

# Frequently Asked Questions about Rule-making

The Washington State Legislature guides all state rule-making through a law known as the Administrative Procedure Act (APA), Chapter 34.05 RCW. All state agencies must follow the requirements of the APA.

## What are the major phases in the rule-making process?

There are three major phases in the rule-making process are:

1. **File the Pre-Proposal Statement of Inquiry Form (CR-101).** The purpose of the CR-101 is to notify the public about Ecology's intent to adopt a new rule or amend or repeal an existing rule.
2. **File the Proposed Rule Making Form (CR-102).** The CR-102 cannot be filed until 30-days after the CR-101 is published in the Washington State Register (WSR). After the 30-day period Ecology can file a CR-102 at any time. The purpose of the CR-102 is to officially propose the draft rule language and to invite public comment.

The CR-102 filing includes:

- A brief description of the rule making.
  - A copy of the proposed rule text.
  - The date, time, and location of the public hearing(s).
  - The public comment deadline and the process for how to submit comments.
  - A Small Business Economic Impact Statement (SBEIS).
  - A preliminary cost-benefit and least burdensome alternatives analyses.
3. **File the Rule-making Order Form (CR-103).** The CR-103 cannot be filed until on or after the intended adoption date written on the CR-102 (expedited and emergency rules are exceptions). The purpose of the CR-103 is to officially adopt the rule with the signature of the Agency Director. Unless specified otherwise, a rule will become effective 31 days after the CR-103 is filed.

## How long does it take Ecology to adopt a rule?

The APA allows a rule to be adopted as soon as 28 days, but no more than 180 days, after the CR-102 is published in the WSR. No rule can be adopted before the intended adoption date given on the CR-102. If Ecology does not adopt the rules within 180 days, the Code Reviser's Office will withdraw it from the rule-making process. Ecology must then file a new CR-102 to continue rule-making on the same topic.

## When can I comment on the current Water Quality Standards rule-making?

Ecology offers formal and informal ways for you to comment on the current rule-making.

- **Informal Comments:** Informal comments and input are welcome during the CR-101 stage of rule-making. Ecology will consider feedback received during the CR-101 stage while developing draft rule language.
- **Formal Comments:**
  - **Official comment period:** The official comment period starts when the CR-102 is filed with the Office of the Code Reviser. The CR-102 will state the date the comment period ends. All comments received during the formal public comment period become part of the official record required by the APA. Formal comments are responded to in a document called a *Concise Explanatory Statement*.
  - **Official public hearing:** Public hearings are where you can submit your formal written comments (responsiveness summary) required by the APA. The CR-102 will state the location, date, and time of the public hearing(s).

# Timeline for Washington Water Quality Standards Rule Making

## DRAFT 10/14/2013

