

Chapter 173-312 WAC
((COORDINATED PREVENTION GRANTS)) LOCAL SOLID WASTE FINANCIAL ASSISTANCE

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-010 Purpose and authority. (1) The purpose of this chapter is to:

(a) Set forth requirements for ~~((the conduct of a))~~ financial assistance ~~((program to))~~ under the Model Toxics Control Act, RCW 70.105D.070(3).

(b) Provide ~~((grants to local governments for))~~ financial assistance for local programs in accordance with chapters 70.95, 70.95C, 70.95I, and 70.105 RCW.

Programs include local hazardous waste ((plans and programs and solid waste plans and programs, under the Model Toxics Control Act, RCW 70.105D.070(3)). The plans and programs referenced in RCW 70.105D.070(3)) planning and implementation, local solid waste planning and implementation, and enforcement of rules and regulations governing solid waste handling. Planning, implementation, and enforcement are designed to prevent or minimize environmental contamination((. Therefore, the grants are designated "coordinated prevention grants" under this chapter)) resulting from improper management or disposal of waste.

(2) A further purpose of this chapter is to establish a structure for the administration of ~~((coordinated prevention grants))~~ local solid waste financial assistance funded from the local toxics control accounts authorized by RCW 82.21.030. The administrative structure may be extended to other waste management ~~((grant))~~ financial assistance programs using other funding sources ~~((including the litter control account authorized by chapter 70.93 RCW, the hazardous waste assistance account authorized by chapter 70.95E RCW, and other waste management funding sources that may be established in the future by the legislature)).~~

(3) The purposes of ~~((the coordinated prevention grants program))~~ local solid waste financial assistance are to:

(a) ~~((Consolidate all grant programs funded from the local toxics control account, and other programs in subsection (2) of this section that may be selected, into a single program, except for remedial action, public participation, and citizen proponent negotiations grants.~~

~~((b))~~ Promote regional solutions and intergovernmental cooperation for efficient implementation of programs and eligible-projects under this chapter.

~~((c))~~ (b) Prevent or minimize environmental contamination by providing financial assistance to local governments to help them comply with state and local solid and hazardous waste laws and rules.

~~((d))~~ (c) Provide ((funding)) financial assistance for local solid and hazardous waste planning, and for implementation of ((some)) eligible programs and projects in those plans.

~~((e))~~ (d) Provide for the enforcement of rules and regulations promulgated under chapter 70.95 RCW.

(e) Encourage local responsibility for solid and hazardous waste management.

(f) Improve efficiency, consistency, reliability, and accountability (~~of grant~~) for administration of local solid waste financial assistance.

Note: Copies of all cited statutes, rules, and guidelines are available at the Department of Ecology, Records Management, P.O. Box 47600, Olympia, Washington 98504-7600.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-020 Definitions. "Cash expenditure" means any cash outlay by the recipient (~~, regardless of the source of funds, for direct~~) for project-eligible costs. Expenditures may include direct costs of goods (~~and/or~~) and services; recipient salaries and benefits (~~of recipient employees, including force account~~); overhead (~~cash~~); and payments made to contractors.

"Conditionally exempt small quantity generator (CESQG)" means a dangerous waste generator whose dangerous wastes are not subject to regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated or accumulated in quantities below the threshold for regulation and meets the conditions prescribed in WAC 173-303-070 (8)(b).

"Coordination" means notification by the local government (with primary responsibility for maintaining the local solid waste plan) that financial assistance is available for solid and hazardous waste planning and implementation. Notification must be provided to local solid waste plan signatories and the local government that is required by chapter 70.105 RCW to adopt the local hazardous waste plan. Coordination also includes consultation between local governments where the partnering local government requests financial assistance through a primary responsible local government for the purposes of determining its project eligibility and a budget.

"Department" means the Washington state department of ecology.

~~("Grant" means the portion of the project costs borne by the department.~~

~~"In-kind contributions" are property or services that benefit a project and that are contributed by a third party, without direct monetary compensation, to the recipient (or to any contractor under the agreement). In-kind contributions include donated or loaned real or personal property, volunteer services, and employee services donated by a third party.)~~ "Disposal site" means a facility where final disposal of solid waste occurs, including a transfer station, but not a drop box facility.

