

WSR 21-05-007

PROPOSED RULES

DEPARTMENT OF ECOLOGY

[Order 20-03—Filed February 4, 2021, 11:44 a.m.]

Original Notice.

Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

Title of Rule and Other Identifying Information: Ecology is proposing to repeal the entire chapter 173-04 WAC, Practice and procedure.

For more information on this rule making visit <https://ecology.wa.gov/Regulations-Permits/Laws-rules-rulemaking/Rulemaking/WAC-173-04>.

Hearing Location(s): On March 24, 2021, at 10:00 a.m., online <https://watech.webex.com/watech/onstage/g.php?MTID=edc32f29ae7160f6b737dff57a6ccc84f>.

Presentation, question and answer session followed by the hearing. We are holding this hearing via webinar. This is an online meeting that you can attend from any computer using internet access. To receive a call back, provide your phone number when you join the event, or call the number below and enter the access code. US Toll +1-415-655-0001, access code 177 853 7341.

Date of Intended Adoption: April 9, 2021.

Submit Written Comments to: Laura Ballard, U.S. Mail, Department of Ecology, Governmental Relations, P.O. Box 47600, Olympia, WA 98504-7600; Parcel Delivery Services, Department of Ecology, Governmental Relations, 300 Desmond Drive S.E., Lacey, WA 98503, submit comments by mail, online, or at the hearing(s), online <http://admin.ecology.commentinput.com/?id=C4Ggk>, by April 6, 2021.

Assistance for Persons with Disabilities: Contact ecology ADA coordinator, phone 360-407-6831, for Washington relay service or TTY call 711 or 877-833-6341, email ecyADACoordinator@ecy.wa.gov, visit <https://ecology.wa.gov/accessibility> for more information, by March 17, 2021.

Purpose of the Proposal and Its Anticipated Effects, Including Any Changes in Existing Rules: Ecology is proposing to repeal the entire chapter 173-04 WAC, as it is obsolete and no longer useful to implement practices or procedures as the subject is currently governed by other laws and rule. Ecology regularly does reviews of existing rules to examine their content for accuracy. Review of chapter 173-04 WAC, Practice and procedure, indicated that it was no longer needed, as more contemporary rules and laws have replaced this chapter.

Reasons Supporting Proposal: See answer to "Purpose of the proposal ..."

Statutory Authority for Adoption: Department of ecology, RCW 43.21A.080 Rule-making authority.

Statute Being Implemented: Department of ecology, RCW 43.21A.081 Five-year formal review process of existing rules.

Rule is not necessitated by federal law, federal or state court decision.

Agency Comments or Recommendations, if any, as to Statutory Language, Implementation, Enforcement, and Fiscal Matters: Not applicable.

Name of Proponent: Department of ecology, governmental.

Name of Agency Personnel Responsible for Drafting: Laura Ballard, Lacey, Washington, 360-407-6712.

A school district fiscal impact statement is not required under RCW 28A.305.135.

A cost-benefit analysis is not required under RCW 34.05.328. Cost-benefit analysis is not necessary because this rule making repeals a "procedural rule" that relates to agency hearings and internal governmental operations. (RCW 34.05.328 (5)[(c)](i)(A), 34.05[.]328 (5)[(b)](ii).)

This rule proposal, or portions of the proposal, is exempt from requirements of the Regulatory Fairness Act because the proposal:

Is exempt under RCW 19.85.025(3) as the rules relate only to internal governmental operations that are not subject to violation by a nongovernment party; and rules adopt, amend, or repeal a procedure, practice, or requirement relating to agency hearings; or a filing or related process requirement for applying to an agency for a license or permit.

February 4, 2021
Heather Bartlett
Deputy Director

OTS-2275.1

REPEALER

The following chapter of the Washington Administrative Code is repealed:

WAC 173-04-010	Hearings boards.
WAC 173-04-020	Uniform procedural rules.