



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

**Uses and Limitations of the Water
Pollution Control Revolving Fund**

Chapter 173-98 WAC, and

**Uses and Limitations of Centennial Clean
Water Funds**

Chapter 173-95A WAC

September 2011
Publication no. 11-10-066

Publication and Contact Information

This report is available on the Department of Ecology's website at www.ecy.wa.gov/biblio/1110066.

For more information contact:

Publications Coordinator
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600

Phone: 360-407-6502

Washington State Department of Ecology - www.ecy.wa.gov

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Yakima	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

Ecology publishes this document to meet the requirements of the Washington State Administrative Procedure Act (RCW 34.05.325)

If you need this document in a version for the visually impaired, call the Water Quality Program at 360-407-6502.

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

Table of Contents

Purpose.....	1
Introduction.....	1
Implementation and Enforcement.....	1
Informing and Educating Persons Affected by the Rule	1
Promoting and Assisting Voluntary Compliance	2
Evaluating the Rule.....	2
Training and Informing Ecology Staff.....	2
List of Supporting Documents that May Need to be Written or Revised.....	2
More Information.....	2
Contact Information	3

~This page is intentionally left blank.~

Purpose

The Department of Ecology (Ecology) provides the information in this implementation plan to meet agency and Administrative Procedure Act (RCW 34.05.328) requirements related to rule adoptions.

Introduction

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-98 WAC, *Uses and Limitations of the Water Pollution Control Revolving Fund* (Revolving Fund), and Chapter 173-95A WAC, *Uses and Limitations of Centennial Clean Water Funds* (Centennial) about how Ecology intends to:

- Implement and enforce the rule.
- Inform and educate persons affected by the rule.
- Promote and assist voluntary compliance for the rule.
- Evaluate the rule.
- Train and inform Ecology staff about the new or amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the new rule or amended rule.
- Other resources where more information about the rule is available.
- Contact information for Ecology employees who can answer questions about the rule implementation.

Implementation and Enforcement

The rule amendments guide how Ecology administers the Revolving Fund and Centennial programs. Implementation and enforcement of the rule will occur through Ecology's normal water quality financial assistance funding cycle process. Implementation of the rule will be accomplished by incorporating the rule amendments into the program's funding guidelines, application for financial assistance, and at annual funding program application workshops. Enforcement of the rule will be accomplished through the annual adoption of program's *Water Quality Funding Offer List and Intended Use Plan*, and through inclusion of specific language and clauses in grant and loan agreements with funding recipients.

Informing and Educating Persons Affected by the Rule

Local jurisdictions affected by the rule amendments will be informed of the changes through listserv emails to interested parties, information posted on Ecology's webpage, updates to the Water Quality Program's *Financial Assistance Guidelines*, and annual funding program application workshops. Ecology's regional office staff will provide information on the rule

amendments to local jurisdictions as part of their role of providing technical assistance on the local jurisdictions water quality projects.

Promoting and Assisting Voluntary Compliance

The rule amendments guide how Ecology administers the Revolving Fund and Centennial grant and loan programs. The programs provide financial assistance in the form of grants and low interest loans to local jurisdictions in Washington State for water quality projects. Applying for grants and loans under the Revolving Fund and Centennial programs is an entirely voluntary process on behalf of the applicants (local jurisdictions), and therefore compliance with the rule amendments are also voluntary.

Evaluating the Rule

Ecology produces an annual *Water Quality Funding Offer List and Intended Use Plan* (Offer List) that presents the distribution of water quality funding to the highest priority water quality applications. The Offer List provides details of how Ecology distributes available Revolving Fund and Centennial program funds to various funding categories and project types. Comparing the funding distribution in the annual Offer List to the levels prescribed in the rules provides a useful metric in evaluating if the intent of the rule amendments is being achieved.

Training and Informing Ecology Staff

A copy of the final rule will be distributed to all affected staff in Ecology's Water Quality program with a notice of the changes that have been made. Guidance on the rule amendments will also be provided to affected staff during annual funding cycle meetings and workshops.

List of Supporting Documents that May Need to be Written or Revised

Documents that may need to be revised because of the rule amendments include the:

- Water Quality Financial Assistance Guidelines
- Water Quality Financial Assistance Application Form
- Water Quality Hardship Analysis Form

More Information

Rule-making documents

www.ecy.wa.gov/laws-rules/wac17398/1014.html

Ecology Director's decision to proceed with rule making

The Director determined it is critical to the state budget to complete rule making related to federal funding for the SRF (see OFM exemption criteria 3 (e)). For more information on Ecology's implementation of the Executive Order, visit:

www.ecy.wa.gov/laws-rules/rulemaking_suspension.html

Revolving Fund Program and Centennial Program information

www.ecy.wa.gov/programs/wq/funding/funding.html

Contact Information

Joseph Coppo
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
360-407-6502
joseph.coppo@ecy.wa.gov

Jeff Nejedly
Department of Ecology
P.O. Box 47600
Olympia, WA 98504-7600
360-407-6566
jeff.nejedly@ecy.wa.gov