



DEPARTMENT OF  
**ECOLOGY**  
State of Washington

## **Rule Implementation Plan**

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

**Chapter 173-98 WAC**

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## Publication and Contact Information

This report is available on the Department of Ecology's website at:  
<https://fortress.wa.gov/ecy/publications/SummaryPages/1310050.html>.

For more information contact:

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

Phone: 360-407-6600

Washington State Department of Ecology - [www.ecy.wa.gov](http://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)

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# 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

On November 20, 2013, Ecology adopted amendments to Chapter 173-98 Washington Administrative Code (WAC), Uses and Limitations of the Water Pollution Control Revolving Fund (AO # 13-05). Ecology is adopting the rule amendments to implement an administration charge authorized by chapter 90.50A Revised Code of Washington (RCW) and to incorporate the definition of “debt service” from the law. The amendments will allow Ecology to assess an administration charge on each loan authorized under the Water Pollution Control Revolving Fund (Revolving Fund) at the point the loan enters repayment status.

The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-98 WAC about how the 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 amended rule.

Also included in this plan is information about:

- Supporting documents that may need to be written or revised because of the 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 will be implemented by Ecology’s Fiscal Office staff. They will ensure that the administration charge established by the rule amendments is subtracted from the interest rate charged for Revolving Fund loans and that income from the administration charge is directed to the Water Pollution Control Revolving Administration Account (Administration Account). The administration charge is designed to collect enough income to support an additional 0.5 full time employees (FTEs) to implement the rule amendments.

Recipients of Revolving Fund loans will not be affected in any way by the rule amendment; thus, enforcement and compliance will not be an issue.

## **Informing and Educating Persons Affected by the Rule**

Ecology will provide notice of the adoption of the rule amendments to the following:

- Water Quality Program Grants and Loans ListServ.
- Ecology News Release ListServ.
- Water Quality Partnership.
- Ecology WACTrack ListServ.
- All the federally recognized tribes in the state.
- Financial Assistance Council.

In addition, Ecology will inform and educate applicants and recipients of Revolving Fund loans about the adoption of the rule amendments during:

- The next annual Applicant Training Workshops (one in each Ecology region).
- The next annual Recipient Training Workshops (one on each side of the state).

## **Promoting and Assisting Voluntary Compliance**

Recipients of Revolving Fund loans will not be affected in any way by the rule amendment; thus, compliance is not an issue.

## **Evaluating the Rule**

Ecology budget staff will regularly evaluate the account balance of the Administration Account. In addition, as required by the rule, beginning with the 2017-19 biennial operating budget submittal and each biennium thereafter, Ecology will compare the projected Administration Account balance and the projected administration charge income with projected program costs and report to the Office of Financial Management. If the income is inadequate, Ecology will increase the administration charge up to the maximum allowed level of one percent. If the income exceeds what is needed, Ecology will decrease the administration charge. Ecology will transfer any excess balance in the Administration Account to the Revolving Fund to be used for loans.

## **Training and Informing Agency Staff**

Upon adoption of the rule amendments, Ecology will inform all Water Quality Program staff involved in administering the grants and loans programs.

On June 7, 2013, Ecology's Water Quality Program staff and management met with Ecology's Fiscal Office staff and management to determine requirements and the process for implementing the rule amendments. Upon adoption of the rule amendments, Fiscal Office staff and management will implement the rule amendments.

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

Ecology's Water Quality Program revises its funding program guidelines each year just before the opening of the annual funding cycle. Ecology will revise the funding guidelines next year and include a description of the rule amendments.

## More Information

For more information see: <http://www.ecy.wa.gov/laws-rules/wac17398/1305.html>.

## Contact Information

If you have any questions, you can contact:

Daniel Thompson  
State Revolving Fund Planner  
Department of Ecology, Water Quality Program - Financial Management Section  
PO Box 47600  
Olympia WA 98504-7600

Phone: 360-407-6510.

Email: [daniel.thompson@ecy.wa.gov](mailto:daniel.thompson@ecy.wa.gov)