

**WSR 21-13-018**  
**PREPROPOSAL STATEMENT OF INQUIRY**  
**DEPARTMENT OF**  
**NATURAL RESOURCES**

[Filed June 8, 2021, 10:05 a.m.]

Subject of Possible Rule Making: Revising WAC 332-24-217 to conform to SHB 1423, which grants department of natural resources (DNR) the authority to levy civil penalties for violations of RCW 76.04.205, and requires rule making to define a framework for resolving conflicts and the method by which penalties will be calculated.

Statutes Authorizing the Agency to Adopt Rules on this Subject: RCW 76.04.015, 34.05.328.

Reasons Why Rules on this Subject may be Needed and What They Might Accomplish: The legislature explicitly required rule making in HB [SHB] 1423, which amends RCW 76.04.205 and 70A.15.3160. Rule making, per legislative direction will result in a framework for resolving conflicts related to violations of RCW 76.04.205, and will define how fines are calculated when a violation occurs.

Other Federal and State Agencies that Regulate this Subject and the Process Coordinating the Rule with These Agencies: DNR is working closely with the United States Environmental Protection Agency (EPA) and Washington state department of ecology (ecology) on the inclusion of the Silvicultural Smoke Management Plan in the State Implementation Plan of the Federal Clean Air Act, and will consult EPA throughout the rule-making process. However, ecology, local clean air agencies (LCAA), and tribes are responsible for the regulation of smoke, air quality, and burn permitting for all burning in Washington, other than silvicultural. Silvicultural burning regulation is the responsibility of DNR. Coordination with ecology, LCAAs, and tribes is essential to the protection of Washington airsheds and to this rule making.

Process for Developing New Rule: Significant legislative rule.

Interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication by contacting Jonathan Guzzo, 1111 Washington Street S.E., Olympia, WA 98504, phone 360-252-5921, fax 360-902-1757, email jonathan.guzzo@dnr.wa.gov, website dnrcwa.gov.

May 27, 2021  
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