



## **State Fiscal Year 2023 Funding Guidelines Water Quality Combined Funding Program**

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**Centennial Clean Water Program**

**Clean Water Act Section 319 Program**

**Clean Water State Revolving Fund**

**Stormwater Financial Assistance Program**

### **Water Quality Program**

Washington State Department of Ecology  
Olympia, Washington

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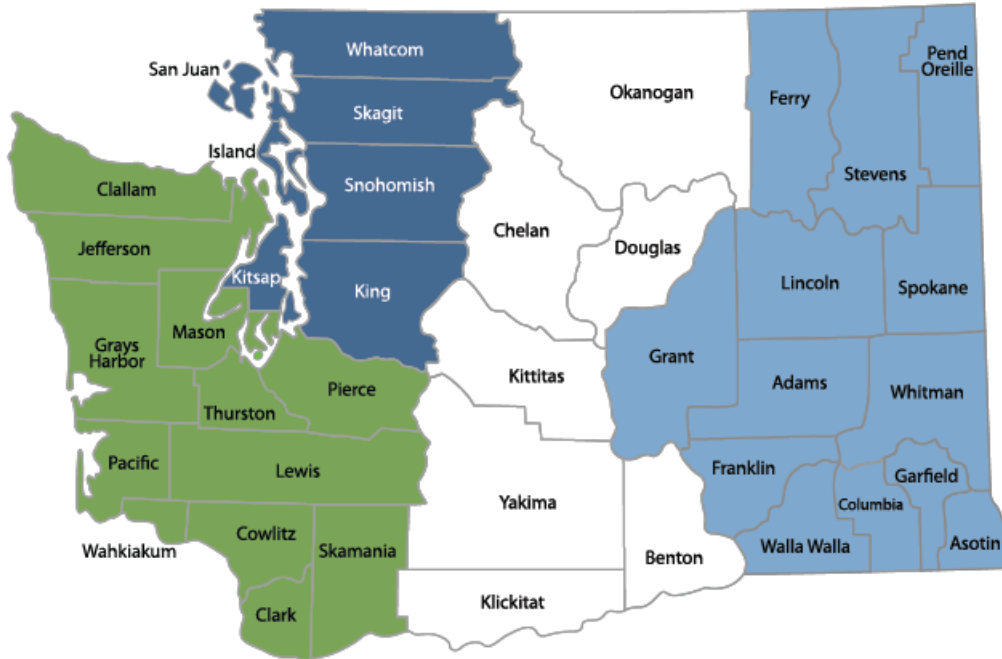
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<sup>1</sup> <https://apps.ecology.wa.gov/publications/documents/2110028.pdf>

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# Department of Ecology's Regional Offices

## Map of Counties Served



Region	Counties served	Mailing Address	Phone
<b>Southwest</b>	Clallam, Clark, Cowlitz, Grays Harbor, Jefferson, Mason, Lewis, Pacific, Pierce, Skamania, Thurston, Wahkiakum	PO Box 47775 Olympia, WA 98504	360-407-6300
<b>Northwest</b>	Island, King, Kitsap, San Juan, Skagit, Snohomish, Whatcom	PO Box 330316 Shoreline, WA 98133	206-594-0000
<b>Central</b>	Benton, Chelan, Douglas, Kittitas, Klickitat, Okanogan, Yakima	1250 W Alder St Union Gap, WA 98903	509-575-2490
<b>Eastern</b>	Adams, Asotin, Columbia, Ferry, Franklin, Garfield, Grant, Lincoln, Pend Oreille, Spokane, Stevens, Walla Walla, Whitman	4601 N Monroe Spokane, WA 99205	509-329-3400
<b>Headquarters</b>	Across Washington	PO Box 46700 Olympia, WA 98504	360-407-6000

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## How to Use This Document

This guidance document includes valuable information that will help you understand how Ecology selects projects to fund and manages funding agreements. We recommend that you review this guidance carefully prior to preparing your application and that you retain a copy to help you manage your funded agreements. New guidance is released annually, and agreements are managed according to the guidance that was issued the year the project was funded.

The steps below may help you navigate through this document and locate the information you need to prepare a project application.

### Determining Eligibility

**Start with Chapter 1 – Program Overview.** Use this overview to determine if your organization is eligible to receive funding for the category of project you are proposing. This chapter includes:

- Eligible applicants.
- Critical deadlines.
- Project category descriptions.
- Ineligible project categories and components.

**Next go to Chapter 2 – Eligible Project Categories** and review the section(s) that is the best fit for your project. This chapter will include additional links and resources that will help you craft a better application such as:

- Project category-specific eligibility requirements.
- Project category-specific application requirements.
- References to funding assistance types and sources available.

After you review the information for your project category, you will know the funding sources available for your project. **Now you are ready to review Chapter 3 – Funding Programs** to ensure that you can meet the funding source provisions and any match requirements.

**Finally, review Chapter 6 – Agreement Development, Management, and Conditions, and Appendix F – Water Quality Program/Ecology Terms and Conditions** to identify any additional requirements that may affect your budget, schedule or scope.

### Preparing and Submitting an Application

If your proposed water quality project appears to fit within the eligibility criteria, you are ready to begin your application. **Chapter 4 – Preparing and Submitting Your Application**, will help you

begin the process of filling out the funding application and submitting the application in the Ecology Administration of Grants and Loans (EAGL) system. The application questions are available in Appendix C – Applicant Prep Tool; however, you **MUST** submit your application electronically via the [EAGL](#)<sup>3</sup> system.

If you have questions at any time during the application process, please contact Ecology. Current Ecology funding program staff contact information can be found at in Appendix A – Ecology Contacts. Ecology also hosts free applicant workshops. See Figure 2 and Section 4.1 for information on the workshops for the current funding cycle.

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<sup>3</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

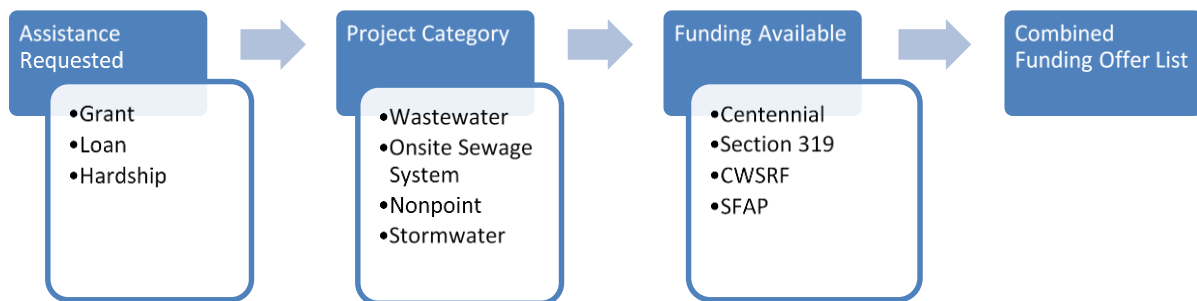
# Chapter 1: Program Overview

The Washington State Department of Ecology's (Ecology) Water Quality Program awards grants and loans on a competitive basis for high priority water quality projects throughout Washington State. Ecology administers the four funding programs that make up the Water Quality Combined Funding Program (WQC) through an integrated annual funding cycle.

WQC includes the following four funding programs:

- The Washington State Water Pollution Control Revolving Fund Program; commonly referred to as the Clean Water State Revolving Fund (CWSRF).
- Stormwater Financial Assistance Program (SFAP).
- The Centennial Clean Water Program (Centennial).
- The Clean Water Act Section 319 Nonpoint Source Grant Program (Section 319).

Eligible applicants prepare and submit applications for many types of water quality projects using a single application. Ecology reviews and ranks the projects and then assigns funding based on project rank and available funding. Applicant and project eligibility is different for each of the programs within WQC. After reviewing applicant and project eligibility for each submitted application, Ecology offers funding to high priority projects from one or more of the four funding sources. Figure 1 provides a summary of the WQC funding process.



**Figure 1: Water Quality Combined Program Funding Process**

## Section 1.1 Eligible Applicants

WQC provides grant and/or loan funding to:

- Conservation districts.
- Counties, cities/towns.
- Federally recognized tribes.

- Institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Irrigation districts.
- Local health jurisdictions.
- Not-for-profit organizations that are recognized as tax-exempt by the Internal Revenue Service. Not-for-profit organizations are only eligible for Section 319 funding.
- Port districts.
- Quasi-municipal corporations.
- Sewer districts.

This information is summarized in Table 1. For additional information about each of these funding sources, see Chapter 3.

**Table 1: Eligible Applicants by Funding Source**

	CWSRF	SFAP	Centennial	Section 319
Conservation districts	X		X	X
Counties, cities/towns	X	X	X	X
Federally recognized tribes	X		X	X
Institutions of higher education <sup>4</sup>	X		X	X
Irrigation districts	X		X	X
Local health jurisdictions	X		X	X
Not-for-profit organizations <sup>5</sup>				X
Port districts	X	X	X	X
Quasi-municipal corporations	X		X	X
Sewer districts	X		X	X

## Section 1.2 Eligible Project Categories

Eligible project categories for grant and/or loan funding include:

- Wastewater facility
  - Combined sewer overflow (CSO) abatement.
  - Facilities for wastewater conveyance and treatment.
  - Infiltration and inflow (I/I) correction.

<sup>4</sup> If the project is not included in the institution's statutory responsibilities.

<sup>5</sup> Must be recognized as tax-exempt by the Internal Revenue Service.

- Planning, environmental and cultural review, design, and construction.
- Reclaimed water and reuse, including reclaimed water distribution.
- Onsite sewage system
  - Large onsite sewage systems/community systems (planning, design, and construction).
  - Local grant/loan repair/replacement program.
  - Planning, outreach, surveys.
- Stormwater<sup>6</sup> facility
  - Construction of facilities for stormwater treatment and flow control.
  - Low impact development or green retrofit projects.
  - Planning and design.
- Stormwater activity
  - Stormwater pollutant management program plans.
  - Stormwater pollutant source control planning and implementation.
- Nonpoint source activity
  - Agricultural best management practices (BMPs).
  - Demonstration nonpoint BMP projects (with Ecology preapproval).
  - Groundwater, aquifer, wellhead planning and implementation.
  - Land acquisition.
  - Pollution Identification and Correction (PIC) Programs.
  - Public outreach and education.
  - Restoration planning and implementation.
  - Site planning (including cultural resource reviews, etc.).
  - Water quality monitoring.
  - Watershed planning.

Table 2 summarizes the project categories and their general eligibility by funding source. For additional information, see Chapter 2 and Chapter 3.

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<sup>6</sup> For the purposes of these guidelines, the term “stormwater” refers to water generated by urban surfaces such as buildings and roads, may be used interchangeably with the term urban-runoff.



**Table 2: Projects Supported by WQC**

	CWSRF	SFAP	Centennial	Section 319
Nonpoint activity	X	X (urban runoff only)	X	X
Onsite sewage systems	X		X	
Stormwater activity	X	X	X	
Stormwater facility	X	X (retrofit only)		
Wastewater facility	X		X (hardship only)	

## Section 1.3 Ineligible Projects and Components

In general, projects or project components that do not have a direct water quality benefit are not eligible for funding through WQC. Projects or project components prohibited by statute, federal appropriation, or administrative rules are also ineligible. Table 3 contains a list of some projects and project components that are ineligible for all funding sources. Chapter 2 includes additional information on eligibility and ineligibility.

**Table 3: Ineligible Projects or Project Components for All Funding Sources**

Description
Acquisition/installation of side/cross fencing
Annual permit fees
Application preparation (grant or loan)
Aquatic plant control for aesthetic reasons, navigational improvements, or other purposes unrelated to water quality
BMP implementation on most federal and state owned property
BMP implementation that affects upland areas
BMP implementation for private gain
Bond costs for debt issuance
Bonus or acceleration payments to contractors to meet contractual completion dates for construction
Buildings unless they are required to protect water quality or they are needed to implement permit requirements such as a laboratory at a wastewater treatment facility
Cost-plus-a-percentage-of-cost contracts (also known as multiplier contracts), time and materials contracts, and percent-of-construction contracts; this does not apply to General Contractor/Construction Manager (GC/CM) contracts procured in accordance with Chapter 39.10 RCW
Culvert installation, repair, or replacement unless required to protect water quality for wastewater projects, or convey water to a stormwater BMP
Facilities or portions of facilities that are solely intended to control transport, treat, dispose or otherwise manage commercial, institutional, or industrial wastewater except for projects at publicly-owned industrial wastewater treatment facilities that reduce the treatment burden of a municipal wastewater treatment facility; this does not apply to commercial, institutional, or industrial wastewater entering a municipal wastewater treatment facility

Description
Facility and equipment operation and maintenance expenses
Fees for failure to pay invoices on time, check overdrafts, etc.
Fines and penalties due to violations of or failures to comply with federal, state, or local laws
Giveaways and "SWAG" except for approved educational materials
Land acquisition for right of way using eminent domain
Landscaping for aesthetic reasons
Lighting or other project elements that do not provide a water quality benefit
Lobbying or expenses associated with lobbying
Mitigation projects
Monitoring equipment used by an industry for sampling and analyses of industrial discharges to municipal water pollution control facilities
Operating expenses of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc.
Overtime differential paid to employees of local government to complete administrative or force account work
Projects or project objectives previously funded by Ecology
Projects solely for flood control
Reclamation of abandoned mines
Removal of existing structures or demolition of structures that are not interfering with proposed construction
Scientific research unrelated to a specific activity or facility
Solid and hazardous waste cleanup
State and federal agency facilities and other duties and responsibilities
ULID formation
Vehicle purchase, except where Ecology has determined that a specialized vehicle is essential to directly satisfy the project scope of work and to achieve the project water quality goals and outcomes
Water supply and conveyance

## Section 1.4 The WQC Annual Funding Cycle

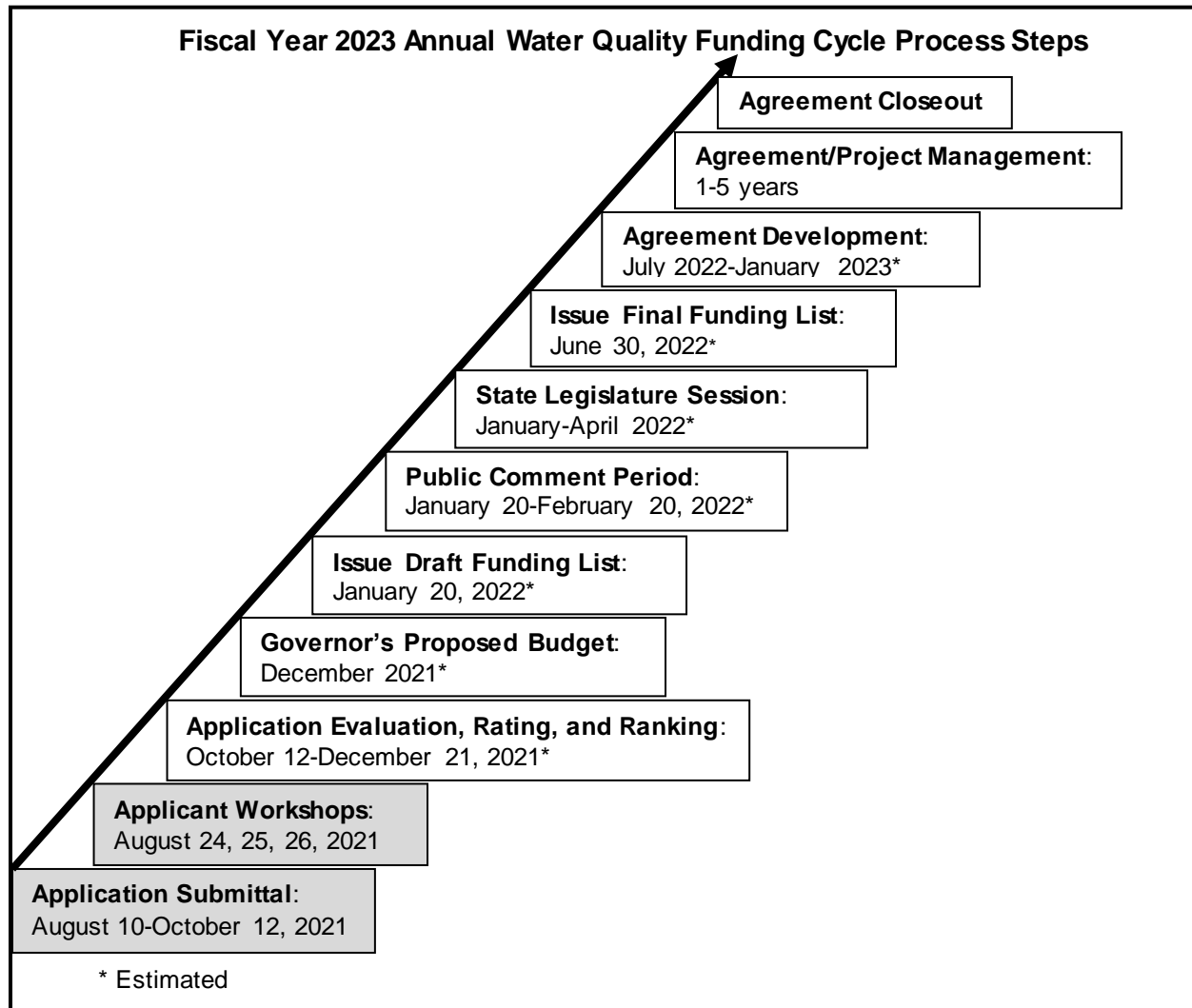
The WQC annual funding cycle begins in August. Before the application period opens, Ecology posts information explaining the application process and sends out a notice about the application period and corresponding applicant workshops.

During the annual funding cycle, Ecology:

- Accepts applications for approximately two months.
- Holds applicant training workshops.

- Rates and ranks the eligible applications based on the evaluation criteria.
- Solicits advice on project scope of work from other state agencies and other Ecology programs, if applicable.
- Conducts evaluators' meetings to discuss the project proposals water quality priorities, finalize evaluations, and develop a Draft Water Quality Funding Offer List and Intended Use Plan (Draft List).
- Sends the Draft List to the Governor's Office of Financial Management and the State Legislature for consideration during the funding appropriation process and makes adjustments based on legislative provisions.
- Holds a 30-day public review and comment period.
- Conducts a public meeting during the 30-day public review process to present the Draft List.
- Publishes the Final Water Quality Funding Offer List and Intended Use Plan (Final List) that includes a responsiveness summary to comments received on the Draft List.
- Develops agreements.
- Manages agreements.
- Closes-out agreements.

Figure 2 illustrates the estimated timeline for the State Fiscal Year 2023 (SFY23) Funding Cycle.



**Figure 2: The SFY23 Funding Cycle**

Applicants should develop their project schedules based on the dates in Table 4.

**Table 4: Important SFY23 Funding Cycle Dates**

Important SFY23 Funding Cycle Dates
<b>Application and Funding Offer Dates</b>
August 10, 2021: Application opens
October 12, 2021: EAGL applications due before 5:00pm
January 20, 2022: Draft offer list published, start of funding program public comment period
February 2, 2022: Public meeting
February 20, 2022: Funding program public comment period closes

<b>Important SFY23 Funding Cycle Dates</b>
July 1, 2022: Final offer list published, project expenses may be eligible <sup>7</sup>
<b>Negotiation and Agreement Development</b>
July 2022: Recipient training workshops (dates and locations TBD)
January 31, 2023: All agreements are negotiated and signed
<b>Project Implementation and Closeout</b>
April 30, 2023: All projects have started work
June 30, 2025: Activity projects complete
June 30, 2027: Facility projects complete

## Section 1.5 Application Evaluation

All eligible funding applications are independently evaluated and scored in accordance with standard scoring criteria. Proposals are evaluated based on responses provided in the application. A total of 1,000 points are available. Table 5 shows the scoring breakdown and the rating criteria. See Chapter 5 for additional information on the evaluation process.

**Table 5: Application Rating Criteria**

<b>Application Points and Rating Criteria</b>
<ul style="list-style-type: none"> <li>• <b>0-15 points:</b> Applicant has identified adequate matching funds. (Full points if no match is required.)</li> <li>• <b>0-75 points:</b> The scope of work represents a complete and concise description of the project tasks and outcomes, including deliverables. To receive full points, scope of work must align with the schedule and detailed budget.</li> <li>• <b>0-50 points:</b> The application demonstrates how the applicant arrived at the cost estimate for each task. The process used by the applicant to develop this estimate is based on real-world data.</li> <li>• <b>0-85 points:</b> The cost to complete the scope of work is reasonable when compared to similar projects in the region.</li> <li>• <b>0-50 points:</b> Team members' roles and responsibilities are well defined and adequate for the scope of work. Team members' past experience is relevant to the proposed project. Applicant has a plan in place to maintain sufficient staffing levels to complete the project.</li> <li>• <b>0-15 points:</b> The applicant documents successful performance on other funded water quality projects, including Ecology funded projects. Previously constructed projects provided the water quality benefits described in the project application on time and within budget.</li> <li>• <b>0-40 points:</b> Applicant used a complete and well-defined set of criteria to determine the value and feasibility of the proposed project and included the useful life and long-term maintenance costs in their evaluation of the project and project alternatives.</li> <li>• <b>0-20 points:</b> Applicant has provided documentation showing that key stakeholders have been identified and how they will support the project.</li> <li>• <b>0-25 points:</b> The project schedule includes all tasks including pre-project administrative elements such as permitting, MOUs, landowner agreements, etc., and provides sufficient time to complete all</li> </ul>

<sup>7</sup> Expenses incurred prior to agreement negotiation are at the recipient's own risk. No reimbursement will be made until the agreement is signed by the Recipient and Ecology.

## Application Points and Rating Criteria

elements.

- **0-75 points:** The applicant is ready to start on the proposed scope of work within 10 months of publication of the Final Offer List (a.k.a., readiness to proceed).
- **0-135 points:** Project proposes to reduce or prevent pollution in a waterbody that has been identified as a priority by a local, state or federal agency through the development of a federal, state or local water quality plan.
- **0-150 points:** The proposed project area is directly connected to the water body identified for improvement and applicant has provided sufficient technical justification to show the proposed project will reduce the pollutants of concern in the water body identified for improvement.
- **0-50 points:** Applicant has identified how the project will be evaluated in order to determine success, noted if the measure is quantitative or qualitative, and defined a goal.
- **0-100 points:** The water quality and public health improvements that will be achieved represent a good value.
- **0-50 points:** Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project.
- **0-15 points:** How well does the applicant and the project address greenhouse gas emission reductions in accordance with RCW 70.235.070?
- **0 points:** If the applicant does not meet the criteria for wastewater construction hardship.
- **50 points:** If the applicant meets the criteria for wastewater construction hardship.

## Chapter 2: Eligible Project Categories

Eligible projects fall into five main categories: wastewater facilities, onsite sewage systems, stormwater facilities, stormwater activities, and nonpoint source activities. Some projects are eligible for both loans and grants, while other projects are eligible for loans only.

### Section 2.1 Wastewater Facility Projects

Water pollution control facilities projects can include planning, design, and construction of wastewater infrastructure, including treatment, collection, combined sewer overflow (CSO) abatement, and infiltration and inflow (I/I) correction. The technical prerequisites and approval process for facilities projects can be extensive. Ecology encourages applicants to work closely with the Ecology Project Engineers to ensure that all technical prerequisites are in place when planning facilities projects.

Applicants that propose wastewater facilities projects must proceed according to a systematic method known as the Step Process. Funding for one step does not guarantee funding for subsequent steps. The Step Process consists of three steps.

- **Step 1 (planning)** involves preparing a site-specific plan that identifies the cost-effective alternatives for addressing a water pollution control problem.
- **Step 2 (design)** involves preparing plans and specifications for use in construction.
- **Step 3 (construction)** is the actual building of the facilities based on the approved design.

There are no prerequisites to apply for a Step 1 (planning) project.

Applicants must submit the following prerequisites for a Step 2 (design) project by December 14, 2021:

- Ecology's letter approving the site-specific planning document for the project. The site-specific planning document should include documentation that the project is the cost effective approach to achieving the water quality benefit.

**To meet Step 2 funding eligibility, applicants must submit an approvable site-specific planning document to Ecology for review on or before October 12, 2021 (the application due date). You are highly encouraged to connect and work with your Ecology permit manager well ahead of the application due date to help facilitate the Ecology review process.**

Applicants must submit the following prerequisites for a Step 3 (construction) project by December 14, 2021:

- Ecology's letter approving the site-specific planning document for the project. The site-specific planning document should include documentation that the project is the cost effective approach to achieving the water quality benefit.

- Ecology's letter approving the design plans and specifications for the project.

**To meet Step 3 funding eligibility, applicants must submit approvable design plans and specifications to Ecology for review on or before October 12, 2021 (the application due date). You are highly encouraged to connect and work with your Ecology permit manager well ahead of the application due date to help facilitate the Ecology review process.**

Irrigation efficiency projects, and other types of projects that are not required to prepare a general sewer plan or engineering report may substitute a pre-design report for Step 1 of the process.

Design and construction (Steps 2 and 3) can be combined into one application in certain cases; these projects are called Step 4 projects. To qualify for Step 4, the project must be \$7,000,000 or less, and the applicant must be able to demonstrate that they can complete the design and have it approved by Ecology within one year of the funding agreement.

Applicants must submit the following prerequisites for a Step 4 (design/construction) project by December 14, 2021:

- Ecology's letter approving the site-specific planning document for the project. The site-specific planning document should include documentation that the project is the cost effective approach to achieving the water quality benefit.

**To meet Step 4 funding eligibility, applicants must submit an approvable site-specific planning document to Ecology for review on or before October 12, 2021 (the application due date). You are highly encouraged to connect and work with your Ecology permit manager well ahead of the application due date to help facilitate the Ecology review process.**

In some circumstances, approved plans and specifications are not required to apply for certain types of wastewater collection construction projects. In accordance with [WAC-173-240-030](http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-030)<sup>8</sup> if an applicant has received Ecology approval of a general sewer plan and standard design criteria, Ecology does not require plans and specifications for sewer line extensions, including pump stations, to be submitted for approval.

### **Section 2.1.1 Planning**

Costs of preparing planning documents, including general sewer plans, engineering reports, environmental and cultural review, value engineering studies, and rate studies are eligible for funding. Applicants must comply with planning requirements in order to be eligible.

Subsequent project steps often require Ecology approval of a planning document. If Ecology approved a planning document more than two years prior to the close of a loan and grant application period, an applicant must have Ecology complete a more recent review to ensure that the document reflects current conditions.

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<sup>8</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-030>



If a project requires the formation of a utility local improvement district (ULID), formation must be completed during planning. Design, construction, and combined design/construction projects that require formation of a ULID are ineligible to apply for funding until the ULID is formed.

### **Section 2.1.2 Design**

Facility design is eligible for funding. Design plans and specifications must be consistent with:

- An approved planning document.
- [Chapter 173-240 WAC](#)<sup>9</sup>.
- Ecology's [Criteria for Sewage Works Design](#)<sup>10</sup> (the "Orange Book").
- Other applicable requirements.

Applicants must base the plans and specifications on the preferred cost-effective alternative identified in the cost and effectiveness analysis.

### **Section 2.1.3 Construction**

Recipients of grants and loans for facility construction must ensure that the project complies with the approved plans and specifications. To this end, the applicant must provide adequate and competent construction management and inspection. This may involve procuring professional engineering services. Construction of facilities is regulated by [Chapter 173-240 WAC](#)<sup>11</sup>.

### **Section 2.1.4 Design and Construction**

Applicants can also apply for a combined facility design and construction project. The total project cost for both phases must be less than \$7,000,000 to be eligible to apply under one application. All the applicable requirements for both design and construction projects apply, including the possibility of preconstruction hardship for the design portion of the project and construction hardship for the construction components.

### **Section 2.1.5 Reclaimed Water Facilities**

Reclaimed water facilities are eligible for loans. Reclaimed water facilities must comply with [Chapter 90.46 RCW](#)<sup>12</sup>.

Reclaimed water facilities must meet the same eligibility standards as other water pollution control facilities, including demonstrating that the project is the cost effective solution to a water quality problem. Cost effectiveness can include the environmental benefits of advanced wastewater treatment as well as the provision of additional water supplies.