"Eligible applicant" means a local government with primary responsibility for maintaining the department-approved local solid waste plan, or a partnering local government that complies with coordination requirements, or a jurisdictional health department authorized to adopt the local solid waste ordinance.

"Household hazardous waste (HHW)" means any waste that exhibits any of the properties of dangerous wastes and is exempt from regulation under chapter 70.105 RCW, Hazardous waste management, solely because the waste is generated by households. Household hazardous waste can also include other solid waste identified in the local hazardous

waste management plan prepared pursuant to chapter 70.105 RCW, Hazardous waste management.

"Incineration" means a process of reducing the volume of solid waste by use of an enclosed device using controlled flame combustion, operating under federal and state environmental laws and rules.

"Independent city" means a city that has a department-approved local solid waste plan, used a solid waste advisory committee (SWAC) or a SWAC-like entity to develop the plan, and can provide for solid waste disposal sites wholly within its jurisdiction.

"In-kind interlocal ((costs))" ((are)) means in-kind contributions made to a project by another ((local)) government under a valid written agreement between the recipient and the other government that details the work to be accomplished, the goods and services to be provided, and the value thereof. If the recipient reimburses another governmental entity for any portion of its contributions, the amount paid to the other entity is not an interlocal cost. It is a cash expenditure on the part of the recipient. Only the nonreimbursed portion of the other governmental entity's contributions is an interlocal cost.

"Jurisdiction" means a particular geographic area containing a defined legal authority, such as the boundary lines of a county or city.

"Jurisdictional health department" means city, county, city-county, or district public health department.

"Landfill" means a disposal facility or part of a facility at which solid waste is permanently placed in or on land ((and which is not a landspreading disposal facility).

~~"Lead implementation agency" means the agency designated in the adopted local solid or hazardous waste plan as having the principal responsibility for the execution of all or most of the plan, and/or the coordinating agency that delegates responsibility to other agencies to execute portions of the plan))~~ including facilities that use solid waste as a component of fill.

"Local contribution" means the required portion of project-eligible costs borne by the recipient as cash expenditures or in-kind interlocal.

"Local government" means any political subdivision, regional governmental unit, solid waste disposal district, municipal or public corporation, ((including)) and includes cities, towns, and counties. The term encompasses but does not refer specifically to the departments within a city, town, or county.

"Local hazardous waste plan" means the plan to manage moderate-risk waste that a local government is required to prepare under RCW 70.105.220.

~~(("Match" means that portion of the cash expenditures borne by recipient funds and interlocal costs.~~

~~"Moderate risk waste" means (a) any waste that exhibits any of the properties of hazardous waste but is exempt from regulation under chapter 70.105 RCW solely because the waste is generated in quantities below the threshold for regulation, and (b) any household wastes that are generated from the disposal of substances identified by the department as hazardous household substances or substances that exhibit any of the properties of hazardous waste.))~~ "Moderate risk waste (MRW)" means solid waste that is limited to conditionally exempt small quantity generator (CESQG) waste, and household hazardous waste (HHW).

"Partnering local government" means a local government that does not have the primary responsibility for maintaining the local solid waste plan, and may become an eligible applicant for solid and hazard-

ous waste planning and implementation financial assistance through coordination with a primary responsible local government.

"Population" means the most recent United States census data accepted by the department or official estimates provided by the state office of financial management.

"Recipient" means the ((entity)) applicant to which the funding is awarded and that is accountable for the use of the funds provided. The recipient is the entire legal entity even if only one component or department is designated in the agreement document.

"Recyclable materials" means those solid wastes separated for recycling or reuse, ((such as papers, metals and glass, that)) and are identified as recyclable material under a local ((comprehensive)) solid waste plan.

"Recycling" means transforming or remanufacturing waste materials into usable or marketable materials for use other than landfill disposal or incineration or recycling as defined in chapter 173-350 WAC.

"Retroactive costs" means project-eligible costs incurred between the effective start date of the agreement and before the department signature date on the agreement.

"Solid waste" or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and recyclable materials.

"Solid waste advisory committee (SWAC)" means the local committee as described in and required by RCW 70.95.165; and the SWAC-like entity required by the department for independent cities requesting financial assistance. The SWAC or SWAC-like entity must actively assist and participate in development of a new plan, and the development or maintenance of existing plans in order to meet financial assistance eligibility requirements under this chapter.

