected by this order:**

Repealed:

Amended: WAC 173-201A-010, 020, 200, 210, 240, 260, 420, 600, 602

Suspended:

**Statutory authority for adoption:** Chapter 90.48.035 RCW

**Other authority :**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 11-03-066 on January 18, 2011

Describe any changes other than editing from proposed to adopted version:

The proposed rule language, filed on January 18, 2011, included a record in WAC 173-201A-602 of a stream in WRIA 10 called Swam Creek. Two individuals submitted comments stating that Swam Creek was the incorrect stream name, and that it should be changed to Swan Creek. Based on these comments, and verified on other map sources, Ecology agreed that the stream name should be Swan Creek and corrected the rule language.

The United States Environmental Protection Agency (USEPA) region 10 felt the proposed language in WAC 173-201A-600(2) did not accurately mirror the jurisdiction language used by USEPA and the federal regulations. Ecology acknowledged that the USEPA's second proposed language option met the needs of describing the necessary correction to WAC 173-201A-600(2). The WAC 173-201A-600(2) rule language was changed to: "The water quality standards for surface waters for the state of Washington do not apply to segments of waters that are on Indian reservations, except for surface waters overlying fee lands on the Puyallup reservation consistent with the Puyallup Tribe Land Claims Settlement of 1989."

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

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**Date adopted:** 4/20/11

**CODE REVISER USE ONLY**

**NAME (TYPE OR PRINT)**

Ted Sturdevant

**SIGNATURE**

**TITLE**

Director

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: April 20, 2011**

**TIME: 12:00 PM**

**WSR 11-09-090**

(COMPLETE REVERSE SIDE)

**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:**

<b>Federal statute:</b>	New	_____	Amended	<u>2</u>	Repealed	_____
<b>Federal rules or standards:</b>	New	_____	Amended	_____	Repealed	_____
<b>Recently enacted state statutes:</b>	New	_____	Amended	_____	Repealed	_____

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

New	_____	Amended	<u>2</u>	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	<u>9</u>	Repealed	_____
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	_____	Amended	<u>9</u>	Repealed	_____
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**The number of sections adopted using:**

<b>Negotiated rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Pilot rule making:</b>	New	_____	Amended	_____	Repealed	_____
<b>Other alternative rule making:</b>	New	_____	Amended	_____	Repealed	_____