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<sup>9</sup> <http://app.leg.wa.gov/wac/default.aspx?cite=173-240>

<sup>10</sup> <https://apps.ecology.wa.gov/publications/summarypages/9837.html>

<sup>11</sup> <http://app.leg.wa.gov/WAC/default.aspx?cite=173-240>

<sup>12</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=90.46>

Generally, project components with water quality benefits are eligible. Components with strictly water supply benefits are not eligible. Eligible project components may include, but are not limited to:

- Wastewater treatment plant facilities.
- Rapid infiltration basins.
- Dedicated irrigation systems necessary to support the use of the water, such as poplar plantations.
- Purchase of land when that purchase is necessary for water storage or is the cost effective option, such as a dedicated land application site.
- Distribution piping and appurtenances needed to transport reclaimed water to the reuse site.

The purchase of land and distribution systems for recreation facilities (e.g., golf courses, ball fields, and parks) and similar community development features not directly related to water and wastewater infrastructure needs are not eligible for financial assistance.

## Section 2.1.6 Land Acquisition

Acquiring land to site a wastewater facility or as an integral part of the treatment process (e.g., land application) must adhere to RCO's [Acquisition Manual 3](#)<sup>13</sup>.

Land acquisition before construction is at the community's risk. Ecology will not reimburse for land acquisition until construction begins. Land acquisition that occurs prior to construction is eligible for reimbursement under the CWSRF interim refinance provisions; see Section 3.1.4.

Table 6 provides a summary of the funding eligibility of some wastewater facility projects and components.

**Table 6: Wastewater Facility Projects and Components Eligibility**

Description	Centennial Grant	CWSRF Loan
Combined sewer overflow abatement facilities	Yes**	Yes
Construction administration and inspection services	Yes**	Yes
Cost and effectiveness analysis	Yes*	Yes*
Cultural resources review	Yes*	Yes*
Environmental review	Yes*	Yes*
Equipment and/or tools pre-approved for a funded project	Yes**	Yes
Facilities designed solely to provide primary treatment	No	No

<sup>13</sup> <https://rco.wa.gov/wp-content/uploads/2019/07/Manual3.pdf>

Description	Centennial Grant	CWSRF Loan
Facilities for the control, storage, treatment, disposal, or recycling of domestic wastewater	Yes**	Yes
Fiscal sustainability plans (a.k.a. asset management plans) required for facility construction projects	Yes**	Yes
Indirect rate (up to 30% of salaries and benefits)	Yes**	Yes
Investment grade efficiency audit	Yes*	Yes*
Land acquisition as an integral part of the treatment process (e.g., land application)	No	Yes
Land acquisition to site a wastewater facility	No	Yes
Landscaping for erosion control directly related to a project	Yes**	Yes
Legal expenses associated with use of a bond counsel in developing a loan agreement	No	Yes
Light refreshments for meetings if pre-approved	Yes**	No
LOSS/community wastewater systems construction	Yes**	Yes
LOSS/community wastewater systems cost and effectiveness analysis	Yes*	Yes*
LOSS/community wastewater systems environmental review	Yes*	Yes*
LOSS/community wastewater systems investment grade efficiency audit	Yes*	Yes*
LOSS/community wastewater systems planning, including feasibility studies, value engineering, rate studies, and general sewer plans and engineering reports that include environmental review	Yes*	Yes*
LOSS/community wastewater systems plans and specifications (facility design)	Yes*	Yes*
Mitigation projects	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	Yes**	Yes
Permits required for project implementation	Yes*	Yes*
Planning, including feasibility studies, value engineering, rate studies, and general sewer plans and engineering reports	Yes*	Yes*
Plans and specifications (facility design)	Yes*	Yes*
Project Management Consultant	Yes**	Yes
Publicly-owned industrial wastewater treatment facilities that reduce the treatment burden of a municipal wastewater treatment facility; this does not apply to publicly-owned industrial stormwater facilities	No	Yes
Reclaimed water distribution infrastructure for transportation to reuse site.	Yes**	Yes
Refinancing: Interim for any project eligible for a CWSRF loan or Standard for water pollution control facilities begun after March 7, 1985	No	Yes

Description	Centennial Grant	CWSRF Loan
Side-sewer laterals, pump stations, and other appurtenances on private property for projects that address documented infiltration and inflow issues	Yes**	Yes
Side-sewer laterals, pump stations, and other appurtenances on private property for projects that address documented nonpoint pollution issues	Yes**	Yes
Side-sewer laterals, pump stations, and other appurtenances on private property where the facilities are owned and maintained by a public body or a public body has a property easement for at least the length of the loan/grant	Yes**	Yes
Side-sewer laterals, pump stations, and other appurtenances on private property where the facilities are not owned and maintained by a public body or a public body does not have a property easement for at least the length of the loan/grant, the project does not address documented nonpoint pollution issues, and the project does not address documented infiltration and inflow issues	No	No
Side-sewer laterals, pump stations, and other appurtenances on public property	Yes**	Yes
ULID formation	No	No

\* Up to 50 percent forgivable principal loan or Centennial grant for qualified preconstruction hardship applicants.

\*\* For qualified construction hardship applicants.

## Section 2.2 Onsite Sewage System (OSS) Projects

OSS projects are eligible for both grants and loans. Eligible projects include planning, design, and construction of community large onsite sewage systems (LOSS), surveys of existing OSS throughout watersheds, local government loan programs provided to homeowners and small commercial enterprises for the repair and replacement of failing OSS, and homeowner education and outreach on the topic of OSS operation and maintenance.

### Section 2.2.1 Large Onsite Sewage Systems (LOSS)

The Washington State Department of Health (DOH) permits LOSS designed to treat less than 100,000 gallons per day through [Chapter 246-272B WAC](http://app.leg.wa.gov/WAC/default.aspx?cite=246-272B&full=true)<sup>14</sup>. With the exception that planning and design documents are approved through DOH, these systems are considered facilities, and all the rules and requirements for facility projects apply.

### Section 2.2.2 Planning and Survey

OSS pollution identification and survey projects may be conducted throughout a watershed. Funded projects have included OSS data collection and management, system inspections and

<sup>14</sup> <http://app.leg.wa.gov/WAC/default.aspx?cite=246-272B&full=true>

dye testing, and shoreline surveys to identify fecal coliform hotspots within the water source. Recipients may use grant or loan dollars to conduct door-to-door surveys for sewer infrastructure evaluation and to provide education and outreach, including Homeowner Septic Self-Inspection Trainings or Septics 101 classes.

### **Section 2.2.3 Local Loan Program**

Ecology may provide loans and grants to local governments to establish and manage OSS repair and replacement local loan programs. OSS funding programs through local governments provide low-interest loan options to homeowners and small commercial enterprises for OSS repair and replacement. Local governments that have OSS funding programs in place have ensured improvement to water quality, protection of public health, and assisted in the protection and restoration of critical commercial and recreational shellfish habitat through the reduction of fecal coliform bacteria and nutrient levels in surface waters.

Recipients may use Centennial grants and CWSRF loans for the following:

- Subsidized loans to property owners with financial hardship.
- Project administration and management.
- A loan loss reserve account in accordance with the following:
  - The grant recipient can establish and accumulate a reserve account using Centennial funds and local sources to secure the potential loss from default on individual homeowner OSS repair and replacement local loans.
  - Up to 10 percent of the total eligible cost for an individual OSS repair and replacement project may be deposited from the Centennial grant into the reserve account.
  - Recipients must apply the amount of Centennial funds on deposit in the reserve account to either:
    - Cover, in-part or in-full, losses realized by the grant recipient on homeowner default.
    - Additional OSS repair and replacement local loans at the timing discretion of the grant recipient.

**The loan loss reserve provisions described only apply to OSS local loan program projects, not other projects such as direct seed programs.**

OSS repair and replacement programs may also be used for LOSS projects. However, because the LOSS is considered a “facility”, completion of the State Environmental Review Process (SERP) process will be required before a local OSS repair and replacement program may be used for a LOSS construction.

Centennial grants for up to \$500,000 may be awarded for repair and replacement local loan programs with a 100 percent cash match. Match may be either a CWSRF loan or the recipient’s own source of funds.

Ecology may adjust CWSRF loan interest rates to a lower rate at the end of the project based on the recipient's assistance to financially challenged homeowners. Ecology adjusts the interest rate on the local loan program based on the income of loan recipients in comparison to the county MHI.

A local government can tailor the OSS financial assistance program to fit into its existing water quality management strategies and efforts. Local governments may use an outside administrator for complete program management or provide some or all aspects of the loan program using internal resources. Local governments with successful local loan programs use a variety of internal and external resources for marketing and implementing the OSS loan program, application review, loan authorization and processing, and establishment and collection of homeowner installment payments.

Aspects of a successful program include one or more of the following:

- Establishment of a program framework that addresses the identification and/or assessment of the failing OSS, homeowner loan application processing and management, and an on-going operation and maintenance program for repaired septic systems.
- Establishment of environmental and credit worthiness criteria.
- Staffing for program oversight.
- Marketing and promotion of the program through the local health jurisdiction, Septics 101 workshops, and local septic designers, installers, and pumpers.
- Septic surveys to identify OSS failures.

Before signing a loan agreement, the Water Quality Program must review and approve:

- The priority system used by a local government to identify and fund projects with the most critical water quality and public health problems.
- The local government's dedicated source of revenue to repay the loan to Ecology.
- Procedures to ensure that the citizens repay their loans to the local governments.
- Procedures to ensure adequate inspection of the project by the local government during implementation.
- Assurances that citizens receiving local loan funds will properly operate and maintain the systems that are constructed.

Local governments must use the following guidelines when considering providing loans from local loan funds to small commercial enterprises for OSS rehabilitation or replacement:

- No more than one-third of the local loan fund may be used by small commercial enterprises for onsite wastewater treatment corrections.
- No more one-sixth of the local fund may be loaned to any single individual or business, up to a maximum of \$50,000.

- The average daily flows for any small commercial enterprise cannot exceed 3,500 gallons per day.

Small commercial enterprises may include public lodging (including motels, hotels, and bed and breakfast establishments), rentals (apartments, duplexes, or houses), small restaurants, stores, or taverns.

## **Onsite Sewage System Regional Loan Program**

The Regional Loan Program (RLP) is a partnership between local governments, DOH, Ecology, and a financial institution partner (FIP). The FIP provides loans to property owners for repair or replacement of failing OSS in participating jurisdictions. The loans are supported by CWSRF and Centennial funds. Participating jurisdictions support the program through outreach and education and regular OSS permitting activities.

A participating jurisdiction may submit one funding application on behalf of the entire RLP. The funding application must include information on the relevant water quality and public health priorities of each participating or interested jurisdiction.

In addition to being included on the funding application, jurisdictions interested in joining the RLP must:

- Send a letter of support to the FIP before the application cycle closes.
- Send a letter to DOH requesting to join the program.
- Attend the Annual Partners' Meeting. Partners will vote to include the new jurisdiction.
- Sign a memorandum of understanding (MOU) with Ecology, DOH, and the other participating jurisdictions.

More information on joining the RLP can be found on [Ecology's OSS Projects webpage](#)<sup>15</sup>.

## **Section 2.2.4 Composting Toilet Systems**

Installation, repair, and replacement of composting toilet systems are eligible as Onsite Sewage System projects when there is a clear need or benefit based on water quality. Composting toilets may be funded through CWSRF loans and Centennial grant funds. Proprietary composting systems must be included on the Washington State Department of Health's (DOH) [List of Registered On-Site Treatment and Distribution Products](#)<sup>16</sup> (WAC-246-272A-0110). All other systems must meet the [recommended standards and guidance for composting toilets](#)<sup>17</sup>. In addition, these projects must secure applicable permits and submit a maintenance plan. Composting toilet systems must provide a 25 percent match for any Centennial grant (see Section 3.4.3 for more information on match options).

<sup>15</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/On-site-sewage-projects#RegOSS>

<sup>16</sup> <https://www.doh.wa.gov/portals/1/Documents/Pubs/337-024.pdf>

<sup>17</sup> <https://www.doh.wa.gov/Portals/1/Documents/Pubs/337-016.pdf>

Table 7 provides a summary of the funding eligibility of some OSS projects and components.

**Table 7: Onsite Sewage System Projects and Components Eligibility**

Description	Centennial Grant	Section 319 Grant	CWSRF Loan
Composting toilets	Yes	No	Yes
Cost and effectiveness analysis	No	No	Yes
Cultural resources review	Yes	Yes	Yes
Equipment and/or tools pre-approved for a funded project	Yes	Yes	Yes
Fiscal sustainability plans (a.k.a., asset management plans) required for facility construction projects	No	No	Yes
Indirect rate (up to 30% of salaries and benefits for Centennial and CWSRF and up to the EPA/Ecology negotiated rate for Section 319)	Yes	Yes	Yes
Landscaping for erosion control directly related to a project	Yes	Yes	Yes
Light refreshments for meetings if pre-approved	Yes	Yes	No
LOSS/community wastewater systems repair and replacement through a local loan/grant fund	No	No	Yes
Mitigation projects	No	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	Yes	Yes	Yes
Onsite sewage system education, information, and technical assistance programs	Yes	Yes	Yes
Onsite sewage system repair and replacement programs through a local loan/grant fund	Yes	No	Yes
Onsite sewage system surveys	Yes	Yes	Yes
Permits required for project implementation	Yes	Yes	Yes
Project Management Consultant	Yes	Yes	Yes
Side-sewer laterals for OSS abandonment and connection projects	Yes	No	Yes
Terralift technology for repairing OSS	No	No	No

## Section 2.3 Stormwater Facility Projects

Stormwater facility projects provide water quality benefits by treating and/or providing flow control for water generated from impervious surfaces associated with urban development (such as roads and buildings). In the context of this document, pollution, and runoff generated from development of urban surfaces such as homes, roads, and businesses may be referred to as “stormwater” regardless of the permit status of the local jurisdiction.



Applicants may receive grant or loan funding for:

- Step 1: Stormwater project planning and prioritization.
- Step 2: Design.
- Step 3: Construction.
- Step 4: Small project design/construct.

Eligible best management practices (BMPs)/facilities include structural BMPs which have been designed in accordance with any of the following:

- [Stormwater Management Manuals for Eastern or Western Washington](#)<sup>18</sup>.
- Equivalent Ecology-approved manual as listed in Appendix 10 of the 2019 revision to the [Phase I Municipal NPDES Stormwater Permit](#)<sup>19</sup>.
- Received a General Use Level Designation (GULD) through the [Technology Assessment Protocol – Ecology \(TAPE\) program](#)<sup>20</sup>.
- Received a [Functionally Equivalent designation](#)<sup>21</sup> (to bio retention) from the Department of Ecology.
- BMPs that provide treatment for industrial stormwater. Industrial stormwater BMPs not designed in accordance with a SWMM, Ecology-approved equivalent manual, or GULD must be reviewed and approved by an Ecology Engineer.

Applicants may also propose to design and install nonproprietary BMPs for TAPE review. Applicants must include technical justification in their application that supports (1) the need to develop additional BMPs, and (2) data indicating that the BMP is likely to be highly successful in meeting water quality goals. Applicants proposing a BMP for TAPE review should contact Ecology prior to submitting an application for additional information including Quality Assurance Project Plan (QAPP) requirements.

Design and construction of decant facilities and other equipment necessary for the operation and maintenance of a municipal stormwater system is conditionally eligible for grant and loan funding as part of an Enhanced Maintenance Program. The analysis performed during the Enhanced Maintenance planning process will be used by Ecology to determine facility and equipment eligibility. Additional information about Enhanced Maintenance Programs is included in Section 2.4 and in Appendix L of this document.

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<sup>18</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

<sup>19</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/Municipal-Stormwater-Phase-I-Permit>

<sup>20</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies>

<sup>21</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies>

Grant funding for stormwater facility projects is limited to projects that manage runoff from existing urban infrastructure.

### **Section 2.3.1 Stormwater Quality Planning and Prioritization (Step 1)**

Costs associated with stormwater infrastructure and stormwater water quality facility siting are eligible for grant and/or loan funding. This includes the cost of preparing documents, public outreach, environmental and cultural review, stormwater utility rate studies, and value engineering. The type of funding available will be determined by the purpose of the planning project.

Pre-planning steps, including the receiving water conditions assessment and prioritization process described in the [Stormwater Management Action Planning Guidance](#)<sup>22</sup> are also eligible for funding.

Completion of Step 1 planning is not a prerequisite to receiving Ecology funding for design and construction.

Please refer to Appendix L for more information about Step 1 planning projects.

### **Section 2.3.2 Design (Step 2)**

Ecology will review all stormwater projects to ensure compliance with Ecology design standards and Ecology-approved manuals. Stormwater project design includes preparing design documents, geotechnical work, engineering design reports, environmental and cultural review, and value engineering studies. Additional information about Ecology design review requirements, is available in Appendix L.

### **Section 2.3.3 Construction (Step 3)**

Design documents require Ecology review prior to receiving construction funding. If Ecology accepted a planning document more than two years prior to the close of a loan and grant application period, an applicant must have Ecology complete a more recent review to ensure that the document reflects current site conditions and manual guidance.

Construction projects that do not have a current Ecology project acceptance letter should apply as a design (Step 2) project or a design/construct (Step 4) project and include any available current plans.

Applicants that have a 90 percent approval letter should apply as a Step 3 project and include the cost to complete the design in the funding request.

### **Section 2.3.4 Design and Construction (Step 4)**

Working within the existing urban infrastructure and designing stormwater BMPs that are appropriate for site conditions presents unique challenges for project implementation. Ecology

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<sup>22</sup> <https://apps.ecology.wa.gov/publications/documents/1910010.pdf>

recommends that most projects use the step process and separate design (Step 2) and construction (Step 3) into sequential funding requests. This will allow applicants to maximize the total amount of funding Ecology can provide for project implementation.

In some limited cases, it may be appropriate for an applicant to apply for design and construction funding concurrently (Step 4). Successful Step 4 projects are typically small in scale, can be completed quickly, have a limited number of unknowns, and are managed and designed by an experienced team.

If an applicant chooses to submit a Step 4 application, Ecology reserves the right to set interim performance milestones or partially fund the project. Future funding program guidelines may place a dollar limit on Step 4 stormwater projects.

### **Section 2.3.5 Land Acquisition**

Acquiring land for installation of a stormwater facility/BMP or to site a facility displaced by construction of a BMP/facility is conditionally eligible for funding. Eligible land acquisitions for stormwater projects are limited to the facility footprint and require that the property be permanently held for the project through a deed restriction, easement, or other approved mechanism.

Land acquisition to prevent development is not an eligible expense as a stormwater facility, but may be eligible as a nonpoint project. Final decisions regarding land acquisitions, easements, or leases will be based on the RCO's [Acquisition Manual 3](https://rco.wa.gov/wp-content/uploads/2019/07/Manual3.pdf)<sup>23</sup>. Due to the complex nature of projects that include land acquisition or easements, Ecology strongly recommends contacting the SFAP Coordinator or regional Project Manager prior to submitting an application; see Appendix A.

Eligible expenses, include the appraised/fair market value of the BMP footprint, access necessary to maintain the BMP/facility, and land acquisition due diligence/associated costs. The associated costs may include but are not limited to the following:

- Environmental review/audit.
- Cultural resource review.
- Appraisal and review of the appraisal.
- Purchase agreement.
- Preliminary title report.
- Land survey for property boundaries.
- Deed of right.
- Closing fees.
- Recording fees.

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<sup>23</sup> <https://rco.wa.gov/wp-content/uploads/2019/07/Manual3.pdf>

The applicant assumes all risks when purchasing a property prior to securing funding or ensuring that the property is suitable for the proposed water quality project. **The purchase price of land is not eligible for reimbursement until Ecology receives a signed construction completion form and the deed or easement is recorded.**

## **Required Documentation for Stormwater Land Acquisition**

**Step 2, Design only** projects must submit the following documents with the application:

- A map showing the proposed parcel(s) under consideration.
- A signed landowner acknowledgment form for all parcels; see Appendix E.

**Step 3, Construction only** projects must upload the following documents with the application:

- A map showing the proposed parcel(s) under consideration.
- Proof of due diligence showing the parcel(s) is suitable for building the proposed stormwater project.
- Recent appraisal and appraisal review report (generally less than one-year-old).
- Signed purchase and sale agreement.

Land acquisition is not an eligible expense for Step 4 projects.

Land owned by the applicant and permanently dedicated to the project may be eligible as match. For additional information about using land as match, see Section 3.2.4.

## **Section 2.3.6 Eligibility Summary**

Stormwater facility projects are primarily funded through SFAP and CWSRF. SFAP grant funding, including funding for Step 1 applications, is limited to projects that treat and/or manage flows from existing development. For more information about these funding sources, see Chapter 3.

In addition to the projects and BMPs described in Section 2.3, the following project elements are also eligible for funding through the WQC.

- Stormwater BMPs installed as part Community Based-Public-Private Partnership (CBP3) pilot project, may be eligible for grant or loan funding, and will be reviewed on a case-by-case basis. Additional information about stormwater public private partnerships is available from the Department of Commerce publication [Is a Public Private Partnership Right for Your Community? A Guide for Municipal Stormwater Managers](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf)<sup>24</sup>.
- The planting of new trees as a stand-alone BMP or a functional part of a Stormwater BMP as described in the Ecology Stormwater Management Manuals or an Ecology-approved equivalent is eligible for grant and loan funding. Costs to protect and preserve existing tree canopy to the greatest extent feasible, and in accordance with the requirements of the local

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<sup>24</sup> [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II\\_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf)

jurisdiction are also eligible. Recipients proposing projects that quantify water quality benefits achieved by trees should contact Ecology for technical assistance prior to submitting their application.

Stormwater facility projects or project components that are ineligible to receive funding through WQC include, but are not limited to, the items described in Section 1.3 and the following:

- Projects or project objectives previously funded by Ecology. Multiple phases of the same project may be eligible. However, phases should address stormwater from additional geographic areas and provide additional water quality benefits beyond those identified in earlier phases.
- Projects that treat run-off from undeveloped lands or agricultural areas. See Section 2.5 for more eligibility information for such projects.
- Stormwater runoff from private property or public property that has been leased to a private entity, unless the applicant has taken on ownership and maintenance responsibilities for the BMP/facility via acquisition of the land where the BMP/facility is sited, lease agreement, and/or acquiring a deeded easement.
- Projects that treat process or wastewater.
- Paving projects.
- Equipment purchase without preapproval from Ecology.
- Disproportional costs for ornamental plants, trees, permanent irrigation, or other items associated with installation and maintenance of landscaping. Reimbursements for vegetation may be limited to the cost to install native or adapted plants for erosion control or to provide BMP functionality.
- Contaminated soils removal or remediation.
- In-stream restoration or BMPs.
- Projects required for mitigation.
- Facility maintenance.

Stormwater facility projects and project elements may be funded by either CWSRF loan or SFAP grant, however there are some critical eligibility differences between the two funding sources.

Table 8 provides an eligibility summary for some common stormwater facility projects and components. This list is not intended to be exhaustive, and eligibility is conditional upon meeting all project and funding source eligibility requirements. For more information about project eligibility for specific funding sources, see Chapter 3.

**Table 8: Stormwater Facility Projects and Components Eligibility**

Description	SFAP Grant	CWSRF Loan
BMPs or stormwater facilities, for new or redevelopment	No	Yes
Cultural resources review	Yes	Yes*
Facilities located within high-value wetlands	No	Yes
Facility-specific outreach materials such as signage or pet waste containers	Yes	Yes
Fiscal sustainability plans (a.k.a., asset management plans) required for facility construction projects	No	Yes
Indirect rate (up to 30% of salaries and benefits)	Yes	Yes
Individual residential stormwater infiltration treatment and collection systems, such as bio retention swales on private property	Yes**	No
Installation of rip rap, boulders, and retaining walls to prevent sediment discharge into stormwater BMPs	Yes	Yes
In-stream work	No	Yes
Land acquisition for stormwater facility siting	Yes	Yes
Landscaping for erosion control directly related to a project	Yes	Yes
Light refreshments for meetings if pre-approved	Yes	No
Maintenance, including maintenance with capital construction costs $\geq$ \$25,000	No	No
Mitigation projects	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	No <sup>25</sup>	Yes
Monitoring for TAPE	Yes	Yes
Outreach to property owners/residents potentially affected by installation of a facility project	Yes	Yes*
Permanent removal of impervious surfaces	Yes**	Yes
Permeable pavement replacing an existing pervious surface	No	Yes
Permeable pavement replacing an existing impervious surface	Yes	Yes
Permits required for project implementation	Yes	Yes
Project alternatives and cost and effectiveness analysis	Yes	Yes*
Project Management Consultant	Yes	Yes
Publicly-owned industrial stormwater BMPs	Yes	No
Restoration of riparian buffers	No***	Yes
Stormwater conveyance (excluding conveyance to BMPs)	No	Yes
Stormwater facility, retrofit, or low impact development retrofit projects	Yes	Yes

<sup>25</sup> May be eligible—to be determined on a case-by-case basis.

Description	SFAP Grant	CWSRF Loan
Stormwater utility rate studies	Yes	Yes
Trees installed as a BMP or functional component of a BMP per an Ecology-approved stormwater management manual	Yes	Yes
ULID formation	No	No

\* Up to 50 percent forgivable principal loan for qualified preconstruction hardship applicants.

\*\* Approval on a case-by-case basis with appropriate title restrictions.

\*\*\* May be eligible on a case-by-case basis; see Section 2.4.2.

## Section 2.4 Stormwater Activity Projects

Stormwater activity projects that provide water quality benefits through behavior change and management actions may be funded by a variety of funding sources. In the context of this document, pollution and runoff generated from development of urban surfaces such as homes, roads, and businesses may be referred to as “stormwater” regardless of the permit status of the local government.

Due to the complex eligibility rules for stormwater activities, Ecology strongly recommends contacting appropriate regional or headquarters staff to discuss eligibility prior to submitting an application.

### Section 2.4.1 Enhanced Maintenance & Source Control

An enhanced maintenance and source program is a plan to optimize maintenance resources to ensure the effectiveness of stormwater quality infrastructure and reduce stormwater impacts to waterbodies. This plan may be a component of a larger stormwater planning effort, such as a Stormwater Management Action Plan, or it may be a stand-alone effort. Similar to a stormwater facility project, an enhanced maintenance program includes distinct planning and implementation steps. While some local governments may have the information needed to complete a plan readily available to them, many may not. In cases where information is lacking, Ecology strongly encourages applicants to apply for planning funding first and implementation funding in subsequent years.

#### Enhanced Maintenance Planning

Stormwater BMPs require regular maintenance in order to provide water quality benefits. An Enhanced Maintenance Plan (EMP) should be designed to help local governments understand the total cost to keep stormwater quality infrastructure performing as designed and to help local stormwater managers direct resources to areas that pose the biggest potential risk to water quality. At a minimum, the EMP should answer the following questions for local stormwater managers.

## Existing Program

- Where is my infrastructure located, where are the drainage areas for my BMPs, and how do the drainage areas connect to receiving waters?
- What level of risk to water quality does each drainage area represent?
- What level of treatment and flow control is provided by the existing BMPs?
- What maintenance is currently being done, and what does it cost?
- What equipment and facilities do I currently have, and what is the plan to replace them?

## Enhanced Program

- What is the increase in water quality benefits that I would like to achieve by increasing my maintenance efforts? How will I measure this increase?
- What resources will I need to implement these enhancements?
- How much will it cost to implement?
- Is this the most cost effective way to achieve these water quality benefits?
- How will I know if the implementation is providing the benefits I expected?
- How will I sustain this level of effort over time?
- How will I adapt and change the plan over time?

Additional guidance for development of Enhanced Maintenance Plans, including example task language, is available in Appendix L. Ecology staff will review completed plans and identify program enhancements that are eligible for grant and loan funding.

## Enhanced Maintenance Program Implementation

Facilities, equipment, or other resources needed to achieve the water quality benefits described in the Ecology approved enhanced maintenance plan, are eligible for funding, provided all other eligibility requirements are met. This may include outright purchase of equipment, payment of use rates, or rental of equipment, whichever is shown to be most cost-effective. See Appendix L for additional guidance.

Because funding source eligibility cannot be determined until the EMP is developed and reviewed, applicants are strongly encouraged to apply for plan development funding and implementation funding in separate funding cycles.

## Source Control Programs

The development of programs to adaptively manage stormwater pollutants before they enter the stormwater collection systems or to remove contaminants in the collection system itself are eligible for grant and loan funding. Development of targeted outreach materials, data management systems, and staff training programs necessary to implement new source control



programs are eligible for grant and/or loan funding. These programs may be integrated into an enhanced maintenance program or may be stand-alone programs.

