



PROPOSED RULE MAKING

CR-102 (June 2012)

(Implements RCW 34.05.320)

Do NOT use for expedited rule making

Agency: Washington State Department of Ecology AO #15-15

- | | |
|--|--|
| <input checked="" type="checkbox"/> Preproposal Statement of Inquiry was filed as WSR 16-01-182; or | <input checked="" type="checkbox"/> Original Notice |
| <input type="checkbox"/> Expedited Rule Making--Proposed notice was filed as WSR _____; or | <input type="checkbox"/> Supplemental Notice to WSR _____ |
| <input type="checkbox"/> Proposal is exempt under RCW 34.05.310(4) or 34.05.330(1). | <input type="checkbox"/> Continuance of WSR _____ |

Title of rule and other identifying information: (Describe Subject) Chapter 173-312 WAC – *Coordinated Prevention Grants*. This rule provides financial assistance to local governments for solid waste management. Chapter 173-313 WAC – *Local Solid Waste Enforcement Grant Regulation*. This rule provides financial assistance to jurisdictional health authorities for enforcement of solid waste regulations.

Hearing Location:

See attachment A for details.

Date: June 27, 2017 Time: 1:30 PM

Submit written comments to:

Name: Tami Ramsey

Mail: Department of Ecology
Waste 2 Resources Program
PO Box 47600
Olympia, WA 98504-7600

In Person and Parcel Delivery Services:

Department of Ecology
Waste 2 Resources Program
300 Desmond Dr.
Lacey, WA 98503

Online at: <http://wt.ecology.commentinput.com/?id=EKhRf>
by July 7, 2017.

Assistance for persons with disabilities:

Contact Hanna Waterstrat at (360) 407-7668 by June 23, 2017
TTY (888) 833-6341 or (711) Relay Service

Date of intended adoption: August 23, 2017
(Note: This is **NOT** the **effective** date)

Purpose of the proposal and its anticipated effects, including any changes in existing rules:

See Attachment B

Reasons supporting proposal:

See "Purpose of the proposal" in Attachment B for this information.

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

Statutes being implemented: Chapter 70.95 RCW, Solid Waste Management – Reduction and Recycling; Chapter 70.105 RCW – Hazardous Waste Management; Chapter 70.105D RCW - Model Toxics Control Act.

Is rule necessary because of a:

- | | | |
|-------------------------|------------------------------|--|
| Federal Law? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| Federal Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| State Court Decision? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
- If yes, CITATION:

DATE
May 23, 2017

NAME (type or print)
Polly Zehm

SIGNATURE

TITLE
Deputy Director

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: May 24, 2017

TIME: 10:14 AM

WSR 17-11-139

Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters:

NA

Name of proponent: (person or organization) Washington State Department of Ecology

- Private
- Public
- Governmental

Name of agency personnel responsible for:

Name	Office Location	Phone
Drafting..... Tami Ramsey	300 Desmond Dr. SW, Lacey, WA 98503-1274	(360) 407-6612
Implementation.... Tami Ramsey	300 Desmond Dr. SW, Lacey, WA 98503-1274	(360) 407-6612
Implementation.... Diana Wadley	3190 - 160th Ave. SE, Bellevue, WA 98008-5452	(425) 649-7056
Implementation.... Vicki Colgan	3190 - 160th Ave. SE, Bellevue, WA 98008-5452	(425) 649-7224
Implementation.... Canming Xiao	1250 West Alder Street, Union Gap, WA 98903-0009	(509) 575-2842
Implementation.... Wayne Kraft	4601 N Monroe, Spokane, WA 99205-1295	(509) 329-3438
Enforcement..... Laurie Davies	300 Desmond Dr. SW, Lacey, WA 98503	(360) 407-6103

Has a small business economic impact statement been prepared under chapter 19.85 RCW or has a school district fiscal impact statement been prepared under section 1, chapter 210, Laws of 2012?

Yes. Attach copy of small business economic impact statement or school district fiscal impact statement.

A copy of the statement may be obtained by contacting:

Name:

Address:

phone () _____

fax () _____

e-mail _____

No. Explain why no statement was prepared.

