

STATE AIR POLLUTION CONTROL BOARD

PURSUANT to the authority vested in it by the laws of the State of Washington, particularly Chapter 70.94 RCW, and pursuant to RCW 34.04 .020, the State Air Pollution Control Board does hereby adopt as emergency rules and regulations Chapter 18-20 WAC establishing requirements for the receipt of state financial aid by applicant air pollution control agencies.

DONE in the City of Seattle, County of King, State of Washington this 3rd day of November, 1967.

WASHINGTON STATE AIR POLLUTION CONTROL BOARD

Bernard Bucove
Bernard Bucove, M.D., D.P.H., Chairman

Donald W. Moos
Donald W. Moos

August T. Rossano, Jr.
August T. Rossano, Jr.

John W. Judy
John W. Judy

John C. Ranger
John C. Ranger

Harvey S. Poll
Harvey S. Poll

Gordon Tongue
Gordon Tongue

Glen A. Yake
Glen A. Yake

Richard Fowler
Richard Fowler

Attest:

Robert A. Stockman
Robert A. Stockman
Executive Director

STATE OF WASHINGTON
FILED
NOV 3 1967
CODE REVISER'S OFFICE
DOCKET # 1846 FILE #

TRANSMITTAL OF RULES ADOPTED

FROM: State Air Pollution Control Board
(Name of Agency)

TO: CODE REVISER
LEGISLATIVE BLDG (Southwest Corner, Ground Floor)
Olympia 98501

The enclosed Permanent rules , being order No. _____
Emergency rules
relating to (Name of rules or description of subject matter)

(ALTERNATIVE A. Use only for adoption of permanent rules)

pursuant to Notice No. _____ ① filed with the code reviser
on _____ ② were regularly adopted as permanent rules of this
(date)
agency at _____ on _____ and are herewith
(place) (date)
filed in the office of the code reviser pursuant to chapter 34.04
RCW. The effective date of such rules shall be _____ ③

(ALTERNATIVE B. Use only for adoption of emergency rules)

pursuant to its finding that the immediate adoption of
these rules is necessary for the preservation of the public
health, safety, or general welfare and that observance of the
requirements of notice and opportunity to present views on
the proposed action would be contrary to the public interest,
were regularly adopted as emergency rules of this agency at
Seattle, Washington on 11/3/67 and are herewith filed in
(place) (date)
the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this 3rd day of November 1967.

STATE OF WASHINGTON
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CODE REVISER'S OFFICE
DOCKET # 184 FILE # 1

State Air Pollution Control Board
(AGENCY)
R. H. [Signature]
By _____
Executive Director
Title _____

- ① NOTICE NUMBER AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE
- ② STAMPED DATE AS APPEARS ON THE COPY OF NOTICE RETURNED TO YOU BY REVISER'S OFFICE
- ③ UNLESS A LATER DATE IS SPECIFIED IN THIS ORDER OR IS PRESCRIBED IN ANOTHER STATUTE, RULES ARE EFFECTIVE 30 DAYS AFTER FILING: RCW 34.04.040. LEAVE THIS SPACE BLANK EXCEPT IN SUCH SPECIAL CASES.

NEW SECTION. Section 1. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-010 AUTHORITY. These regulations are adopted under the provisions of the Washington Clean Air Act, chapter 238, Laws of 1967, and chapter 61, Laws of 1967 extraordinary session, and Chapter 70.94 RCW.

NEW SECTION. Section 2. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-020 PURPOSE AND APPLICABILITY. (1) These regulations establish requirements for eligibility for the receipt of state financial aid by applicant air pollution control agencies pursuant to Chapter 70.94 RCW.

(2) Procedures are established for the administration of the state financial aid program.

NEW SECTION. Section 3. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-030 DEFINITIONS. (1) "Applicant" means an air pollution control agency applying for state financial aid under the provisions of Chapter 70.94 RCW.

(2) "Grantee" means an applicant for whom state financial aid has been approved by the state board.

(3) "Locally funded portion" or "local funds" means the funds provided by the applicant agency from sources available to it under Chapter 70.94 RCW exclusive of federal and state funds designated specifically for air pollution.

(4) "Workable program" means a comprehensive statement of objectives for the prevention and control of air pollution and of the current and proposed measures to achieve these objectives essentially as described in WAC 18-20-060.

(5) "Payment ratio" means the ratio of the amount of approved state financial aid to the local funds provided by the grantee.

NEW SECTION. Section 4. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-040 LIMITATIONS. (1) State financial aid shall be granted only to air pollution control agencies qualifying under these regulations.

(2) (a) State financial aid shall not exceed fifty per cent of the locally funded portion of the annual operating cost of such authority.

