

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)

Amending and making permanent Chapter 18-20 WAC relating to the requirements for the receipt of state financial aid by applicant air pollution control agencies.

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

pursuant to Notice No. 1030 ① filed with the code reviser on 11/30/67 ② were regularly adopted as permanent rules of this agency at Seattle, Washington on 12/21/67 and are herewith 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 _____ on _____ and are herewith filed in the office of the code reviser pursuant to chapter 34.04 RCW.

Dated this _____ day of January 1968.

STATE OF WASHINGTON
FILED
JAN 3 1968
CODE REVISER'S OFFICE
DOCKET #. 1917 FILE # /

STATE AIR POLLUTION CONTROL BOARD
(AGENCY)
R L Stockman
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.


STATE OF WASHINGTON
STATE AIR POLLUTION CONTROL BOARD

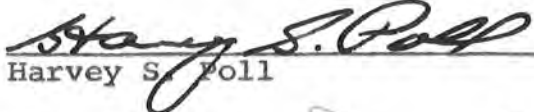
PURSUANT to the authority vested in it by the laws of the State of Washington, particularly Chapter 70.94 RCW, and pursuant to RCW 34.04.020, the State Air Pollution Control Board does hereby adopt as permanent rules and regulations Chapter 18-20 WAC establishing requirements for the receipt of state financial aid by applicant air pollution control agencies superseding emergency rules and regulations adopted on November 3, 1967.

DONE in the City of Seattle, County of King, State of Washington this 21st day of December, 1967.

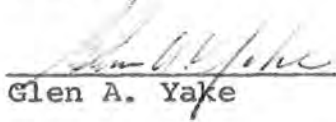
WASHINGTON STATE AIR POLLUTION CONTROL BOARD

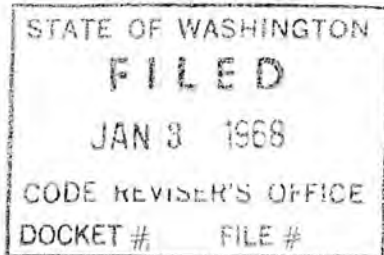

Bernard Bucove, M.D., D.P.H., Chairman


Gordon Tongue



Harvey S. Poll


John W. Judy


Glen A. Yake



ATTEST:


Robert A. Stockman
Executive Director

NEW WAC 18-20-010 STANDARDS OF PURPOSE AND APPLICABILITY. These regulations are enacted under the provisions of the Washington Clean Air Act (Chapter 70.94 RCW) to establish standards of eligibility for the granting of state financial aid to applicant air pollution control agencies.

NEW WAC 18-20-020 DEFINITIONS. (1) "State board" means the state air pollution control board.

(2) "Air pollution control agency" means any activated local air pollution control authority or activated regional air pollution control authority.

(3) "Applicant" means an air pollution control agency applying for state financial aid under the provisions of Chapter 70.94 RCW.

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

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

(6) "Workable program" means a comprehensive statement of objectives for the prevention and control of air pollution and the existing and proposed measures to achieve these objectives as described in WAC 18-20-050.

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

NEW WAC 18-20-030 LIMITATIONS. State financial aid shall be granted to air pollution control agencies qualifying under these regulations subject to the following limitations:

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

(2) The state board may limit the amount of financial aid available to a grantee when it becomes necessary due to the lack of sufficient funds available for distribution to meet the needs of all qualified grantees throughout the state.

(3) 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 consistent with air pollution control program needs in the applicant's area of jurisdiction, or are not in the best interests of a coordinated statewide air pollution control program, or where such items of expenditure duplicate the responsibilities and activities of the state board.

NEW WAC 18-20-040 APPLICATIONS. Applications for state financial aid shall be prepared and submitted on forms specified by the board under the following conditions:

(1) Applications shall be filed with the executive director at least fourteen days prior to presentation to the board at a regular or special meeting. The board shall take

action as to the disposition of an application within 65 days of its first presentation to the board. Applications shall be approved, denied, or deferred: PROVIDED, That where action is deferred the applicant shall be advised of the reasons for such deferral and action shall be taken within a reasonable time.

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

(3) 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 budgets shall be included for at least two years beyond the proposed grant period.

(4) The application shall contain the budget of the agency 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 such other information as may be deemed necessary by the board.

(5) 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 expended.

(6) 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.

(7) 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.

NEW

WAC 18-20-050 WORKABLE PROGRAM. The applicant must provide sufficient information to show that its workable program is designed to provide for effective prevention and control of air pollution through an orderly progression of development, establishment, and improvement of air pollution control programs.

(1) The initial activity of an applicant shall be the development of a plan 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.

(2) The establishment and improvement of air pollution control programs which constitute 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.

(3) 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.

(4) 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.

(5) 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 twelve-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 reasonably be met with a reduced expenditure.

NEW WAC 18-20-060 GRANT CONDITION. (1) No grant of state funds shall be made to any grantee for a period in 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 WAC 18-20-040 and -080.

(3) The grantee shall provide for and maintain such accounting, budgetary, and other fiscal 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 quarterly financial reports

and semi-annual reports of progress and activity to the state board.

NEW

WAC 18-20-070 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 item may be shown as the appropriate portion of the total expenditure 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 pursuant to the provisions of Chapter 18-08 WAC.

NEW

WAC 18-20-080 CHANGES, AMENDMENTS AND SUPPLEMENTAL STATE FINANCIAL AID. (1) Changes in the workable program of a grantee during the grant period which would not substantially affect the workable program, nor increase the total cost to the state, and which are for the purpose of improving the operation and performance of the workable plan, may be made: PROVIDED, That written approval in advance is obtained from the executive director of the state board.

(2) Changes in the workable 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 original 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 have become available. The application shall be made as an amendment to the previously approved workable program of the grantee and shall include proposed additions in or improvements to the workable program and proposed changes in the budget including the additional local funds to be provided. The state board may approve additional financial aid to the extent such funds become available having considered the needs of all grantees throughout the state.

NEW

WAC 18-20-090 TERMINATION. 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 under the provisions of Chapter 18-08 WAC 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 these regulations or the Washington Clean Air Act.

Upon the effective date of termination, 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 18-20-070. The state board may authorize payment of the state's share of the amount required to settle at minimum cost any contractual obligations properly incurred by the grantee prior to the date of termination, if the state board finds that the grantee acted in good faith in incurring the obligations.

NEW

WAC 18-20-100 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).