"Solid waste handling" means the management, storage, collection, transportation, treatment, use, processing or final disposal of solid wastes, including the recovery and recycling of materials from solid wastes, the recovery of energy resources from such wastes or the conversion of the energy in such wastes to more useful forms or combinations thereof.

"Total eligible cost" means an amount not to exceed the sum of the state assistance funding level plus the local contribution of twenty-five percent.

AMENDATORY SECTION (Amending WSR 00-19-016, filed 9/8/00, effective 10/9/00)

WAC 173-312-030 Relation to other legislation and administrative rules. (1) This rule ((shall, together with chapters 173-322 and 173-321 WAC, and WAC 173-303-902,)) fulfills the requirement for rule making set forth in RCW 70.105D.070((+7)) (8).

(2) ((The)) A local government receiving ((a grant)) financial assistance shall comply fully with all applicable federal, state, and local laws, orders, rules, and permits.

(3) ((Grants)) Financial assistance will be awarded within the limits of available funds. The ((obligation)) policy of the department to ((make grant payments)) reimburse eligible costs incurred by the recipient through the effective date of termination or suspension of

the agreement, is contingent upon the availability of funds through legislative appropriation and allotment, and other conditions not reasonably foreseeable by the department, which may render performance impossible.

(4) Nothing in this chapter may influence, affect, or modify existing department programs, rules, or enforcement of applicable laws relating to solid ~~((and))~~ or hazardous waste management ~~((and))~~ or cleanup.

(5) All ~~((grants))~~ recipients of financial assistance are subject to ~~((existing))~~ applicable accounting and auditing requirements of state laws and rules.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-040 Applicant eligibility for financial assistance.

(1) ~~((Eligibility for))~~ (a) Local solid waste planning ~~((grants. Counties that are required by chapter 70.95 RCW to adopt or update local solid waste plans are eligible to apply for coordinated prevention grants to help pay for those plans. This eligibility extends to cities that have submitted an independent city plan, a joint city plan, or joint city county plan to the department by the effective date of this rule. This))~~ and implementation. A local government with a department-approved solid waste plan that was developed using a solid waste advisory committee (SWAC) as defined in WAC 173-312-020, that has the primary responsibility for maintaining that plan, is eligible to apply for financial assistance to help maintain the plan. An independent city qualifying as an eligible applicant under this subsection must provide for disposal site(s) wholly within its jurisdiction. Eligibility also extends for financial assistance to help pay for the implementation of projects identified in the plan, if those projects are eligible as defined in WAC 173-312-050.

(b) Eligibility ~~((also))~~ for planning financial assistance may extend ~~((s))~~ to ~~((any))~~ a city ~~((subsequently))~~ preparing to become independent and requesting ~~((funding for the preparation of an))~~ financial assistance to write its initial independent plan, (if) when the city:

(i) Provides for disposal sites wholly within its jurisdiction;
and

(ii) Uses a solid waste advisory committee (SWAC) as defined in WAC 173-312-020; and

(iii) Complies with coordination requirements in WAC 173-312-060
(5)(b).

(2) ~~((Eligibility for))~~ Local solid waste enforcement ~~((grants)).~~ Jurisdictional health ~~((departments/districts))~~ departments that have adopted or are in the process of adopting a solid waste ordinance (as authorized under RCW 70.95.160 that at minimum meets chapter 173-350 WAC requirements) are eligible to apply for ~~((coordinated prevention grants))~~ financial assistance to help pay for the enforcement of local ordinance(s) and rules and regulations adopted under chapter 70.95 RCW.

(3) ~~((Eligibility for solid waste implementation grants. Counties whose solid waste plans are adopted and approved by the department as required by chapter 70.95 RCW are eligible to apply for coordinated~~

~~prevention grants to help pay for the implementation of waste reduction and recycling projects in the most recently approved and adopted plan. Provided, That those projects are eligible as defined in WAC 173-312-050. This eligibility also extends to cities that are eligible for funding to do local solid waste plans or updates as provided by subsection (1) of this section.~~

~~If the adopted plans designate lead implementation agencies to implement the plans, those agencies are also eligible to apply for coordinated prevention grants.~~