(b) The state board may limit the amount of financial aid

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to a grantee as it determines necessary based on the total funds available for distribution to all qualified applicants throughout the state.

(c) The state board may limit the amount of financial aid to less than the amount for which the applicant applies when the state board determines that proposed items of expenditure are not in the best interests of a coordinated statewide air pollution control program or would overlap the responsibilities of the state board.

NEW SECTION. Section 5. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-050 APPLICATIONS. (1) Applications for state financial aid shall be prepared and submitted in such a form or manner as may be specified by or acceptable to the board.

(2) Applications on file with the executive director at least 14 days prior to a regular board meeting, or special meeting called for this purpose, shall be presented to the board. The board shall take action as to the disposition of an application within 65 days of its first presentation to the board. Action shall be approval, denial, or deferral for stated reason.

(a) Applications must contain a statement of need for air pollution prevention and control in the applicant's jurisdiction.

(b) The applicant must describe a workable program and its objectives together with a description of the existing or proposed organization and operational elements through which the program objectives will be attained, together with a proposed timetable of accomplishment. Program goals and proposed budget shall be included for at least two years beyond the proposed grant period.

(c) The application shall contain a budget showing all anticipated revenue and sources of revenue, including requested state financial aid, and shall show proposed expenditures covering salaries, equipment and accessories, expendable supplies, travel, and other expense as necessary.

(d) Any air pollution control activity conducted by the applicant agency or constituent local governments during the twelve-month period immediately prior to the proposed grant period shall be described in the application, including funds budgeted and estimated expenditures.

NEW SECTION. Section 6. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-060 WORKABLE PROGRAM. (1) The applicant must demonstrate that its total program is designed to provide for effective control or prevention of air pollution through

an orderly progression of development, establishment, and improvement programs.

(2) Development programs, constituting the initial activity of an applicant shall, as a minimum, be designed to provide an evaluation of existing and potential air pollution within the jurisdiction of the applicant, including a general inventory of the types of air contaminant sources and their relative contribution to the air pollution problem; to provide for the initiation of air quality surveillance appropriate to the air contaminant sources over which the applicant will have jurisdiction; and to provide for the development of regulations appropriate to the existing air contaminant sources or those which may be reasonably anticipated.

(3) Establishment programs and improvement programs, constituting the operating control activity of an applicant, shall be oriented to attaining compliance with requirements and regulations of the applicant with respect to air contaminant sources under its jurisdiction.

(4) Sampling and monitoring programs shall be oriented to surveillance for control purposes with respect to those air contaminant sources under the applicant's jurisdiction, except as may be requested by the state board to supplement the state-wide monitoring program.

(5) Budget for personnel, equipment and other operating expenses must be adequate to carry out the program during the grant period for which state financial aid is requested. Total funding from all sources shall provide, as a minimum, for the equivalent of one full-time person, provided that the state board may approve the sharing of personnel with another agency, the utilization of part-time staff, or persons under contract when these methods can be demonstrated as an effective means of carrying out the program and the purposes of the Washington Clean Air Act.

(6) The locally funded portion of the annual operating cost, budgeted and expended in any grant period for which application is made for state financial aid, shall not be less than the locally funded annual expenditure for air pollution control during the 12-months' period immediately preceding the proposed grant period, unless it can be demonstrated by the applicant that there were necessary nonrecurring expenditures in the previous period or that the program objectives and the purposes of the Washington Clean Air Act can be reasonably met with a reduced expenditure.

NEW SECTION. Section 7. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-070 GRANT CONDITIONS. (1) No grant of state funds shall be made to any grantee for a period of excess of twelve months.

(2) Any state financial aid granted shall be used solely for carrying out the program outlined in the approved application or approved amendment as provided in section 090.

(3) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal methods and procedures so as to assure the proper and efficient administration of funds. The fiscal records shall be such as to reflect currently the receipt and disposition of all funds including state financial aid. Such records and documents pertinent to the receipt and disposition of funds shall be kept available for review and audit.

(4) The grantee shall submit such reports of progress and activity as may be required by the state board.

NEW SECTION. Section 8. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-080 PAYMENTS. (1) "Payment period" means the period of time for which money for state financial aid is paid to the grantee upon receipt and approval by the state department of health of a properly executed voucher.

(2) Grantees shall initiate requests for payment of state financial aid for the appropriate payment period utilizing properly executed vouchers furnished by the state department of health. The voucher shall state the requested amount of state financial aid and the expenditure of local funds during the payment period. Local funds expended for any expenditure item may be shown as the appropriate portion of the total expenditure for that item when the expenditure properly includes the use of, or anticipates, reimbursement with federal or state grant funds.

(3) Upon approval of the voucher by the executive director and the state department of health, payment for the appropriate payment period shall be authorized.

