



July 6, 2017

Ms. Tami Ramsey  
Department of Ecology  
Waste 2 Resources Program  
PO Box 47600 Olympia, WA 98504-7600

**RE: Comments on proposed revisions to the rules in Chapter 173-312 WAC, “Coordinated Prevention Grants,” and Chapter 173-313 WAC, “Local Solid Waste Enforcement Grant Regulation.”**

Dear Ms. Ramsey,

The solid waste affiliate of WSAC, the Washington Association of County Solid Waste Managers (WACSWM) implements the solid waste and household hazardous waste requirements of the state. The local health affiliate of WSAC, the Washington State Association of Local Public Health Officials (WSALPHO) implements the enforcement of certain solid and household hazardous waste regulations of the state.

These are both county departments under the direction and budgetary control of the County Commissioners, Councilmembers and Executives. State shared revenues and financial assistance is budgeted locally under locally adopted plans and goals. Counties must prioritize and fund these functions based on differing local circumstances and ask that division of these funds be determined locally.

Under the proposed Coordinated Prevention Grant (CPG) rulemaking, the distribution of funds is being changed by the Department of Ecology (Ecology) and we oppose that change.

We understand the complete allocation is based on funds from the legislature each biennium, yet the allocation is split up by Ecology. Over the last several biennium, funding has decreased, and allocation formulas have changed. In 2013-2015 enforcement dollars were shared equally except for the multi county jurisdictions. In the 2015-2017 biennium, a base amount plus population formula was applied to the enforcement dollars yet distributed inconsistently with 3 counties receiving less than an equal share.

The proposed rule language takes that formula and allocation change done administratively by Ecology and adds a minimum allocation amount to the local health jurisdiction of \$75,000 dollars. While we appreciate the goal of stable funding for our health jurisdictions, it comes at a cost to our solid waste departments.

Counties determine and prioritize the functions of each department and have local discussion if additional revenue is needed by raising fees in either department. Counties have determined locally what department is handling each required function, such as when solid waste departments take on some of the enforcement functions and when local revenues are shifted to meet the local needs (tipping fees shared with health jurisdictions). Because of this, we request the allocation be sent to counties in total, to allocate to each department as fits local plans and goals.

**Comments on specific sections are as follows:**

In section 713-312-080, draft language proposes the minimum allocation to the local health jurisdictions. In the 2015-2017 allocation, Ecology only funded Columbia County at 24% of the base amount, Garfield County at .075% of the base amount and Lincoln County at 47% of the base amount. None of these three counties received any additional funds for a per capita amount. It is unclear why these counties were not given the administratively changed formula allocation. Counties should have a direct say in how funds are allocated.

Section 713-312-080 2 (a)(i) states that a "fixed amount for each single jurisdictional health department regardless of size, or the fixed amount multiplied by one hundred fifty percent for each multicounty jurisdictional health district regardless of size" yet Tri-County Health in Pend Oreille, Stevens and Ferry counties receive less than a proportional share.

WSAC staff was told verbally that "multi county jurisdictions" will now only get one share, not a proportional share, even at Tri-County Health. This is not clearly specified in the draft rule language and we would oppose that policy change until fully vetted by county decision makers.

Section 173-312-080 also has an unbalanced cut to county solid waste departments by the minimum amount applied to the enforcement allocation. This change would shift the burden of the legislative cut wholly to the implementation side.

Implementation would see a cut from \$12 million to \$7 million (a 42% cut).

Enforcement would see no cut, getting \$3 million the same as in 2015-2017.

Without county budget decision maker input on these proposed changes, and with the broader discussion of ongoing funding for solid waste, implementation and enforcement programs that may require local decisions on priorities and local revenue options, we request direct distribution of the full amount to the counties for allocation between departments.

The draft language has added performance requirements that are accompanied by a ten percent penalty if standards are not met. Without clear language on criteria, appeal process and how to regain full funding in the rule itself, we oppose this addition until it is fully discussed with counties. The draft contains multiple reference to guidelines that are not available for review and may not be available for review till final rule adoption. Guidelines cannot become de-facto rule making and criteria cannot be changed whenever Ecology wants to without the protections awarded implementers in the rule making process.

Ecology has stated that the rule should be adopted by late August 2017. Given the above stated concerns and the fact that Ecology is delaying the grant cycle until the rule is adopted, Counties ask that the current rulemaking process be stopped, decoupled from the 2017-2019 grant cycle and reconsidered with full input on the guidelines and rule language with all the county concerns addressed.

Thank you for considering our request, please let us know of your decision.

Regards,



Eric Johnson  
Executive Director  
Washington State Association of Counties