



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Department of Ecology. AO # 16-04

- Preproposal Statement of Inquiry was filed as WSR 16-15-073 ; or
- Expedited Rule Making--Proposed notice was filed as WSR _____; or
- Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1).

- Original Notice
- Supplemental Notice to WSR _____
- Continuance of WSR _____

Title of rule and other identifying information: Chapter 173-98 WAC, Uses and Limitations of the Water Pollution Control Revolving Fund (CWSRF) and Chapter 173-95A WAC, Uses and Limitations of the Centennial Clean Water Program (Centennial)

Hearing location(s):
Department of Ecology
300 Desmond Drive
Lacey, WA 98503

The hearing will include a presentation and a question and answer session followed by the formal public hearing.

Webinar: Ecology is also offering the hearing via webinar. Webinars are an online meeting forum that you can attend from any computer using internet access. To join the webinar click on the following link for more information and instructions:
<https://wadis.webex.com/wadis/j.php?RGID=rcac981bd94bf44f68fee7cca7aacbe1f>

Comments: Ecology will accept comments at Lacey and through the webinar.

Date: May 31, 2017 **Time:** 1:00pm

Date of intended adoption: August 2, 2017
(Note: This is **NOT** the **effective** date)

Submit written comments to:

Name: Daniel Thompson
Address: Department of Ecology
Water Quality Program
PO Box 47600
Olympia, WA 98504-7600

Mail comments to the address above.

Submit comments online at:
<http://ws.ecology.commentinput.com/?id=vM3e3> by June 7, 2017

Assistance for persons with disabilities: Contact Water Quality Program by June 6, 2017

TTY (877)833-6341 or (360)407-6600

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

Since rulemaking in 2011, external stakeholders and Ecology have identified several issues related to the lack of clarity and lack of flexibility in the rules. In addition, in 2014 the federal Clean Water Act was amended to allow states to offer loan terms of up to 30 years and to provide loans to acquire land for constructing treatment facilities. And, in 2016, Chapter 90.50A RCW was amended to allow Ecology to offer loan terms of up to 30 years. The extended loan terms and land acquisition amendments would provide new funding opportunities if the rules are revised. This rulemaking:

- Addresses “housekeeping” issues.
- Provides more clarity.
- Provide more flexibility.
- Takes advantage of new funding opportunities consistent with state and federal updates.

Reasons supporting proposal: The proposed rules will clarify, simplify, and provide more flexibility for Ecology and funding applicants/recipients.

Statutory authority for adoption: Chapter 90.50A RCW and Chapter 70.146 RCW

Statute being implemented: Chapter 90.50A RCW and Chapter 70.146 RCW

Is rule necessary because of a:

- Federal Law? Yes No
 - Federal Court Decision? Yes No
 - State Court Decision? Yes No
- If yes, CITATION:

DATE April 17, 2017

NAME Polly Zehm

SIGNATURE

TITLE Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: April 19, 2017

TIME: 8:54 AM

WSR 17-09-078

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

N/A

Name of proponent: Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Daniel Thompson	Lacey	(360)407-6510
Implementation.... Daniel Thompson	Lacey	(360)407-6510
Enforcement.....Not applicable	Not applicable	()

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

Ecology analyzed the compliance costs of this rulemaking. Based on this analysis we determine the proposed rules do not impose more than minor costs on businesses in an industry, as the proposed rule amendments are not likely to impose any additional costs on businesses. Therefore, we are not required to prepare a small business economic impact statement (RCW 19.85.030(1)(a)).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Daniel Thompson

Address: Department of Ecology

Water Quality Program

PO Box 47600

Olympia, WA 98504-7600

Phone: (360)407-6510

e-mail: daniel.thompson@ecy.wa.gov

No: Please explain: