



# RULE-MAKING ORDER

## CR-103 (June 2004) (Implements RCW 34.05.360)

Agency: Department of Ecology AO # 09-03

- Permanent Rule  
 Emergency Rule

**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)

**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:

**Purpose:** Please See Attachment A to this rulemaking order

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

Repealed:

Amended: 173-98-010, 173-98-020, 173-98-030, 173-98-040, 173-98-100, 173-98-110, 173-98-200, 173-98-210, 173-98-220, 173-98-230, 173-98-300, 173-98-310, 173-98-320, 173-98-400, 173-98-410, 173-98-420, 173-98-430, 173-98-440, 173-98-450, 173-98-460, 173-98-470, 173-98-500, 173-98-510, 173-98-520, 173-98-530, 173-98-540; 173-98-550, 173-98-560, 173-98-600, 173-98-700, 173-98-710, 173-98-720, 173-98-730, 173-98-800, 173-98-810, 173-98-900, 173-98-910, 173-98-920, 173-98-930, 173-98-940, 173-98-950, 173-98-960, 173-98-970.

Suspended:

**Statutory authority for adoption:** Chapter 90.50A RCW, Water Pollution Control Facilities-Federal Capitalization Grants

**Other authority :** Title VI of The Clean Water Act and the American Recovery & Reinvestment Act of 2009

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

Adopted under notice filed as WSR \_\_\_\_\_ on \_\_\_\_\_ (date).

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

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

Name: \_\_\_\_\_ phone ( ) \_\_\_\_\_  
 Address: \_\_\_\_\_ fax ( ) \_\_\_\_\_  
 e-mail \_\_\_\_\_

**EMERGENCY RULE ONLY**

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: **Please see Attachment B to this rulemaking order**

**Date adopted:**

4/15/09

**NAME (TYPE OR PRINT)**

Jay J. Manning

**SIGNATURE**

**TITLE**

Director

**CODE REVISER USE ONLY**

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: April 15, 2009

TIME: 11:27 AM

**WSR 09-09-078**

(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	<u>1</u>	Amended	<u>43</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	_____	Repealed	_____
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**The number of sections adopted in the agency's own initiative:**

New	_____	Amended	_____	Repealed	_____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

New	_____	Amended	_____	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	_____