

## Rule Proposal Notice



### More Information

<https://ecology.wa.gov/Regulations-Permits/Laws-rules/Rulemaking/WAC-173-166-Aug17>

### Contact Information

Rebecca Inman  
360-407-6450  
[Rebecca.Inman@ecy.wa.gov](mailto:Rebecca.Inman@ecy.wa.gov)

### Special Accommodations

To request ADA accommodation including materials in a format for the visually impaired, call Ecology at 360-407-6872 or visit <https://ecology.wa.gov/accessibility>. People with impaired hearing may call Washington Relay Service at 711. People with speech disability may call TTY at 877-833-6341.

### Ecology is taking comments on the proposed amendment of Chapter 173-166 WAC - Emergency Drought Relief

The Department of Ecology is proposing to amend Chapter 173-166 WAC – Emergency Drought Relief rule. Notice of the proposed rule will be in the Washington State Register on January 17, 2018.

We are revising the rule to:

- Make it consistent with actual practices.
- Remove unused funding language inconsistent with later legislative budget provisos. This amendment will ensure funding decisions are not directed to an improper appeal process beyond statutory authority.
- Correct out-of-date agency information.
- Improve clarity and consistency in the rule.

### Why are we doing this rule amendment?

Recent legislative provisos for drought relief funding varied from the language in Chapter 173-166 WAC, requiring adoption of an emergency rule to implement the drought relief funding program. Removing the funding language from the permanent rule improves clarity, versus having two rules for nearly identical functions, and allows for funding decisions having an alternate appeal process. Ecology will continue to rely on emergency rules to disburse drought relief funding until a permanent funding source is established.

The amendment will:

- Improve consistency within the rule and with statute
- Update the rule to reflect current practices
- Make the rule easier to implement and understand.

## Related links

- CR-102:  
<https://ecology.wa.gov/DOE/files/64/64bfe47f-c33f-4702-8136-d456aee0389d.pdf>
- Proposed rule language:  
<https://ecology.wa.gov/DOE/files/06/06214f22-facb-4968-8393-2b95082edf05.pdf>
- Rule amendment overview:  
<https://ecology.wa.gov/Regulations-Permits/Laws-rules/Rulemaking/WAC-173-166-Aug17>
- Sign up to receive e-mail notices at:  
<http://listserv.ecology.wa.gov/scripts/wa-ECOLOGY.exe?A0=WATER-RESOURCES>

## Rulemaking schedule

- We filed the rulemaking announcement (CR-101) in the Washington State Register in August 2017.
- In September 2017 we offered an informal public comment period on preliminary draft rule amendment language.
- We are currently inviting you to review the rule amendment proposal (CR-102) and tell us what you think during the January 2 to February 16, 2018 comment period.
- We will adopt the rule amendment (CR-103) no earlier than February 28, 2018. It will take effect 31 days after adoption.

## Ways to comment

Submit written comments to:

Rebecca Inman  
Department of Ecology  
PO Box 47600  
Olympia, WA 98504

Fax: 360-407-7162

Online: <http://ws.ecology.commentinput.com/?id=H5PB6>

Oral testimony can be made on **February 7, 2018**, 10:00 am, at either public hearing location:

Ecology Headquarters  
300 Desmond Drive  
Lacey, WA 98503

Ecology Central Regional Office (via videoconference)  
1250 West Alder Street  
Union Gap, WA 98903

If you need special accommodations at the hearing, please contact Hanna Waterstrat at 360-407-7668 by 5:00 pm January 19, 2018.

**Comments are due by February 16, 2018.**

## Response to your comments

All timely comments will become part of the official record (Concise Explanatory Statement). The Concise Explanatory Statement is required by the Administrative Procedure Act (Chapter 34.05 RCW) and is published after the rule amendment is adopted. You will be able to find your name listed in the document with a reference to where Ecology responded to your comments.