



# RULE-MAKING ORDER PERMANENT RULE ONLY

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

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: September 08, 2017

TIME: 10:15 AM

WSR 17-19-021

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

**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:** This rulemaking amends Chapter 173-312 WAC – Coordinated Prevention Grants, and repeals Chapter 173-313 WAC - Local Solid Waste Enforcement Grant Regulation. Both rules implement grant programs to local governments that support local solid waste planning, implementation, and enforcement activities. We are repealing Chapter 173-313 WAC and incorporating its essential elements in the revised Chapter 173-312 WAC. This rulemaking also changes the title of Chapter 173-312 WAC to Local Solid Waste Financial Assistance.

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

New:

Repealed: Chapter 173-313 WAC – Local Solid Waste Enforcement Grant Regulation

Amended: Chapter 173-312 WAC – Local Solid Waste Financial Assistance

Suspended:

**Statutory authority for adoption:** RCW 70.95.130, RCW 70.95.220, RCW 70.105.235, RCW 70.105D.030, RCW 70.105D.070

**Other authority:**

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

Adopted under notice filed as WSR 17-11-139 on May 24, 2017 (date).

Describe any changes other than editing from proposed to adopted version:

WAC 173-312-020 Definitions (these changes were for clarification):

- Deleted “Contributed services”
- Under “In-kind interlocal”, deleted the word “local” in the first sentence
- Under “Local contribution”, replaced “contributed services” with “in-kind interlocal”

WAC 173-312-060 Application process (this change was for clarification):

- Under subsection (3), replaced “contributed services” with “in-kind interlocal”

WAC 173-312-070 Application evaluation (these changes were in response to stakeholder concerns about establishing criteria in guidelines).

- (2)(b) was revised to read, “The extent to which projects proposed in the application serve statutory priorities or priorities identified in the local solid and/or hazardous waste plans;”
- Deleted subsection (e) referring to other criteria in guidelines.

WAC 173-312-080 Allocation of state financial assistance (these changes were in response to stakeholder concerns about criteria, and the need to be flexible in reducing awards. We also added language to provide a stakeholder opportunity to ask the agency for reconsideration of an award reduction).

- The reference in (3) to developing criteria for performance evaluation was revised to read, “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.”

WAC 173-312-090 Local contribution (this change was for clarification)

- (2) The local contribution may be met by cash expenditures and in-kind interlocal. 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.

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 - Waste 2 Resources Program

Address: PO Box 47600; Olympia, WA 98504-7600

Phone: 360-407-6900

Fax: 360-407-6102

TTY: [877-833-6341](tel:877-833-6341)

Email: [w2rpubs@ey.wa.gov](mailto:w2rpubs@ey.wa.gov)

Web site: <http://www.ecy.wa.gov/programs/swfa/rules/ruleDev.html>

Other:

**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	___	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 in the agency's own initiative:**

New	___	Amended	<u>10</u>	Repealed	<u>5</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	___	Amended	<u>10</u>	Repealed	<u>5</u>
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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	<u>10</u>	Repealed	<u>5</u>

**Date adopted:** 9/8/2017

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