Examples include:

- Developing a new local business inspection program.
- Establishing a new privately-owned stormwater BMPs inspection program.

## **Section 2.4.2 Overlap with Nonpoint Projects**

Depending on location and permit status, some project types may be considered both nonpoint and urban stormwater projects. Guidance for the following project types is available in Section 2.5.

- Lake restoration planning and implementation.
- Public education and outreach.
- Land acquisition for preservation or protection.
- Riparian and wetland restoration planning and implementation.
- TMDL support projects.
- Water quality monitoring.
- General watershed planning.

The funding source assigned for these projects will be assessed by Ecology on a case-by-case basis after considering the pollution source, applicant eligibility, and funding available.

## **Section 2.4.3 Eligibility Summary**

In addition to the ineligible items described in Section 1.3, stormwater activity projects or project components that are ineligible to receive funding through WQC include, but are not limited to:

- Planning for stormwater conveyance to control flooding.

Stormwater activity projects and project elements may be funded by either CWSRF loan, SFAP grant, or Centennial/Section 319 grants however there are some critical eligibility differences between the funding sources.

Grant funding for stormwater activity projects is intended to enhance, not replace, current local water quality efforts and stormwater management program requirements. Eligibility for grant assistance will depend on the specific stormwater activity proposed and the jurisdiction where the activity takes place.

Table 9 provides an eligibility summary for some common stormwater activity projects and components. This list is not intended to be exhaustive, and eligibility is conditional upon

meeting all project and funding source eligibility requirements. For more information about project eligibility for specific funding sources, see Chapter 3.

**Table 9: Stormwater Activity Projects and Components Eligibility**

Description	Centennial Grant or Section 319 Grant	SFAP Grant	CWSRF Loan
Cultural resources review	Yes	Yes	Yes
Development of inspection programs for private parcel stormwater BMPs	No	Yes	Yes
Facilities for managing and storing decant and sweeping waste and equipment with an approved plan.	No	Yes	Yes
General stormwater quality monitoring	No	No	Yes
Land acquisition for: wetland habitat preservation and protection; riparian area and watershed preservation; drinking water source protection	Yes	No	Yes
Legacy pollutant source identification, tracing, and removal	No	Yes	Yes
Light refreshments for meetings if pre-approved	Yes	Yes	No
Outreach and education projects not required by stormwater permits	Yes	No	Yes
Outreach and education projects required by stormwater permits	No	No	Yes
Project Management Consultant	Yes	Yes	Yes
Purchase, rental, or use fees for high-efficiency vacuum sweepers supporting an approved plan	No	Yes	Yes

## Section 2.5 Nonpoint Source Activity Projects

Nonpoint source water pollution control projects include a wide variety of planning and implementation activities that do not involve constructing or preparing to construct a traditional water pollution control facility. Eligible activities are described in this section and supplemental appendices. Projects that implement direct water quality benefits are prioritized in the application evaluation process. All matching funds (cash, in kind other, or in kind interlocal) should be included in the scope of work and meet the same eligibility criteria as grant-funded activities.

Nonpoint activities are funded by:

- Centennial grants.
- Section 319 grants.
- CWSRF loans.

## Section 2.5.1 General Eligibility Requirements for all Nonpoint Projects

See the following sections and appendices to ensure your application meets all specific criteria and requirements for eligible activities.

### Projects Implement Approved Water Quality Improvement Plans or Support TMDL Implementation

All proposed nonpoint source activity projects must implement an element of a state or local plan directed at addressing water quality issues, such as a watershed management plan, nonpoint source pollution control plan, Salmon Recovery Plan, Orca Recovery Plan, Total Maximum Daily Loads (TMDL)/TMDL Alternative/Straight to Implementation (STI) Support Projects, etc.

Applicants should work directly with Ecology staff (Nonpoint compliance specialists, and TMDL coordinators) in their region on planning for and managing these projects. For a list of projects and contact information, see [Ecology's Water Quality Project Directory](#)<sup>26</sup>.

To be eligible for Section 319 grants (and the Centennial dollars set aside for match), the plan being implemented must meet the criteria of the nine Key Elements for nonpoint source projects as outlined in [EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters](#)<sup>27</sup>. Additionally, all Ecology funded nonpoint source activity projects must also align with the objectives in Table 8 of [Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution](#)<sup>28</sup>.

### Planning, Design, and Implementation: A Phase Process

The Phase Process is required for lake restoration and irrigation efficiency projects, and recommended (not required) as a general guide for all other nonpoint project proposals. Most project proposals should include multiple phases under one application. Projects that include implementation are prioritized for funding over planning-only projects. Those that demonstrate successful Phase 1 progress or completion, and "readiness-to-proceed" may score higher. Design requirements may vary based on the complexity of the project. Applicants should include time for Ecology review of all plans/designs in the project schedule, and are strongly encouraged to discuss the project with a regional Ecology Project Manager early in the planning process.

Funding applications should combine implementation of shovel-ready sites with planning (Phase 1) activities in preparation for additional, future project sites.

- Phase 1 (planning) involves outreach to landowners and preparing site-specific plans that

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<sup>26</sup> <https://apps.ecology.wa.gov/ezshare/wq/WaterQualityImprovement/TMDL/projectdirectory.htm>

<sup>27</sup> <https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/handbook-developing-watershed-plans-restore-and-protect>

<sup>28</sup> <https://apps.ecology.wa.gov/publications/documents/1510015.pdf>

identify eligible BMPs to address a water pollution problem. Planning activities and deliverables typically include:

- Landowner outreach.
- Cultural resource review.
- Conservation plans and technical assistance.
  - General farm planning is not eligible, however, elements of those plans that relate to water quality may be eligible.
- Planting and maintenance plans.
- Landowner agreements.
- Phase 2 (implementation or design/construction) involves implementing conservation and planting plans or preparing engineered designs and installation of BMP structures. Design for nonpoint projects is only eligible when implementation of eligible BMPs are included in the scope of work. Some exceptions may be allowable for large-scale projects on lakes or public lands, with Ecology approval. Examples include:
  - Stream restoration involving channel reconstruction, large woody debris, and some bank stabilization strategies.
  - Lake restoration including riparian shorelines, inflows outflows, and conservation of native vegetation.
    - Design - Applicants must submit the following prerequisites for a lake restoration design project before implementation:
      - ✓ Ecology's letter accepting the site-specific planning for the project. The site-specific planning document should include documentation that the project is the cost effective approach to achieving the water quality benefit.
    - Construction - Applicants must submit the following prerequisites for a lake restoration construction project before implementation:
      - ✓ Ecology's letter accepting the site-specific planning for the project. The site-specific planning document should include documentation that the project is the cost effective approach to achieving the water quality benefit.
      - ✓ Ecology approval of the plans and specifications for the project.
  - Some activities can go straight from planning to implementation.
- Phase 3 (restoration/BMP monitoring and maintenance) includes follow-up site maintenance to ensure plant survival and invasive species control at restoration sites, and to ensure continued BMP function. Most implementation requires a 10-year maintenance plan or agreement. Ecology funding can cover up to 5 years-post-planting maintenance for specific restoration sites. Activities typically include:
  - Plant survival inventory and re-planting as necessary.

- Invasive species control.

## Nonpoint Best Management Practices (BMP) Implementation and Approval

Water quality BMPs for nonpoint are defined as physical, structural, and managerial methods recommended through a planning process that have demonstrated success for reducing or preventing water quality degradation. Implementation of BMPs refers to the use of established approaches or practices to address water quality problems.

Ecology may fund BMPs that address or correct water quality degradation, however BMP eligibility is not the same for loans and grants (see Table 10). For SFAP funding eligibility, see Section 2.3 for stormwater facilities and Section 2.4 for stormwater activities.

Templates, forms, and additional training materials can be found on the [Nonpoint source activity project resources webpage](#)<sup>29</sup>.

### BMP Funding Eligibility

To be eligible, BMPs must:

- Provide a public benefit through improved water quality.
- Be recommended through a multi-agency watershed management planning process and approved by Ecology (i.e., included in these guidelines) as an effective technique to reduce nonpoint source pollution.
- Target the most critical areas with structural and non-structural practices that, if properly managed, will provide the greatest protection or improvement in water quality.
- Meet the implementation requirements listed below.

### Implementation Requirements

- **Landowner Agreements:** Must be signed and approved prior to implementation. A template is available on the [Nonpoint source activity project resources webpage](#)<sup>30</sup>.
- **Cultural Resource Review:** Must obtain a final determination from the lead agency prior to implementation (see Appendix N).
- **Site-Specific Plans and/or Designs:** Plans and designs must be reviewed and approved in writing by Ecology prior to implementation. Design requirements may vary based on the complexity of the project. Maintenance plans and planting plans may be required. In addition to this section, see Section 2.5.9, and Appendix J for additional information.
- **BMP Approval Form:** BMPs must meet the conditions of these funding guidelines and be reviewed by Ecology prior to installation. Submit the form and supporting documents such

<sup>29</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Nonpoint-source-activity-projects/Nonpoint-source-project-resources>

<sup>30</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Nonpoint-source-activity-projects/Nonpoint-source-project-resources>

as maps, designs, and maintenance plans, etc. to Ecology at least 30 days before implementation. Ecology's Project Manager or Project Engineer will review the proposed project and provide written notice to proceed with implementation. If the recipient installs un- approved BMPs, the recipient assumes the risk that Ecology may delay or deny part or all of the reimbursement for that activity.

- A BMP Approval Form template is available on the resource webpage provided above.
- **Local Requirements:** SEPA, permits, Critical Areas Ordinances, etc. as needed. These may need to be submitted to Ecology for review. Contact the Ecology Project Manager for additional information.
- **Reporting:** Quarterly progress reports and final closeout reports are required for all projects. Most projects will be required to report BMP implementation metrics and load reduction annually (see Section 6.2.13, and Appendix F: Section 3).
- **Specific Criteria and Standards:** Plans, designs, and implementation must comply with the activity specific criteria described in these Funding Guidelines.

## Property Ownership Limitations

Planning and implementation for water quality improvements on private property, public property, public easements, or public rights-of-way through private property are eligible for grant and loan funding, with some restrictions. Funding is only provided to public entities and nonprofit organizations, however those entities can work with private landowners for site-specific planning and implementation.

### Public Property, Easements, and Rights-of-Way

- BMP implementation is eligible on local government and federally recognized tribal lands.
- Permanent structures (such as fencing, manure storage facilities, restoration, etc.) are typically not eligible on state or federal lands. Long-term lease holders of Washington Department of Natural Resource property are eligible on a case-by-case basis.
- Watershed-scale planning may include state and federal lands.
- Activities on public lands owned by an entity other than the recipient should include a Memorandum of Understanding (MOU), interlocal or similar landowner agreement.

### Private Property

Ecology limits its financial assistance to public bodies (as specified in Section 1.1). However, the public body that receives a grant or a loan can provide technical and financial assistance to a private landowner or install BMPs on private property for public benefit.

### Landowner Agreements and Maintenance Plans

The recipient must obtain and submit a signed landowner agreement or conservation easement to the Ecology Project Manager before time-intensive planning, cultural resource review, and all BMP designs and implementation. Technical assistance and initial conservation planning is

allowed before the agreement is signed, however the recipient must ensure the landowner is aware of the expectations. Maintenance plans may also be required for projects on property owned by the recipient, or other entity.

- The recipient may use the landowner agreement template provided by Ecology, or equivalent document.
- The landowner agreement must include, but not be limited to:
  - A minimum 10-year maintenance agreement that is transferred with the ownership, rental, and leasing of the land.
  - Allowance of inspection of the project area by the recipient and by Ecology staff with prior notification.
  - A written and signed maintenance plan that covers establishment and long-term maintenance of the BMP(s). This plan will detail responsibilities for both the landowner and the recipient and must include details concerning, but not limited to, watering plants, maintaining a reasonable level of plant survivability, replacing dead plants, controlling noxious weeds, and repairing and maintaining exclusion fencing, off-stream watering provisions, or other eligible BMPs. This maintenance plan is generally the responsibility of the recipient unless otherwise written in the landowner agreement.
  - Commitment from the landowner and producer to implement a full three-year crop rotation for agreements related to direct seed practices.
  - When projects include off-stream watering installation, agreements must include provisions to ensure that water supplied is for livestock use only.
    - Per Ecology Water Resources Program Policy 1025, watering facilities provided must serve no greater number of livestock than historically range that parcel of property. The quantity of water consumed by livestock as a result of the funded off-site watering facility should not exceed the quantity consumed if the stock were to drink directly from the stream.
    - If land use is changed from livestock management to residential, commercial, or industrial development during the 10-year landowner/recipient agreement period, all financial assistance issued for the off-stream watering facilities must be immediately repaid to Ecology by the loan or grant recipient.

## **Section 2.5.2 Agricultural BMPs**

Agricultural BMPs must be based on water quality improvements and not on agricultural production needs, for example, where activity from livestock is contributing to fecal coliform or sedimentation problems and/or other degradation to the riparian area, stream, and water quality.

Agricultural BMPs must comply with the requirements in this document and the Natural Resource Conservation Service (NRCS) Field Office Technical Guide (FOTG) construction

specifications or equivalent construction standards. If NRCS specifications are not available, the structural design of the proposed BMP must be designed by a licensed engineer. For further information, see the [FOTG for Washington State](#)<sup>31</sup>.

Appendixes G, H, I, and J discuss more specific BMP provisions.

## **Conservation-Based Tillage Systems**

Conservation-based tillage systems that are consistent with Ecology's Voluntary Clean Water Guidance for Agriculture guidance are eligible for WQC financial assistance. Conservation-based tillage systems are a source control BMP that minimizes surface soil disturbance to the maximum extent while maintaining protective surface and subsurface crop residue, and it eliminates full width tillage for seedbed preparation. Conservation-based systems significantly reduce erosion, improve soil quality, reduce fuel consumption, and are a viable alternative to traditional, full tillage systems. Conservation-based tillage system practices are eligible for three types of funding:

- Equipment rental cost reimbursement.
- Cost of custom application fee reimbursement.
- Conservation-tillage equipment purchase.

Appendix G contains the eligibility conditions for conservation-based tillage systems.

## **Livestock Exclusion Fencing**

Livestock exclusion fencing is eligible for WQC financial assistance when installed at a minimum setback from the ordinary high watermark (OHWM) consistent with the riparian restoration guidance found in Appendix J. Exclusion fencing protects riparian areas from impacts due to livestock activities in and around streams. Recipients are required to plant the buffer established by the fencing setback with native trees and shrubs to provide a higher level of water quality improvement. This minimum setback and vegetation helps protect surface waters from pollutants such as pathogens, sediment, and nutrients, and provides physical protection so riparian areas may be restored. Grass filter strips are not sufficient to meet this requirement.

## **Livestock Off-stream Watering Facilities**

A livestock owner uses off-stream watering to provide an alternative source of watering where fencing or other method(s) exclude livestock from streams in order to protect water quality. Off-stream watering facilities (including well construction) are conditionally eligible for WQC financial assistance for projects that include privately owned livestock operations. If an applicant proposes to install livestock exclusion fencing as part of a riparian protection/restoration project and the fencing meets the minimum standards, Ecology may award grant dollars to install an off-stream watering facility.

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<sup>31</sup> <https://efotg.sc.egov.usda.gov/#/state/WA>



Appendix H contains eligibility conditions for off-stream watering facilities.

## **Livestock Feeding BMPs**

Livestock feeding and waste management BMPs that support the relocation of livestock activities that threaten water quality or enhance existing feeding areas distanced from surface waters are eligible for funding. Recipients may install a combination of these BMPs when appropriate. Funding for livestock feeding BMPs only applies to projects that will protect water quality and may not be used to rebuild feeding facilities where the primary purpose is to repair existing structures. Livestock exclusion fencing and riparian restoration is a required prerequisite for projects that relocate livestock and must meet the minimum setback requirement in Appendix J.

Eligible livestock BMPs include heavy use area protection and associated fencing, waste storage facilities, and windbreaks. Grass filter strips are eligible as needed around heavy use areas, when located outside riparian areas.

Appendix I contains eligibility conditions for livestock feeding and waste management BMPs.

## **Section 2.5.3 Demonstration Nonpoint BMP Projects**

Demonstration projects include implementation of new, innovative, or alternative technology BMPs not yet demonstrated in the Ecology region in which they are proposed. Ecology will consider demonstration BMP activity projects for funding if they meet the following two conditions:

- The practice has a proven record to improve the water quality problem of concern.
- The practice has not previously been demonstrated in the Ecology region where the project is proposed.

Demonstration projects should be relatively small in scope, yet large enough to clearly evaluate BMP effectiveness. Demonstration projects also need to incorporate education and outreach, including direct involvement from the local county cooperative extension office or local conservation district. The applicant should plan outreach efforts that include news articles, focus sheets, or other written materials to maximize public exposure and increase the public awareness of the project. The applicant should describe approaches for planned outreach in the application.

Ecology expects recipients with demonstration projects to include a thorough analysis of the effectiveness and outcomes of the project in the final report and provide recommendations for the potential of the BMP to become a grant-eligible activity. Demonstration projects are approved for grant eligibility by Ecology on a case-by-case basis.

## **Section 2.5.4 Groundwater, Aquifer, Wellhead Planning and Implementation**

Planning for and implementation of wellhead protection projects, groundwater protection projects, source water (including groundwater and surface water) protection, and critical aquifer recharge area projects are eligible for loan or grant funding. Applicants undertake these projects to protect the quality of water used as a public drinking water supply. Eligible activities typically include acquisition, OSS programs (surveys, repair/replacement), agricultural BMPs, and/or groundwater monitoring. Decommissioning of abandoned wells is only eligible for loan funding.

Drinking water system data are available on [DOH's Drinking Water System Data webpage](http://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/DrinkingWaterSystemData.aspx)<sup>32</sup>.

## **Section 2.5.5 Land Acquisition**

The purchase of real property and conservation easements is eligible for WQC financial assistance for the following purposes:

- Wetland habitat preservation and protection.
- Riparian area and watershed preservation and protection.
- Drinking water source protection.

Recipients may use grants to buy the land itself through fee title acquisitions or to buy an interest in the land such as a conservation easement, and required due diligence activities. All nonpoint land acquisition projects may require additional documentation of due diligence including, but not limited to, the following:

- Landowner acknowledgment.
- Environmental review.
- Cultural resource review.
- Appraisal and review of the appraisal.
- Baseline inventory (see the following section).
- Purchase agreement.
- Preliminary title report.
- Water quality deed of right.
- Deed.
- Stewardship plan.

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<sup>32</sup> <http://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/DrinkingWaterSystemData.aspx>

## Baseline Inventory and Stewardship Plan

Baseline inventories are required for all conservation easements, and may be required for fee title acquisitions (as an eligible expense). The baseline inventory must be completed prior to closing. The stewardship plan may be completed after closing, however it must be approved by Ecology prior to reimbursement of the final payment request, and will include:

- Description of the project area, including the following:
  - U.S. Geological Survey quadrant map and county assessor's parcel map.
  - Map showing all human-made and natural features.
  - Narrative description of the property.
  - Photographs taken at permanent photograph points.
- Short-term land management goals and objectives.
- Long-term stewardship goals and objectives.
- Restoration goals and objectives (if applicable).
- Monitoring goals and objectives.
- A detailed stewardship plan implementation budget that also identifies the sources of funding.

Requirements for acquisition projects will align with RCO's [Acquisition Manual 3](#)<sup>33</sup>. The funding assistance limits and all other nonpoint conditions of these funding guidelines still apply.

### Section 2.5.6 Pollution Identification and Correction (PIC)

PIC programs work to protect and restore water quality, particularly to clean up and prevent fecal pollution from human and animal waste that threatens public health and our economy. For returning applicants, objectives previously funded by the WQC program are ineligible, so applications for PIC projects should describe how objectives (such as geographic areas) are distinct from any current or past PIC program agreements. Eligible PIC program activities often include:

- Pollution source identification surveys and sampling.
- Mapping.
- Water quality monitoring.
- Outreach.
- BMP implementation.

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<sup>33</sup> <https://rco.wa.gov/wp-content/uploads/2019/07/Manual3.pdf>

## **Section 2.5.7 Public Outreach and Education Projects**

Projects with public outreach and education components are eligible for loan or grant funding. Public outreach and education use effective methods and programs, guided by a detailed outreach strategy, to engage the public's interest in improving water quality. Applicants should consider that the public has different levels of background knowledge of both water quality management and its role in reducing water pollution. Therefore, applicants should consider a multi-pronged approach to outreach. Public outreach efforts should include:

- Generating basic awareness of water pollution.
- Educating at a more sophisticated level using more comprehensive content.
- Building on existing recognition of the issue to prompt behavior changes that reduce pollution or opportunities for pollution.

The strategy should also specifically address combining public outreach with the implementation of other water quality management measures. This aspect of outreach could involve more in-depth education, short training courses, live presentations and slideshows, handbooks, posters with educational content and captioned illustrations, and web-based training modules, or websites with photos of good and bad practices.

Applicants should target their outreach and education efforts to landowners with properties adjacent to surface waters. Ecology acknowledges it is important to educate the general public about behaviors and impacts to water quality. However, for grant project purposes, the most benefit is gained by targeting landowners with properties adjacent to surface waters.

Activities that support Farmed Smart or Salmon Safe Certification and related regenerative agriculture programs, beyond those specifically identified above, may be conditionally eligible on a case-by-case basis through coordination with Ecology.

Appendix K provides guidance on how to develop outreach and education project proposals. Ecology provides this information as a resource or checklist and does not require the applicant to follow it. The goal of the checklist is to help design effective projects that change behaviors and achieve environmental results.

## **Section 2.5.8 Restoration Planning and Implementation**

### **Riparian Area, Wetland, and Floodplain Restoration**

Planning and implementing riparian and wetland habitat restoration projects are eligible for loans or grants. Maintenance is eligible for up to 5 years following planting. Applicants can include installation of livestock exclusion fencing as part of a riparian protection/restoration project.

Appendix J contains specific requirements for riparian restoration and planting projects. Ecology and other state agencies are reviewing new information and recommendations for riparian restoration and protection published by Washington Department of Fish and Wildlife in

2020. These documents will be used to inform and update the funding program guidance for future funding cycles. The following documents provide guidance in developing a project proposal.

- [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#)<sup>34</sup>.
- [Riparian Ecosystems, Volume 2: Management Recommendations](#)<sup>35</sup>.
- [Ecology's Restoring Wetlands in Washington: A Guidebook for Wetland Restoration, Planning & Implementation](#)<sup>36</sup>.

## **Riparian Buffer Incentive**

As an incentive to implement the riparian buffer requirements, Ecology may provide 100 percent grant funding for the buffer implementation project task in applications that rate and rank highest in the evaluation process. This 100 percent funding will include site-specific planning, design, and implementation of riparian buffer planting projects and associated livestock exclusion fencing only. Applicants should not anticipate receiving the buffer incentive, as funding for it is very limited, and it will only be provided to the highest rated and ranked applications. All other BMPs will be reimbursed at the 75 percent grant share with a 25 percent match required on the project level.

## **Stream Restoration and Bank Stabilization**

Stream restoration includes all in-stream work, such as daylighting, culvert removal, channel modification or re-establishment, beaver dam analogs, large woody debris and engineered logjams, bank stabilization (using any materials beyond plants), etc.

All stream restoration and bank stabilization projects must meet the riparian buffer and other standards established in Appendix J of this document and the [Washington State Aquatic Guideline Program's Stream Habitat Restoration Guidelines](#)<sup>37</sup>. Streambank protection designs must be consistent with the Aquatic Habitat Guidelines Program's, [Integrated Streambank Protection Guidelines](#)<sup>38</sup>.

## **Lake Restoration**

Lake restoration planning and implementation projects on lakes with public access are eligible for loans or grants. Lakes with no public access are not eligible for funding. The "Phase Process" (Section 2.5.1) is required for all lake restoration projects. Phase 1 is planning. Phase 1 involves the identification of problems and evaluation of cost-effective alternatives. Phase 2 is the implementation of the planning document. If the project includes construction, a design component may be included before the implementation step.

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<sup>34</sup> <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>

<sup>35</sup> <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>

<sup>36</sup> <https://apps.ecology.wa.gov/publications/documents/93017.pdf>

<sup>37</sup> <http://wdfw.wa.gov/publications/01374>

<sup>38</sup> <http://wdfw.wa.gov/publications/00046/>

In-lake treatments, such as alum, are only eligible for CWSRF loans.

## **Section 2.5.9 Technical Assistance and Conservation Plans**

Ecology may reimburse the costs associated with project-specific planning and technical assistance for planning, design, and implementation of grant and loan eligible water quality BMPs or riparian restoration. Site-specific planning for resource and land management is an eligible activity if the resulting plan includes eligible water quality BMPs consistent with the criteria required under these guidelines. Elements of conservation plans that directly pertain to water quality are eligible. In-depth planning or engineered designs on private property require a landowner agreement prior to significant investment. Any plan for riparian buffer protections, streambank stabilization, and/or stream restoration must include recommendations that meet or exceed the buffer width guidance found in Appendix J.

## **Section 2.5.10 Water Quality Monitoring**

Water quality monitoring before and during implementation and after project completion is critical for tracking environmental and project results. Ecology may provide loans or grants for water quality monitoring projects. Typically, a recipient undertakes monitoring to characterize the existing conditions of ground waters and surface waters, to identify or quantify pollutant sources or loads, or to establish the effectiveness of BMPs. Soil monitoring for water quality related purposes may be eligible with Ecology approval. Monitoring may be the entire project or a component of a larger project.

### **Quality Assurance Project Plan (QAPP)**

Prior to initiating water quality or soil monitoring activities, the recipient must prepare a Quality Assurance Project Plan (QAPP). The QAPP must follow Ecology's [Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies](#)<sup>39</sup>. [QAPP Standard Operating Procedures for field sampling and testing activities](#)<sup>40</sup> associated with monitoring QAPP development are also available. The QAPP template is also available by request from the Fund Coordinator, or regional Ecology Project Manager; see Appendix A for contact information.

Recipients may also reference Ecology's [Technical Guidance for Assessing the Quality of Aquatic Environments](#)<sup>41</sup> in developing the QAPP.

The QAPP must:

- Describe in detail the monitoring and data quality objectives, procedures, and methodologies that will be used to ensure that all environmental data generated will meet the QAPP requirements.

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<sup>39</sup> <https://apps.ecology.wa.gov/publications/documents/0403030.pdf>

<sup>40</sup> <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees>

<sup>41</sup> <https://apps.ecology.wa.gov/publications/summarypages/9178.html>

- Describe in detail the water quality monitoring approach and laboratory protocols, including types of data and samples to be collected, sample location, sampling frequency, sampling procedures, analytical methods, quality control procedures, and data handling protocols.
- Describe data assessment procedures.
- Explain how the project will yield sufficient information to achieve the purpose and intent of monitoring.
- Discuss data accuracy and statistical requirements.

The recipient must submit the QAPP to Ecology's Project Manager for review, comment, and approval before starting the environmental monitoring activities. Any monitoring activity conducted before the QAPP receives final approval is not eligible for reimbursement.

### **Use of an Ecology Accredited Laboratory**

The recipient must use an environmental laboratory accredited by Ecology to analyze water samples for all parameters that require bench testing. Information on currently accredited laboratories and the accreditation process is provided on [Ecology's Lab Search webpage](#)<sup>42</sup>.

The recipient should manage all monitoring data collected or acquired under the agreement to be available to secondary users and meet the "10-year rule." The 10-year rule means that data documentation is sufficient to allow an individual not directly familiar with the specific monitoring effort to understand the purpose of the data set, methods used, results obtained, and quality assurance measures taken 10 years after data are collected.

### **Monitoring Data Management and Submittal**

Recipients that collect environmental monitoring data must submit all data to Ecology using the Environmental Information Management System (EIM). Data must be loaded into EIM following instructions on [Ecology's EIM webpage](#)<sup>43</sup> and be approved by Ecology's Project Manager. Final payment requests will be withheld until data has been approved in EIM.

The data submittal portion of the EIM webpage provides information and help on formats and requirements for submitting tabular data. Specific questions about data submittal may be directed to the EIM Data Coordinator.