Ecology analyzed the compliance costs of this rulemaking and determined the proposed rule only applies to local government agencies and does not impose compliance costs on businesses in an industry. Therefore, Ecology is not required to prepare a small business economic impact statement (RCW 19.85.030(1)(a)).

Is a cost-benefit analysis required under RCW 34.05.328?

Yes A preliminary cost-benefit analysis may be obtained by contacting:

Name: Kirsten Miller

Address: Washington State Department of Ecology

Waste 2 Resources Program

PO Box 47600

Lacey, WA 98504-7600

phone (360) 407-6707

fax (360) 407-6102

e-mail kirsten.miller@ecy.wa.gov

No: Please explain:

Attachment A – Hearing Information

Hearing Location: Ecology headquarters in Lacey, combined with a webinar.

Date & Time: June 27, 2017 at 1:30 PM - Presentation, question and answer session followed by a formal public hearing.

Location: Ecology Headquarters Building
300 Desmond Drive SE
Lacey, WA 98503

Webinar: Ecology is offering this hearing via webinar. Webinars are online meetings you can attend from any computer using internet access. An audio only option is also available.

Comments during the hearing: Ecology will accept comments at the Lacey location and through the webinar.

To join the webinar click on the following link for more information and instructions: [Webinar Registration Link](#) or

<https://wadismetings.webex.com/wadismetings/j.php?MTID=m7c9f9e660218a4a42f4af3e04c6c5bdf>

Meeting number: 920 171 506 and meeting password: 4YGPpE9H

Audio Only (listen and speak) 1-877-668-4493 Access code:920 171 506

Attachment B: Purpose of the proposal and its anticipated effects, including any changes in existing rules:

This rulemaking proposes to amend Chapter 173-312 WAC, and repeal Chapter 173-313 WAC.

1. What are we doing to/in the rule?

We are proposing amendments to Chapter 173-312 WAC to:

- Change the name of the grants program from Coordinated Prevention Grants to Local Solid Waste Financial Assistance, and revise the purpose statement to reflect the essential functions of the grant program.
- Incorporate the use of funds for purposes of solid waste enforcement, consistent with the repeal of Chapter 173-313.
- Revise, clarify, and add definitions as necessary to support the revised rule.
- Simplify and clarify language regarding eligible activities.
- Clarify the obligation of primary responsible local governments and partnering local governments to coordinate.
- Organize rule around statutory priorities.
- Eliminate the ten percent bonus for coordinated applications.
- Implement a ten percent penalty for recipients who fail to meet performance criteria.
- Eliminate the concept of a separate offset grant cycle for newly appropriated funds or re-obligated funds, in favor of an emphasis on the soonest possible distribution of available funds.
- Revise the eighty/twenty percent allocation of funds between planning/implementation funding, and enforcement funding, and establish a minimum allocation for funding enforcement grants.
- Add a population criteria element to the base level funding for solid waste enforcement grant funding, consistent with the approach for planning and implementation grants.
- Eliminate 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.

We propose to repeal Chapter 173-313 WAC Local Solid Waste Enforcement Grant Regulation, but preserve that program by incorporating essential language in revisions to Chapter 173-312 WAC.

2. Why are we doing this rulemaking?

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

- Stakeholders have requested clarification and other modifications including updating the name of the program.
- We want to improve the focus on funding projects that yield the best return on the investment.
- We want to improve coordinated planning across local jurisdictions.
- The grants program has evolved. Criteria and limitations described in the current rule no longer reflect the best approach.

We propose repealing Chapter 173-313 WAC because:

- 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 can reduce redundancy and increase efficiency by combining the two chapters. We will have one less rule and a consolidated grant program.

3. What are we trying to accomplish:

Successful revision of Chapter 173-312 WAC will achieve the following results:

- Stakeholders will benefit from clarifying the scope and purpose of the program.
- We will be able to select better projects and manage those projects more efficiently.
- We will encourage better performance by creating a consequence for non-performance that is notable but not overly punitive.
- Allocation of funds will improve.

Incorporating the essential elements of Chapter 173-313 WAC in Chapter 173-312 WAC, consolidates two related grant programs, and allows us to eliminate a chapter of the Washington Administrative Code. This practical step results in a more efficient grant program.