



# RULE-MAKING ORDER PERMANENT RULE ONLY

## CR-103P (August 2017) (Implements RCW 34.05.360)

CODE REVISER USE ONLY

OFFICE OF THE CODE REVISER  
STATE OF WASHINGTON  
FILED

DATE: August 09, 2017

TIME: 4:42 PM

WSR 17-17-040

**Agency:** Department of Ecology. AO # 16-04

**Effective date of rule:**

**Permanent Rules**

- 31 days after filing.
- Other (specify) \_\_\_\_\_ (If less than 31 days after filing, a specific finding under RCW 34.05.380(3) is required and should be stated below)

**Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?**

- Yes  No If Yes, explain:

**Purpose:** The amendments to the rules were adopted to:

- Address “housekeeping” issues.
- Provide more clarity.
- Provide more flexibility.
- Take advantage of new funding opportunities consistent with state and federal updates.

**Citation of rules affected by this order:**

New:

Repealed:

Amended: Chapter 173-98 WAC, *Uses and Limitations of the Water Pollution Control Revolving Fund* and Chapter 173-95A WAC, *Uses and Limitations of the Centennial Clean Water Program*

Suspended:

**Statutory authority for adoption:** Chapter 90.50A RCW, *Water Pollution Control Facilities—Federal Capitalization Grants* and Chapter 70.146 RCW, *Water Pollution Control Facilities Financing*

**Other authority:**

**PERMANENT RULE (Including Expedited Rule Making)**

Adopted under notice filed as WSR 17-09-078 on April 19, 2017 (date).

Describe any changes other than editing from proposed to adopted version: In WAC 173-98-100(20)(c) and (d) added the bold, underlined text:

- (c) For wetland habitat preservation **and protection**; or
- (d) For riparian area **and watershed** preservation **and protection**;

In WAC 173-95A-100(14)(a) and (b) added the bold, underlined text:

- (a) For wetland habitat preservation **and protection**;
- (b) For riparian area **and watershed** preservation **and protection**;

In WAC 173-98-400(2)(b) added the bold, underlined text:

- (b) Taken from the period one-hundred-eighty **to thirty** days before the funding application cycle begins.

In WAC 173-98-400(4) added the bold, underlined text:

(4) The standard interest rates for water pollution control activities projects are the rates calculated for “moderate” hardship in accordance with Table 1 in WAC 173-98-300. **The department may work with stakeholders to develop a program that may further adjust interest rates for the purposes of further encouraging the funding of water pollution control activities projects.**

If a preliminary cost-benefit analysis was prepared under RCW 34.05.328, a final cost-benefit analysis is available by contacting:

Name:

Address:

Phone:

Fax:

TTY:

Email:

Web site:

Other: The Department of Ecology issued a preliminary cost-benefit analysis (included in our Regulatory Analysis document) at the time we filed the rule proposal (CR-102). At this time we have determined that under RCW 34.05.328 (5)(b)(ii) this rulemaking does not require this analysis because it is a rule that relates “only to internal governmental operations that are not subject to violation by a nongovernment party”. For that reason we have not prepared a final analysis.

**Note: If any category is left blank, it will be calculated as zero.  
No descriptive text.**

**Count by whole WAC sections only, from the WAC number through the history note.  
A section may be counted in more than one category.**

**The number of sections adopted in order to comply with:**

Federal statute:	New	<u>0</u>	Amended	<u>3</u>	Repealed	<u>0</u>
Federal rules or standards:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Recently enacted state statutes:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**The number of sections adopted at the request of a nongovernmental entity:**

New	<u>0</u>	Amended	<u>2</u>	Repealed	<u>0</u>
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**The number of sections adopted in the agency's own initiative:**

New	<u>0</u>	Amended	<u>57</u>	Repealed	<u>4</u>
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**The number of sections adopted in order to clarify, streamline, or reform agency procedures:**

New	<u>0</u>	Amended	<u>38</u>	Repealed	<u>4</u>
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**The number of sections adopted using:**

Negotiated rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Pilot rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>
Other alternative rule making:	New	<u>0</u>	Amended	<u>0</u>	Repealed	<u>0</u>

**Date adopted:** 8/9/17

**Name:** Maia D. Bellon

**Title:** Director

**Signature:**