~~(4) Eligibility for)) **Local hazardous waste planning ((grants)) and implementation.** A local government((s)) with a department-approved hazardous waste plan, and that ((are)) is required by chapter 70.105 RCW to adopt ((or update)) the local hazardous waste plan((s-are)), and that complies with coordination requirements as described in WAC 173-312-060 (5)(b) is eligible to apply for ((coordinated prevention grants)) financial assistance to help ((pay for those plans.~~

~~(5) Eligibility for hazardous waste plan implementation grants. Local governments with department approved local hazardous waste plans as required by chapter 70.105 RCW are eligible to apply for coordinated prevention grants to help pay for the implementation of projects in the plan. If the plans designate lead implementation agencies to implement the plans, those agencies are also eligible to apply for coordinated prevention grants.~~

~~(6) Any grant eligible entities as defined in this section may submit their requests in a coordinated application as described in WAC 173-312-060 (4)(a), or may submit separate applications as provided in WAC 173-312-060 (4)(b)) maintain the plan. Eligibility also extends for financial assistance to help pay for the implementation of projects identified in the plan, if those projects are eligible as defined in WAC 173-312-050.~~

~~(4) **Partnering local government.** Eligibility for planning and implementation financial assistance may extend to a partnering local government when it complies with coordination requirements in WAC 173-312-060 (5)(b).~~

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-050 Project and cost eligibility. (1) ~~((Eligible project costs are those costs which are necessary and reasonable to fund required local planning and the implementation of some projects and programs contained in those plans, including innovative approaches implementing policies of the plan. These are:)) Financial assistance reserved for local solid waste planning and implementation will be used to develop or maintain the department-approved local solid or hazardous waste management plan, and for eligible programs contained in those plans.~~

~~(2) Financial assistance reserved for local solid waste enforcement programs will be used to enforce rules and regulations adopted under chapter 70.95 RCW, and must provide for an outcome that is measurable. Programs include, but are not limited to:~~

~~(a) Develop and maintain local regulations or ordinances governing solid waste handling.~~

(b) Enforce locally adopted regulations or ordinances governing solid waste handling.

(c) Enforce state minimum functional standards as set forth in chapters 173-350, 173-351, and 173-304 WAC.

(d) Inspect and authorize the disposal of abandoned junk vehicles in accordance with RCW 70.95.240.

(e) Investigate illegal dumping of solid waste (provided that the enforcing authority takes reasonable action to determine and identify the person responsible for illegally dumping solid wastes).

(3) The department will consider eligible solid waste programs in the following descending order:

(a) **Local hazardous waste** (~~(planning as required by chapter 70.105 RCW.~~

~~(b) Local solid waste planning as required by chapter 70.95 RCW.~~

~~(c) Local hazardous waste plan implementation projects.~~

~~(d) Local solid waste enforcement by the jurisdictional health departments and districts.~~

~~(e) Local solid waste plan implementation projects, which are limited to waste reduction and recycling projects and programs.~~

~~(2) Eligible)) **plans and programs** that:~~

(i) Develop or maintain the local hazardous waste management plan.

(ii) Manage household hazardous wastes that are generated or otherwise present within the jurisdiction.

(iii) Provide for ongoing public involvement and public education in regard to the management of moderate risk waste to include information as identified under RCW 70.105.220 (1)(b).

(iv) Provide for an outcome that is measurable.

(b) **Local solid waste plans and programs** that:

(i) Develop or maintain the local solid waste management plan.

(ii) Reduce waste and recycle.

(iii) Address local need (provided proposed expenditures meet eligible cost criteria).

(iv) Provide for an outcome that is measurable.

(4) Projects or related costs (~~(dø)~~) that are not eligible include:

(a) Solid waste incinerator feasibility studies, construction, maintenance, or operation.

(b) New landfill construction or landfill expansion, or landfill upgrading at an operating facility to meet the requirements of chapters 173-350 and 173-351 WAC.

(c) Landfill closure as required by chapters 173-350 and 173-351 WAC.

(d) Garbage collection and disposal, except start up and operational costs for waste reduction and recycling programs.

(e) Solid and hazardous waste expenses not directly related to compliance with state solid and hazardous waste laws and rules.

(f) Projects designed to address restoration of Puget Sound, funded in a competitive grant process, that are in conflict with the action agenda developed by the Puget Sound partnership under RCW 90.71.310.

(g) High performance buildings.

(h) Natural disasters where there is no hazardous substance contamination.

