

# Rulemaking at Ecology

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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- New, amended, or repealed federal law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

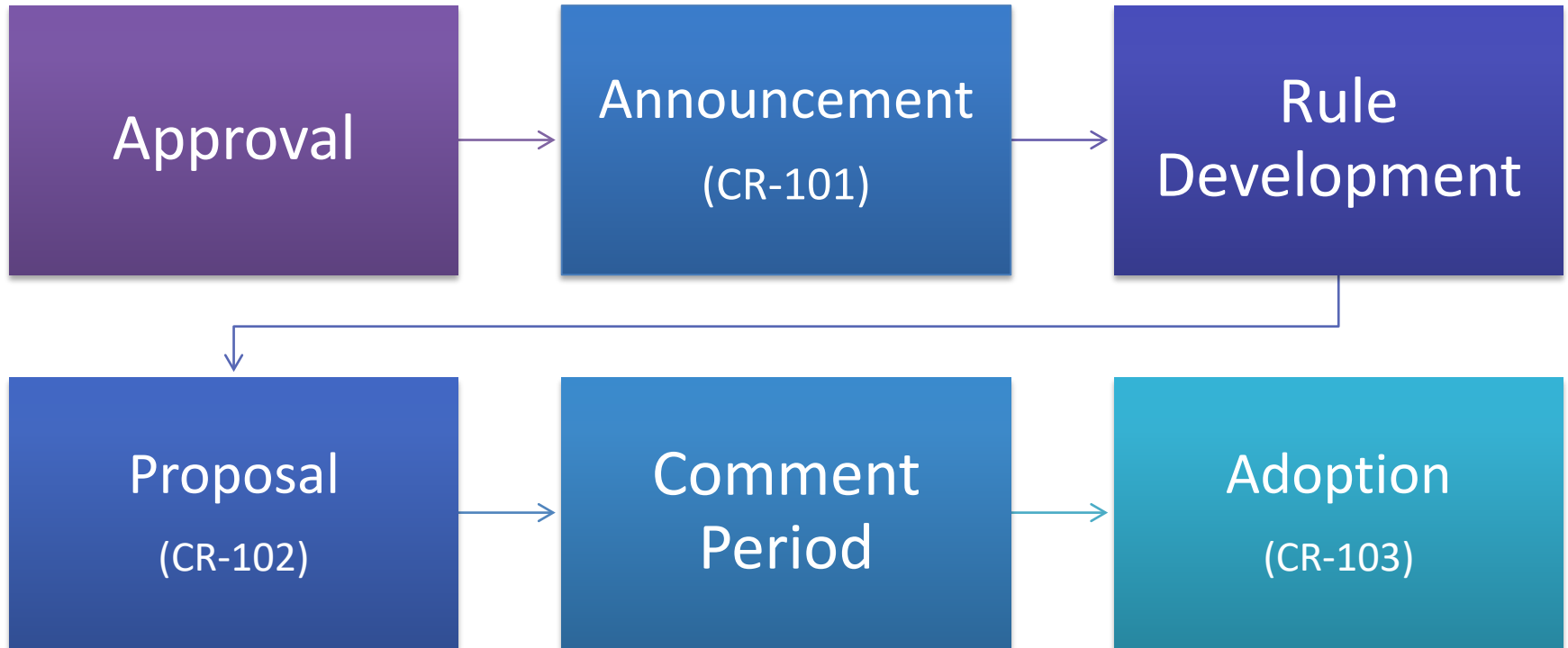
Chapter 19.85 RCW

Administrative  
Procedure Act

Chapter 34.05 RCW



# Rulemaking Process



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



# Approval Phase



# Announcement Phase (CR-101)

## Purpose:

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

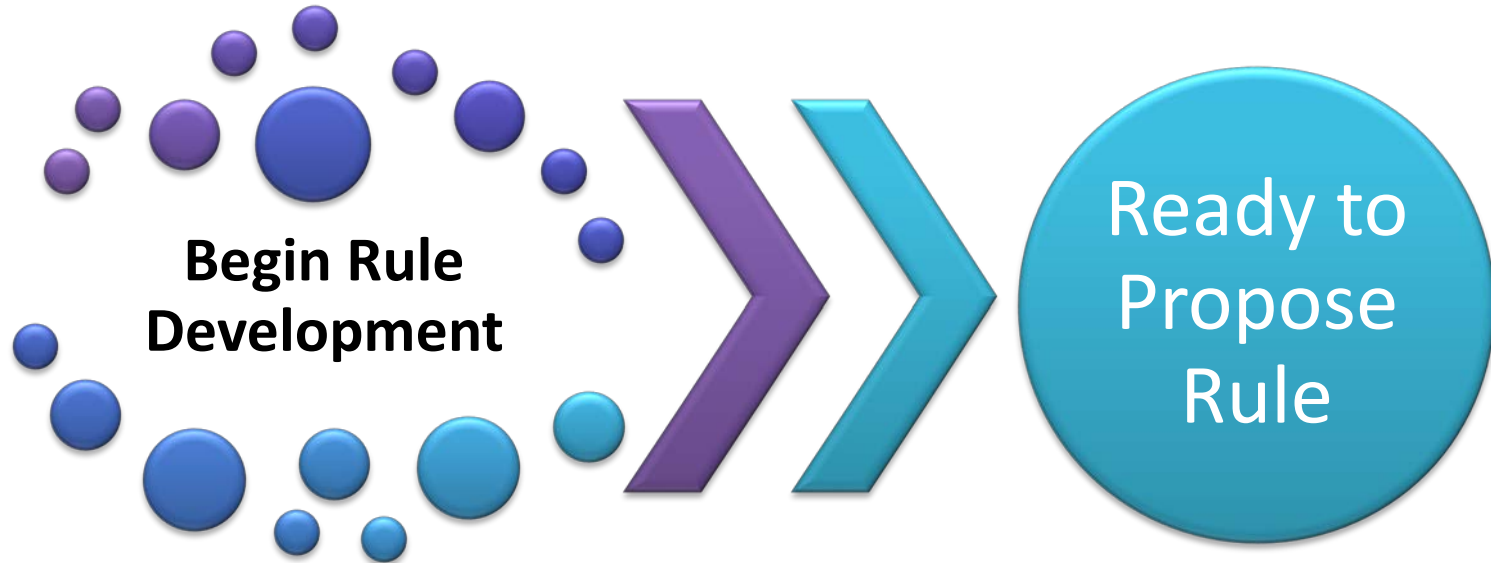
## The CR-101 filing provides:

- 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:

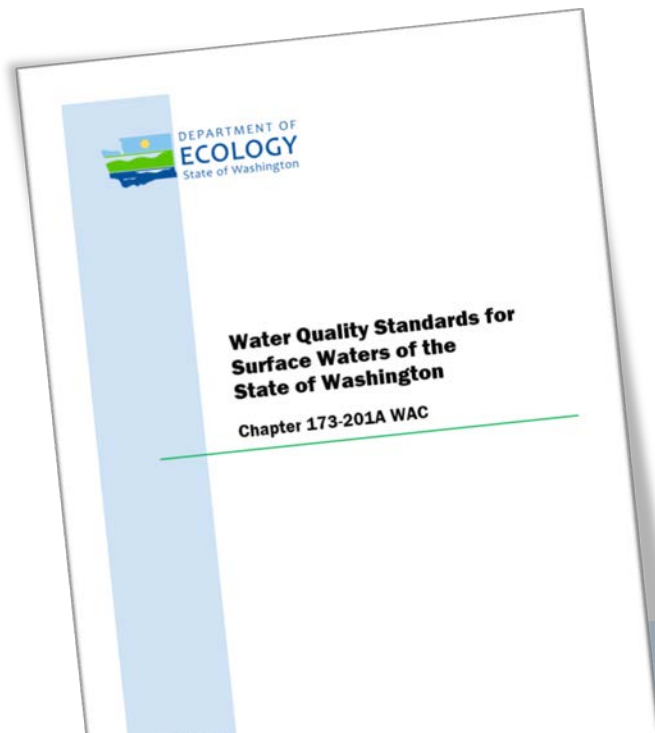
- Provide testimony at a public hearing
- Submit a comment in writing



# 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

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