



PREPROPOSAL STATEMENT OF INQUIRY

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

Agency: Department of Ecology AO # 16-13

Subject of possible rule making: This rulemaking will amend Chapter 173-321 WAC, Public Participation Grants. The rule establishes eligibility requirements and funding criteria for grants authorized by Chapter 70.105D RCW, Model Toxics Control Act.

Statutes authorizing the agency to adopt rules on this subject: Chapter 70.105D RCW, Model Toxics Control Act, including RCW 70.105D.070 funding the public participation grants program, and RCW 70.105D.070(8) authorizing the department to adopt rules for grant issuance and performance.

Reasons why rules on this subject may be needed and what they might accomplish: See Attachment A

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

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:

Interested parties can stay informed about the rulemaking and public involvement opportunities as described below. Ecology will extend an offer for government-to-government consultation with tribal governments during each phase of rule development.

1. Visit the agency web page at: <http://www.ecy.wa.gov/programs/swfa/rules/wac173321/1613ov.html>
2. Sign up to receive e-mail notices at: <https://listserv.wa.gov/cgi-bin/wa?A0=ECY-PUBLIC-PARTICIPATION-GRANTS>
3. Contact:

Lynn Gooding Phone: (360) 407-6062
 Department of Ecology E-mail: lynn.gooding@ecy.wa.gov
 Waste 2 Resources
 P.O. Box 47600
 Olympia, WA 98504-7600

DATE
December 22, 2016

NAME
Laurie G. Davies

SIGNATURE

TITLE
Waste 2 Resources Program Manager

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OFFICE OF THE CODE REVISER
STATE OF WASHINGTON
FILED

DATE: December 22, 2016

TIME: 2:00 PM

WSR 17-02-010

Attachment A

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

As directed under Chapter 70.105D RCW, Ecology has the authority to administer a program for grants to “persons who may be adversely affected by a release or threatened release of a hazardous substance and not-for-profit public interest groups”. Grants are used to “facilitate public participation in the investigation and remediation of a release or threatened release of a hazardous substance and to implement the state’s solid and hazardous waste management priorities.”

In 2016, Ecology obtained an independent audit of our Public Participation Grants program. The current process requires a significant amount of time and agency resources to establish applicant eligibility and award the grants. Changes Ecology is considering are either specific audit recommendations or based on the agency’s experiences implementing the program. Clarifying applicant eligibility, establishing priorities, updating and making application evaluation criteria more visible will result in a more streamlined process.

Ecology will also investigate the best approach to incorporating environmental justice as a criterion for grant awards. This may result in updated rule language.

Updating the rule now will allow us to apply these changes to grants awarded in the 2017-19 biennium.

Attachment B

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

No other agencies implement this grant program. WAC 173-321-030 addresses the relationship to other legislation and administrative rules: “(1) The organization receiving a grant shall comply fully with all applicable federal, state, and local laws, orders, regulations, and permits. (2) Nothing in this chapter shall influence, affect or modify existing department programs, regulations, or enforcement of applicable laws relating to solid and hazardous waste management and cleanup. (3) All grants shall be subject to the existing, applicable accounting and auditing requirements of state laws and regulations...”