(i) Costs associated with biosolids managed under chapter 173-308 WAC including feasibility studies, trainings, compliance and monitoring.

(5) The department will review applications and evaluate projects, as defined in WAC 173-312-070, and as further described in guidelines.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-060 Application process. (1) The department will provide an application and establish a process for requesting local solid waste financial assistance under this chapter.

~~(2)(a) The department ((shall set forth in its grant guidelines the base funding levels estimated to be available for each county for coordinated prevention grants and the process by which applications will be submitted.~~

~~(2) The application must be submitted by the county agency or department having responsibility for solid waste, unless the county executive department selects another agency or department to submit the application.~~

~~(3) Coordinated prevention grant applications must:~~

~~(a) Include a commitment by the applicants to use local funds to match grant funds according to the requirements of WAC 173-312-090.~~

~~(b) Be for eligible projects as defined in WAC 173-312-050.~~

~~(c) Include a scope of work that is sufficiently detailed for the department to monitor grant performance.~~

~~(d) Include documentation that all cities in the county and lead implementation agencies that have approved the adopted local hazardous waste plan or solid waste plan have had the opportunity to request that projects that meet the requirements of WAC 173-312-050 be included in the application.~~

~~(4) To obtain coordinated prevention grant funding, a county shall submit an application, as defined herein:~~

~~(a) A coordinated grant application means that the county, the health department or district and any other grant eligible entities as defined in WAC 173-312-040 have reached agreement regarding the requested projects and funding allocations for both local solid and local hazardous waste plans and projects. Coordinated applications will receive financial incentives for administrative coordination set forth in WAC 173-312-080.~~

~~The coordinated application shall include a maximum grant request for no more than the base funding level for the county, plus the financial incentive.~~

~~(b) In the event a county fails to submit a coordinated application, indicating grant eligible entities have not reached agreement regarding projects and funding allocations, they will lose the incentive as set forth in WAC 173-312-080. This money shall be made available for supplemental funding as specified in WAC 173-312-080.~~

~~(5) The application must be signed, indicating approval by responsible officials from the county, local health department or district and any other grant eligible entities as defined in WAC 173-312-040)) will estimate available funding levels for eligible applicants defined in WAC 173-312-040 (1) and (2). These estimates will be provided by the start of the initial application period in each biennium.~~

(b) Initial awards will be based on the final funding level approved by the department.

(3) An applicant must request an amount not to exceed the sum of its estimated state assistance funding level plus the local contribution of twenty-five percent identified as cash or in-kind interlocal.

(4) The department will only consider applications submitted by eligible applicants. Applications must provide sufficient detail for the department to determine project and cost eligibility.

(5) Each applicant must comply with the coordination requirements as described for the applicant:

(a) Eligible applicants, as defined in WAC 173-312-040(1), must notify signatories to its local solid waste plan and the local government that is required by chapter 70.105 RCW to adopt the local hazardous waste plan that financial assistance is available. The applicant must complete the coordination form provided by the department.

(b) Eligible applicants, as defined in WAC 173-312-040, excluding subsection (1) and (2) of that section, must coordinate with the local government (with primary responsibility for maintaining the local solid waste plan) to determine an amount it is allowed to request, and for the responsible authority to verify that the proposed projects or programs are contained in the local plan. The applicant and primary responsible local government must complete the coordination form provided by the department.

(c) Eligible applicants, as defined in WAC 173-312-040(2), are exempt from coordination requirements.

(6) The department may redirect funds to another applicant when the initial applicant does not return a signed agreement within four months of the department's official offer.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-070 Application evaluation. ~~((1) In evaluating coordinated prevention grant applications, the department may require that funding of certain projects take precedence over other projects. The department will refer to the following priority order in evaluating projects:~~

~~(a) Required hazardous waste planning under chapter 70.105 RCW and required solid waste planning under chapter 70.95 RCW.~~

~~(b) Programs and projects to implement adopted local hazardous waste plans, including waste reduction and recycling.~~

~~(c) Solid waste enforcement programs.~~

~~(d) Programs and projects to implement adopted local solid waste plans, including waste reduction and recycling.~~

~~(2) The department will evaluate each application according to the extent to which it:~~

