



Overview of POTENTIAL WQCC Process for 2016 Triennial Review of Regulation #84

This table is meant to be used as a planning tool for parties who might be interested in participating in the Water Quality Control Commission (WQCC) process for the 2016 Triennial Review of Regulation 84. To date (mid January 2016), no decisions have been made regarding what changes to Regulation 84 will be recommended to the WQCC by the division.

Step	Description of Step	Participants	Timing
Planning for Triennial Review Informational Hearing (TRIH)	WQCC leads stakeholder meetings to gauge interest and scope topics for triennial review.	<ul style="list-style-type: none"> Division Stakeholders 	<ul style="list-style-type: none"> Stakeholder Meeting #1: January 6, 2016 Stakeholder Meeting #2: March 23, 2016
WQCC posts notice of TRIH	Notice of the date and time of TRIH and deadline for written comments, is emailed to all persons who have requested to be on the WQCC's email list for Regulation #84, posted on the WQCC website, and included in the Division's April Bulletin.	<ul style="list-style-type: none"> WQCC 	Mid March 2016
Written Comments for TRIH due	The Division and any interested party may submit written comments regarding the need for rulemaking hearing including; general scope, proposed timeline, and anticipated stakeholder involvement.	<ul style="list-style-type: none"> Division All stakeholders who want to submit comments to the WQCC 	Late April 2016 (date will be specified in the notice of TRIH)
Triennial Review Informational Hearing (TRIH)	WQCC reviews written comments in advance of the TRIH and conducts the TRIH. Division will provide oral comments to the WQCC and answer questions from the WQCC. Stakeholders who have submitted written comments may be given a few minutes to summarize those comments orally and should be available at the TRIH to answer questions by the WQCC. WQCC will then discuss and decide whether to schedule a rulemaking, what the scope of that rulemaking will be, and the date of the hearing.	<ul style="list-style-type: none"> WQCC Division All other interested parties 	May 9, 2016
Proponents prepare for rulemaking hearing	Proponent(s) develop evidence to support proposal, enlist help of partners, potentially lead stakeholder meetings.	<ul style="list-style-type: none"> Proponent(s) 	Variable (time period between TRIH and Rulemaking Hearing)
Proponent submits	Proponent must submit proposed	<ul style="list-style-type: none"> Proponent(s) 	5 months before the

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proposal to WQCC office	revisions to Regulation #84 and proposed Statement of Basis and Purpose language to WQCC Office, so this can be attached to the Notice of Rulemaking. The WQCC Office drafts the Notice of Rulemaking, which will contain all of the prehearing deadlines for the hearing (such as party status deadline, proponents prehearing statement, responsive prehearing statement, rebuttal statements, and prehearing conference).		Rulemaking Hearing
WQCC reviews Notice and Proposal	WQCC will review the draft Notice and Proposal. If the Division or any other party expresses concern that the proposal is not ripe for rulemaking hearing, then the WQCC will determine whether it is ripe for hearing and therefore will publish the Notice and assign a hearing chair, or if it is not ripe the WQCC will postpone the hearing and direct the Proponent to take steps to further ripen the proposal.	<ul style="list-style-type: none"> WQCC Possibly Proponent(s), Division, and other interested stakeholders (if there are ripeness concerns) 	4 months before the Rulemaking Hearing
Party Status Requests	Any person wishing to participate in the rulemaking hearing as a party to the proceeding must submit a party status request to the WQCC Office.	<ul style="list-style-type: none"> Any interested party. 	Approximately 3 ½ months before the Rulemaking Hearing (date will be specified in the Notice)
Proponent(s) Prehearing Statement	Proponent(s) must submit a prehearing statement explaining the proposed changes to Regulation #84, as well as all evidence in support of the proposed change.	<ul style="list-style-type: none"> Proponent(s) 	Approximately 3 months before the Rulemaking Hearing (date will be specified in the Notice)
Responsive Prehearing Statement	The Division and all parties to the rulemaking hearing must submit a prehearing statement and identify concerns or support for the proposal, and must include all supportive evidence.	<ul style="list-style-type: none"> Division All parties 	Approximately 2 months before the Rulemaking Hearing (date will be specified in the Notice)
Rebuttal Statement	The Proponent(s) and all parties have an opportunity to submit a Rebuttal statement to any issues identified in the Responsive Prehearing Statements.	<ul style="list-style-type: none"> Proponent(s) Division All parties 	Approximately 1 months before the Rulemaking Hearing (date will be specified in the Notice)
Prehearing Conference	The Proponent(s), Division, and all parties are required to attend a prehearing conference with the WQCC Hearing Chair to discuss the procedural	<ul style="list-style-type: none"> WQCC Hearing Chair Proponent(s) 	Approximately 2-4 weeks before the Rulemaking Hearing (date will be

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	aspects of the hearing. At this time, motions will be decided on, and the order and time of testimony at the hearing will be determined.	<ul style="list-style-type: none"> • Division • All parties 	specified in the Notice)
POTENTIAL Rulemaking Hearing	WQCC conducts a rulemaking hearing. Proponent(s) summarizes its proposal and evidence and answers questions from the WQCC. Division and all parties do the same. Non-party members of the public will have limited opportunity to provide oral comments to the WQCC. WQCC closes the record, deliberates, and votes whether to adopt the changes as proposed, adopt modified changes, or make no changes.	<ul style="list-style-type: none"> • WQCC • Proponent (if Division is not the Proponent) • Division • Those with party status • All other interested parties 	TBD (Fall/Winter 2016?)