Recipients must follow Ecology data standards when Geographic Information System (GIS) data are collected and processed as documented on [Ecology's GIS Standards webpage](#)<sup>44</sup>. Recipients must submit copies of all final GIS data layers, imagery, related tables, raw data collection files, map products, metadata, and project documentation to Ecology.

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<sup>42</sup> <https://apps.ecology.wa.gov/laboratorysearch/>

<sup>43</sup> <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>

<sup>44</sup> <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>

## Section 2.5.11 Watershed Planning

Watershed planning projects are eligible for loans or grants. If the project is located in the Puget Sound Watershed, it must comply with planning criteria contained in [Title 400 WAC, Puget Sound Partnership](#)<sup>45</sup>. Ecology provides guidance for other jurisdictions.

All watershed plans must comply with the SEPA and must be submitted to Ecology for review and approval. Watershed-wide planning projects funded by Section 319 must also meet the nine Key Elements for Watershed Plans in [EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters](#)<sup>46</sup> and the [Watershed Planning training module](#)<sup>47</sup>.

## Section 2.5.12 Summary Table of Eligible Nonpoint Activities

Table 10 is provided for convenience; see above sections and related appendixes for criteria and requirements that apply. This list is based on commonly asked questions and is not comprehensive. Please contact the funding program coordinator or your Ecology project team if you have specific eligibility questions.

**Reminders:** All BMP implementation requires preapproval by the Ecology Project Manager. Implementation on private property requires a landowner agreement. Implementation on any public property owned by an entity other than the grant recipient must have a maintenance plan/agreement, or memorandum of understanding (MOU).

**Table 10: Nonpoint Source Activity Projects and Components Eligibility**

Description	Section 319 or Centennial Grant	CWSRF Loan
<b>Agricultural BMPs</b>		
Acquisition/installation of livestock exclusion fencing along stream	Yes	Yes
Agricultural BMP implementation on private property at concentrated animal feeding operations (CAFOs) (only CAFOs in areas covered by federally designated National Estuaries are eligible for CWSRF loans)	No	Yes
Alternative/innovative technology with Ecology preapproval	Yes	Yes
Bridges for livestock crossing– up to 6 feet wide and no culverts	Yes	Yes
Cover crop establishment with conservation-based tillage.	Yes	Yes
Direct seed custom application fee reimbursement	Yes	Yes
Direct seed equipment purchase by public body for rental purposes	Yes	Yes
Direct seed equipment purchase for private landowner use	No	Yes
Direct seed equipment rental by private landowner - reimbursement	Yes	Yes
Grass filter strips (outside of riparian buffer areas)	Yes	Yes

<sup>45</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=400>

<sup>46</sup> <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>

<sup>47</sup> [https://cfpub.epa.gov/watertrain/moduleFrame.cfm?parent\\_object\\_id=2868&object\\_id=2873#2873](https://cfpub.epa.gov/watertrain/moduleFrame.cfm?parent_object_id=2868&object_id=2873#2873)



<b>Description</b>	<b>Section 319 or Centennial Grant</b>	<b>CWSRF Loan</b>
Grassed waterways	Yes	Yes
Groundwater and source water protection	Yes	Yes
Hardened stream crossings for livestock	Yes	Yes
Heavy use area protection for livestock	Yes	Yes
Irrigation canal efficiency measures (such as lining or piping existing canals)	No	Yes
Irrigation efficiency implementation (such as drip, mist, or low delivery systems)	No	Yes
Livestock exclusion fencing	Yes	Yes
Manure waste storage lagoon	No	Yes
Nutrient Management Plan	No	Yes
Off-stream watering provisions for livestock	Yes	Yes
Residue management via no-till, direct seeding	Yes	Yes
Roof runoff structures (gutters)	Yes	Yes
Spring development	Yes	Yes
Technical assistance	Yes	Yes
Waste storage facilities for livestock (lagoons only eligible for loan)	Yes	Yes
Well decommissioning	No	Yes
Wellhead protection	Yes	Yes
Wind breaks to discourage livestock from congregating near surface waters	Yes	Yes
<b>Land Acquisition</b>		
Conservation easement administration and legal costs associated with establishing conservation easements	Yes	Yes
Land acquisition for: wetland habitat preservation and protection; riparian area and watershed preservation; drinking water source protection	Yes	Yes
Planting trees for future harvesting	No	Yes
<b>Outreach and Education</b>		
Education and stewardship programs related to water quality	Yes	Yes
Educational and funding recognition signage	Yes	Yes
Pledge programs	Yes	Yes
School programs (water quality related)	Yes	Yes
<b>Planning</b>		
Comprehensive planning for basin, watershed, and area-wide water quality	Yes	Yes

<b>Description</b>	<b>Section 319 or Centennial Grant</b>	<b>CWSRF Loan</b>
Conservation plans (site-specific) targeted to water quality BMP implementation	Yes	Yes
Technical assistance for the planning, design, and implementation of eligible water quality BMPs and stream restoration activities	Yes	Yes
TMDL plan development and implementation	Yes	Yes
<b>Restoration</b>		
Acquisition/installation of native plant material	Yes	Yes
Acquisition/installation of plant material stabilizer	Yes	Yes
Aquatic plant control when it has been established that water quality degradation is due to the presence of aquatic plants, and sources of pollution have been addressed sufficiently	Yes	Yes
Armoring of the toe	Yes	Yes
Beaver Dam Analogues	Yes	Yes
Channel re-establishment or naturalization/meander reconstruction/ re-sloping	Yes	Yes
Culvert removal for improved water quality and riparian restoration	Yes	Yes
Flood gates	No	Yes
In-lake treatments, such as alum (lake must be publicly accessible)	No	Yes
Lake restoration implementation that has gone through the Step process (lake must be publicly accessible)	Yes	Yes
Lake water quality planning (lake must be publicly accessible)	Yes	Yes
Lakeshore riparian installation (lake must be publicly accessible)	Yes	Yes
Log structures	Yes	Yes
Riparian and wetlands habitat restoration and enhancement	Yes	Yes
Riparian forest buffers (not for future harvest)	Yes	Yes
Root wads	Yes	Yes
Siphons	No	Yes
Site monitoring and follow-up maintenance for up to five years on Ecology funded riparian restoration projects	Yes	Yes
Site preparation work on Ecology funded riparian restoration projects (e.g., weed removal)	Yes	Yes
Site-specific BMP or watershed planning when it results in water quality BMP recommendations consistent with these guidelines	Yes	Yes
Stream bank revegetation and stabilization	Yes	Yes
Stream restoration projects for water quality purposes	Yes	Yes
Wetland creation	No	Yes

Description	Section 319 or Centennial Grant	CWSRF Loan
Wetlands restoration	Yes	Yes
<b>Water Quality Monitoring</b>		
Diagnostic studies to assess current water quality	Yes	Yes
Monitoring equipment used for water quality monitoring	Yes	Yes
Water quality monitoring and data management	Yes	Yes
<b>Miscellaneous and Administration</b>		
Activities required by NPDES municipal stormwater permits	No	Yes
BMPs on public property (excluding most federal and state owned land)	Yes	Yes
Computer equipment, software, etc. specific to a funded project	Yes	Yes
Cost and effectiveness analysis to encourage implementation of eligible BMPs	No	Yes
Cultural resources review	Yes	Yes
Equipment and/or tools pre-approved for a funded project	Yes	Yes
Indirect rate (up to 30% of salaries and benefits for Centennial and CWSRF and up to the EPA/Ecology negotiated rate for Section 319)	Yes	Yes
Legal expenses associated with development of local ordinances for water quality protection	Yes	Yes
Light refreshments for volunteer events, workshops, field days, or meetings if pre-approved	Yes	No
Mitigation projects	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	Yes	Yes
Model ordinances to prevent or reduce pollution from nonpoint sources (development and dissemination)	Yes	Yes
Permits required for project implementation	Yes	Yes
Project Management Consultant	Yes	Yes
Sediment control basins	No	Yes
Use of sediment settlers (e.g., Polyacrylamide)	No	Yes

## Chapter 3: Funding Programs

This chapter provides a basic overview of each of the four funding programs, including applicant and project eligibility and funding provisions. Additional information about project eligibility may be found in Chapter 2 and Appendices G, H, I, and J. Additional Terms and Conditions may be found in Section 6.2 and Appendix F.

Ecology manages the four primary sources of funding under an integrated annual funding cycle. Each of the programs has different eligibility requirements and limitations and may have specific set-asides or funding priorities. Applicants use one integrated financial assistance application to apply for funds from the four funding sources simultaneously. Ecology reviews, rates, and ranks applications. Then Ecology distributes funds to the highest priority projects in a combination of grants and loans, depending on the project type and funding source.

Total funds available for WQC vary. The amount of funding available on a competitive basis for each State Fiscal Year (SFY) is based on program policies, legislative directives, previous commitments, and funding levels. Funding levels are not known until state and federal appropriations are made.

### Section 3.1 CWSRF

#### Section 3.1.1 Program Purpose and Guidance

The United States Congress established the Water Pollution Control Revolving Fund Program (CWSRF) as part of the Clean Water Act (CWA) Amendments of 1987. The Environmental Protection Agency (EPA) offers states capitalization grants each year according to a formula established in the CWA. The state must provide a 20 percent match of the Capitalization Grant. Each year Ecology estimates the funds from:

- The Capitalization Grant.
- State match.
- Known and expected repaid principal and interest from previous loans.
- Interest earned through investments by the Washington State Treasurer's Office.
- Early repayments of previous loans.
- Declined offers.
- Differences between offers and agreements.

Ecology offers the combined total in new loans to eligible public bodies.

Due to repayment of previous loans and interest plus infusions from the Capitalization Grant, state match, and investments, the CWSRF continues to revolve and grow, and more money

becomes available to fund water quality projects. The majority of the fund consists of repaid principal and interest.

Statutory requirements, administrative rules, and program and agency policy guide the use of CWSRF funds. The following are the key rule and statutes that guide use of the CWSRF.

- [Chapter 173-98 WAC](#)<sup>48</sup>.
- [Chapter 70A.135 RCW](#)<sup>49</sup>.
- [Chapter 90.50A RCW](#)<sup>50</sup>.

### **Section 3.1.2 Eligible Applicants**

Applicants eligible for CWSRF funding include:

- Conservation districts.
- Counties, cities/towns.
- Federally recognized tribes.
- Institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Irrigation districts.
- Local health jurisdictions.
- Port districts.
- Quasi-municipal corporations.
- Sewer districts.

### **Section 3.1.3 Eligible Project Categories**

#### **Wastewater and Stormwater Facilities**

- Preconstruction including:
  - Planning.
  - Value planning.
  - Design.
  - Rate studies.
  - Ordinance development.
  - Value engineering.

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<sup>48</sup> <http://app.leg.wa.gov/WAC/default.aspx?cite=173-98>

<sup>49</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=70A.135>

<sup>50</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=90.50A>

- Construction.

See Chapter 2 for additional information.

### **Onsite Sewage System Projects**

- Large onsite sewage systems (further subsidized loans and Centennial grants available for construction hardship).
- Local loan funds for onsite sewage repair and replacement.

### **Nonpoint and Stormwater Activities**

- Nonpoint source planning and implementation.
- Low impact development planning and implementation.

See Chapter 2 for additional information.

## **Section 3.1.4 Funding Provisions**

### **Preconstruction**

Eligible preconstruction projects include facility planning, facility design, rate studies, sewer use ordinances, and value engineering. Applicants with a population of 25,000 or less and a Median Household Income (MHI) below the state MHI are eligible for funding under the preconstruction category. Applicants who do not meet either the population or MHI criteria for this category can still receive funding for preconstruction projects under the facilities category.

### **Interest Rates and Loan Terms**

Ecology may issue loans for terms of 5, 20, or 30 years with the limitation that the term cannot be longer than the useful life of the project being financed.

Ecology bases standard interest rates on the average market interest rate for tax-exempt municipal bonds. Ecology uses the average 11-Bond GO Index rate for the period 30-180 days prior to the beginning of a new funding cycle. The average 11-Bond GO Index was 3.34 percent for the period 30-180 days prior to beginning this funding cycle. Ecology sets its annual interest rate, depending on the loan term, at 80 percent, 60 percent, or 30 percent of that average for most projects. Interest rates for nonpoint source activity projects are set at the rate equivalent to the rates for “moderate” hardship projects found in Table 12. Table 11 shows the term and interest rates for standard CWSRF loans for SFY23.

**Table 11: SFY23 Interest Rates for Standard CWSRF Loans**

Loan Term	Interest Rate for Most Projects	Interest Rate for Nonpoint Source Activity Projects
5 Years	0.5%	0.4%
20 Years	1.1%	0.7%
30 Years	1.4%	1.1%

Based on Ecology's rate structure the cost savings over the life of the loan are significant when compared to the best bond rates. For example, the interest cost at a bond rate of 3.3 percent for a \$1,000,000 loan at 20 years is approximately \$368,000. The interest cost on a 2.0 percent CWSRF loan at 20 years is approximately \$214,000, which is a savings of \$154,000 over the life of the loan. Additional advantages of a CWSRF loan include the fact that there are no bond or issuance fees to pay and there are no payments on the loan until one year after the project is complete.

## **Hardship**

Ecology may offer qualified applicants forgivable principal (FP) loans, further subsidized loans, and/or Centennial grants for wastewater and stormwater facility preconstruction projects and wastewater facility construction projects.

If Ecology offers only partial funding to a construction hardship eligible project because insufficient funds are available, Ecology may place the project at the top of the priority funding list for the next funding cycle. The applicant must be able to demonstrate that the project can be completed within the allowable funding timeframe in order to be placed on the priority funding list for the next funding cycle.

### **Preconstruction Hardship for Wastewater and Stormwater Facility Projects**

Wastewater and stormwater facility preconstruction projects funded through the CWSRF are eligible for preconstruction hardship consideration if the project meets the following criteria:

- The existing residential population of the service area for the proposed project is 25,000 or less at the time of application.
- The MHI for the proposed service area is less than 80 percent of the state MHI.

Ecology may award applicants who meet these criteria a FP loan for 50 percent of the eligible project costs. The same project may not receive hardship incentives from both SFAP, which provides a reduced match requirement, and the CWSRF. In other words, a project that has a reduced match requirement under SFAP hardship will not receive preconstruction hardship subsidy under CWSRF.

### **Construction Hardship for Wastewater Facility Projects**

Wastewater facility construction projects funded through CWSRF are eligible for construction hardship consideration if the project meets the following criteria:

- The existing residential population of the service area for the proposed project is 25,000 or less at the time of application.
- Financing the project without subsidy would cause existing residential sewer fees to be two percent or more of the MHI for the service area.

If Ecology determines that construction hardship exists, it may structure an offer that includes further subsidized loan terms, Centennial grant and/or forgivable principal loan. Table 12 shows the SFY23 wastewater construction hardship loan interest rates and grant eligibility.

**Table 12: SFY23 Wastewater Construction Hardship Loan Interest Rates and Grant/Forgivable Principal Loan Eligibility**

Sewer fee divided by MHI is:	<2% (non-hardship)	>2%<3% (moderate hardship)	>3%<5% (elevated hardship)	>5% (severe hardship)
5 years term:	0.5%	0.4%	0.2%	0.0%
20 years term:	1.1%	0.7%	0.4%	0.0%
30 years term:	1.4%	1.1%	0.7%	0.4%
Grant/forgivable principal loan eligibility:	Not eligible	50% up to \$5M	75% up to \$5M	100% up to \$5M

### Hardship for Onsite Sewage System

Hardship funding is available for onsite sewage system (OSS) repair and replacement local loan projects in the form of further subsidized loans and Centennial grants. Ecology determines the final blended subsidized interest rate for the subsidized CWSRF loan based on the loans provided to homeowners. Ecology will award no more than \$500,000 in Centennial grant to cover all eligible costs, including hardship, for an OSS project.

The following are requirements in order for project activities to qualify for a further subsidized loan interest rate based on hardship:

- Household income not to exceed 80 percent of county MHI.

Ecology may adjust interest rates to below the standard rate based on evaluation of the recipient's total portfolio of local onsite sewage system loans issued to homeowners.

Table 13 provides the CWSRF interest rate schedule for loans targeted to homeowners at three levels of county median household income.



**Table 13: SFY23 CWSRF Interest Rate Schedule for OSS Loans Targeted to Homeowners**

Homeowner income is:	>80% of county MHI (non-hardship)	>50% <80% of county MHI (moderate hardship)	<50% of county MHI (severe hardship)
5 years term:	0.5%	0.3%	0.0%
20 years term:	1.1%	0.5%	0.3%
30 years term:	1.4%	0.7%	0.4%

## Green Project Reserve

Green Project Reserve (GPR) are projects or project components that focus on green infrastructure, water efficiencies, energy efficiencies, or “environmentally innovative” activities. Although GPR projects can be stand-alone projects, GPR is typically a component of a larger project type. To qualify for GPR consideration, projects or project components must meet the GPR criteria defined by EPA guidelines.

To encourage GPR applications, Ecology may offer up to 25 percent of the loan funding for GPR-eligible components in the form of a FP loan. Only loan offers will receive FP loan. If the actual cost of a GPR-eligible component changes, only 25 percent of the actual cost will be forgiven. Forgivable loans for GPR-eligible components is not guaranteed.

Stormwater projects that meet the requirements for GPR and receive a reduced match in accordance with SFAP hardship are not eligible for GPR FP subsidy.

For the most up-to-date information see [EPA’s GPR webpage](#)<sup>51</sup> or [EPA’s GPR guidance document](#)<sup>52</sup>.

## Set-asides and Limits

The following are set-asides and limits on CWSRF.

- Ten percent of the Capitalization Grant is set-aside for GPR projects.
  - GPR-eligible projects or project elements may receive up to 25 percent FP loan.
- Seventy-five percent of CWSRF is set aside for wastewater and stormwater facility construction projects.
  - No more than 50 percent in this category may be allocated to any single applicant.
  - Wastewater facility construction hardship projects may be eligible for up to 100 percent FP loan and/or Centennial grant.
    - The combined total of CWSRF FP loan and Centennial grant may not exceed \$5,000,000 for any project.

<sup>51</sup> <https://www.epa.gov/cwsrf/green-project-reserve-guidance-clean-water-state-revolving-fund-cwsrf>

<sup>52</sup> [https://www.epa.gov/sites/production/files/2015-04/documents/green\\_project\\_reserve\\_eligibility\\_guidance.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/green_project_reserve_eligibility_guidance.pdf)

- A Step 4 (Design and Construction) project may not exceed \$7,000,000 in total costs.
- Twenty percent of CWSRF is set aside for nonpoint source pollution control activities projects.
  - No more than 50 percent of the amount in this category may be allocated to any applicant.
- Five percent of CWSRF is set aside for wastewater and stormwater facility preconstruction projects in communities with populations less than 25,000 and MHIs less than the state MHI. In addition, if the MHI is less than 80 percent of the state MHI, the community may qualify for up to 50 percent FP loan and/or Centennial grant.
  - No more than 20 percent of the amount in this category may be allocated to any applicant.
- Ecology may adjust the maximum award under any of the categories up or down based on demand.

For more information about project eligibility see Chapter 2.

## **Requests for Additional Funding and Budget Adjustments**

Subject to available funding, Ecology may provide additional CWSRF funds to projects to cover additional costs or address unforeseen circumstances. Requests for additional funding for construction bid overruns and change orders are subject to the following limitations.

### **Construction Bid Overruns**

Ecology may amend a recipient's facility construction loan agreement to be consistent with the low, responsive, responsible bid. If the low, responsive, responsible bid exceeds the original engineer's estimate of construction costs, Ecology may approve a funding increase for up to 10 percent of the original engineer's cost estimate as supplied with the bid documents. If funding is available, Ecology will fund bid overruns on a first-come, first-served basis.

If the low, responsive, responsible bid falls below the existing loan or grant agreement amount, Ecology will amend the agreement to match the actual eligible bid amount based on the percentage of Ecology's participation in the overall funding of the project. Ecology will begin the amendment process as soon as possible after the completion of the bid process in order to make any surplus funds available to other public bodies.

### **Construction Change Orders**

A change order is a formal document that modifies some condition(s) of the original construction contract. Ecology reviews all construction change orders submitted for eligibility for reimbursement. Significant changes that reflect a deviation from the approved planning document require preapproval. Variations typically include changes in scope of work, contract price, construction methods, times to complete the work, and major design or process changes (such as changes in location, size, or capacity).

If funding is available, Ecology may provide additional CWSRF funds to facility construction projects of up to five percent of the low responsive, responsible bid minus any contingency included in the bid. If funding is available, Ecology-approved change orders will be funded on a first-come, first-served basis.

Ecology may approve funding for change orders of greater than five percent of the eligible portion of the low, responsive, responsible construction bid only if the recipient can demonstrate that the additional funding is needed to remedy unforeseeable, extraordinary site-specific conditions. Such requests will be addressed through the normal process for amending an agreement to increase funding. The recipient must submit a justification for why the condition that caused the change order was “unforeseeable, extraordinary, and site-specific”. The borrower’s explanation should explain:

- What reasonable steps the engineer took to try to identify the condition.
- Why the reasonable steps failed to identify the unforeseen condition.
- In what way the condition is out of the ordinary.
- How the condition is specific to the project site.

Ecology may decide to disapprove or approve some or all of the requested additional funding for such change orders.

Change orders are not eligible for projects using alternative public works contracting allowed under state statute including, but not limited to, design-build, design-build-operate, and general contractor/construction manager. However, change orders are eligible for combined design/construction projects (Step 4).

## **Refinancing Existing Debt**

CWSRF loans are available for refinancing of existing debt. Refinancing can take the form of interim refinance and standard refinance.

### **Interim Refinance**

Interim refinancing is available for projects that will begin work prior to the time Ecology issues the Final Water Quality Funding Offer List and Intended Use Plan (Final List) using non-Ecology funds. Any project that is eligible for a CWSRF loan is eligible for interim refinance.

Applicants for interim refinancing apply for funding in the same manner as any new project. Ecology rates and ranks applications for interim refinance along with all other applications for new projects. Ecology awards funding on a competitive basis for all applications (including interim refinance applications) based on project ranking, project category, funding program eligibility, and funding availability.

Reimbursement for eligible work performed will occur after a financial assistance agreement has been executed. Applicants beginning work prior to issuance of the Final List are proceeding

at their own risk. As with any other project, an applicant must meet all applicable requirements for that project type.

### **Standard Refinance**

Standard refinance is for projects that have been successfully completed using non-Ecology funding sources where the recipient wants to refinance at a lower interest rate. Applicants must meet all applicable requirements for the project and must meet all Ecology prerequisites at the time the project was undertaken. Hardship subsidy is not available for standard refinance projects.

Standard refinance projects are a low priority, and Ecology does not rate and rank them as competitive projects. Ecology makes funding offers for standard refinance projects only if CWSRF money is left after the funding of competitively ranked projects up to the per applicant maximum amount is reached. Ecology ranks multiple standard refinance projects competing for funding according to financial burden on the ratepayers.

Applicants must explain the original source of project funding (e.g., internal funds, other agencies, bond issuance). Applicants must also explain the specific provisions for repayment. The debt for the project must still be outstanding. Ecology will not advance refund a prior debt.

## **Section 3.2 SFAP**

### **Section 3.2.1 Program Purpose and Guidance**

The Stormwater Financial Assistance Program (SFAP) funds facilities and activities that have been proven effective at reducing impacts from existing urban infrastructure and development. The SFAP program was created in 2013 by the Washington State Legislature and developed with the assistance of a stakeholder workgroup.

### **Section 3.2.2 Eligible Applicants**

Applicants eligible for SFAP funding include:

- Counties, cities/towns.
- Port districts.

### **Section 3.2.3 Eligible Project Categories**

Stormwater facilities and a limited suite of stormwater activities may be funded through SFAP. Projects proposed for inclusion in future NPDES municipal structural stormwater or source control programs that meet all other SFAP eligibility requirements are eligible for SFAP funding.

#### **Stormwater Facility Projects**

Stormwater facility projects must provide stormwater treatment and/or flow control for stormwater generated from existing hard surfaces. Projects that trigger new or re-development requirements in the appropriate [Stormwater Management Manuals for Eastern and Western](#)

[Washington](#)<sup>53</sup> are not eligible for SFAP funding.

Examples of SFAP-eligible stormwater facility projects include:

- Developing a plan to site and prioritize the construction of stormwater facilities to maximize water quality benefit.
- BMPs listed in the Stormwater Management Manuals for Eastern and Western Washington.
- BMPs that have achieved a GULD rating through the Ecology TAPE Program.
- BMPs that provide treatment for industrial stormwater.
- New, non-proprietary, BMP development and assessment through the Ecology TAPE program.

For additional information about stormwater facility projects, see Chapter 2.

## **Stormwater Activity Projects**

SFAP grant-eligible activities are limited to stormwater pollutant source control projects that: (1) enhance existing stormwater programs and (2) provide water quality benefits that extend beyond the grant period (typically three years).

Examples of SFAP-eligible stormwater activities include:

- Development of programs to track and inspect privately-owned stormwater facilities.
- Development of enhanced maintenance programs, including street sweeping, line cleaning, and the construction of decant facilities.
- Identification and mapping of stormwater pollution sources.

For additional information about stormwater activity projects, see Chapter 2.

## **Section 3.2.4 Funding Provisions**

### **Match Requirements**

Match for SFAP-funded projects is 25 percent (15 percent for SFAP hardship communities). Projects awarded SFAP funding must provide cash match. Cash match includes any eligible project costs paid directly by the recipient that are not reimbursed by the Ecology grant or another third party.

- Ecology considers donations that become the long-term property of the recipient as cash match.
- Ecology considers loan money provided through CWSRF as cash match.

Recipients may use property dedicated to stormwater facilities as match for construction-only

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<sup>53</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

projects with preapproval from Ecology. The following conditions apply for projects using land as match:

- Property used as match is subject to the conditions listed in Section 2.3.4.
- The recipient may not receive reimbursement in excess of project construction expenditures.
- If Ecology provides funding for land to relocate a structure or feature to install water quality BMPs, a recipient may not use the value of the structure's original location as match. For example, if a project expands a right-of-way and moves a sidewalk to make room for a bio-retention feature, the grant recipient cannot use the land value of the sidewalk's original location as match.

## **Hardship**

Stormwater projects in cities, towns, and counties funded through SFAP are eligible for SFAP hardship consideration if the project meets the following criteria:

- The existing residential population of the city or county is 25,000 or less at the time of application.
- The MHI for the city or county is less than 80 percent of the state MHI.

SFAP hardship projects will have a reduced match requirement of 15 percent of the total eligible costs. Ports are not eligible for SFAP hardship.

## **Green Retrofit Projects**

The SFAP funding program defines a green retrofit project as a stormwater and land use management project that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation, and transpiration. Project designs meet those goals by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices. In the event of a scoring tie, the project that best fits the green retrofit definition will receive preference for SFAP funding. For additional information about how scoring ties are broken, see Section 5.1.1.

## **Set-asides and Limits**

The following are set-asides and limits on SFAP.

- One-hundred percent is provided to cities, counties, and ports for implementing stormwater-related projects.
- The maximum total SFAP grant award is \$5,000,000 per funding cycle, per city, county, town, or port. If sufficient funding is available, Ecology may increase this limit to fund projects that are identified as high priority projects by Ecology project evaluators during the rating and ranking process.

## **Requests for Additional Funding and Budget Adjustments**

### **Construction Bid Overruns**

Ecology may amend a recipient's facility construction grant agreement to be consistent with the low, responsive, responsible bid. If the low, responsive, responsible bid exceeds the original engineer's estimate of construction costs, Ecology may approve a funding increase for up to 10 percent of the original engineer's cost estimate as supplied with the bid documents. If funding is available, Ecology will fund bid overruns on a first-come, first-served basis.

If the low, responsive, responsible bid falls below the existing loan or grant agreement amount, Ecology may amend the agreement to match the actual eligible bid amount based on the percentage of Ecology's participation in the overall funding of the project. Ecology will begin the amendment process as soon as possible after the completion of the bid process in order to make any surplus funds available to other public bodies.

### **Construction Change Orders**

A change order is a formal document that modifies some condition(s) of the original construction contract. Ecology reviews all construction change orders submitted for reimbursement eligibility. Significant changes that reflect a deviation from the accepted planning document require preapproval. Variations typically include changes in scope of work, contract price, construction methods, times to complete the work, and major design or process changes (such as changes in location, size, or capacity).

