



# PREPROPOSAL STATEMENT OF INQUIRY

**CR-101 (June 2004)**  
(Implements RCW 34.05.310)  
Do NOT use for expedited rule making

**Agency:** Department of Ecology AO# 15-15

**Subject of possible rule making:** Chapter 173-312 WAC – *Coordinated Prevention Grants* and Chapter 173-313 WAC - *Local Solid Waste Enforcement Grant Regulation*. This rulemaking will amend Chapter 173-312 WAC, and repeal Chapter 173-313 WAC. All of Chapter 173-312 WAC will be open for revision. We plan to move the essential portions of Chapter 173-313 WAC into Chapter 173-312 WAC, delete any redundant or unnecessary rule language, and then repeal Chapter 173-313 WAC concurrent with adopting the revised Chapter 173-312 WAC.

See Attachment A for details.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.95.670

**Reasons why rules on this subject may be needed and what they might accomplish:** See Attachment B.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:** Not applicable. No other federal or state agencies administer these grants.

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

- Negotiated rule making
- Pilot rule making
- Agency study

Other (describe) Ecology will follow a process for the adoption of a rule that meets the requirements in the Administrative Procedure Act (Chapter 34.05 RCW).

**How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:**

Ecology will update our web pages to provide information about this rulemaking. We will notify interested parties through the agency email listserv (WAC Track), by e-mailing contacts identified in our grants-related database and those identified by grants staff, and we will publish notice in the Washington State Register as we move through the process. During rule development we will be working with an advisory committee comprised of local stakeholders.

For questions about these rules and grants programs, contact Sharon Hlavka 360-407-6223 or [sharon.hlavka@ecy.wa.gov](mailto:sharon.hlavka@ecy.wa.gov).

For questions about the rule process, contact Kyle Dorsey 360-407-6559 or [kyle.dorsey@ecy.wa.gov](mailto:kyle.dorsey@ecy.wa.gov)

To find out more about this rule revision, including available documents and critical dates please go to our web site at <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html> and click on the link for the Coordinated Prevention Grants & Local Solid Waste Enforcement Grant Regulation rules update.

**DATE**  
12/22/15

**NAME (TYPE OR PRINT)**  
Peter Y. Lyon

**SIGNATURE**

**TITLE**  
Waste 2 Resources Program  
Southwest Regional Program Manager

**CODE REVISER USE ONLY**

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**DATE: December 22, 2015**  
**TIME: 2:18 PM**

**WSR 16-01-182**

**Chapter 173-312 WAC Coordinated Prevention Grants and  
Chapter 173-313 WAC Solid Waste Enforcement Grants**

**Department of Ecology  
AO # 15-15  
Preproposal Statement of Inquiry**

**Attachment A: Subject of possible rule making:**

**What are we doing to/in the rule?**

With this rule revision we plan to propose the following for Chapter 173-312 WAC:

- Change the name of the grants program, and revise the purpose statement to more accurately reflect the essential functions of the grant program.
- Revise, clarify, and add definitions as necessary to support the revised rule.
- Evaluate the relationship to other regulations section (Section 030) and revise if appropriate.
- Remove eligibility of funding for separate city solid/hazardous waste management plan development.
- Revise project eligibility language to clarify eligible activities.
- Clarify the obligation of counties to notify cities and lead implementation agencies in their jurisdiction of funding opportunities, but eliminate the restriction on funding eligibility in cases where agreement is not reached.
- Eliminate the prioritization of certain grant eligible activities, and replace it with language authorizing Ecology to establish priorities in its grants guidelines.
- Identify criteria that may be used to authorize funding.
- Evaluate and possibly eliminate the ten percent bonus for coordinated applications.
- Clarify the terms and conditions pertaining to awarding of funds in the offset cycle.
- Evaluate expanding the kinds of eligible local costs for the purpose of matching funds.
- Align the grant award cycle (currently specified on a calendar year basis), with the accepted practice of awarding grants on a fiscal year basis.
- Evaluate and consider revising the eighty/twenty percent allocation of funds between planning and implementation grant funding, and enforcement grant funding, and consider revising the allocation formula for each element.
- Suggest discretion for Ecology to limit the obligation of grant recipients to set aside funding for the next cycle when the full scope of work in the current cycle is not accomplished.
- Recognize the use of an agency standard web-based system for applications and reporting as the primary mechanism for awarding and managing grants.

For Chapter 173-313 WAC, we intend to remove redundant and obsolete language and merge the remaining, relevant language to Chapter 173-312 WAC. We then propose to eliminate Chapter 173-313 WAC.

**Chapter 173-312 WAC Coordinated Prevention Grants *and*  
Chapter 173-313 WAC Solid Waste Enforcement Grants**

**Department of Ecology  
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**Attachment B: Reasons why rules on this subject may be needed and what they might accomplish**

**Why are we doing this rulemaking?**

We propose amending Chapter 173-312 WAC for the following reasons:

- Updating to align grant cycle with fiscal years.
- Stakeholders have requested clarification and other modifications including updating the name of the grants program.
- We want more flexibility to be able to focus funding on projects that yield the best return on the investment.
- We want to recognize the Ecology Administration of Grants and Loans (EAGL) web-based grants management program as the preferred tool for grant application and management.
- The grants program has evolved. Criteria and limitations described in the current rule no longer reflect the best approach and need to be updated.

We propose repealing Chapter 173-313 WAC because it can easily be combined in Chapter 173-312 WAC. The two rules draw funds from the same source. Both serve local governments. Much of the language in Chapter 173-313 WAC is reflected in Chapter 173-312 WAC. We will have one less rule and a consolidated grant program.

**What are we trying to accomplish?**

Successful adoption of a rule revision for Chapter 173-312 WAC will achieve the following results:

- The grant cycle will accurately align with our biennial fiscal cycle.
- Stakeholders will benefit from clarifying the scope and purpose of the program when seeking support at the local level.
- We will be able to select better projects and manage those projects more efficiently.
- Funds will be better allocated, and it will be easier for grant applicants to meet their obligation for matching funds.
- We will solidify the use of a web-based approach for grants management.

Repealing Chapter 173-313 WAC – Local Solid Waste Enforcement Grant Regulation - will eliminate a chapter of the Washington Administrative Code that will no longer be needed after essential elements are incorporated into the Coordinated Prevention Grants rule. This is a practical step that will give us a more efficient grant program.