

Rule Adoption and Repeal Notice

Remedial Action Grants and Loans, Chapters 173-322 and 173-322A WAC

On August 29, 2014, the Department of Ecology (Ecology) repealed Chapter 173-322 WAC and adopted new Chapter 173-322A WAC, Remedial Action Grants and Loans. The new chapter modifies and replaces the repealed chapter. The new chapter will be published in the Washington State Register on September 17, 2014, and become effective on September 29, 2014.

What is the Remedial Action Grants and Loan rule?

The rule establishes a program of grants and loans to local governments for investigating and cleaning up hazardous waste sites. The program is authorized under the Model Toxics Control Act (MTCA), Chapter 70.105D RCW.

Summary of the adopted rule changes

Ecology is repealing chapter 173-322 WAC and adopting new chapter 173-322A WAC. The new chapter modifies and replaces the repealed chapter. The purpose of the rule making is to:

1. Implement changes to MTCA 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.

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.

- 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.
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).

Response to comments

Ecology's response to comments received during the public comment period is now available. A copy of the Concise Explanatory Statement containing those responses can be downloaded from www.ecy.wa.gov/biblio/1409051.html.

Who do the rule changes affect?

The rule changes affect local governments that:

- Perform initial investigations and hazard assessments of hazardous waste sites on behalf of Ecology.
- Investigate and clean up hazardous waste sites where the local government is potentially liable or responsible under state or federal law.
- Purchase and redevelop property contaminated by a hazardous waste site.

More information

- For more information about the adopted changes to the rules, visit: www.ecy.wa.gov/programs/tcp/regs/wac173322/1309-adoption.html.
- For more information about the program, visit: www.ecy.wa.gov/programs/tcp/grants/explore-tcp.html.
- To get updates about the program and notices of funding opportunities, sign up for e-mail notices at: listserv.wa.gov/archives/ecy-remedial-action-grants.html.
- To get updates on Ecology's rule-making activities, sign-up for the WAC Track e-mail list at listserv.wa.gov/cgi-bin/wa?A0=ECOLOGY-WAC-TRACK.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For more information about appealing this rule adoption, please contact Bari Schreiner, Agency Rules Coordinator, at 360-407-6998 or bari.schreiner@ecy.wa.gov.