If funding is available, Ecology may provide additional SFAP funds to facility construction projects of up to five percent of the low responsive, responsible bid minus any contingency included in the bid. If funding is available, Ecology-approved change orders will be funded on a first-come, first-served basis.

Ecology may approve funding for change orders of greater than five percent of the eligible portion of the low, responsive, responsible construction bid only if the recipient can demonstrate that the additional funding is needed to remedy unforeseeable, extraordinary site-specific conditions. Such requests will be addressed through the normal process for amending an agreement to increase funding. The recipient must submit a justification for why the condition that caused the change order was "unforeseeable, extraordinary, and site-specific". The recipient should explain:

- What reasonable steps the engineer took to try to identify the condition.
- Why the reasonable steps failed to identify the unforeseen condition.
- In what way the condition is out of the ordinary.
- How the condition is specific to the project site.

Ecology may decide to disapprove or approve some or all of the requested additional funding for such change orders.

Change orders are not eligible for projects using alternative public works contracting allowed under state statute including, but not limited to, design-build, design-build-operate, and general contractor/construction manager. However, change orders are eligible for combined design/construction projects (Step 4).

## Section 3.3 Centennial

The Centennial Clean Water Program (Centennial) is a state funded program created by the Washington State Legislature in the middle 1980s. Ecology must manage Centennial in accordance with state laws and rules, including [Chapter 70A.135 RCW](#)<sup>54</sup> and [Chapter 173-95A WAC](#)<sup>55</sup>.

### Section 3.3.1 Eligible Applicants

Applicants eligible for Centennial funding include:

- Conservation districts.
- Counties, cities/towns.
- Federally recognized tribes.
- Institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Irrigation districts.
- Local health jurisdictions.
- Port districts.
- Quasi-municipal corporations.
- Sewer districts.

### Section 3.3.2 Eligible Project Categories

Centennial provides grants for wastewater infrastructure and nonpoint source pollution control projects. Infrastructure (facility) projects are limited to wastewater facility preconstruction hardship and wastewater construction hardship projects. Although it is rarely done, Ecology may also make loans using funds from Centennial.

#### Wastewater and Onsite Sewage System Facilities

- Wastewater facility preconstruction hardship and wastewater construction hardship projects, including large onsite sewage systems.
- Onsite sewage system repair and replacement.

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<sup>54</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=70A.135&full=true>

<sup>55</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true>



## Stormwater Activities

- Stormwater utility development.
- Identifying and mapping of pollution sources.
- Education and outreach in unpermitted communities.

## Nonpoint Activities

Examples of eligible nonpoint source pollution control projects include:

- Stream restoration and buffers.
- Agricultural BMPs.
- Protection of drinking water sources.
- Comprehensive basin plans.

## Section 3.3.3 Funding Provisions

### Set-asides and Limits

The following are set-asides and limits on Centennial.

- One-third for wastewater facility construction hardship projects.
  - The total amount may not exceed \$5,000,000 for any single project.
- One-third for nonpoint source pollution control activities projects.
  - Projects awarded a grant of \$250,000 or less may have any combination of cash, in kind interlocal, or in kind other.
  - Projects awarded a grant of more than \$250,000 up to the maximum amount of \$500,000 must supply cash or in kind interlocal match.
- The remaining funding is available competitively to fund either wastewater facility construction hardship or nonpoint source projects based on ranked priority.

## Section 3.4 Section 319

Congress established the Clean Water Act Section 319 Program (Section 319) as part of the CWA amendments of 1987 to address nonpoint sources of water pollution. EPA offers an annual grant to Washington to implement the [Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution](#)<sup>56</sup>. The grant from EPA requires a 40 percent state match, and Ecology provides this match through Centennial grants for nonpoint source pollution control projects.

There are no specific state laws or rules for Section 319, but Ecology uses federal laws, rules,

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<sup>56</sup> <https://apps.ecology.wa.gov/publications/documents/1510015.pdf>

and guidelines and Centennial laws and rules to steer the program.

### **Section 3.4.1 Eligible Applicants**

Applicants eligible for Section 319 include:

- Conservation districts.
- Counties, cities/towns.
- Federally recognized tribes.
- Institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Irrigation districts.
- Local health jurisdictions.
- Not-for-profit organizations that are recognized as tax-exempt by the Internal Revenue Service.
- Port districts.
- Quasi-municipal corporations.
- Sewer districts.

### **Section 3.4.2 Eligible Project Categories**

#### **Nonpoint Activities**

Section 319 provides grants for a variety of activity projects that address nonpoint sources of pollution, including:

- Watershed planning.
- Implementation of BMPs.
- Water quality monitoring.
- Outreach and education.

Ecology requires applicants with projects that implement BMPs to collect and report data to estimate load reductions of nitrogen, phosphorus, and sediment. Ecology must report these reductions to EPA annually.

### **Section 3.4.3 Funding Provisions**

#### **Centennial and Section 319 Match Requirements**

The following bullets describe the match requirements for Centennial and Section 319 grants.

- Match for nonpoint source activity projects funded through Centennial and Section 319 is 25 percent.

- Match for Centennial grants that fund OSS repair and replacement projects is 100 percent.
- There is no match required for wastewater facility construction hardship grants.

### **Types of Match**

Match is often in the form of cash, but a recipient may match some grants with in kind contributions. The type of match affects the grant amount as follows:

- Projects awarded a Centennial or Section 319 grant of \$250,000 or less may have any combination of match.
- Projects awarded a Centennial or Section 319 grant of more than \$250,000 up to the maximum amount of \$500,000 must supply cash or in kind interlocal match.

### **Cash Match**

Cash match includes any eligible project costs paid directly by the recipient that are not reimbursed by the Ecology grant.

- Ecology considers donations that become the long-term property of the recipient as cash match.
- Ecology considers loan money provided through CWSRF as cash match.

### **Grants Used to Match Grants**

If a recipient wants to use a grant from another funding agency as match, the recipient should check with Ecology and the other funding agency issuing the grant to ensure that it can be used as match for an Ecology grant. The following applies when using other grants to match an Ecology grant:

- The costs incurred under the matching grant must be eligible according to all criteria for the Ecology grant.
- The scope of work on the matching grant must directly satisfy the portion of the scope of work on the Ecology grant where the work is contributed.
- The date that the recipient incurs costs for the matching grant must fall within the effective and expiration dates of the Ecology grant.
- The recipient should contact their Ecology contact person to determine if another Ecology grant can be used as match for a Centennial or Section 319 grant.
- The matching grant cannot originate from the same funding source as the Ecology grant.
- WQC grants cannot be used to match each other.
- Grants provided by the Washington State Conservation Commission can be used to match WQC grants.
- Funds, goods, or services cannot be used as match more than once.

- Grants may be used to satisfy a cash match requirement.

Ecology uses nonpoint source activities projects funded by Centennial to meet EPA's Section 319 match requirements. The grant agreement will state if Ecology is using the project as Section 319 match. Projects designated as match for Section 319 cannot also be used to meet match requirements for other funding programs.

### **In Kind Interlocal Contributions**

In kind interlocal contributions are those made by another governmental agency through an interlocal agreement and not reimbursed by the grant or other outside funding source. The interlocal agreement should detail the work to be accomplished, the goods and services to be provided, and its value. In kind interlocal contributions can satisfy a cash match requirement. In kind interlocal contributions differ from in kind other contributions because the following are eligible costs:

- An indirect rate of up to 30 percent of salaries and benefits for Centennial and SFAP and up to the EPA/Ecology negotiated rate for Section 319.
- Cost of transportation through mileage (at the current state rate) or an indirect rate.
- Per Diem, travel, and subsistence expenses at state travel rates.
- Prevailing wages of the public body.

### **In Kind Other**

Examples of in kind other match contributions are property, goods, or services contributed to the recipient (or any contractor under the agreement) without direct monetary compensation. In kind other match includes donated or loaned real or personal property, volunteer services, and employee services donated to a project. In kind other match does not include eligible project costs paid directly by the recipient (see Cash Match above). In kind other contributions must be fully documented and reported separately when requesting reimbursement.

The following provisions apply to using volunteer services as match.

- An adult voluntarily provides unpaid labor or services to the project:
  - The work is valued according to the Employment Security's Occupational Employment and Wage Estimates Report for the type of labor or service provided.
- A minor voluntarily provides unpaid labor to the project:
  - The work is valued at 85 percent of the labor rate from the Employment Security's Occupational Employment and Wage Estimates Report for the type of labor or service provided.
- Donated volunteer labor must be documented by a time record signed by the volunteer coordinator and approved by the recipient.
- Volunteer labor for adults and youth is allowed by the Fair Labor Standard Act, however,

some restrictions may apply.

- Volunteers' travel expenses cannot be used as match. If a third party reimburses its employees for travel expenses related to the project, those costs are eligible match contributions on the part of the third party.
- Time spent by state employees performing their official duties is not considered volunteer labor.

The following are examples of **ineligible** in kind other contributions:

- Contributions of overhead costs, per-diem, travel, and subsistence expenses.
- Contributed time from individuals receiving compensation through the grant, except when those individuals are off duty and contributing on their own time.
- Time spent at advisory groups or meetings that do not directly contribute to project activities.
- Studies conducted by other state or federal agencies.
- Any activities or expenses that are ineligible for Ecology funding are also ineligible to be used as match.

### **Third-party In Kind Contribution**

When a third-party employer (not the recipient, state agency, or a contractor under the agreement) contributes the services of an employee, in the employee's normal line of work, to the project at no charge to the recipient, the services may be valued at the employee's regular rate of pay.

### **Set-asides and Limits**

The following are set-asides and limits on Section 319.

- One-hundred percent is for nonpoint source pollution control activities projects.
  - Projects awarded a grant of \$250,000 or less may have any combination of cash, in kind interlocal, or in kind other match.
  - Projects awarded a grant of more than \$250,000 up to the maximum amount of \$500,000 must supply cash or in kind interlocal match.

# Chapter 4: Preparing and Submitting Your Application

## Section 4.1 Preparing to Apply (January – August)

Potential applicants are highly encouraged to contact Ecology staff early in the project development process. Ecology staff can answer questions about project eligibility and identify ways to help you craft a stronger application. Staff contact information is available in Appendix A.

Ecology staff also provide workshops to assist applicants. Applicant Workshop dates are:

- August 24, 25, 26, 2021.

After the final workshop, workshop materials will be available under the “Funding applicant training” header on [Ecology’s Grants and Loans General Resources webpage](#)<sup>57</sup>.

## Section 4.2 Filling out the Application (August – October)

### Section 4.2.1 Accessing the Application

Applicants submit applications for funding through the Ecology Administration of Grants and Loans ([EAGL](#))<sup>58</sup> system.

To access this system, you will need to establish a Secure Access Washington Account, register your organization, and add EAGL as a service. This process can take several days if you are a new user. Detailed instructions, are available on [Ecology’s Grants and Loans webpage](#)<sup>59</sup>.

Once in the EAGL system, applicants can initiate a “Water Quality Combined Financial Assistance: 2023” application after finding it listed on the “Available Funding Opportunities” section on the homepage. The EAGL User’s Manual that provides instructions on accessing and using the system can be found under “Training Materials”.

Applicants can initiate and submit applications beginning August 10, 2021. All applications must be submitted before 5:00pm on October 12, 2021.

### Section 4.2.2 EAGL Role Management, Forms, and Required Uploads

#### EAGL Role Management

To ensure that organizations can monitor and control who submits applications on their behalf, **EAGL only allows users that have been assigned the role of “Authorized Official or “Contractor” to initiate an application.** Once an application has been opened, individuals with

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<sup>57</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

<sup>58</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

<sup>59</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

the roles of Authorized Official, Recipient Project Manager, Contractor, or Writer may edit the forms. For more information about managing EAGL roles and a summary of the permissions granted to each role, see Appendix D.

## **EAGL Forms**

Your grant application will include a series of electronic forms in the EAGL system plus any documents you upload with your application. Many recipients find it easier to develop the answers to the EAGL form questions in a word-processing program and then cut and paste their answers into EAGL. To facilitate this, all the questions that you will see on the forms are listed in Appendix C.

## **EAGL Uploads**

Several EAGL application forms include spaces where an upload is required. It is important to include a simple description along with a clear, easy to understand file name. EAGL accepts most file types but limits the file size to less than 35mb. Do not use “&” or other special characters in your file name. The following provides additional guidance on uploads.

### **Detailed Budget Spreadsheet**

A budget spreadsheet should align closely with your scope of work and inform the reviewer how you calculated the application funding request you made. They should be organized by task, deliverable, and line items such as staff hours, travel, contractors, equipment, etc. They should demonstrate that you thoroughly researched the associated and likely costs to complete your project and that the project isn't likely to be greatly underfunded or overfunded.

### **Project Schedule**

The schedule should align closely with your scope of work. It should clearly lay out each task and deliverable and the timelines. Organize your schedule so it is easy to follow, and ensure that it contains each important aspect of your project such as planning, design, permitting, implementation, monitoring, maintenance, etc. Using a Gantt chart format is helpful for complex projects.

### **Photos**

Photos can help the reviewer understand the resource issues at that site. Place all photos into one document with figure headings that describe each photo. Compress the photos and then make the document a pdf to decrease the size. Please do not upload several single photos.

### **Maps**

Maps can help orient the reviewer. Include a map that shows where in the state your project is (county, city, watershed, etc.) and a closer map view that shows where your project is in relation to the waterbody of concern. Aerial photos help the reviewer understand the land use around your project site and the conditions upstream, downstream, or at the site.

## Letters of Support

If you have stakeholders or partners that are involved in your project or impacted by your project, letters of support help demonstrate that they understand the project, why it is important, and that they support it. The entities providing letters of support should make it clear that they understand the project and explain how they will be involved in the project directly or indirectly. It should not just say that they support the project, but why. Encourage them to write their own letters rather than providing them with cookie-cutter language. These letters are important to demonstrate that you have community support and that there are not going to be significant stakeholder or landowner barriers to initiating and completing the project. You should also have letters of acknowledgment or agreement from any landowners where the project site occurs or that will be potentially impacted by the project.

## Large Documents

Documents that are available on the internet, such as TMDLs, watershed planning, salmon recovery documents, etc., should NOT be uploaded to EAGL. You can refer to these documents within your application by providing a link to them. If you provide a link in your application, also explain how the document is related to your project. For example, if your project was identified as a priority action in a watershed plan, state so and then provide a link and also a page number(s) where this information can be easily found within the document. Do not expect the reviewer to read an entire document; they do not have time. If your project is related to a document, you can simply say so. For example, maybe your project will help clean up a pollutant that is addressed in a TMDL. Give the TMDL name and explain how the project supports it. Do not upload the TMDL plan.

## Other Supporting Documents

It is OK to upload a few supporting documents, such as an informational brochure or an MOU, but please do not upload anything that is already on the internet or that isn't critical in helping the reviewer understand your project. More uploads do not make a project seem more valuable. Instead, too many uploads can make it hard for the reviewer to find what they really need.

## Other Tips

- **Combine documents.** Combining documents into a single file can make your uploads more manageable for the reviewer. Documents that can be combined include letters of support, photos, outreach materials, maps, etc. This makes it easier to find and review these documents. Do not, for example, upload five separate budget spreadsheets; combine them into one spreadsheet with multiple tabs or upload them as a multi-page document.
- **Give the uploaded files clear, easy to understand titles.** *Map\_ProjectLocation\_Wenatchee Watershed.pdf* is a lot easier to understand and locate than *XJ103WWPL.pdf*.
- **Upload to only one form.** If you upload a document, such as a map, to more than one form of the application, it will show up more than once in the EAGL Attachment Repository. The



Attachment Repository is the place where all uploads can be found by the reviewer for use in the evaluation. If there are multiple copies of multiple uploads, it can make it hard for the reviewer to find what you want them to review.

- **Do not depend on uploads to answer the questions in the application.** The application should be a stand-alone document that contains all of the information needed to evaluate it (with the exception of the budget and schedule uploads, which provide necessary detail not in the application). The uploads should *support* the information in the application, not replace it.
  - A good example is stating in your application that you have the support of partners X, Y, and Z and that they will help with the project in specific ways. The letters of support that you upload help further demonstrate that support. But if you upload a reach assessment that identifies that this type of project will reduce sediment in that reach, but nowhere in your application do you state that your project will reduce sediment, then don't assume the reviewer will figure it out. The reviewer does not have time to look for information that should be in your application.
  - Also, do not assume that the reviewer will already know the pollution issues for the waterbody. Some reviewers are from different parts of the state. Make sure that the answers provide all the needed information, even if obvious to you, and then provide the links to online documents (with page numbers) or uploads that will support those claims.

## Other Application Requirements

Most required uploads, such as a map or detailed budget, have a designated space on a specific form. However, some project types such as land acquisitions for stormwater, have additional documents that must be uploaded to the general "Uploads" form in order for your application to be considered. Please review the appropriate section in Chapter 2 to ensure you are providing all necessary documentation. If you have questions, please contact Ecology.

## Section 4.3 Submitting an Application

Once all forms have been filled out, only an Authorized Official may submit the application. The application can be submitted by navigating to the "Application Menu", selecting "View Status Options" under "Change Status" and applying the "Application Submitted" status.

**Important Notes:** All global errors have to be cleared, and the map has to be checked back in (saved) before the application can be submitted, so it is important to give yourself plenty of time to address those before the application deadline. If you accidentally apply the "Canceled" status, reach out to Ecology, and if there is enough time they can change it back to "Application in Process" status so it can be submitted.

# Chapter 5: Project Evaluation, List Development, and Public Comment

## Section 5.1 Evaluation Process (October – January)

Two Ecology staff review each project proposal; each reviewer gives the proposal a numeric score. One reviewer is from the Ecology region where the project is located, and the second reviewer is from one of the other regions or headquarters. Ecology compares the two scores to ensure evaluation consistency for the application. If needed, a third Ecology reviewer performs an evaluation to ensure accurate, consistent scoring. Ecology develops a ranked list of projects based on the project scores.

Ecology may request input from other state agencies and other Ecology programs about certain types of projects. This outside review may not generate a numerical score, but it can influence the score. Outside reviewers could include staff from the State Conservation Commission, Puget Sound Partnership, or DOH, as well as other Ecology programs.

Ecology evaluates project proposals based on responses provided in the application. A total of 1,000 points are available. In order to obtain funding, a project must receive a score of at least 600 total points, and it must receive at least 250 of the 500 possible points for Water Quality and Public Health Improvements. Table 14 shows the scoring breakdown along with the rating criteria and guidance.

**Table 14: Application Rating Criteria and Guidance**

<b>Application Rating Criteria and Guidance</b>
<b>Funding Request</b>
<b>Scoring</b> Worth up to <b>15 total points</b> as follows: <ul style="list-style-type: none"><li>• <b>0-15 points:</b> Applicant has identified adequate matching funds. (Full points if no match is required.)</li></ul> <b>Guidance</b> <ul style="list-style-type: none"><li>• To receive full points, the match plus funding request must equal the total eligible cost.</li><li>• Applicants that will accept loan dollars will receive full points.</li><li>• Match may exceed the minimum amount required.</li></ul>
<b>Scope of Work – For Application</b>
<b>Scoring</b> Worth up to <b>75 total points</b> as follows: <ul style="list-style-type: none"><li>• <b>0-75 points:</b> The scope of work represents a complete and concise description of the project tasks and outcomes, including deliverables. To receive full points, scope of work must align with the schedule and detailed budget.</li></ul> <b>Guidance</b> <ul style="list-style-type: none"><li>• Scope must demonstrate an understanding of all elements necessary to implement and complete the</li></ul>

<b>Application Rating Criteria and Guidance</b>
<p>project.</p> <ul style="list-style-type: none"> <li>• Maps, plans, and detailed drawings of proposed BMPs and their locations, and other documents that show the feasibility of the project should be uploaded on the “Uploads” form.</li> <li>• Deliverables should provide evidence that the task has been successfully completed. Examples include: reports, maps, pictures, educational materials, meeting agendas and notes, construction documents, copies of agreements, lists and quantities of BMPs, etc.</li> </ul>
<b>Task Costs and Budget</b>
<p><b>Scoring</b></p> <p>Worth up to <b>135 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-50 points:</b> The application demonstrates how the applicant arrived at the cost estimate for each task. The process used by the applicant to develop this estimate is based on real-world data.</li> <li>• <b>0-85 points:</b> The cost to complete the scope of work is reasonable when compared to similar projects in the region.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• The uploaded budget should be organized by task and provide sufficient detail to support the scope of work.</li> <li>• Applicants should “show their work” and describe the general method used for cost estimation. Supporting documentation may be included as a separate upload.</li> <li>• Applicants should reference any similar projects that they have completed or have been completed in their region and explain why the cost of the proposed project is greater or less than the referenced project.</li> <li>• For projects that include design costs, design costs should be based on a detailed breakdown of costs and task-hours rather than simply a percent of estimated construction costs.</li> </ul>
<b>Project Team</b>
<p><b>Scoring</b></p> <p>Worth up to <b>65 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-50 points:</b> Team members’ roles and responsibilities are well defined and adequate for the scope of work. Team members’ past experience is relevant to the proposed project. Applicant has a plan in place to maintain sufficient staffing levels to complete the project.</li> <li>• <b>0-15 points:</b> The applicant documents successful performance on other funded water quality projects, including Ecology funded projects. Previously constructed projects provided the water quality benefits described in the project application on time and within budget.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Application should demonstrate the applicant’s understanding of the skill-set required to successfully complete the project and show that the proposed team has successfully demonstrated those skills. Specific information such as “managed construction of 10 stormwater projects in Washington”, will score higher than “10 years’ experience as a P.E.”.</li> <li>• If the project team includes staff that will be hired to complete the project, the application should list the skill set they will be seeking to hire</li> </ul>
<b>Project Planning and Schedule</b>

## Application Rating Criteria and Guidance

### Scoring

Worth up to **160 total points** as follows:

- **0-40 points:** Applicant used a complete and well-defined set of criteria to determine the value and feasibility of the proposed project and included the useful life and long-term maintenance costs in their evaluation of the project and project alternatives.
- **0-20 points:** Applicant has provided documentation showing that key stakeholders have been identified and how they will support the project.
- **0-25 points:** The project schedule includes all tasks including pre-project administrative elements such as permitting, MOUs, landowner agreements, etc., and provides sufficient time to complete all elements.
- **0-75 points:** The applicant is ready to start on the proposed scope of work within 10 months of publication of the Final Offer List (a.k.a., readiness to proceed).

### Guidance

- Project criteria should include all factors that were considered by the applicant when determining the value and selecting a project to implement. Criteria should reflect both the feasibility of the project and the benefits. Examples of important criteria include, but are not limited to: useful life, installation cost, site suitability, addresses climate impacts, improves resiliency to climate change, and environmental justice. (**Note:** Some climate tools can be found on the University of Washington's, Climate impacts Group's [Analysis Tools](https://cig.uw.edu/resources/analysis-tools/)<sup>60</sup> webpage.)
- Applicant must discuss how the proposed project and the rejected alternatives met or failed to meet these criteria.
- Documentation showing stakeholder support may include minutes from public or city council meetings, or letters of support from tribes, other local governments, non-governmental organization, homeowners' associations, landowners, etc. Larger communities must include other relevant departments such as maintenance, parks and recreation, health, permitting, etc. in the stakeholder process to receive full points.
- The applicant should upload a schedule that has enough detail to show the reviewer that all tasks and deliverables have been included. Applicants should consider providing a Gantt chart for complex projects with tasks that will run concurrently.
- The schedule should correlate with the scope of work and budget.
- For design/construction and construction projects, the schedule should include the projected bid date.
- The applicant should upload planning supporting documentation.
- To receive full points, tasks that must be completed prior to beginning work on the proposed scope but are not part of scope of work, (e.g., a design of a road repair project that will be simultaneous with a road stormwater project) must be completed.
- The applicant must be ready to start on the proposed scope of work within 10 months of the publication of the Final Offer List.
- Stormwater facility and wastewater facility design and construction projects where the applicant owns or has clear control over the entire project area will score higher on "readiness to proceed" than those where ownership/control is not clear.

## Water Quality and Public Health Improvements

### Scoring

Worth up to **500 total points** as follows:

<sup>60</sup> <https://cig.uw.edu/resources/analysis-tools/>

## Application Rating Criteria and Guidance

- **0-135 points:** Project proposes to reduce or prevent pollution in a waterbody that has been identified as a priority by a local, state or federal agency through the development of a federal, state or local water quality plan.
- **0-150 points:** The proposed project area is directly connected to the water body identified for improvement and applicant has provided sufficient technical justification to show the proposed project will reduce the pollutants of concern in the water body identified for improvement.
- **0-50 points:** Applicant has identified how the project will be evaluated in order to determine success, noted if the measure is quantitative or qualitative, and defined a goal.
- **0-100 points:** The water quality and public health improvements that will be achieved represent a good value.
- **0-50 points:** Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project.
- **0-15 points:** How well does the applicant and the project address greenhouse gas emission reductions in accordance with RCW 70.235.070?

### Guidance

- Responses to the questions must be supported by the tasks delineated in the scope of work.
- If the project is required by the state or a federal agency, applicants should provide references or documentation, including permit conditions, Ecology orders, Court orders, or other correspondence.
- Applicants must reference and describe all local or regional water quality planning or regulatory documents that apply to the water body targeted for improvement including local watershed plans, TMDLS, and permits.
- Applicants should provide maps and aerial photos to illustrate how the project area is connected to the water body. Nonpoint projects should include basic topographic information to show direction of overland flow. Projects primarily designed to protect or recharge groundwater should describe the soils in the project area and any known aquifers, wells, or areas of high groundwater.
- The work proposed must be appropriate to address the pollutants generated in the project area and should support the goals outlined in the water quality planning documents.
- Consideration of a project's "value" includes both qualitative and quantitative improvements over time relative to the overall costs of the project.
- Goals should have clear numeric commitments (e.g., volumes or area treated, quantity installed, people contacted, feet restored, etc.). Goals that do not have a strong connection to improvement in water quality will not receive full points.
- Plans to sustain water quality benefits must include an estimate of project life cycle maintenance costs and identify how those costs will be met.
- Projects in the Puget Sound watershed must be consistent with the Puget Sound Action Agenda, and applicants for stormwater projects in the watershed must have considered project connection to [Governor's Executive Order on Southern Resident Killer Whale recovery](https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf)<sup>61</sup>.
- Evaluators award full points for the greenhouse gas emission reductions question if both the applicant and the project address the issue. Partial points will be awarded if either the applicant or the project addresses the issue. No points will be awarded if neither the applicant nor the project addresses the issue.

### Financial Hardship

### Scoring

<sup>61</sup> [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_18-02\\_1.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf)

## Application Rating Criteria and Guidance

Worth **0 or 50 points** as follows:

- **0 points:** If the applicant does not meet the criteria for wastewater facility construction hardship.
- **50 points:** If the applicant meets the criteria for wastewater facility construction hardship.

### Guidance

- Ecology awards 50 points to wastewater facility construction projects in communities with less than 25,000 residents where the project costs may result in sewer fees greater than 2% of the median household income of the community.

## Section 5.1.1 Other Scoring Considerations

### Puget Sound Action Agenda

The Puget Sound Partnership is a Washington State agency, created by the State Legislature and charged to create an Action Agenda that leads to a healthy Puget Sound. The Puget Sound Partnership Action Agenda:

- Prioritizes cleanup and improvement projects.
- Coordinates federal, state, local, tribal, and private resources.
- Makes sure that they are all working cooperatively.

Water quality projects located in the Puget Sound basin in conflict with the [Puget Sound Action Agenda](#)<sup>62</sup> are not eligible for WQC funding. The Puget Sound basin is defined as Water Resource Inventory Areas (WRIAs) 1 through 19. Projects in the Puget Sound basin that address specific actions outlined in the Puget Sound Partnership Action Agenda will receive preference over projects in the Puget Sound basin that do not.

### Greenhouse Gas Emission Reductions

In 2009, the State Legislature passed ESSB 5560 adding policies related to greenhouse gas (GHG) emissions to state funding for infrastructure. These policies are codified in [RCW 70.235.70](#)<sup>63</sup>.

Requirements of RCW 70.235.070 must be included in the CWSRF and Centennial programs as a factor for consideration as part of the competitive selection process. The integration of GHG consideration should be a factor that influences project selection, but should not overwhelm the underlying goals of the funding programs. Ecology's funding application includes questions related to applicant and project consistency with GHG emissions reduction goals, including asking the applicant to describe how it is meeting requirements of RCW 70.235.070.

