

WSR 21-16-074

AGENDA

DEPARTMENT OF COMMERCE

[Filed July 30, 2021, 3:01 p.m.]

Following, please find the department of commerce's semi-annual rules development agenda for publication in the Washington State Register, pursuant to RCW 34.05.314. There may be additional rule-making activity not on the agenda as conditions warrant.

Please contact Amber Siefer if you have questions, amber.siefer@commerce.wa.gov or 360-522-0101.

Semi-Annual Rule-Making Agenda
July through December 2021

Division	WAC Citation	Subject Matter/ Purpose of Rule	Current Activity/ Approximate Filing Date
CSHD	365-230-020	Lead-based paint definitions	Commerce is updating rules to align with the Environmental Protection Agency's newly lowered clearance standards for lead-based paint on floors and windows. A CR-101 was filed on March 9, 2021. A CR-102 was filed on July 7, 2021. A public hearing will be held via Zoom on September 9, 2021.
LGD	365-135	Reallocation dates for the bond cap allocation program	Commerce filed an Expedited rule making CR-105 notice on May 19, 2021, with proposed revisions to six references for initial bond cap set-asides from September 1 to July 1. No written objections were received and a CR-103 was filed on July 20, 2021, adopting the rule changes. The changes will take effect August 20, 2021.
LGD	365-196	Growth Management Act mandatory elements for comprehensive plans	Commerce anticipates filing a CR-101 in fall 2021 to update the recommendations and guidance for local governments regarding new housing element requirements for comprehensive plans per E2SHB 1220 (2021).
LGD	365-190	Growth management— Planning by selected counties and cities [cities] Minimum guidelines to classify agricultural, forest and mineral lands and critical areas	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rule making in summer 2022. Commerce anticipates filing a CR-102 in April 2022.
LGD	365-195	Growth Management Act best available science	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rule making in summer 2022. Commerce anticipates filing a CR-102 in April 2022.
LGD	365-196	Growth Management Act procedural criteria for adopting comprehensive plans and development regulations	Commerce is updating administrative rules and guidance to conform with legislative changes and new case law and to provide clarification on feedback from local governments. Commerce filed a CR-101 on December 29, 2020, with the intent to finalize rule making in summer 2022. Commerce anticipates filing a CR-102 in April 2022.
Energy	194-40	Clean Energy Transformation Act issues related to double counting, market purchases of electricity and the interpretation of compliance with RCW 19.405.040 (1)(a)	On May 17, 2021, the utilities and transportation commission and department of commerce issued a notice of opportunity to file written comments under WSR 21-10-088, which included a proposed schedule for rule making that is subject to change. Written comments for questions 5 through 10, were requested by 5 p.m., Monday, June 14, 2021. A June 9, 2021, workshop was canceled to meet a request for postponement by stakeholders. Commerce is required to adopt rules by June 30, 2022, under RCW 19.405.130(3). Commerce anticipates filing a CR-102 in March 2022.

Division	WAC Citation	Subject Matter/ Purpose of Rule	Current Activity/ Approximate Filing Date
Energy	194-40	Clean Energy Transformation Act treatment of energy storage for compliance with RCW 19.405.030 through 19.405.050	Commerce and the utilities and transportation commission held a joint rule-making workshop on June 22, 2021, under WSR 21-10-088. Commerce is required to adopt rules by June 30, 2022, under RCW 19.405.130(3).
Energy	194-40	Clean Energy Transformation Act interpretations of RCW 19.405.040 (1)(a), and other portions of RCW 19.405 that may affect or be affected by the Clean Energy Transformation Act	Commerce and the utilities and transportation commission will hold a joint rule-making workshop on September 27, 2021, under WSR 21-10-088. Commerce is required to adopt rules by June 30, 2022, under RCW 19.405.130(3).

Amber Siefer
Rules Coordinator