



DEPARTMENT OF
ECOLOGY
State of Washington

Rule Implementation Plan

Local Solid Waste Financial Assistance

Chapter 173-312 WAC

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For more information contact:

W2R Publications Coordinator
Waste 2 Resources Program
P.O. Box 47600
Olympia, WA 98504-7600

W2Rpublications@ecy.wa.gov
360-407-6900

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, Union Gap	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

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Purpose

The Washington State 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 September 8, 2017, Ecology adopted amendments to Chapter 173-312 WAC – *Local Solid Waste Financial Assistance* (AO # 15-15), and repealed Chapter 173-313 WAC – *Local Solid Waste Enforcement Grant Regulation*. The purpose of this rule implementation plan is to inform those who must comply with Chapter 173-312 WAC 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

Through this rule, Ecology implements a grant program for local governments to assist them in the development and implementation of local solid and hazardous waste management plans, and to carry out solid waste enforcement activities including but not limited to permitting and inspections.

Ecology grant managers implement the program in each Ecology regional office, assisted by a statewide coordinator located at the headquarters office in Lacey. Another staff person manages the Ecology Administration of Grants and Loans (EAGL) database.

Each biennium, when funded, Ecology announces a pending grant cycle to potential applicants, offers a training webinar prior to opening the grant cycle, then opens the grant application period for a specified window of time. After the application period closes, grant managers evaluate applications, develop grant-specific language, and offer grants to applicants. When the offer is accepted, the W2R program manager signs off and the grant is awarded. Recipients submit periodic reports on progress and request reimbursement for eligible project costs. Grant managers strive to ensure proper management and accountability.

Historically, timely processing of grants has been problematic at times for reasons beyond agency control, or due simply to workload. Ecology allows local recipients to back-charge costs to a retroactive effective date. However, that may not resolve cash flow problems that can develop at the local level due to a delayed award. With these rule amendments, Ecology is targeting consistency in implementation across regions this biennium, improvement in grant award time, and development of performance measures. We believe that these steps, combined with increasing familiarity of the EAGL database on the part of both recipients and Ecology staff will improve overall program delivery.

Ecology does not have enforcement authority with this rule. This grant program supports local waste management planning, implementation, and compliance activities. Local government agencies develop and implement solid and hazardous waste plans. Local jurisdictional health authorities issue permits to applicable facilities, and perform other activities such as inspections and response to illegal dumping complaints.

Although performance by grant recipients overall is good, in some cases poor performance has resulted in additional and unnecessary work, or reduced the value of metrics obtained from the program. In other cases, failure to notify Ecology of unspent funds in a timely fashion has meant that money allocated by the Legislature has gone unspent when it could have been awarded to other recipients in need. To address this, Ecology adopted a provision that allows a reduction in the amount of award to a recipient by up to ten percent in an ensuing biennium for failure to meet performance standards. The agency hopes any such reductions are unnecessary, and plans to work with stakeholders to develop objective criteria and implement effective education, targeting areas that have been problematic.

Informing and Educating Persons Affected by the Rule

Regional grant managers are the primary contacts for these grants, and maintain contact lists for their respective applicants/recipients. The program also maintains a ListServ, ECY-SOLID-WASTE-FINANCIAL-ASSIST@LISTSERV.WA.GOV that can be joined at <https://listserv.wa.gov/cgi-bin/wa?SUBED1=ECY-SOLID-WASTE-FINANCIAL-ASSIST>. The ListServ is used to convey information of statewide significance. Regional grant managers will work directly with grant recipients on a day-to-day basis, and reinforce statewide consistency. Prior to the opening of a grant cycle, Ecology will hold a webinar to educate potential applicants on the use of the EAGL database. Ecology has also formed a workgroup of peer-selected individuals who represent planning and implementation concerns, and enforcement issues. We will work with this group, and through them the broader group of stakeholders, to improve communication and performance.

Promoting and Assisting Voluntary Compliance

In the 2017-2019 biennium, Ecology will focus on educating recipients regarding the application process, and proper management of grants including timely reporting and notifications. For recipients who fail to meet performance standards, Ecology will work with them to identify areas of concern and assist them in implementing improvements where possible. Poor performance in the 19-21 biennium may reduce subsequent grant awards by up to ten percent, beginning in the 2021-2023 biennium.

Ecology hopes that reductions in awards will not be necessary. W2R staff will work with a peer-selected group of stakeholders to develop criteria for evaluating recipient performance. The workgroup will be able to help us educate their constituencies. EAGL forms will identify draft performance expectations that Ecology will practice using in the 2017-2019 biennium to evaluate recipient performance. Recipients can see this process real-time and adjust performance accordingly. Concurrently, Ecology will continue collaboration with the workgroup to improve the standards and develop a process that Ecology will start implementing in the 2019-2021 biennium. Ecology will train recipients throughout the 2017-2019 biennium and then work with them for performance improvement in the 2019-2021 biennium, with the goal that all recipients meet performance expectations and budget reductions are not necessary.