Measures *the applicant* can take to reduce GHG emissions include:

- Enacting goals and policies committing to GHG emissions reduction targets.

<sup>62</sup> [https://www.psp.wa.gov/action\\_agenda\\_center.php](https://www.psp.wa.gov/action_agenda_center.php)

<sup>63</sup> <http://app.leg.wa.gov/rcw/default.aspx?cite=70.235.070>

- Adopting energy efficiency policies to reduce consumption in buildings and infrastructure.
- Adopting policies that promote and support the generation and use of alternative energy.
- Adopting waste reduction and diversion policies such as methane recovery or waste-to-energy programs.
- Adopting policies to replace or repower existing vehicles with cleaner, more efficient vehicles.
- Adopting equipment procurement policies that result in reduced consumption of fossil fuels.
- Implementing commute trip reduction plans and policies that establish reduction goals and strategies to reduce annual per capita vehicle miles travelled by the entity's community or workforce.
- Adopting policies that preserve forest, agricultural, and open space lands.
- Adopting comprehensive land use plans or planning policies that promote and support development patterns that encourage compact and transit-friendly communities and protect natural resources lands from conversion.

Examples of how *the project* can be designed or built to reduce GHG emissions include:

- The project site reduces GHG emissions by being located in:
  - Existing developed areas (e.g., high-density areas, urban growth areas, or designated urban centers) where services exist or are planned.
  - Areas where transportation options can be efficiently provided.
  - Areas where conversion of natural resources and rural land is prevented.
  - Areas that promote transportation choices such as transit, bicycle, and pedestrian accessibility.
  - Brownfield redevelopment areas.
  - Other areas that encourage the use of non-single occupancy vehicles and minimize the amount of land to be devoted to the project.
- Methods used to develop, construct, and operate the project reduce the use of fossil fuels (GHG emissions) by:
  - Using high performance sustainable building design, such as the use of green building standards.
  - Using green materials and high-energy efficiency measures.
  - Promoting the use of recycled content materials for building construction.
  - Supporting environmental/ecological footprint improvements (e.g., energy efficiency, water conservation, habitat preservation, green alternatives, waste-to-energy, and

lowering surface disturbance).

- Implementing new technologies, practices, and equipment to lower energy use for operation.
- Using renewable energy (wind, geothermal, solar, etc.), distributed energy (solar photovoltaic panels), or purchased green power.
- Increasing vegetation to offset carbon emissions.

## **Environmental Justice**

In addition to providing special funding considerations for economically disadvantaged communities (e.g., grants, FP loans, further reduced interest rates, and reduced match), applicants that consider other socio-economic environmental justice issues when selecting projects and projects alternatives and provide meaningful outreach to all stakeholders may receive higher scores for project planning. See Appendix N for more information.

## **Tie-breaking**

In the event of a scoring tie, the project that receives the highest score for water quality and public health improvements will receive preference for funding. If a tie remains and the project is a stormwater facility, the project that best fits the definition of green retrofit will receive preference (see Section 3.2.4). If the project is not a stormwater facility, scores will first be compared for project schedule, then task costs and budget to break the tie.

## **Section 5.2 Offer Lists (January – July)**

### **Section 5.2.1 Draft List**

Once all projects have been reviewed and ranked, Ecology publishes a Draft Funding Offer List (Draft List). The Draft List is typically published in middle January. The Draft List is published prior to the enactment of a state budget and is based on funding estimates. Once the Draft List is published, applicants may view the Ecology Evaluator notes and scores via the EAGL system.

### **Section 5.2.2 Public Review and Request for Reconsideration**

There is a 30-day public comment period for the Draft List. Applicants and the public receive notice from Ecology about the 30-day public comment period on projects proposed for funding when Ecology issues the Draft List. During the 30-day public comment period, applicants and the public may provide comment on the process or request reconsideration of a project proposal.

Official comments on the Draft List and process or requests for reconsideration must be submitted to Ecology in writing within the 30-day comment period. Any request for reconsideration must be well-defined and supported. Ecology will provide a response to written comments when it issues the Final Funding Offer List (Final List).



### **Section 5.2.3 Final List**

Ecology publishes a Final List following the final approval of the state's budget that provides appropriation authority for funding and the awarding of federal grants supporting the CWSRF and Section 319 programs. This typically occurs on or before July 1. Funding recipients will also receive an offer of funding via letter. These offers are a maximum funding award and are conditional upon recipients meeting all funding conditions and the successful negotiation of a project scope of work and final budget.

# Chapter 6: Agreement Development, Management, and Conditions

## Section 6.1 Agreement Development Process

The information provided in the application is the basis for the scope of work used in a funding agreement. Through the agreement negotiation process, Ecology and the funding recipient work together to develop a funding agreement that achieves the water quality and public health benefits described in the application and meets all state and federal funding requirements.

### Section 6.1.1 Project Management Team

Ecology makes formal funding offers at the time of the Final List publication. Ecology assigns a Project Management Team to each project receiving a funding offer. The Project Management Team consists of one or more of the following: a Financial Manager from the headquarters office; a Project Manager from the regional office where the project is located; and a Technical Advisor. Ecology's Project Management Team contacts the applicant within four weeks of the loan or grant offer to schedule a time to discuss the funding offer and begin the process of developing a funding agreement. The Project Management Team works to develop and negotiate funding agreements and monitor recipient performance after an agreement is signed.

The Project Management Team uses information found in the funding proposal as the basis for developing the funding agreement. Funding agreements for clearly defined project proposals that include a detailed scope of work, measurable objectives, and accurate budgets take less time to develop. If the applicant makes significant changes to the scope of work after the award, Ecology may withdraw or modify a funding offer. To speed development and processing, Ecology standardizes much of the funding agreement language and includes general terms and conditions and other conditions that are required by state or federal law.

The **Financial Manager** reviews and approves payment requests and assists the Project Manager in the negotiation of agreements. The Financial Manager also administers the project, determines eligibility, and maintains project files.

The **Project Manager** is the primary contact for technical assistance and day-to-day questions. The Project Manager also works with the Financial Manager to resolve payment or eligibility issues if they arise. When in doubt, call any member of the Project Management Team for information.

Ecology also assigns a regional project engineer as a Technical Advisor for most facilities projects to provide engineering technical assistance and conduct engineering review and approvals. The project engineer may also serve as the Project Manager.

After developing the agreement, the Project Management Team requests a funding program

review. When the agreement is finalized, the applicant prints the agreement using EAGL and then signs the agreement. The applicant will send the funding agreement to the Financial Manager for the final signature by the Water Quality Program Manager or the authorized designee.

Once Ecology signs the agreement, the Financial Manager returns a fully executed original to the recipient. The *applicant* becomes the *recipient* once the agreement is signed.

## Section 6.2 Agreement Conditions

Ecology funding agreements include several sections. In addition to the scope of work and agreement-specific terms and conditions, each agreement includes standard terms and conditions that apply to agreements funded by specific funding sources and to all agreements funded through WQC and Ecology. These standard agreement conditions are updated regularly in response to state and federal legislative, regulatory, or executive directives and agency policy. See Appendix F for the most recent standard terms and conditions that apply to funding agreements.

**The following sections highlight some specific conditions that play a role in the day-to-day decisions made on loan or grant projects and may influence how you develop your application including your scope of work, schedule, and budget.** The sections are organized alphabetically. Some of the conditions apply before a funding agreement can be signed.

A complete listing of the administrative requirements for all grants and loans administered by Ecology is contained in [Administrative Requirements for Recipients of Ecology Grants and Loans \(Yellow Book\)](#)<sup>64</sup>.

### Section 6.2.1 Budgets

All recipients must track the project budget by task. An object-based budget is not permitted. Object budget information provided in the application is used to evaluate if all costs were considered by the applicant at the time of application and to track requested purchases during project implementation.

The budget amount for administration should not exceed 15 percent of the total eligible cost of the project.

### Section 6.2.2 Contract Clauses and Specification Inserts

Agreements for projects funded through Centennial, CWSRF, and SFAP may contain several contract clauses and specification inserts.

The contract clauses and specification inserts for Centennial- and CWSRF-funded projects can be found on [Ecology's Facility Project Resources webpage](#)<sup>65</sup>.

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<sup>64</sup> <https://apps.ecology.wa.gov/publications/documents/1701004.pdf>

<sup>65</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants->

The specification clauses and bid inserts for SFAP-funded projects can be found on [Ecology's General Resources for Water Quality Grants and Loans webpage](#)<sup>66</sup>.

### Section 6.2.3 Growth Management Act (GMA) Compliance

In accordance with [WAC 173-98-710](#)<sup>67</sup> and [WAC 173-95A-610](#)<sup>68</sup>, any county, city, or town required or choosing to fully plan under [RCW 36.70A.040](#)<sup>69</sup> of the Growth Management Act (GMA) that is proposing a **wastewater or stormwater facility** project **must be in compliance with the applicable GMA requirements at the time a loan or grant agreement is signed** unless exceptional situations exist.

Ecology may make exceptions if the proposed project is required to address a “serious public health need” or a “significant environmental degradation”. Ecology looks at such designations very carefully and makes determinations on a case-by-case basis. However, Ecology exceptions do not relieve applicants of their responsibilities to comply with the GMA requirements.

GMA compliance does not affect activity project applications, such as watershed planning, water quality monitoring, public information and education, etc. GMA compliance also does not affect facilities projects proposed by counties, cities, or towns not fully planning under the GMA.

### Section 6.2.4 Historic and Cultural Resources Requirements

Ecology staff work with grant and loan recipients to follow the appropriate steps to work with the Department of Archaeology and Historic Preservation (DAHP), required consulting parties, and the tribe(s) to determine if a site has the potential of disturbing or significantly impacting an archaeological or historic archaeological site, historic building/structure and cultural or sacred place. All activities associated with site assessments for historic properties are grant and loan eligible. Acquisitions or disturbance that occurs prior to a cultural resources review are not eligible for reimbursement. See Appendix N for further details.

### Section 6.2.5 Indirect Rate

The recipient can charge an indirect rate of up to 30 percent of salaries and benefits for Centennial, SFAP, and CWSRF and up to the EPA/Ecology negotiated rate for Section 319 to cover overhead costs that benefit more than one activity of the recipient and that are not directly assignable to a particular objective of the project. Before Ecology can approve requests for reimbursement of indirect costs, recipients are required to upload documentation of their most current rate and list what is included in the indirect rate

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and-loans/Facility- project-resources

<sup>66</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

<sup>67</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-710>

<sup>68</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true#173-95A-610>

<sup>69</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.040>

## **Section 6.2.6 Initial Data Reporting and Federal Funding Accountability and Transparency Act (FFATA)**

Recipients of funding from CWSRF must complete the “CWSRF Federal Reporting Information” form in EAGL. The form will be available for completing in EAGL during the agreement negotiation process. Ecology’s assigned Project Manager may also complete the form.

Recipients of funding from Section 319 or Centennial projects used for the state match for Section 319 must complete the “Section 319 Initial Data Reporting” form in EAGL. The form will be available for completing in EAGL during the agreement negotiation process.

Recipients of CWSRF funding identified as Designated Equivalency Projects (DEPs) and Section 319 funding must also complete and submit the [Federal Funding Accountability and Transparency Act \(FFATA\) form](#)<sup>70</sup> to Ecology during agreement negotiations. Ecology cannot sign a funding agreement until the form is completed.

## **Section 6.2.7 Investment Grade Efficiency Audit (IGEA)**

Recipients of funding from CWSRF and Centennial with Step 2, Step 3 and Step 4 facilities projects are required to conduct an investment grade efficiency audit (IGEA). The IGEA can be just for the funded project or the entire system; the latter is preferable. In addition, if an IGEA was conducted for the entire system within the past 5 years, recipients need only upload a copy of the previously-completed IGEA to EAGL—no additional work is required.

The IGEA may be paid for with Centennial grant or CWSRF loan funds.

## **Section 6.2.8 Permits**

Recipients must secure any required permits and provide documentation upon request. Work on permit preparation is an eligible cost. Permit fees associated with completing a funded project are also eligible. Ecology considers annual permit fees a normal operating expense, so annual permit fees are not eligible for funding.

## **Section 6.2.9 Progress Reports**

Recipients must submit progress reports at least quarterly and with every payment request. Progress reports are submitted through the EAGL system.

Progress reports should include a description of all progress made in the reporting period to meet goals as well as any successes, problems, and delays that affect the project. If a problem exists, recipients must discuss the corrective actions taken or proposed and identify any Ecology assistance that may be needed.

## **Section 6.2.10 Project Management Consultant**

In some cases, it may be beneficial or necessary for recipients to hire a “Project Management

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<sup>70</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070395.pdf>

Consultant” (PMC). The PMC should be well-versed in preparing and managing contracts. The PMC would represent the recipient and be completely independent of the recipient’s consulting engineer and all other contractors. Smaller communities would be most likely to benefit from having a PMC. Ecology maintains the option to require a PMC in accordance with its “Grant and Loan Project Monitoring and Oversight” policy. Applicants who are considering hiring a PMC should consider the costs when submitting their project budget. PMC costs are eligible for funding.

### **Section 6.2.11 Project Site Visits and Post Project Assessments**

Ecology’s Project Management Team may conduct site visits to provide technical assistance and verify progress or payment information for projects.

Recipients of grant funding for activities projects must agree to participate in a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion.

### **Section 6.2.12 Public Awareness**

Recipients must inform the public about the project and about Ecology and EPA participation for the following:

- Any site-specific project that is accessible to the public must acknowledge state and federal participation by one of the following means:
  - Standard signage (appropriately sized and weather resistant).
    - Ecology and EPA logos are available from Ecology’s Financial Managers for use on signs.
  - Posters and wall signage in a public building or location.
  - Newspaper or periodical advertisement for project construction, groundbreaking ceremony, or operation of the new or improved facility.
  - Online signage placed on community website or social media outlet.
  - Press release.
- All publications must include acknowledgment of state and federal participation.

### **Section 6.2.13 Risk Assessment**

The Ecology Project Management Team applies Water Quality Program Policy 3-17 to all funding agreements. The policy was established to implement project monitoring and oversight of grant and loan recipients (this includes sub recipients defined as recipients who receive federal monies and/or federal matching monies from Ecology). See Appendix Q for additional information.

## Section 6.2.14 Special Agreement Conditions for CWSRF Loans

The following items are required conditions of specified recipients of CWSRF loans.

### American Iron and Steel (AIS)

Recipients of CWSRF loans for Step 3 or Step 4 wastewater facility projects and stormwater facility projects with a construction component must meet the American Iron and Steel (AIS) requirements. Such projects may use only specific iron and steel products that are produced in the United States. The requirements do not apply to activity projects.

For additional guidance visit [EPA's AIS webpage](#)<sup>71</sup>.

### Architectural and Engineering (A/E) Services Procurement

Recipients of CWSRF loans for Step 3 or Step 4 wastewater facility projects identified by Ecology as DEPs are required to procure architectural and engineering (A/E) services in accordance with the federal requirements found in [Chapter 11 of Title 40, U.S.C.](#)<sup>72</sup>. The federal requirements differ somewhat from the state requirements found in [Chapter 39.80 RCW](#)<sup>73</sup>.

A/E services include, but are not limited to, program management, construction management, feasibility studies, preliminary engineering, design, engineering, surveying, mapping, and architectural related services.

### Authorizing Ordinance or Resolution

Recipients of CWSRF loans must provide an authorizing ordinance or resolution that states that the recipient accepts responsibility to repay the loan and abide by the provisions of the agreement. The resolution must be signed by the governing board or council and is included in the loan agreement as an attachment.

### Cost and Effectiveness Analysis (CEA)

Recipients of CWSRF loans must certify that they have conducted a Cost and Effectiveness Analysis (CEA). The cost-effective alternative is determined through a CEA. A CEA must include a comparison of the life cycle costs of alternatives taking into account:

- The cost of constructing the project or activity.
- The cost of operating and maintaining the project or activity over the life of the project or activity.
- The cost of replacing the project or activity.
- The selection, to the maximum extent practicable, of a project or activity that maximizes the potential for efficient water use, reuse, recapture, and conservation, and energy

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<sup>71</sup> <https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>

<sup>72</sup> <https://www.govinfo.gov/content/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitle1-chap11.pdf>

<sup>73</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=39.80&full=true>

conservation.

Recipients must complete a CEA certification in EAGL.

## **Davis-Bacon Act Wages**

Recipients of CWSRF loans for Step 3 or Step 4 wastewater facility projects and stormwater facility projects with a construction component must comply with the federal [Davis-Bacon Act wage requirements](#)<sup>74</sup>.

## **Equivalency Requirements and Designated Equivalency Projects**

“Equivalency requirements” refer to specific federal laws and authorities that EPA requires Ecology to report on and/or track compliance with by CWSRF loan recipients up to an amount equivalent to the amount of the Capitalization Grant Ecology receives from EPA.

The equivalency requirements for CWSRF apply to the following:

- Architectural and engineering (A/E) services procurement.
- A report on compliance with specific federal environmental assurances, often referred to by EPA as cross cutters.
- Disadvantaged Business Enterprises (DBE).
- Funding Accountability and Transparency Act (FFATA).
- Signage.
- Single Audit Act (SAA).
- Suspension and debarment.
- Uniform Relocation and Real Property Acquisition Policies Act.

The EPA requires reporting on federal statutes and regulations associated with the award, and requires recipients and sub recipients to comply with these applicable award requirements, often referred to as federal assurances. These cross cutting laws include but are not limited to federal laws and authorities for civil rights, environmental justice, applicable cultural resource protection and discovery, DBE, signage, and suspension and debarment for all recipients of CWSRF funding. In addition to these, Ecology requires compliance with federal laws and authorities for A/E services procurement, cross cutters, and Uniform Relocation and Real Property Acquisition Policies Act for Alternate DEPs. Ecology requires compliance with all the equivalency requirements for DEPs, including FFATA and SAA.

The core criteria for determining which projects are DEPs and any identified Alternate DEPs are:

- Step 3 and Step 4 wastewater facility projects.
- Population of the applicant is 25,000 or more.

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<sup>74</sup> <https://www.dol.gov/whd/regs/statutes/dbra.htm>



Ecology maintains the option to modify the criteria for determining DEPs and Alternate DEPs if needed to ensure the funding for DEPs is adequate to equal or exceed the amount of the Capitalization Grant. Ecology also maintains the option to remove projects from the DEPs list or Alternate DEPs list if deemed appropriate, for example, if they are unlikely to have a significant environmental impact, and removing them will not impact Ecology's ability to meet EPA's equivalency requirements. More information can be found in Appendix N.

### **Financial Capability Assessment (FCA)**

Ecology must conduct a financial capability assessment (FCA) of all recipients of CWSRF loans. Ecology cannot sign loan agreements without a FCA. Among other things, the FCA is used to assess the ability of applicants to repay the CWSRF loan.

Part of the FCA process involves determining an applicant's means of securing the loan. Loan security options include the following.

- Revenue-secured where an obligation is secured by a pledge of the revenue of a utility--for example, when a recipient charges a fee for a utility service such as wastewater fees.
- General Obligation where an obligation is secured by annual taxes levied--for example, when a recipient uses its General Fund.
- General Obligation from Special Assessment where an obligation is secured by special assessments levied--for example, when a recipient has a ULID or when there is a specific assessment based on home value.
- Tribal Government Enterprise where an obligation is secured through a tribal source--for example, when a recipient uses a tribal enterprise fund.

### **Fiscal Sustainability Plan (FSP) (a.k.a., Asset Management Plan)**

Recipients of CWSRF funding for Step 3 or Step 4 wastewater facility and stormwater projects with a construction component, and recipients of Centennial construction hardship funding must certify that they have prepared a Fiscal Sustainability Plan (FSP) or another plan(s) that contains at least the following:

- An inventory of critical assets that are part of the system.
- An evaluation of the condition and performance of the critical assets.
- A plan to maintain, repair, and replace the critical assets and to fund those activities.
- A process to evaluate and implement water and energy conservation efforts as part of the plan.

Recipients must complete a certification in EAGL during the agreement negotiation process. Ecology requires recipients who do not already have a plan that meets the minimum requirements to prepare one as part of the scope of work for the project and submit a new certification statement upon completion of the plan.

## Force Accounts and Staffing Plans

Force account refers to a local government that uses its own staff to complete a facilities project. For activities projects, it may be considered a staffing plan. Force accounts and staffing plans may be eligible for funding under CWSRF if:

- The recipient complies with laws on discrimination, such as wages, job safety, insurance, licenses, and certifications such as [Chapter 39.04 RCW](#)<sup>75</sup>, [RCW 35.22.620](#)<sup>76</sup>, and [RCW 35.23.352](#)<sup>77</sup>.
- The recipient demonstrates that they have the legal authority and the technical capability to perform the work.
- The recipient demonstrates that other essential functions will not be affected by performing the work.
- The work is accomplished more economically than if procured competitively.
- The recipient submits a written request to fund the force account work that includes a dollar amount and a general description of the force account work. The request must be approved by the Ecology Regional Section Manager.
- The work to be performed using recipient forces is included as a separate budget line item in the financial assistance agreement.

The recipient must maintain separate and identifiable records for a force account or staffing plan to ensure eligible costs are charged to the project. Overtime differential is not allowed.

## Insurance

Where applicable, recipients must maintain comprehensive insurance coverage on projects in amounts equal to the funds disbursed.

## Interest Accrual

Ecology disburses CWSRF loan funds on a cost-reimbursable basis. An incurred cost is defined as a cost that has occurred and is eligible for payment. Interest begins to accrue on each disbursement at the time it is paid to the recipient. Interest is compounded monthly.

## Operation and Maintenance of Utility

The recipients must keep the utility in good working order and operate the utility efficiently. Recipients of funding for stormwater facilities must agree to maintain stormwater facilities for the design life of the facility, typically 20 years.

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<sup>75</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=39.04>

<sup>76</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=35.22.620>

<sup>77</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=35.23.352>

## **Opinion of Recipient's Legal Counsel**

Recipients must provide a statement from their legal counsel regarding the final draft of the loan agreement. A template can be found on [Ecology's Facility Project Resources webpage](#)<sup>78</sup>.

## **Pledge of Net Revenue or ULID Assessments**

If revenue from a ULID is used to secure a loan, the recipient must irrevocably pledge to pay the net revenue of the ULID to cover the principal and interest.

## **Repayments**

Semi-annual loan repayment begins one year after the project completion date or initiation of operation date, whichever comes first. There is no restriction or penalty for early loan repayment.

## **State Environmental Review Process (SERP)**

Recipients of CWSRF funding must complete a SERP Information Packet. Included in this packet is the SEPA threshold determination and checklist, information on any required permits and mitigation, the status of cultural resource review, socio-economic/environmental justice information, and public engagement documentation. More information on SERP can be found in Appendix N.

## **Section 6.2.15 Special Agreement Conditions for OSS Local Loan Fund Projects**

### **Administration**

Recipients of funding for OSS local loan projects must use the funds received from Ecology to establish and administer a local loan fund. Recipients are responsible for local loan servicing, collecting payments, and payment tracking, but may contract for such services through a lending institution. Recipients must officially approve or deny local loan requests and establish the local loan interest rate and the repayment period.

### **Reporting**

Recipients of funding for OSS local loan projects must submit, with each quarterly progress report, a schedule for project completion, including milestone dates for loan marketing activities, numbers of loan applications and closures, disbursements, and application deadlines.

At the end of the project recipients must also submit a final list of the local loans provided to homeowners throughout the duration of the project. The list must include information regarding the number and final dollar amounts of loans funded in the following respective homeowner income levels:

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<sup>78</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>

- County Median Household Income
  - Above 80 percent.
  - 50 to 80 percent.
  - Below 50 percent.

## Section 6.2.16 Summary

Table 15 summarizes the applicability of some of the agreement conditions discussed in Section 6.2.

**Table 15: Applicability of Various Funding Requirements**

Requirement	What projects does it apply to?	When does it apply?
American Iron and Steel	Wastewater and stormwater facility construction projects that receive CWSRF funds.	Throughout project.
Authorizing Ordinance or Resolution	Projects that receive CWSRF funds.	Before loan signing.
Cost and Effectiveness Analysis Certification	Projects that receive CWSRF funds.	Before loan signing.
Federal Architectural and Engineering Services Procurement	Wastewater facility loans identified as CWSRF DEPs.	Throughout project.
Federal Environmental Assurances (Cross Cutters)	Wastewater facility loans identified as CWSRF DEPs.	Throughout project.
Federal Davis-Bacon Wages and State Prevailing Wages on Public Works	Wastewater and stormwater facility construction projects that receive CWSRF funds.	Throughout project.
Federal Funding Accountability and Transparency Act Form	Projects that receive CWSRF or Section 319 funds.	Before loan or grant signing.
Final List of Local Loans Report	OSS local loan programs.	At project completion.
Financial Capability Assessment	Projects that receive CWSRF funds.	Before loan signing.

Requirement	What projects does it apply to?	When does it apply?
Fiscal Sustainability Plan Certification	Wastewater and stormwater facility construction and combined design/construction projects that receive CWSRF funds and projects that receive Centennial construction hardship funding.	Before loan signing. Recipients that complete the plan during the project must resubmit upon completion.
Growth Management Act Compliance	Wastewater and stormwater facility projects in a city, county, or town that is required to or chooses to plan under the Growth Management Act.	Before agreement signing.
Investment Grade Efficiency Audit	Wastewater facility design, construction, or combined design/construction projects that receive CWSRF or Centennial funds.	During project.
Minority- and Women- Owned Business Enterprises and Disadvantaged Business Enterprises	All projects.	Throughout project.
Single Audit Act	Recipients of CWSRF or Section 319 funds that expend \$750,000 or more in federal funds in the calendar year.	Throughout project.
State Environmental Review Process	Wastewater and stormwater facility projects that receive CWSRF funds.	Each loan agreement.

## Section 6.3 Agreement Management

### Section 6.3.1 Contractor or Consultant Role Permissions in EAGL

Recipients may not allow any contractors or consultants to hold the Authorized Official role in EAGL. In order to maintain effective internal controls and accountability and avoid related audit findings, only organization staff can have an Authorized Official role for an active grant or loan. This role allows certification and submittal of payment request/progress reports, submittal of amendment requests, and the ability to change member roles. Recipients may assign contractors to a Contractor or Writer role if they need access permissions for grant or loan administration.

### Section 6.3.2 Incurring Eligible Costs

The agreement *effective date* is the earliest date on which eligible costs may be incurred. The effective date is negotiated between the applicant and Project Management Team during

agreement development.

Unless explicitly stated by the State Legislature in a budget appropriation, the effective date for grants cannot be before the beginning of the state fiscal year (July 1, 2022).

The effective date for CWSRF loans can go back to the beginning of the project if appropriate; see Section 3.1.4 for more information.

The applicant may incur project costs on and after the effective date and before Ecology's signature of the final agreement, but expenditures cannot be reimbursed until the agreement has been signed by Ecology's Water Quality Program Manager. While applicants can incur eligible costs before the agreement is signed, they do so at their own risk.

### **Section 6.3.3 Quarterly and Final Closeout Reporting Requirements**

Recipients must provide routine updates on projects while the funding agreement is in active status. Quarterly reports cover January 1-March 31, April 1-June 30, July 1-September 30, and October 1-December 31. EAGL reports are due within 30 days of the end of the quarter.

In addition to quarterly reports, recipients are required to submit an EAGL close-out form and a separate 2-page project summary report as part of the grant close-out process. Recipients should contact the Ecology Project Manager for templates and guidance.

### **Section 6.3.4 Important Dates**

The time limits for starting and ending projects are based on the publication date of the Final List that identifies the project for funding.

While there is some flexibility, the funding agreement for the project should be signed by both parties no later than seven months after the publication date of the Final List. Generally, this means January 31 of the year following the publication of the Final List. **Actual work on the project should begin no later than 10 months after the publication date of the Final List, generally by April 30 of the year following the publication of the Final List.**

The **expiration date (of an agreement or amendment)** is the last date on which costs may be incurred and be considered eligible. The *project completion date* is the date specified in the agreement on which the scope of work will be fully completed. Both dates are negotiated between the applicant and the Project Management Team.

