



PREPROPOSAL STATEMENT OF INQUIRY

CR-101 (October 2017) (Implements RCW 34.05.310)

Do NOT use for expedited rule making

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FILED

DATE: June 08, 2021

TIME: 10:05 AM

WSR 21-13-018

Agency: WA Department of Natural Resources

Subject of possible rule making: Revising WAC 332-24-217 to conform to SHB 1423, which grants DNR the authority to levy civil penalties for violations of RCW 76.04.205, and requires rulemaking 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, RCW 34.05.328

Reasons why rules on this subject may be needed and what they might accomplish: The legislature explicitly required rulemaking in HB 1423, which amends RCW 76.04.205 and 70A.15.3160. Rulemaking, 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.

Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies: DNR is working closely with the US 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 rulemaking 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 WA, other than silvicultural. Silvicultural burning regulation is the responsibility of DNR. Coordination with Ecology, LCAAs and Tribes is essential to protection of WA airsheds and to this rulemaking.

Process for developing new rule (check all that apply):

- Negotiated rule making
- Pilot rule making
- Agency study
- Other (describe) 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:

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Additional comments:

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