



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (October 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: December 18, 2017

TIME: 2:20 PM

WSR 18-01-096

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

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The Department of Ecology is adopting 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.

**Citation of rules affected by this order:**

New: Chapter 173-323 WAC  
 Repealed:  
 Amended:  
 Suspended:

**Statutory authority for adoption:** RCW 70.105D.070 (8) Toxics Control Accounts

**Other authority:** RCW 70.105D.070 (8) Toxics Control Accounts

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-20-079 on 10/3/17 (date).

Describe any changes other than editing from proposed to adopted version: Our intent in this rulemaking was to be consistent with existing practice. As a result, we are revising the language in WAC 173-323-110(3) to match current Ecology policy language. The additions to the language are underlined and the deletions have strikethrough text.

(3) Ecology’s ability to make payments is contingent on availability of funding. In the event funding from state, federal, or other sources is withdrawn, reduced, or limited in any way after the ~~agreement~~ effective date and prior to completion or agreement expiration date of the agreement, ecology, at its sole discretion, may elect to ~~suspend or~~ terminate the agreement, in whole or part, or renegotiate the agreement, subject to new funding limitations or conditions. Ecology may also elect to suspend performance of the agreement until ecology determines the funding insufficiency is resolved.

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name: Department of Ecology  
 Attn: Bari Schreiner

Address: PO Box 47600

Olympia, WA 98504-7600

Phone: 360-407-6998

Fax: N/A

TTY: 877-833-6341

Email: [rulemaking@ecy.wa.gov](mailto:rulemaking@ecy.wa.gov)

Web site: <https://www.ecology.wa.gov/Regulations-Permits/Laws-rules/Rulemaking/WAC-173-323-Jul17>

Other: N/A

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	___	Amended	___	Repealed	___
Federal rules or standards:	New	___	Amended	___	Repealed	___
Recently enacted state statutes:	New	<u>12</u>	Amended	___	Repealed	___

**The number of sections adopted at the request of a nongovernmental entity:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted on the agency's own initiative:**

New	___	Amended	___	Repealed	___
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>12</u>	Amended	___	Repealed	___
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**The number of sections adopted using:**

Negotiated rule making:	New	___	Amended	___	Repealed	___
Pilot rule making:	New	___	Amended	___	Repealed	___
Other alternative rule making:	New	___	Amended	___	Repealed	___

**Date:** 12/18/17

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

*Maia Bellon by Polly Zehm*