

Remedial Action Grants and Loans

The Department of Ecology (Ecology) proposes to repeal existing chapter 173-322 WAC and adopt new chapter 173-322A WAC, Remedial Action Grants and Loans. The new chapter would replace the repealed chapter. The new chapter would modify the existing program of grants and loans to local governments for investigating and cleaning up hazardous waste sites. The rule proposal will be published in the Washington State Register on May 7, 2014.

The purpose of this rule proposal is to:

1. Implement changes to the Model Toxics Control Act, Chapter 70.105D RCW, passed by the Washington State Legislature in 2013 affecting the remedial action grant and loan program. The legislation establishes new funding priorities for the program and directs Ecology to make several changes to the program, including:
 - Enter into extended grant agreements with local governments for projects exceeding \$20 million and occurring over multiple budget cycles. Such projects would receive priority for funds.
 - Provide integrated planning grants to local governments for studies that facilitate the cleanup and reuse of contaminated sites.
 - Eliminate methamphetamine lab site assessment and cleanup grants and derelict vessel remedial action grants as separate types of grants.
 - Provide area-wide groundwater remedial action grants without requiring local governments to be a potentially liable person or seek reimbursement of grant funds from such persons.
 - Enter into grant agreements with local governments before they acquire or secure access to a property, provided they include a schedule.
 - Provide periodic reimbursement of the costs of independent remedial actions.
 - Implement cash management principles to ensure budgeted funds are put to work.

WHY IT MATTERS

Ecology provides remedial action grants and loans to communities throughout the state to facilitate the cleanup and reuse of contaminated publicly owned lands and to lessen the impact of those cleanups on local taxpayers.

Funds for the grants and loans come from a tax on hazardous substances. For the 2013-15 fiscal biennium, the Legislature appropriated \$62.5 million for remedial action grants and loans.

These rules govern the issuance and performance of remedial action grants and loans.

More information:

For more information about the remedial action grant and loan program, visit:

www.ecy.wa.gov/programs/tcp/grants/explore-tcp.html.

Contact information:

Adrienne Dorrah
Rule Coordinator
360-407-7195
Adrienne.Dorrah@ecy.wa.gov

Special accommodations:

If you need this document in a format for the visually impaired, call the Toxics Cleanup Program at 360-407-7170.

Persons with hearing loss, call 711 for Washington Relay Service. Persons with a speech disability, call 877-833-6341.

2. Make other appropriate changes to the requirements governing remedial action grants and loans (such as grant match requirements).
3. Streamline existing requirements, improve rule clarity, and improve consistency with other requirements in this chapter or with other state and federal laws and rules (such as coordinating with agency-wide efforts to streamline and standardize grant processes).

The following documents are now available for review and comment:

1. Proposed rule language for repeal of chapter 173-322A WAC and adoption of new chapter 173-322A WAC.
2. Document showing differences between chapters 173-322 and 173-322A WAC.

To download these documents, visit: www.ecy.wa.gov/programs/tcp/regs/wac173322/1309-proposal.html.

Public hearing schedule

Ecology will hold one public hearing on this rule proposal. The hearing will begin with a short presentation followed by a question and answer (Q&A) session. Testimony will start at the end of the Q&A session.

Date: May 29, 2014

Time: 10:00 a.m.

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

Webinar: Ecology is also offering the presentation, Q&A session, and public hearing through a webinar. A webinar is online meeting forum that you can join from any computer using internet access. To participate and provide comments through the webinar, you also need to have a phone or a computer with phone modem capability. For more information about the webinar and instructions on how to join and participate through the webinar, visit: www.ecy.wa.gov/programs/tcp/regs/wac173322/1309-proposal.html.

Comments: During the formal public hearing, Ecology will accept comments:

1. At the hearing location; and
2. Through the webinar.

Submit your comments

The comment period ends June 6, 2014.

You can give us your official comments in the following ways:

1. Testify or submit written comments at public hearings.
2. Email your comments to: RAGrule@ecy.wa.gov.
3. Mail comments to: Department of Ecology
Toxics Cleanup Program
Adrienne Dorrah
PO Box 47600
Olympia, WA 98504-7600
4. Fax comments to: (360) 407-7154.

Ecology's response to your comments

All of the comments Ecology receives will become part of the official record. We will publish responses to comments in a document called a Concise Explanatory Statement (CES). The CES is required by the Administrative Procedure Act (RCW 34.05) and is available after the rule is adopted. You will find your name listed in the document with a reference to where, in the document, Ecology responded your comments.

Expected adoption date

Ecology expects to adopt this rule no earlier than July 30, 2014.

Update of guidelines

During this rule-making process, Ecology is also updating the Remedial Action Grants and Loans Program Guidelines to reflect the proposed changes to the rule. You can view the current Guidelines at www.ecy.wa.gov/biblio/1007012.html.

We plan to make available a draft of the updated Guidelines for review and comment later during this rule-making process. We will consider any comments received on the draft Guidelines, but do not intend to respond to comments. The draft will be posted at www.ecy.wa.gov/programs/tcp/regs/wac173322/1309.html.

Stay informed

You can stay informed about this rule making and other public involvement opportunities by signing up to receive email notices at: <http://listserv.wa.gov/archives/ecy-remedial-action-grants.html>.