The **initiation of operation date** applies to facilities construction projects. It is the actual date that a facility starts operation or can be used for its intended purpose. This date may occur prior to final inspection. Ecology will determine the initiation of operation date after consultation with the recipient. This date may be the same as the project completion date, or it may be earlier. The initiation of operation date triggers the start of the one-year CWSRF loan repayment grace period. If the project completion date occurs before the initiation of operation date, the start of the one-year loan repayment grace period starts with the project completion date.

## **Project Completion Dates and Extensions**

Facility and activity projects funded through CWSRF and stormwater facility projects funded through SFAP must be completed within five years of the publication date of the Final List.

After the five-year limit is reached, a time extension of no more than 12 months may be made with valid reasons supporting the time extension. In no event can the project be extended beyond six years of the publication date of the Final List identifying the project.

Activities projects funded with Section 319 grants, Centennial grants used for the Section 319 match, and SFAP grants must be completed within three years. Projects can begin as early as the publication date of the Final List. After the three-year limit is reached, a time extension of no more than 12 months may be made with valid reasons supporting the time extension. In no event can the project be extended beyond four years. Section 319 grants have a limit on contract extensions based on when the grant is awarded to the State; this limit may be less than the three-year limit described previously.

Conditions under which Ecology can authorize time extensions include but are not limited to:

- Schedules included in water quality permits, consent decrees, or enforcement orders.
- Work that falls within an environmental window in a specific season of the year.

To ensure timely processing, the recipient must request extensions no less than three months before the funding agreement is due to expire.

## Appendix A: Water Quality Ecology Grant and Loan Contacts

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<b>Southwest Region</b>		
<b>Nonpoint Projects</b>		
Gray, Donovan	(360) 407-6407	<a href="mailto:donovan.gray@ecy.wa.gov">donovan.gray@ecy.wa.gov</a>
Rostorfer, Devan	(360) 690-4665 Cell (360) 409-6693	<a href="mailto:devan.rostorfer@ecy.wa.gov">devan.rostorfer@ecy.wa.gov</a>
Whitesell, Leanne	(360) 407-6295	<a href="mailto:leanne.whitesell@ecy.wa.gov">leanne.whitesell@ecy.wa.gov</a>
<b>Stormwater Projects</b>		
Mora, David	(360) 690-4782 Cell (360) 515-8106	<a href="mailto:david.mora@ecy.wa.gov">david.mora@ecy.wa.gov</a>
<b>Wastewater Projects</b>		
Dougherty, David	(360) 407-6278	<a href="mailto:david.dougherty@ecy.wa.gov">david.dougherty@ecy.wa.gov</a>

## Appendix B: Some Acronyms and Abbreviations Used in This Document

Some Acronyms and Abbreviations Used in This Document	
A/E	Architectural and engineering
ACS	American Community Survey
APE	Area of Potential Effect
BA	Biological Assessment
BMP	Best Management Practice
BO	Biological Opinion
CAA	Clean Air Act
CBP3	Community Based-Public-Private Partnership
CDP	Census Designated Place
CEA	Cost and Effectiveness Analysis
Centennial	Centennial Clean Water Fund
CSO	Combined Sewer Overflow
CWA	Clean Water Act
CWSRF	Washington State Water Pollution Control Revolving Fund; a.k.a., Clean Water State Revolving Fund
CZMA	Coastal Zone Management Act
CZMP	Coastal Zone Management Program
DAHP	Washington State Department of Archaeology and Historic Preservation.
DBE	Disadvantaged Business Enterprises
DEPs	Designated Equivalency Projects
DNS	Determination on non-significance, in regards to the State Environmental Policy Act
DOH	Washington State Department of Health
Draft List	Draft Water Quality Funding Offer List and Intended Use Plan
DWSRF	Drinking Water State Revolving Fund
EAGL	Ecology Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EFH	Essential Fish Habitats
EFSEC	Energy Facility Site Evaluation
EIM	Ecology Information Management System
EIS	Environmental Impact Statement.

Some Acronyms and Abbreviations Used in This Document	
EJ	Environmental Justice
EPA	Environmental Protection Agency
ESA	Endangered Species Act, 16 USC 1531
FCA	Financial Capability Assessment
FEMA	Federal Emergency Management Agency
FFATA	Federal Financial Accountability and Transparency Act
FFY	Federal Fiscal Year
Final List	Final Water Quality Funding Offer List and Intended Use Plan
FIP	Financial Institution Partner
FIRM	Flood Insurance Rate Map
FMP	Fisheries Management Plans
FOTG	Field Office Technical Guide
FP	Forgivable Principal
FPPA	Farmland Protection Policy Act
FSP	Fiscal Sustainability Plan
GAAP	Generally Accepted Accounting Principles
GASB	Governmental Accounting Standards Board
GC/CM	General Contractor/Construction Manager
GEO	Governor's Executive Order
GHG	Greenhouse Gases
GMA	Washington State's Growth Management Act
GPR	Green Project Reserve
GULD	General Use Level Designation
HUAP	Heavy use area protection
I/I	Infiltration and Inflow
IACC	Infrastructure Assistance Coordinating Council
IDP	Inadvertent Discovery Plan
IGEA	Investment Grade Efficiency Audit
LEP	Limited English Proficiency
LID	Low Impact Development
LOSS	Large Onsite Sewage System
MBE/WBE	Minority- and Woman-Owned Business Enterprises
MOU	Memorandum of Understanding
MR/CE	Minimum Requirement/Core Element Analysis

Some Acronyms and Abbreviations Used in This Document	
MS4	Municipal Separate Storm Sewer System
N/A	Not applicable
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPDES	National Pollution Discharge Elimination System
NRCS	Natural Resource Conservation Service
OHWM	Ordinary High Water Mark
ORIA	Governor's Office for Regulatory Innovation and Assistance
ORMA	Ocean Resource Management Act
OSS	Onsite Sewage System
PMC	Project Management Consultant
POTW	Publicly Owned Treatment Works
PWD	Persons With Disabilities
QAPP	Quality Assurance Project Plan
RCO	Washington Recreation and Conservation Office's
RCW	Revised Code of Washington
RLP	Regional Loan Program
SAA	Federal Single Audit Act
SEA	Ecology's Shorelands and Environmental Assistance Program
Section 319	The Clean Water Act Section 319 Nonpoint Source Grant Program
SEPA	State (of Washington) Environmental Policy Act, Chapter 43.21C RCW
SERP	State Environmental Review Process
SFAP	Washington State Stormwater Financial Assistance Program
SFY	State Fiscal Year
SIP	State (of Washington Air Quality) Implementation Plan
SSA	Sole source aquifer
STEPL	Spreadsheet Tool for Estimating Pollutant Loads for nitrogen, phosphorus, sediment, biological oxygen demand (BOD)
SWMMEW	Ecology's 2019 Stormwater Management Manual for Eastern Washington
SWMMWW	Ecology's 2019 Stormwater Management Manual for Western Washington
TAPE	Technology Assessment Protocol – Ecology
TDA	Threshold Discharge Area
TEPA	Tribal Environmental Policy Act
TMDL	Total Maximum Daily Loads

Some Acronyms and Abbreviations Used in This Document	
UIC	Underground Injection Control
ULID	Utility Local Improvement District
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WAC	Washington State Administrative Code
WIFA	Water Infrastructure Finance and Innovation Act
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WQC	Water Quality Combined Funding Program
WTN	Washington Tracking Network

# Appendix C: SFY23 Applicant Prep Tool and Scoring Criteria/Guidance

## Applicant Prep Tool

The purpose of this document is to help applicants organize their answers to the questions for the SFY23 application. This is not an application. It may be used in preparation of on-line submittal through Ecology's Administration of Grants and Loans ([EAGL](#)<sup>79</sup>). Items marked with an \* are required.

To assist you, the Scoring Criteria/Guidance table is available at the bottom of this document.

This document is also available in all funding applications and on the [Water Quality Grants and Loans General Resources](#)<sup>80</sup> webpage.

## General Tips

- 1) When pasting text into EAGL, it will strip any formatting. It's best to prepare plain text without bullets.
- 2) Once you have completed your text, save as "Plain Text" and review before cutting and pasting into EAGL.
- 3) Character limits are indicated below. You can highlight your draft text, select "Review" and "Word Count" to see the number of characters with spaces to ensure you are meeting EAGL size restrictions.
- 4) You should thoroughly review your application well before you plan to submit it to Ecology for review. EAGL's global error check can help with this process. To re-check your entire document for errors, click the CHECK FOR ERRORS link. This will start a global error check. If any errors are found on your forms, the form name and error message will display on the page. You can click on any of the underlined form names to return to that form. Another option is to check each individual form as you complete it by clicking CHECK GLOBAL ERRORS near the top right of the screen.

## General Information Form

\*Project Title: (char 75)

\*Project Short Description: (char 500)

\*Project Long Description: (char 4,000)

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<sup>79</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

<sup>80</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>



\*Total Cost: (full cost of the project, including ineligible portions and portions paid with other funds)

\*Total Eligible Cost: (cost of the work that will be supported by Ecology funding, including any required match)

\*Effective Date: (earliest date on which eligible costs can be incurred; auto-loaded with July 1, but can be modified during agreement negotiation)

\*Expiration Date: (last date on which eligible costs can be incurred)

\*Project Category: (select only one; if more than one, pick the predominant category; may be changed by Ecology)

- Nonpoint Source Activity
- On-site Sewage System
- Stormwater Activity
- Stormwater Facility
- Wastewater Facility

Will Environmental Monitoring Data be collected?

\*Overall Goal: (char 1,000)

## **Project Characterization Form**

\*Primary Theme: (dropdown list; select one)

\*Secondary Theme(s): (dropdown list; select all that apply)

Project Website Address:

## **Recipient Contacts Form**

\*Project Manager: (dropdown list)

\*Authorized Signatory: (dropdown list)

\*Billing Contact: (dropdown list)

Other recipient signatures required on printed agreement:

## **Mapping Information Form**

\*Follow instructions on form. [Detailed instructions](#)<sup>81</sup> are available in EAGL. Applicants are required to provide a location for the project, draw a boundary, or upload a shapefile.

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<sup>81</sup> [https://ecyeagI/IntelliGrants\\_BASE/Documentation/WAECOL/Map\\_Instructions\\_Recipient.pdf](https://ecyeagI/IntelliGrants_BASE/Documentation/WAECOL/Map_Instructions_Recipient.pdf)

**Important note:** After you have defined the project area or edited it the map, select **Save** to be returned to the Mapping Information form, then be sure to check in the map by selecting **Save** at the top of the form; this will make it available to Ecology and your team.

## Funding Request Forms

(Separate forms for Nonpoint, Onsite, Stormwater, and Wastewater projects.)

Total Eligible Cost: (auto filled)

### Grant Request

\*Will your match be cash-only? (Nonpoint only)

Grant Request: (auto filled; Stormwater, Nonpoint, Onsite Sewage System only)

Match Request: (auto filled; Stormwater, Nonpoint, Onsite Sewage System only)

\*Do you have any secured funds committed to this project? (if yes, must complete table)

*Source	*Type	*Amount Committed
State/Federal agency: txtbox char 75	dropdown list	txtbox money
Interlocal contributions: txtbox char 75	dropdown list	txtbox money
Local agency: txtbox char 75	dropdown list	txtbox money
In-kind contributions: txtbox char 75	dropdown list	txtbox money
Other txtbox char 75	dropdown list	txtbox money

### Loan Request

Requested Loan: (auto filled; Wastewater only)

\*Are you requesting or will you accept loan funds for part or all of the eligible project cost or to meet your match requirement? (Stormwater, Nonpoint, Onsite Sewage System only)

What is the loan amount you are requesting or willing to accept? (required for Stormwater, Nonpoint, Onsite Sewage System if requesting loan)

\*What loan term do you prefer? (required for Wastewater; required for Stormwater, Nonpoint, Onsite Sewage System if requesting loan)

\*Do you want your project to be considered for GPR subsidy under the CWSRF program? **Note:** Projects are only eligible if they meet EPA's GPR criteria, and applicants accept a CWSRF Loan.

\*Are you applying to refinance debt for a project that has been completed (i.e., standard refinance)? (Wastewater only)

\*Is this a Step 3 or Step 4 project, and is the population of the community that will pay for the project less than 25,000, and do you want to be considered for Financial Hardship subsidy?

(Wastewater only)

\*Name the fund you will use to repay the CWSRF loan and operate/maintain/repair the project. If you do not have a specific fund, describe how you will raise and maintain sufficient funds to repay the loan and operate/maintain/repair the project. (required for Wastewater; required for Stormwater, Nonpoint, Onsite Sewage System if requesting loan) (char 1,000)

\*What is the total number of equivalent residential units (ERUs) for your facility/system? (required for Wastewater; required for Stormwater, Nonpoint, Onsite Sewage System if requesting loan)

\*Do you have any secured funds committed to this project? (if yes, must complete table)

*Source	*Type	*Amount Committed
State/Federal agency: textbox char 75	dropdown list	textbox money
Interlocal contributions: textbox char 75	dropdown list	textbox money
Local agency: textbox char 75	dropdown list	textbox money
In-kind contributions: textbox char 75	dropdown list	textbox money
Other textbox char 75	dropdown list	textbox money

\*Do you have a discharge permit for this project? If yes, provide the Permit Number.  
(Wastewater only)

\*Check only one of the four options below that represents the present proposal. Identify all prerequisite planning documents. Include attachments as necessary. Prerequisites are Due December 14, 2021. (**Important note:** Prerequisite approvals are due by December 14, 2021, but applicants must submit approvable documents to Ecology for review by October 12, 2021.)  
(Wastewater only)

- Planning (Step 1): No Prerequisites.
- Design (Step 2): Ecology's letter approving the site specific planning for the project. If possible, please also upload a copy of the approved planning document.
- Construction (Step 3): Ecology's letter approving the site specific planning for the project. If possible, please also upload a copy of the approved planning document. Ecology's letter approving the plans and specifications for the project.
- Design and construction (Step 4): Ecology's letter approving the site specific planning for the project. If possible, please also upload a copy of the approved planning document.

Upload Documents (prerequisites listed above). (Wastewater only)

## Scope of Work Form – Task 1 Grant and Loan Administration

Task Title: (auto filled)

\*Task Cost:

Task Description: (auto filled)

Task Goal Statement: (auto filled)

Task Expected Outcomes: (auto filled)

Recipient Task Coordinator: (char 100)

Deliverables:

Deliverable # (auto filled)	Description (auto filled)	Due Date	Received? (ECY Use Only)	EIM Study ID	EIM System Link	Latitude (expressed in decimals)	Longitude (expressed in decimals)	Location Address (char 200)

## Scope of Work – For Application

(Include all tasks in sequential order that will be part of the Scope of Work for the project; start at Task 2.)

\*Task #:

\*Task Title: (char 50)

\*Expected Start Date:

\*Expected Finish Date:

\*Describe the work that will be billed to this task. (char 3,500)

**Deliverables Table** (*Deliverables are documents that can be uploaded into EAGL to show that work was completed; deliverables should align with the detailed budget provided on the Task Costs and Budget Form and the project schedule uploaded on the Project Planning and Schedule Form.*)

*Deliverables Description	*Deliverables Date	*Deliverables Budget
(char 200)	Textbox date	

## Task Costs and Budget Form

\*Describe the process used to estimate the cost of the project. If your process included reviewing similar projects, describe how this review affected your estimate. (char 3,000)

\*Describe the process used to determine that this project is the lowest cost solution to the problem. If the proposed project is not the lowest cost, describe the other benefits or considerations such as feasibility, community acceptance, or coordination with other projects that influenced the decision making process. (char 3,000)

\*Upload a detailed budget for the project and any supporting documentation, including engineers' estimates, cost analysis, etc. The [Align Grant Coordinator Workgroup](https://salishsearestoration.org/wiki/Align_Grant_Coordination_Workgroup)<sup>82</sup> developed a [Project Budget Template](https://salishsearestoration.org/images/f/f8/Coordinated_conservation_project_budget_template.xlsx)<sup>83</sup> for "conservation projects". Nonpoint project applicants are encouraged to use the template for budget development; other project categories may want to use the template as an example.

## Project Team Form

\*Fill out the following table to describe your Project Team, including staff, contractors, and partner agencies:

Team Member Name and/or Title	Agency/ Company	Key Responsibilities	Qualifications/ Experience	Estimated Total Hours Devoted to the Project	Who will take over the person's responsibilities if they are unable to work on the project?
(char 50)	(char 50)	(char 500)	(char 500)		(char 100)

\*Describe similar projects that your project team or organization has completed. Note any deviations from the original proposal in scope, budget, or schedule and briefly describe project success and lessons learned. If the project was funded by Ecology, include the Ecology grant or loan number. (char 2,500)

## Project Planning and Schedule Form

Project Start Date:

\*List and describe the criteria you used to determine the value and feasibility of the project. (Examples: useful life, installation cost, site suitability, and environmental justice.) (char 7,500)

\*Briefly describe all project alternatives (including the preferred alternative) considered, and explain how each alternative met or failed to meet the criteria listed above. (Use one line for each alternative and click "save" to enter additional alternatives.)

Description of Alternative	Criteria
*Alternative 1: (char 1,000)	*(char 5,000)

\*List project stakeholders and provide documentation showing key stakeholders have been identified and how they will support the project. (char 5,000)

\*Describe the steps you have taken to be ready to start the project by May 1, 2023. Provide detailed information and documentation on project elements such as status of designs, permits, interlocal agreements, landowner agreements, easements, other secured funding, staff, or agency approvals. (char 5,000)

<sup>82</sup> [https://salishsearestoration.org/wiki/Align\\_Grant\\_Coordination\\_Workgroup](https://salishsearestoration.org/wiki/Align_Grant_Coordination_Workgroup)

<sup>83</sup> [https://salishsearestoration.org/images/f/f8/Coordinated\\_conservation\\_project\\_budget\\_template.xlsx](https://salishsearestoration.org/images/f/f8/Coordinated_conservation_project_budget_template.xlsx)

\*For stormwater facility and wastewater facility projects: Do you own or have clear control over the entire project area? (required for Stormwater Facility and Wastewater Facility only)

For stormwater facility and wastewater facility projects requiring road cuts: When was the last time the road was resurfaced or reconstructed? This is for informational purposes; no points are associated with this question.

\*Have you reviewed the area of potential effect (APE) in the [Washington Information System for Architectural and Archaeological Records Data](#)<sup>84</sup> database (WISAARD)? This is for informational purposes; no points are associated with this question.

\*Upload a project schedule that includes all tasks necessary to complete the project, including tasks that are not part of the funding request.

Upload any other supporting documentation.

## **Water Quality and Public Health Improvements Form**

\*Name the specific water body(ies) this project will improve or protect and the parameters it will address. (char 1,000)

\*Is the project planning, implementation or a combination of both? (For facility projects: check "Planning" for planning and design projects; check "Implementation" for construction projects; check "Planning/Implementation" for combined design/construction projects.)

- Planning
- Implementation
- Planning/Implementation

\*What type of plan or regulatory requirement does this project address? (Check all that apply. If a TMDL, you must select at least one TMDL from a dropdown list. You must cite at least one Action and a Reference in the Action table.)

- ☐ TMDL/TMDL Alternative (approved or in development)/Straight to Implementation
- ☐ Wastewater Engineering Report/Sewer Plan
- ☐ Permit
- ☐ Salmon Recovery Plan
- ☐ Watershed Plan
- ☐ Shoreline Master Plan
- ☐ Administrative Order or Other Legal Action
- ☐ Capital Improvement Plan

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<sup>84</sup> <https://dahp.wa.gov/project-review/wisaard-system>

- ☐ Puget Sound Action Plan
- ☐ Mitigation
- ☐ Other: \_\_\_\_\_

\*Enter the implementation action and plan reference in the Action Table. If this is a planning-only project, you may enter, "Not applicable, planning-only."

#### Action Table

*Action	*Reference the document that describes the action, including page numbers and where a copy can be obtained
(char 200)	(char 1,000)

\*Did you discuss this project with Ecology staff? If yes, provide the name of the staff and the approximate last date of contact. (char 1,000)

\*Describe how the project drainage area connects to the water body. (Examples: surface flow, ditch, pipe, groundwater, infiltration, and path/distance to outfall/discharge.) (char 5,000)

\*Describe the measure and method that will be used to determine the water quality benefit and overall success of the project. (If you need help determining a water quality metric, please refer to the Funding Guidelines for suggested metrics by project type.) (char 5,000)

\*Using the method described above, estimate the water quality and public health benefits that will be achieved by the project. (char 5,000)

\*How long will the project provide benefits after the funding assistance ends? Who will be responsible for maintaining the benefits during its useful life? (char 5,000)

\*How will greenhouse gas emissions be reduced or mitigated under this project? And what policies or measures has your organization put in place to reduce greenhouse gas emissions apart from this project? (char 5,000)

\*Are you aware of any Category I or Category II wetlands on the site or downstream from the site? If you checked "Yes", how do you propose to mitigate any impacts to the wetland? (char 1,000) This is for informational purposes; no points are associated with this question.

\*Upload a map that shows an aerial view of the project area, an estimated direction of flow for the project area, potential locations for the proposed facility or activity, and how the project connects to the water body named above. The map does not need to be precise but it should help reviewers with a general understanding of the area. If access to GIS software is not available, screen shots or snips from Google Maps with arrows and text added using a paint program may be used.

## Environmental and Cultural Resources Documentation Form

The purpose of this form is for you to note which documents you have provided your grant or

loan manager and/or environmental/cultural resource reviewer for all Water Quality Combined Funding Program projects, regardless of funding source or project category. It is not a location for sensitive documentation such as cultural resource reports. Those will be removed if you upload them.

Once you have provided the following documents, check them off and upload any non-sensitive documents.

- ☐ Cultural Review Final Determination; Date of Final Determination:
- ☐ DAHP Letter of Concurrence
- ☐ Completed activity/location specific Inadvertent Discovery Plan (IDP). An IDP is not associated with consultation and is required in the event of a discovery during ground disturbance.

If you are applying for or have received a loan from the CWSRF, when applicable upload the following documents provided to support completion of environmental requirements.

- ☐ NEPA Environmental Assessment or Impact Statement
- ☐ SEPA checklist
- ☐ SEPA Threshold Determination
- ☐ SEPA Environmental Impact Statement
- ☐ Affidavit of Publication of SEPA Threshold Determination
- ☐ Public Engagement and Outreach documentation, including Environmental Justice information
- ☐ SERP Information Packet Coversheet
- ☐ SERP request for NEPA Categorical Exclusion
- ☐ SERP SEPA Finding of Categorical Exemption
- ☐ SERP Determination
- ☐ Other supporting environmental documentation as requested by Ecology

If you have a stormwater facility project, and you are applying for or have received state funding via SFAP and no federal funds under CWSRF, when applicable upload the following documents.

- ☐ SEPA checklist
- ☐ SEPA Threshold Determination
- ☐ Affidavit of Publication of SEPA Threshold Determination

Upload Documents. **Any documents marked sensitive or do not disclose will be removed from EAGL by Technical Reviewers. If you received such a document, such as a cultural resource**



**survey or monitoring report, send it directly to your Project Manager or Cultural Resource Contact.**

## **Green Project Reserve (GPR) Form**

(Only completed by applicants who answered “yes” to the GPR question on a Funding Request form.)

See the Water Quality Guidelines available for download on the application menu.

\*List the GPR designation (e.g., Section 3.2-1a) and describe how your project meets the designation.

\*Provide the Dollar Amount of the Project Related to GPR Category.

Upload applicable documentation to support your GPR claim.

## **Financial Hardship Form**

(Only completed by applicants who answered “yes” to the financial hardship question on the Funding Request - Wastewater form.)

\*Are other loan funds committed to this Project? If yes, provide details on the amounts of secured/committed loan funding for your project from the "Cost estimate and project funding table".

Year	Source	Amount Borrowed	Interest Rate	Years until Maturity	Annual Debt Service

\*Provide an estimate of the population for the area served by the project at the time of application and the population the project is designed to serve according to the current Facility Plan.

Current population of the area served by the project:

Design population of the area served by the project:

\*Provide information on the number of existing ratepayers responsible for paying for the project.

The information provided in the table is for the ratepayers responsible for paying for the project. Usually this will be the ratepayers of the entire facility. However, some projects are only for a specified area, and only ratepayers in the specified area will be responsible for the paying for the project. An example is a project supported through local improvement districts assessment for similar rate district. For such projects, included only information for the affected ratepayers. Generally, one single family residential sewer account is one

equivalent residential unit (ERU). Calculating ERUs for non-single family residences can be done in many ways, including by costs. For example, multi-family residences, local public facilities, commercial customers, and industrial customers may pay more for sewer service than a typical residential ratepayer. In such cases, you can calculate the number of ERUs based on the typical sewer bill. For example, an industrial customer who pays 5 times the sewer bill of a typical residential ratepayer would be reported as 5 ERUs. "Residential" includes: Single Family Residences; Multi-family Residences; Local Public Facilities such as schools, fire stations, community centers, police stations, and city halls; and Small Commercial Customers with a wastewater flow of <3,500 gallons/day.

\*Sewer accounts and ERUs for Residential, Commercial Industrial and Institutional.

Attach additional documentation or explanation as necessary.

Click [here](#)<sup>85</sup> to access a simple Excel tool to calculate ERUs for the purposes of completing this form.

Existing Ratepayers	Sewer Accounts	ERUs
Residential		
Commercial, Industrial & Institutional		
Total		

\*What is the current basic monthly sewer fee for a single family household?

\*What is the current estimated MHI for Project Area? See the current Water Quality Financial Assistance Guidelines. Upload income survey if one was used.

Upload documents.

## Refinance Form

(Only completed by applicants who answered "yes" to the refinance question on the Funding Request - Wastewater form.)

\*What was the overall water quality problem, how was the problem solved or addressed by the project, and is the project currently meeting its discharge permit requirements?

\*Were a "Facility Plan" and "Plans and Specifications" approved by Ecology?

If NO, STOP HERE. Your project is not eligible to compete for funding. Do not submit this application.

If YES, provide the following dates (Ecology's approval of the Facility Plan, Ecology's

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<sup>85</sup> [https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Grants-and-Loans/Facility-Resources/Equivalent-Residential-Units-\(ERU\)-calculation-wor](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Grants-and-Loans/Facility-Resources/Equivalent-Residential-Units-(ERU)-calculation-wor)

approval of Plans and Specifications).

Upload Documents ((1) Ecology's letter of approval of the Facility Plan; (2) Ecology's letter of approval of the Plans and Specifications and (3) the Declaration of Construction of Water Pollutions Control Facilities).

\*Was the project in compliance with the National Environmental Policy Act (NEPA) or the State Environmental Review Process (SERP)?

If NO, STOP HERE. Your project is not eligible to compete for funding. Do not submit this application.

If YES, provide the following dates (NEPA approval or SERP approval).

\*Did the project comply with American Iron and Steel requirements for all construction that occurred on or after June 10, 2014? (Check "Yes" if all construction occurred before June 10, 2014.)

If NO, Stop here. Your project is not eligible to complete for funding. Do not submit the application.

\*Did the project comply with the federal Davis-Bacon requirements for all construction that occurred on or after October 30, 2009? (Check "Yes" if all construction occurred before October 30, 2009.)

If NO, Stop here. Your project is not eligible to complete for funding. Do not submit the application.

\*Will the loan funds be invested and the proceeds be used to make payments on the original debt?

If YES, STOP HERE. Your project is not eligible to compete for funding. Do not submit this application.

\*How was the project financed (check all that apply):

- General obligation bonds
- Revenue bond
- Bank
- Public Works Assistance Account
- US Department of Agriculture/Rule Development
- Inter-local fund transfer
- Other (specify)

Provide additional information on the existing loan and the project.

## Scoring Criteria/Guidance

Ecology evaluates project proposals based on responses provided in the application. A total of 1,000 points are available. In order to obtain funding an application must receive a score of at least 600 total points, and it must receive at least 250 of the 500 possible points on Water Quality and Public Health Improvements. This table shows the scoring breakdown along with the rating criteria and guidance.

