Rulemaking at Ecology

Becca Conklin
Water Quality Program
What is rulemaking?

A public process to:

– Develop new rule language, or
– Amend/repeal existing rule language
– Implement state and federal laws and rules
Why do we do rulemaking?

Something triggers rulemaking, such as:

- New science or technology
- Feedback or requests from stakeholders
- New, amended, or repealed federal law
**Statutory Authority**

- Water Pollution Control
  Chapter 90.48.035 RCW

- Federal Protection of the Environment
  40 CFR 131.20

**Legal Requirements**

- Regulatory Fairness Act
  Chapter 19.85 RCW

- Administrative Procedure Act
  Chapter 34.05 RCW
Rulemaking Process

1. Approval
2. Proposal (CR-102)
3. Announcement (CR-101)
4. Comment Period
5. Adoption (CR-103)

NOTE: EPA must approve the rule before use in Clean Water Act actions, such as NPDES permits.
Approval Phase

Rulemaking Trigger

Scope Rulemaking

Approval from Ecology’s Executive Leadership
Announcement Phase (CR-101)

**Purpose:**
- Announce intent to adopt/amend/repeal a rule
- Invite public to participate in the full rulemaking process

**The CR-101 filing provides:**
- A brief description of the rulemaking
- Associated WAC number(s)
- Agency contact information
Rule Development Phase

- Engage tribes and stakeholders
- Perform other rule analyses
- Draft proposed language
Proposal Phase (CR-102)

Purpose:

• Issue the proposed rule, including
  – Proposed rule language
  – Draft SEPA documents
  – Draft regulatory analyses
• Open the formal comment period
• Publish in State Register
Comment Period

**Ways to comment:**

- Provide testimony at a public hearing
- Submit a comment in writing
Adoption Phase (CR-103)

Purpose:
• Adopt the final rule language
• Announce the adoption and effective date

Only the Ecology Director has the authority to adopt a rule.
EPA Approval for CWA Actions

Our rules are usually effective 31 days after adoption, but...

EPA reviews and approves the new standards before use in Clean Water Act actions, such as NPDES permits.
Questions?
Contact Information

**Department of Ecology**
Rules Coordinator

*Bari Schreiner*
bari.schreiner@ecy.wa.gov
360-407-6998

**Water Quality Standards**
Rules Coordinator

*Becca Conklin*
becca.conklin@ecy.wa.gov
360-407-6413