Evaluating the Rule

Answers to the following questions will help Ecology evaluate whether the adopted rule achieves its purposes. Data from EAGL will support the evaluation.

- Did changing the name of the rule clarify its purpose - to provide Local Solid Waste Financial Assistance?
- Are definitions relevant and correct? Are any missing?
- Did applicants follow their respective coordination requirements?
- Are overall errors in payment requests/progress reports decreasing?
- Are individual recipients repeating the same errors from PRPR to PRPR?
- Is the \$2.925 minimum funding level appropriate to accomplish essential solid waste enforcement work?
- Are recipients spending their entire budget by the end of the agreement period?
- Does redistributing funds at the onset of the biennium (rather than through an offset cycle) decrease the number of agreements?
- Do the number of amendments decrease because Ecology is writing better scopes of work and both parties are agreeing on an accurate budget to complete the work?

Training and Informing Ecology Staff

Ecology staff who work on this grants program are part of a Job-Alike Group (JAG) within the Waste 2 Resources Program. The group includes regional grant managers, the statewide coordinator, the EAGL database coordinator, and a program management liaison. The JAG:

- Is responsible for quality customer service and technical assistance to grant recipients.

- Encourages the use of data to evaluate projects, share information, and increase learning to benefit Ecology and our customers' goals.
- Maintains efficiency, effectiveness, consistency, reliability and accountability of grant administration.
- Aims to provide consistent statewide interpretation of grant program guidelines and the Administrative Requirements for Recipients of Ecology Grants and Loans.
- Recommends policy development and implementation, and brings policy issues and conflicts to the attention of the Program Management Team.
- Provides support and mentoring for new funding program administrators and support for all members of the JAG.
- Participates in statewide strategic initiatives that affect this Local Solid Waste Financial Assistance grants program.

Two issues of importance to Ecology in the coming biennium are timely processing of grants, and statewide consistency in grants administration. Timely processing of grants can be problematic for reasons beyond agency control, or due to workload. Ecology has and will continue to allow recipients to request reimbursement of retroactive costs. This means that the agreement effective date may be sooner than the date Ecology signs the agreement, and the eligible costs incurred between these two dates are reimbursable.

Establishing a training program for Ecology staff and emphasizing regular communication among members of the JAG will improve consistency. Once standard protocols are developed and regular training is provided, consistent statewide implementation of the grant program by Ecology staff is possible. Additionally, Ecology will be in a better position to provide consistent technical assistance from region to region when working with our recipients one-on-one.

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

Ecology updates the Guidelines and Application Forms/Instructions each grant cycle. In this cycle Ecology is reaching out to stakeholders to obtain their input on certain aspects of our guidance. Performance measures is an area of focus. The guidelines are available from the web site below.

More Information

<http://www.ecy.wa.gov/programs/swfa/grants/cpg.html>

Contact Information

Ecology Grant Managers and Staff

Central Regional Office
 Canming Xiao
 1250 W. Alder Street
 Union Gap WA 98903-0009

Email: canming.xiao@ecy.wa.gov

Phone: 509-575-2842

Counties: Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima

Eastern Regional Office

Wayne Krafft (supervisor)

4601 Monroe N

Spokane WA 99205

Email: wayne.krafft@ecy.wa.gov

Phone: 509-329-3438

Counties: Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille,

Spokane, Stevens, Walla Walla, Whitman

Northwest Regional Office

Vicki Colgan

3190 160th Ave. SE.

Bellevue, WA 98008-5452

Email: vicki.colgan@ecy.wa.gov

Phone: 425-649-7224

Counties: Snohomish, Kitsap, King County and some King County cities

Northwest Regional Office

Diana Wadley

3190 160th Ave. SE.

Bellevue, WA 98008-5452

Email: diana.wadley@ecy.wa.gov

Phone: 425-649-7056

Counties: Island, San Juan, Skagit, Whatcom, and some King County cities

Southwest Regional Office

Peter Lyon (supervisor)

P.O. Box 47775

Olympia, WA 98504-7775

Email: peter.lyon@ecy.wa.gov

Phone: 360-407-6380

Counties: Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Lewis, Mason, Pacific, Pierce,

Skamania, Thurston, Wahkiakum

Headquarters Office

Tami Ramsey

Statewide W2R Grants Coordinator

P.O. Box 47776

Olympia, WA 98504-7776

Email: tami.ramsey@ecy.wa.gov

Phone: (360) 407-6223

Dawn Drake
EAGL Data Base Administrator
P.O. Box 47776
Olympia, WA 98504-7776
Email: dawn.drake@ecy.wa.gov
Phone: (360) 407-6112