(4) Payments of state financial aid shall be made by way of reimbursement and shall be in an amount determined by multiplying the payment ratio by the amount of local funds expended by the grantee during the payment period. Such payments may be increased or decreased by the amount that prior payments of state financial aid exceed or are less than the appropriate state share of the costs as may have been determined by subsequent review of audit.

(5) Final payment of state financial aid shall be based upon approved vouchers properly reflecting the payment ratio applied to the entire grant period.

(6) Vouchers for the final payment period during a grant period ending in an odd-numbered year must be submitted by the grantee by the 12th day of July of that year.

(7) The executive director may withhold approval of the vouchers submitted by the grantee if he finds that said grantee has failed to comply with any of the grant conditions or any other requirement or condition imposed by these regulations or Chapter 70.94 RCW, for a period not to exceed thirty (30) days. If at the end of such period the matter has not been resolved and the executive director has not approved said vouchers, the grantee may request an administrative hearing before the state

board.

(8) No payment shall be made for any payment period so long as the grantee fails to comply substantially, as determined by the executive director of the state board after opportunity for hearing, with any grant conditions or any other requirement or condition imposed by or pursuant to this regulation or the Washington Clean Air Act.

NEW SECTION. Section 9. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-090 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID. (1) Changes in the program of a grantee during the grant period which would not substantially affect the program, nor increase the total cost to the state, and which are clearly for the purpose of improving the operation and accomplishment of the workable plan, may be made with the concurrence of the executive director of the state board.

(2) Changes in the program of a grantee during the grant period which would significantly alter the workable program shall not be made until the grantee has submitted to, and the state board has approved, an amendment to the application.

(3) Application for supplemental state financial aid may be made by the grantee when notice is given by the state board that such supplemental funds may be available. The application shall be made as an amendment to the previously approved program of the grantee and shall include proposed additions in or improvements to the workable program and proposed additions to the budget together with the additional local funds to be provided. The state board may approve additional financial aid to the extent funds may be available having considered the needs of all grantees throughout the state.

NEW SECTION. Section 10. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-100 TERMINATION. (1) (a) The state board may terminate state financial aid, in whole or in part, to any grantee when it finds, after reasonable notice and opportunity for hearing, that the grantee has failed to comply with any of the conditions of the approved application or amendments thereto or any of the requirements or conditions imposed by or pursuant to this regulation or the Washington Clean Air Act.

(b) Upon declaring such termination, the state board shall set the effective date of termination.

(2) Upon termination pursuant to WAC 18-20-100 (1) (a), the grantee shall promptly render an accounting and final statement as would similarly be required for request for payment of state financial aid under WAC 18-20-080. The state board may authorize payments of the state's share of the amount required to settle at minimum costs any noncancellable

obligations properly incurred by the grantee prior to the date of termination, if the state board finds that the grantee had good cause for failure to comply with the applicable requirements and conditions and acted in good faith in incurring the obligations.

NEW SECTION. Section 11. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-110 POLICY AND PRIORITY. (1) It shall be the policy of the state board in reviewing applications for state financial aid and in administering such financial aid to take into consideration the following factors:

(a) The implementation of coordinated statewide air pollution prevention and control.

(b) The responsibilities of the state board with respect to its jurisdiction over any areas or type of air contaminant sources and for monitoring the movement of air contaminants throughout the state.

(c) The needs and financial capability of the air pollution control authorities in the various areas of the state and the relative effectiveness of the authorities.

(d) The capability and reasonable potential of the authorities to perform.

(2) The state board will, from time to time, determine or estimate the amount of state financial aid that will be available and advise the applicants, or potential applicants, as to the availability of such aid or supplemental aid.

(3) The distribution and/or limitation of state financial aid shall be on the basis of factors established by the state board as it determines necessary or appropriate, including but not limited to the following:

(a) The extent of the air pollution problem and potential in the various areas of the state, as may be estimated by the state board on the basis of population, manufacturing activity, air quality, and known or reasonably foreseeable air pollution problems.

(b) The merits of air pollution prevention programs where air pollution problems may be imminent or reasonably anticipated.

(c) The proposed workable program of an applicant and the likelihood of its accomplishment with the proposed resources.

(d) The financial needs of the various applicants considering the applicants' program needs and the applicants' ability to contribute funds.

NEW SECTION. Section 12. There is hereby enacted a new title, chapter, and section to read as follows:

WAC 18-20-120 FEDERAL GRANTS. The standards and requirements of these regulations establishing the eligibility of air

pollution control authorities for state financial aid shall be equally applicable to the applications of such agencies for federal grants under the provisions of section 27 of the Washington Clean Air Act (Chapter 70.94 RCW).