~~(a) Conforms to the adopted local hazardous waste and solid waste plans.~~

~~(b) Advances regional solutions and intergovernmental cooperation.~~

~~(c) Supports the state's goal to achieve a fifty percent recycling rate.~~

~~(d) Confers broad benefit on residents of the county, whether they reside in incorporated areas or unincorporated areas.~~

~~(e) Meets the needs of local government for projects that prevent environmental contamination from solid and hazardous waste.~~

~~(f) Uses the state's resources efficiently.~~

~~(g) For solid waste enforcement funding, takes into account the number of disposal sites and the geographic area requiring enforcement activity.~~

~~(3) The department may fund all or portions of a coordinated prevention grant application.~~

~~(4) The department may award grants to any local government in order to execute all or portions of a coordinated prevention grant program.)~~ (1) The department will perform an initial review of an application for local solid waste financial assistance to determine:

(a) The applicant is eligible for financial assistance as defined in WAC 173-312-040.

(b) The applicant complied with coordination requirements as described in WAC 173-312-060.

(c) Projects in the application are eligible as defined in WAC 173-312-050.

(d) The application is complete.

(2) The department will further evaluate each application and may fund all or portions of an application according to:

(a) Funding availability;

(b) The extent to which projects proposed in the application serve statutory priorities or priorities identified in the local solid and/or hazardous waste plans;

(c) Applicant past performance; and

(d) Sufficient detail in the application for the department to determine eligibility.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-080 Allocation of ((grant funding)) state financial assistance. (1) The department ((shall)) will consider the following factors ((in)) when calculating ((base funding levels, supplemental grant levels, and grant amounts for recipients)) amounts available for initial applications for local solid waste financial assistance:

(a) Projected and actual ((revenue to)) state funds from the local toxics control accounts ((, and other funding sources cited in WAC 173-312-010(2), as determined by the department)).

(b) ((The number of people served by a local government.)) Other funds as identified by the department.

(2) ((Grants that may be awarded to eligible cities under WAC 173-312-040 may not exceed a city's proportionate share, based on population, of a county's base funding level as defined in subsection (3)(a) of this section, unless the department, the county, the health department or district and the grant eligible entities as defined in WAC 173-312-040 agree otherwise.

(3) Projected revenues to the local toxics control account that are)) A portion of the total allocation available each biennium for ((coordinated prevention grant purposes must be divided into two portions, one for solid waste enforcement grants, and one for solid and hazardous waste implementation grants.)) local solid waste financial assistance is reserved for eligible projects or programs defined in

WAC 173-312-050(2). The remaining portion is reserved for eligible projects or programs defined in WAC 173-312-050 (1) and (3). The department will calculate allocations ((will be calculated)) as follows:

(a) The amount set aside for solid waste enforcement ((grants, an amount sufficient to provide each single county jurisdictional health department with one hundred thousand dollars and each multicounty jurisdictional health department with one hundred fifty thousand dollars will be set aside. In future biennia the amount set aside for solid waste enforcement will be twenty percent of the total coordinated prevention grant allocation, and the single county and multicounty solid waste enforcement grant allocation will be increased or decreased proportionately.

(b) For solid and hazardous waste implementation grants, the remaining eighty percent is divided among counties by means of a formula that shall consist of two elements)) will be not less than twenty percent of the total allocation available each biennium for local solid waste financial assistance or an amount equal to the total sum of seventy-five thousand dollars per county, whichever is greater. Financial assistance reserved for local solid waste enforcement will be calculated as follows:

(i) A fixed amount for each jurisdictional health department.

(ii) A per capita amount based on population.

(b) Financial assistance reserved for local solid and hazardous waste planning and implementation will be calculated as follows:

(i) A fixed amount for each county, regardless of size((+)), and as determined by the department. An independent city that qualifies as an eligible applicant under WAC 173-312-040(1) is excluded.

(ii) A per capita amount based on the county percentage of state population ((size as determined by the United States census data or by the official estimates of the state office of financial management.

(c) Counties that submit a coordinated application as defined in WAC 173-312-060 shall receive a ten percent increase if base level funding as defined in (b) of this subsection is an incentive.

(d) After initial grant amounts have been determined for both categories of coordinated prevention grants based upon the applications, the unallocated funds shall become supplemental funds used to promote strategic initiatives that meet needs defined by the state solid waste planning process. Supplemental funds for solid and hazardous waste implementation grants will first be awarded within the initial solid and hazardous waste implementation coordinated prevention grant portion. Supplemental funds for solid waste enforcement grants will first be awarded within the initial solid waste enforcement coordinated prevention grant portion. Only when supplemental funds still remain in either category after the initial supplemental awards have been given shall the funds be awarded to the other portion.

