



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Department of Ecology A.O. #07-01

Subject of possible rule making:

Amendments to the State Environmental Policy Act rules, part nine, categorical exemptions, WAC 197-11-800 plus applicable definitions in part eight. The rulemaking intends to address the "exception" for "minor new construction" projects that require a water discharge permit for stormwater runoff.

Statutes authorizing the agency to adopt rules on this subject:

RCW 43.21C.110

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

The categorical exemptions in WAC 197-11-800 (1) & (2) do not apply when a license governing discharges to water is required. As of December 2005, construction projects of one acre and larger usually require permit coverage under the state Construction Stormwater General Permit. The issuance of this permit coverage for construction projects triggers SEPA review for activities that are otherwise categorically exempt under the "minor new construction" exemptions. The rule could be amended to clarify the exceptions provision in the rules.

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

State agencies must comply with Ecology's SEPA rules as required by WAC 197-11. Ecology will provide state agencies with a copy of this notice, invite comments and inform them of any rules proposed and adopted by Ecology amending WAC 197-11.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) Ecology staff will draft proposed amendments to the SEPA rules.

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

Ecology invites the public to submit comments on the preproposal for rulemaking by March 16, 2007. Please visit Ecology's SEPA website for more information on this rulemaking:

<http://www.ecy.wa.gov/programs/sea/sepa/rulemaking.html>

Please submit comments and questions to Annie Szvetecz, Department of Ecology, aszv461@ecy.wa.gov, P.O. Box 47703, Olympia, WA 98504. 360 407-6932, fax 407-6904.

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