



# PREPROPOSAL STATEMENT OF INQUIRY

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

**Agency:** Washington State Department of Ecology AO # 16-10

**Subject of possible rule making:** The Department of Ecology is beginning a rulemaking for a new rule: Chapter 173-323 WAC Grants and Loans. This rule will apply to grants and loans issued by Ecology that are funded under Chapter 70.105D RCW, Hazardous Waste Cleanup—Model Toxics Control Act (MTCA). If an Ecology grant or loan program has a rule specific to that program, this chapter will not apply.

**Statutes authorizing the agency to adopt rules on this subject:** RCW 70.105D.070 (8) Toxics Control Accounts

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

We are proposing this chapter to establish Ecology’s guiding standards and expectations for grant and loan issuance and performance where public MTCA funds are involved, as required by RCW 70.105D.070 (8). We are also doing this rulemaking to be more clear and consistent in how we manage public funds. Ecology intends to adopt this rule and remain consistent with current grant and loan practices.

**Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:**

Where there are federal requirements that apply to one of the grant or loan programs regulated by this new chapter, Ecology intends for the rule language to be consistent with the federal requirements. For some of the grant or loan programs covered by this rule, federal funding is also received through the Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA). Ecology is developing these rules to be consistent with Chapter 43.88 RCW and any Office of Financial Management (OFM) rules or guidance on the issuance and performance of grants or loans. We will consult with OFM as necessary throughout the rulemaking.

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

- Negotiated rule making
- Pilot rule making
- Agency study
- Other Ecology will follow the standard process for the adoption of rules under 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:**

See attachment A.

**DATE**

7/25/17

**NAME**

Erik Fairchild

**SIGNATURE**

**TITLE**

Chief Financial Officer

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OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

**DATE: July 25, 2017**

**TIME: 1:56 PM**

**WSR 17-16-061**

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

Interested parties can participate in this rulemaking by:

### **1. Providing feedback on preliminary draft rule language – Due Monday August 14 (11:59 p.m.)**

We have a preliminary draft of the rule language available now. This draft is based on existing best practices for grants and loans. Download here: <http://www.ecy.wa.gov/laws-rules/wac173323/d1610a.pdf>

We would like your feedback:

- Would you need to change how you meet grant or loan requirements?
  - If yes, how?
  - If yes, are there costs related to this change? Are there benefits?
- Provide us suggestions, edits, concerns or other feedback on the draft language.

### **Submit feedback by:**

- Mail to Bari Schreiner at the address below.
- Submitting online at: <http://wt.ecology.commentinput.com/?id=kRg5Y>

**Attend a webinar** about the rulemaking and preliminary draft language.

Date: August 7, 2017

Time: 1:30 PM

Join the webinar:

<https://wadismetings.webex.com/wadismetings/j.php?MTID=m9be3b010e2a00c3ba1c9a235b2f735ca>

2. Visiting the Ecology web site at: <http://www.ecy.wa.gov/laws-rules/wac173323/1610timedocs.html>
3. Signing up to receive e-mail updates – Please email [rulemaking@ecy.wa.gov](mailto:rulemaking@ecy.wa.gov) to sign up.
4. Contacting the rulemaking lead:

Bari Schreiner  
Department of Ecology  
P.O. Box 47600  
Olympia, WA 98504-7600

Phone: 360 407-6998

E-mail: [rulemaking@ecy.wa.gov](mailto:rulemaking@ecy.wa.gov)

Ecology will extend an offer for government-to-government consultation to tribal governments during each phase of rule development.