(4) Applicants must meet the requirements of this chapter to the satisfaction of the department in order to secure grant awards)) or the independent city percentage of the county population.

(A) An independent city that qualifies as an eligible applicant under WAC 173-312-040(1) is included in this element of the calculation to the extent the population of its home county is reduced by the same amount.

(B) Financial assistance awarded to independent cities may exceed a city's proportionate share under (b)(ii)(A) of this subsection if the department, the county, and all other signatories to the local solid waste management plan agree.

(3) If a recipient fails to comply with the terms of its award or administrative requirements, the department may reduce their award in the next biennium by up to ten percent for failure to meet performance expectations. The department will make this determination after receiving applications in the next biennium. A recipient may request the department's reconsideration within seven calendar days of the award reduction notification and must submit the request in writing detailing the reasons for the request.

(4) Any funds remaining after all initial applications are considered will be distributed based on need, using the following criteria as a primary determinant:

(a) Funds remaining from the local solid and hazardous waste planning and implementation portion are first offered to other solid and hazardous waste planning and implementation applicants.

(b) Funds remaining from the solid waste enforcement portion are first offered to other solid waste enforcement applicants.

(5) The department will monitor spending throughout the biennium and will work with recipients to adjust budgets as necessary. Deobligated funds will be redistributed in the same biennium according to need, and based on projects in current agreements, and performance in the current biennium.

(6) Subsequent opportunities to apply for local solid waste financial assistance will be announced by the department.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-090 ~~((State assistance share and))~~ **Local ((cash match)) contribution.** ~~(1) ((Costs eligible under WAC 173-312-050 will be considered for grant funding at a level of seventy five percent. Twenty five percent of eligible costs must be provided as local cash match.~~

~~(2) Local cash match))~~ The required local contribution is twenty-five percent of project-eligible costs.

(2) The local contribution may be met by cash expenditures and in-kind interlocal ((costs. Interlocal costs are the only type of in-kind contributions that may be used for local cash match)). The applicant's intent to use in-kind interlocal must be stated in the application. The department will confirm the costs meet department requirements, and prepare the agreement to reflect the local contribution prior to offering the agreement.

AMENDATORY SECTION (Amending WSR 02-05-070, filed 2/19/02, effective 3/22/02)

WAC 173-312-100 ~~((Grant))~~ **Program administration.** ~~(1) The department ((shall)) will prepare guidelines to facilitate understanding and compliance with ((and interpretation of)) this rule.~~

~~(2) ((Coordinated prevention grants shall operate on a biennial funding cycle. Applications will be due in the first quarter of the biennium. Eligible applicant governments will apply for grant funds up~~

to the base funding level set forth in WAC 173-312-080 plus the incentive, and at the same time shall submit requests for additional funds to assist ongoing or new projects. Supplemental funds, if awarded, shall be supplied as part of the new grant. New grants will begin in the third quarter of the biennium, and will run for two calendar years.

~~(3) The department will obligate coordinated prevention grant funds to a recipient))~~ All agreements under this chapter must comply with the department's administrative requirements for financial assistance, and department guidelines for local solid waste financial assistance that may be more stringent.

~~(3) Financial assistance will be obligated for a maximum period of two years and align with the state fiscal biennium. ((If the recipient has not accomplished the scope of work in the time period set forth in the agreement, the recipient must use a portion of its next biennial base funding level to complete the project(s).~~

~~(4) No))~~

~~(a) Costs incurred ((before)) outside of the agreement effective dates ((of a grant agreement)) are not eligible ((unless specific provision is made in the grant agreement for those costs))~~ for reimbursement.

~~((5) All grants under this chapter must be consistent with Administrative Requirements for Ecology Grants and Loans WDOE #91-18 (Revised October 2000).))~~ (b)(i) Retroactive costs are eligible for reimbursement as provided under this chapter.

(ii) A recipient's request for reimbursement of retroactive costs must be submitted to the department within ninety days of the department signature date on the agreement. Requests submitted later than ninety days may be denied by the department. The request must include adequate documentation for the department to determine eligibility.