<b>Funding Request</b>
<p><b>Scoring</b> Worth up to 15 total points as follows:</p> <ul style="list-style-type: none"> <li>0-15 points: Applicant has identified adequate matching funds. (Full points if no match is required.)</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>To receive full points, the match plus funding request must equal the total eligible cost.</li> <li>Applicants that will accept loan dollars will receive full points.</li> <li>Match may exceed the minimum amount required.</li> </ul>
<b>Scope of Work – For Application</b>
<p><b>Scoring</b> Worth up to 75 total points as follows:</p> <ul style="list-style-type: none"> <li>0-75 points: The scope of work represents a complete and concise description of the project tasks and outcomes, including deliverables. To receive full points, scope of work must align with the schedule and detailed budget.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>Scope must demonstrate an understanding of all elements necessary to implement and complete the project.</li> <li>Maps, plans, and detailed drawings of proposed BMPs and their locations, and other documents that show the feasibility of the project should be uploaded on the “Uploads” form.</li> <li>Deliverables should provide evidence that the task has been successfully completed. Examples include: reports, maps, pictures, educational materials, meeting agendas and notes, construction documents, copies of agreements, lists and quantities of BMPs, etc.</li> </ul>
<b>Task Costs and Budget</b>
<p><b>Scoring</b> Worth up to 135 total points as follows:</p> <ul style="list-style-type: none"> <li>0-50 points: The application demonstrates how the applicant arrived at the cost estimate for each task. The process used by the applicant to develop this estimate is based on real-world data.</li> <li>0-85 points: The cost to complete the scope of work is reasonable when compared to similar projects in the region.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>The uploaded budget should be organized by task and provide sufficient detail to support the scope of work.</li> <li>Applicants should “show their work” and describe the general method used for cost estimation. Supporting documentation may be included as a separate upload.</li> <li>Applicants should reference any similar projects that they have completed or have been completed</li> </ul>

<p>in their region and explain why the cost of the proposed project is greater or less than the referenced project.</p> <ul style="list-style-type: none"> <li>For projects that include design costs, design costs should be based on a detailed breakdown of costs and task-hours rather than simply a percent of estimated construction costs.</li> </ul>
<p><b>Project Team</b></p>
<p><b>Scoring</b></p> <p>Worth up to 65 total points as follows:</p> <ul style="list-style-type: none"> <li>0-50 points: Team members' roles and responsibilities are well defined and adequate for the scope of work. Team members' past experience is relevant to the proposed project. Applicant has a plan in place to maintain sufficient staffing levels to complete the project.</li> <li>0-15 points: The applicant documents successful performance on other funded water quality projects, including Ecology funded projects. Previously constructed projects provided the water quality benefits described in the project application on time and within budget.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>Application should demonstrate the applicant's understanding of the skill-set required to successfully complete the project and show that the proposed team has successfully demonstrated those skills. Specific information such as "managed construction of 10 stormwater projects in Washington", will score higher than "10 years' experience as a P.E.".</li> <li>If the project team includes staff that will be hired to complete the project, the application should list the skill set they will be seeking to hire.</li> </ul>
<p><b>Project Planning and Schedule</b></p>
<p><b>Scoring</b></p> <p>Worth up to 160 total points as follows:</p> <ul style="list-style-type: none"> <li>0-40 points: Applicant used a complete and well-defined set of criteria to determine the value and feasibility of the proposed project and included the useful life and long-term maintenance costs in their evaluation of the project and project alternatives.</li> <li>0-20 points: Applicant has provided documentation showing that key stakeholders have been identified and how they will support the project.</li> <li>0-25 points: The project schedule includes all tasks including pre-project administrative elements such as permitting, MOUs, landowner agreements, etc., and provides sufficient time to complete all elements.</li> <li>0-75 points: The applicant is ready to start on the proposed scope of work within 10 months of publication of the Final Offer List (a.k.a., readiness to proceed).</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>Project criteria should include all factors that were considered by the applicant when determining the value and selecting a project to implement. Criteria should reflect both the feasibility of the project and the benefits. Examples of important criteria include, but are not limited to: useful life, installation cost, site suitability, addresses climate impacts, improves resiliency to climate change, and environmental justice. (<b>Note:</b> Some climate tools can be found on the University of Washington's, Climate impacts Group's <a href="https://cig.uw.edu/resources/analysis-tools/">Analysis Tools</a><sup>86</sup> webpage.)</li> <li>Applicant must discuss how the proposed project and the rejected alternatives met or failed to meet these criteria.</li> <li>Documentation showing stakeholder support may include minutes from public or city council</li> </ul>

<sup>86</sup> <https://cig.uw.edu/resources/analysis-tools/>

meetings, or letters of support from tribes, other local governments, non-governmental organization, homeowners' associations, landowners, etc. Larger communities must include other relevant departments such as maintenance, parks and recreation, health, permitting, etc. in the stakeholder process to receive full points.

- The applicant should upload a schedule that has enough detail to show the reviewer that all tasks and deliverables have been included. Applicants should consider providing a Gantt chart for complex projects with tasks that will run concurrently.
- The schedule should correlate with the scope of work and budget.
- For design/construction and construction projects, the schedule should include the projected bid date.
- The applicant should upload planning supporting documentation.
- To receive full points, tasks that must be completed prior to beginning work on the proposed scope but are not part of scope of work, (e.g., a design of a road repair project that will be simultaneous with a road stormwater project) must be completed.
- The applicant must be ready to start on the proposed scope of work within 10 months of the publication of the Final Offer List.
- Stormwater facility and wastewater facility design and construction projects where the applicant owns or has clear control over the entire project area will score higher on "readiness to proceed" than those where ownership/control is not clear.

## **Water Quality and Public Health Improvements**

### **Scoring**

Worth up to 500 total points as follows:

- 0-135 points: Project proposes to reduce or prevent pollution in a waterbody that has been identified as a priority by a local, state or federal agency through the development of a federal, state or local water quality plan.
- 0-150 points: The proposed project area is directly connected to the water body identified for improvement and applicant has provided sufficient technical justification to show the proposed project will reduce the pollutants of concern in the water body identified for improvement.
- 0-50 points: Applicant has identified how the project will be evaluated in order to determine success, noted if the measure is quantitative or qualitative, and defined a goal.
- 0-100 points: The water quality and public health improvements that will be achieved represent a good value.
- 0-50 points: Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project.
- 0-15 points: How well does the applicant and the project address greenhouse gas emission reductions in accordance with RCW 70.235.070?

### **Guidance**

- Responses to the questions must be supported by the tasks delineated in the scope of work.
- If the project is required by the state or a federal agency, applicants should provide references or documentation, including permit conditions, Ecology orders, Court orders, or other correspondence.
- Applicants must reference and describe all local or regional water quality planning or regulatory documents that apply to the water body targeted for improvement including local watershed plans, TMDLS, and permits.
- Applicants should provide maps and aerial photos to illustrate how the project area is connected to the water body. Nonpoint projects should include basic topographic information to show direction of

overland flow. Projects primarily designed to protect or recharge groundwater should describe the soils in the project area and any known aquifers, wells, or areas of high groundwater.

- The work proposed must be appropriate to address the pollutants generated in the project area and should support the goals outlined in the water quality planning documents.
- Consideration of a project's "value" includes both qualitative and quantitative improvements over time relative to the overall costs of the project.
- Goals should have clear numeric commitments (e.g., volumes or area treated, quantity installed, people contacted, feet restored, etc.). Goals that do not have a strong connection to improvement in water quality will not receive full points.
- Plans to sustain water quality benefits must include an estimate of project life cycle maintenance costs and identify how those costs will be met.
- Projects in the Puget Sound watershed must be consistent with the Puget Sound Action Agenda, and applicants for stormwater projects in the watershed must have considered project connection to [Governor's Executive Order on Southern Resident Killer Whale recovery](#)<sup>87</sup>.
- Evaluators award full points for the greenhouse gas emission reductions question if both the applicant and the project address the issue. Partial points will be awarded if either the applicant or the project addresses the issue. No points will be awarded if neither the applicant nor the project addresses the issue.

### **Financial Hardship**

#### **Scoring**

Worth 0 or 50 points as follows:

- 0 points: If the applicant does not meet the criteria for wastewater facility construction hardship.
- 50 points: If the applicant meets the criteria for wastewater facility construction hardship.

#### **Guidance**

- Ecology awards 50 points to wastewater facility construction projects in communities with less than 25,000 residents where the project costs may result in sewer fees greater than 2% of the median household income of the community.

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<sup>87</sup> [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_18-02\\_1.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf)


## Appendix D: EAGL Role Management

### Terminology

**Unassigned** – A user that does not have a checkmark next to their name in the system. Unassigned users may not view documents or perform any actions on them.

**Assigned** – A user that does have a checkmark next to their name on a document's Add/Edit People Screen. Assigned users may perform the actions of their role unless an inactive date is entered. Once the inactive date is reached, the user may no longer perform the actions of their role of the document.


Current People Assigned

<input type="checkbox"/> Person	Organization(s)	Role	Active Dates	Assigned By
<input checked="" type="checkbox"/> ECYTest Test Email	Washington Test Org (Authorized Official)	Authorized Official	<input type="text"/> - <input type="text"/>	

**Active**- A user that is assigned to a document. They may or may not have an active start date. It is not required to enter an active date.

**Inactive**– A user that is assigned to a document, but has an inactive date entered. Once the inactive date is reached, the user may no longer perform the actions of their role on the document.

Current People Assigned

<input type="checkbox"/> Person	Organization(s)	Role	Active Dates	Assigned By
<input checked="" type="checkbox"/> ECYTest Test Email	Washington Test Org (Authorized Official)	Authorized Official	<div>Active date → <input type="text"/> 9/1/2015</div> <div>Inactive date → <input type="text"/> 9/30/2015</div>	

**Document**- A collection of related forms in EAGL. Each document has a unique number assigned to it, such as AQPM25-2015-EFTO-00014. A document can refer to your application, agreement, amendment, or any other sub document in the system.

**Parent Document**- A single document that represents your application, agreement (if funded), and future amendments to your agreement. As you progress through the lifecycle of your project, additional forms become available on this document. This is the document initiated by your organization's Authorized Official or Contractor. All payments, equipment purchase reports, and other reports are connected to your parent document.

**Sub Document**- Related documents that are children to the parent document. Each sub document has a unique number assigned to it like your parent document.

You know you are looking at a sub document when you see two document numbers listed at



the top of the page. “Document Information,” as shown below, always refers to the document you are currently viewing.

## Payment Request Menu

Document Information: [PRPR-JulSep2015-WA-00109](#) ← Sub document  
Parent Information: [WQSWCAP-1517-WA-00004](#) ← Parent document  
[Details](#)

Info	Document Type	Organization	Role	Current Status	Period Date / Date Due
	Payment Request	<a href="#">Washington Test Org</a>	Recipient Financial Officer	Payment Request/Progress Report Submitted	N/A - N/A 01/01/1900 5:00PM PST

Sub documents include Payment Request/Progress Reports, Recipient Close Out Reports, Site Visit Reports, Ecology Close Out Reports, and Equipment Purchase Reports.

## Frequently Asked Questions

What are organization level roles and what do they do?

Organization level roles determine who may initiate new applications (parent documents) and also serve as the default role assignments on newly initiated applications (parent documents). Authorized Officials at the organization level may also update your organization’s profile.

What are document level roles and what do they do?

Document level roles control the level of access on a specific document. They determine who may edit a document, change the status, and initiate sub documents. The document level roles do not need to match the organization level roles.

What happens when a sub document is initiated?

All assigned users will have their role assignments from the parent document copied to the sub document. In other words, the sub document (child) will inherit the roles from the parent document. [What should I do when a new user is added to our organization?](#)

When a new application (parent document) is initiated, all existing organization members are automatically assigned to the parent document with the same role they have at the organization level. **If a user is added to an organization after a parent document has been initiated, an Authorized Official on the parent document must manually assign the user to the document.** The new user must also be manually assigned on existing sub documents if you wish to grant them access.

[Does updating a user’s role on the parent document change that user’s role on sub documents?](#) No, changes to parent document roles are not automatically applied to sub documents. You must manually update that user’s role on each sub document.

What happens if a user is unassigned on a document?

The user may not access the document. The document will not appear in search results, but will be listed with the other organization documents. An error message will be displayed if the user attempts to access the document.

Example of error message:

 [Back](#)

## Document Menu

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**Invalid access to document!** You may not have been given permissions to access this document. Click [here](#) to return to the Home page

What happens if a user becomes inactive on a document?

The user will have read-only access to the document. They may not perform any of the actions of their role. To give the user access again, either remove the inactive date or set the inactive date to a future date.

What happens to unassigned users when a sub document is initiated?

Unassigned users will not be assigned to the sub document.

What happens to inactive users when a sub document is initiated?

It depends on the inactive date. If the inactive date has already passed, the user will not be assigned to the sub document. Since the user is unassigned on the sub document, an error message will be displayed when they attempt to access the sub document. **If you want a user to have read access to all documents, including sub documents, consider assigning them as a Reader to the parent document and do not enter an inactive date.**

If the inactive date has not already passed, the user will be assigned to the sub document and the same inactive date from the parent document will be applied to the sub document.

What should I do when a user is no longer working with a specific document?

An Authorized Official on the document may either unassign the user by unchecking the user's checkbox and saving the Add/Edit People page or by giving the user an inactive date and saving.

If the user is unassigned, they cannot access the document.

If the user is inactive, they may read the document but not perform any of the actions of their role.

What should I do when a user leaves my organization?

If a user leaves your organization, it is best to simply inactivate the user on the organization level so that existing role assignments are preserved for historical and auditing purposes.

An Authorized Official at the organization level can visit the organization members screen, add an inactive date for the user, and save the page. The inactive date will be applied to all documents the user was assigned to and this will also block access to all of your organization's documents. If it is the inactive date or the inactive date has already passed, the user will not be assigned to newly initiated parent documents.

**Note:** If you add an inactive date on an individual document, the user still has read-only access to the document. If you add an inactive date at the organization level, this will completely block access to the document.

## Roles Cheat Sheet

What	Who		
	Organization Level	Document Level	Ecology
Assign/Change Roles at the Organization Level	Authorized Official	None	Fund Coordinator
Assign/Change Roles at the Document Level	N/A	Authorized Official	Fund Coordinator
Update Organization Records	Authorized Official	N/A	N/A
Creates an Application	Authorized Official Contractor	N/A	N/A
Edit Applications (including application forms and uploading documentation)	N/A	Authorized Official Recipient Project Manager Contractor Writer	None
Submit Applications	N/A	Authorized Official	None
Initiate and Submit Equipment Report	N/A	Authorized Official Recipient Project Manager	None
Request an Amendment	N/A	Authorized Official	Funding Program Administrator Ecology Project Manager Ecology Financial Manager

What	Who					
Initiate and Submit Payment Request/Progress Reports and upload any associated documents	N/A		Authorized Official Recipient Project Manager <b>(Progress Report ONLY)</b> Recipient Financial Officer <b>(Payment Request ONLY)</b>		None	
Initiate and Submit a Recipient Closeout Report	N/A		Authorized Official Recipient Project Manager		None	
What my role allows me to do in EAGL:	Document Roles					
	Authorized Official	Contractor	Recipient Project Manager	Recipient Financial Officer	Writer	Reader
Applications & Amendments (Parent Documents)						
Control Access to Applications	X					
Read Application Forms	X	X	X	X	X	X
Edit Forms when Application in Process	X	X	X		X	
Initiate Applications	X	X				
Submit Applications	X					
Cancel Applications	X					
Payment Requests & Progress Reports (Subdocuments)						
Initiate Payment Request or Progress Report	X		X	X		
Read Payment Request or Progress Report	X	X	X	X	X	X
Edit Payment Request or Progress Report	X		Progress Report Only	Payment Request/Form D Only	X	
Submit Payment Request or Progress Report	X		X	X		
Cancel Payment Request or Progress Report	X		X	X		
Equipment Purchase Reports & Closeout Reports (Sub-documents)						
Initiate Sub-documents	X		X			
Read Sub-documents	X	X	X	X	X	X

What	Who					
Edit Sub-documents	X		X		X	
Submit Sub-documents	X		X			
Cancel Sub-documents	X		X			
Change the Status of Sub-documents	X		X			

## Appendix E: Landowner Acknowledgment Form

### Landowner Acknowledgment Form

#### Grant Recipient Information

Organization	Project Manager	EAGL Application Number
Address	Phone	Email

#### Landowner & Property Information

Landowner Name or Organization	Contact Mailing Address
Property Street Address or Location (s)	Phone

#### Purpose of Landowner Acknowledgement

- 1) The Landowner or Organization is the legal owner of property described above and mentioned in the Ecology water quality grant program application.
- 2) The landowner is aware that a project is being proposed on the described property.
- 3) If the grant is successfully awarded to recipient, the landowner will be contacted by the recipient and asked to engage in negotiations.
- 4) The landowner signature does not represent authorization of project implementation.
- 5) If the landowner is affiliated with the grant recipient, the landowner will recuse itself from decisions made by the grant recipient to work on or purchase the above mentioned property.

This acknowledgment does not authorize the Recipient or Ecology to assume jurisdiction over, or any ownership interest in, the premises. The Landowner retains sole responsibility for taxes, assessments, damage claims, and controlling trespass.

**Landowner Name:**

**Date:**

**Landowner Signature:**

Grant recipient to upload a signed copy of this Acknowledgment form and any amendments to this form in EAGL (Ecology Administration of Grants and Loans system).

# Appendix F: WQP/Ecology Terms and Conditions

## WQP Special Terms and Conditions

### SECTION 1: DEFINITIONS

Unless otherwise provided, the following terms will have the respective meanings for all purposes of this agreement:

**“Administration Charge”** means a charge established in accordance with Chapter 90.50A RCW and Chapter 173-98 WAC, to be used to pay Ecology’s cost to administer the State Revolving Fund by placing a percentage of the interest earned in an Administrative Charge Account.

**“Administrative Requirements”** means the effective edition of ECOLOGY's Administrative Requirements for Recipients of Ecology Grants and Loans at the signing of this agreement.

**“Annual Debt Service”** for any calendar year means for any applicable bonds or loans including the loan, all interest plus all principal due on such bonds or loans in such year.

**“Average Annual Debt Service”** means, at the time of calculation, the sum of the Annual Debt Service for the remaining years of the loan to the last scheduled maturity of the loan divided by the number of those years.

**“Acquisition”** means the purchase or receipt of a donation of fee or less than fee interests in real property. These interests include, but are not limited to, conservation easements, access/trail easements, covenants, water rights, leases, and mineral rights.

**“Centennial Clean Water Program”** means the state program funded from various state sources.

**“Contract Documents”** means the contract between the RECIPIENT and the construction contractor for construction of the project.

**“Cost Effective Analysis”** means a comparison of the relative cost-efficiencies of two or more potential ways of solving a water quality problem as described in Chapter 173-98-730 WAC.

**“Defease”** or **“Defeasance”** means the setting aside in escrow or other special fund or account of sufficient investments and money dedicated to pay all principal of and interest on all or a portion of an obligation as it comes due.

**“Effective Date”** means the earliest date on which eligible costs may be incurred.

**“Effective Interest Rate”** means the total interest rate established by Ecology that includes the Administrative Charge.

**“Estimated Loan Amount”** means the initial amount of funds loaned to the RECIPIENT.

**“Estimated Loan Repayment Schedule”** means the schedule of loan repayments over the term of the loan based on the Estimated Loan Amount.

**“Equivalency”** means projects designated by ECOLOGY to meet additional federal requirements.

**“Expiration Date”** means the latest date on which eligible costs may be incurred.

**“Final Accrued Interest”** means the interest accrued beginning with the first disbursement of funds to the RECIPIENT through such time as the loan is officially closed out and a final loan repayment schedule is issued.

**“Final Loan Amount”** means all principal of and interest on the loan from the Project Start Date through the Project Completion Date.

**“Final Loan Repayment Schedule”** means the schedule of loan repayments over the term of the loan based on the Final Loan Amount.

**“Forgivable Principal”** means the portion of a loan that is not required to be paid back by the borrower.

**“General Obligation Debt”** means an obligation of the RECIPIENT secured by annual ad valorem taxes levied by the RECIPIENT and by the full faith, credit, and resources of the RECIPIENT.

**“General Obligation Payable from Special Assessments Debt”** means an obligation of the RECIPIENT secured by a valid general obligation of the Recipient payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

**“Gross Revenue”** means all of the earnings and revenues received by the RECIPIENT from the maintenance and operation of the Utility and all earnings from the investment of money on deposit in the Loan Fund, except (i) Utility Local Improvement Districts (ULID) Assessments, (ii) government grants, (iii) RECIPIENT taxes, (iv) principal proceeds of bonds and other obligations, or (v) earnings or proceeds (A) from any investments in a trust, Defeasance, or escrow fund created to Defeasance or refund Utility obligations or (B) in an obligation redemption fund or account other than the Loan Fund until commingled with other earnings and revenues of the Utility or (C) held in a special account for the purpose of paying a rebate to the United States Government under the Internal Revenue Code.

**“Guidelines”** means the ECOLOGY's Funding Guidelines that correlate to the State Fiscal Year in which the project is funded.

**“Initiation of Operation Date”** means the actual date the Water Pollution Control Facility financed with proceeds of the loan begins to operate for its intended purpose.

**“Loan”** means the Washington State Water Pollution Control Revolving Fund Loan or Centennial



Clean Water Fund (Centennial) Loan made pursuant to this loan agreement.

**“Loan Amount”** means either an Estimated Loan Amount or a Final Loan Amount, as applicable.

**“Loan Fund”** means the special fund created by the RECIPIENT for the repayment of the principal of and interest on the loan.

**“Loan Security”** means the mechanism by which the RECIPIENT pledges to repay the loan.

**“Loan Term”** means the repayment period of the loan.

**“Maintenance and Operation Expense”** means all reasonable expenses incurred by the RECIPIENT in causing the Utility to be operated and maintained in good repair, working order, and condition including payments to other parties, but will not include any depreciation or RECIPIENT levied taxes or payments to the RECIPIENT in lieu of taxes.

**“Net Revenue”** means the Gross Revenue less the Maintenance and Operation Expense.

**“Original Engineer’s Estimate”** means the engineer’s estimate of construction costs included with bid documents.

**“Principal and Interest Account”** means, for a loan that constitutes Revenue-Secured Debt, the account created in the loan fund to be first used to repay the principal of and interest on the loan.

**“Project”** means the project described in this agreement.

**“Project Completion Date”** means the date specified in the agreement on which the Scope of Work will be fully completed. This term is only used in loan agreements.

**“Project Schedule”** means that schedule for the project specified in the agreement.

**“Revenue-Secured Debt”** means an obligation of the RECIPIENT secured by a pledge of the revenue of a utility and one not a general obligation of the RECIPIENT.

**“Reserve Account”** means, for a loan that constitutes a Revenue Secured Debt and if specifically identified as a term and condition of the funding agreement, the account of that name created in the loan fund to secure the payment of the principal of and interest on the loan.

**“Risk-Based Determination”** means an approach to sub-recipient monitoring and oversight based on risk factors associated to a RECIPIENT or project.

**“Scope of Work”** means the tasks and activities constituting the project.

**“Section 319”** means the section of the Clean Water Act that provides funding to address nonpoint sources of water pollution.

**“Senior Lien Obligations”** means all revenue bonds and other obligations of the RECIPIENT outstanding on the date of execution of this loan agreement (or subsequently issued on a parity therewith, including refunding obligations) or issued after the date of execution of this loan agreement having a claim or lien on the Gross Revenue of the Utility prior and superior to the claim or lien of the loan, subject only to Maintenance and Operation Expense.

**“State Water Pollution Control Revolving Fund (Revolving Fund)”** means the water pollution control revolving fund established by Chapter 90.50A.020 RCW.

**“Termination Date”** means the effective date of ECOLOGY’s termination of the agreement.

**“Termination Payment Date”** means the date on which the RECIPIENT is required to repay to ECOLOGY any outstanding balance of the loan and all accrued interest.

**“Total Eligible Project Cost”** means the sum of all costs associated with a water quality project that have been determined to be eligible for ECOLOGY grant or loan funding, including any required recipient match.

**“Total Project Cost”** means the sum of all costs associated with a water quality project, including costs that are not eligible for ECOLOGY grant or loan funding.

**“ULID”** means any utility local improvement district of the RECIPIENT created for the acquisition or construction of additions to and extensions and betterments of the Utility.

**“ULID Assessments”** means all assessments levied and collected in any ULID. Such assessments are pledged to be paid into the Loan Fund (less any prepaid assessments permitted by law to be paid into a construction fund or account). ULID Assessments will include principal installments and any interest or penalties which may be due.

**“Utility”** means the sewer system, stormwater system, or the combined water and sewer system of the RECIPIENT, the Net Revenue of which is pledged to pay and secure the loan.

## **SECTION 2: THE FOLLOWING CONDITIONS APPLY TO ALL RECIPIENTS OF WATER QUALITY COMBINED FINANCIAL ASSISTANCE FUNDING.**

The Water Quality Financial Assistance Funding Guidelines are included in this agreement by reference and are available on ECOLOGY’s Water Quality Program website.

A. Architectural and Engineering Services: The RECIPIENT certifies by signing this agreement that the requirements of Chapter 39.80 RCW, “Contracts for Architectural and Engineering Services,” have been, or shall be, met in procuring qualified architectural/engineering services. The RECIPIENT shall identify and separate eligible and ineligible costs in the final architectural/engineering services contract and submit a copy of the contract to ECOLOGY.

B. Acquisition: The following provisions shall be in force only if the project described in this agreement is an acquisition project:

a. Evidence of Land Value and Title. The RECIPIENT shall submit documentation of the cost of the property rights and the type of ownership interest that has been acquired.

b. Legal Description of Real Property Rights Acquired. The legal description of the real property rights purchased with funding assistance provided through this agreement (and protected by a recorded conveyance of rights to the State of Washington) shall be incorporated into the agreement before final payment.

c. Conveyance of Rights to the State of Washington. Upon purchase of real property rights (both fee simple and lesser interests), the RECIPIENT shall execute the document necessary to convey certain rights and responsibilities to ECOLOGY, on behalf of the State of Washington. The documents required will depend on the project type, the real property rights being acquired, and whether or not those rights are being acquired in perpetuity (see options below). The RECIPIENT shall use language provided by ECOLOGY, to record the executed document in the County where the real property lies, and to provide a copy of the recorded document to ECOLOGY.

Documentation Options:

1. Deed of Right. The Deed of Right conveys to the people of the state of Washington the right to preserve, protect, and/or use the property for public purposes consistent with the fund source. RECIPIENTS shall use this document when acquiring real property rights that include the underlying land. This document may also be applicable for those easements where the RECIPIENT has acquired a perpetual easement for public purposes. The RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the deed of right.

2. Assignment of Rights. The Assignment of Rights document transfers certain rights such as access and enforcement to ECOLOGY. The RECIPIENT shall use this document when an easement or lease is being acquired for water quality and habitat conservation. The Assignment of Rights requires the signature of the underlying landowner and must be incorporated by reference in the easement document.

3. Easements and Leases. The RECIPIENT may incorporate required language from the Deed of Right or Assignment of Rights directly into the easement or lease document, thereby eliminating the requirement for a separate document. Language will depend on the situation; therefore, the RECIPIENT must obtain ECOLOGY approval on the draft language prior to executing the easement or lease.

d. Real Property Acquisition and Relocation Assistance.

1. Federal Acquisition Policies. See Section 4 of this agreement for requirements specific to Section 319 and SRF funded projects.

2. State Acquisition Policies. When state funds are part of this agreement, the RECIPIENT agrees to comply with the terms and conditions of the Uniform Relocation Assistance

and Real Property Acquisition Policy of the State of Washington, Chapter 8.26 RCW, and Chapter 468-100 WAC.

3. Housing and Relocation. In the event that housing and relocation costs, as required by federal law set out in subsection (1) above and/or state law set out in subsection (2) above, are involved in the execution of this project, the RECIPIENT agrees to provide any housing and relocation assistance required.

e. Hazardous Substances.

1. Certification. The RECIPIENT shall inspect, investigate, and conduct an environmental audit of the proposed acquisition site for the presence of hazardous substances, as defined in RCW 70.105D.020(10), and certify:

- i. No hazardous substances were found on the site, or
- ii. Any hazardous substances found have been treated and/or disposed of in compliance with applicable state and federal laws, and the site is deemed “clean.”

2. Responsibility. Nothing in this provision alters the RECIPIENT's duties and liabilities regarding hazardous substances as set forth in RCW 70.105D.

3. Hold Harmless. The RECIPIENT will defend, protect and hold harmless ECOLOGY and any and all of its employees and/or agents, from and against any and all liability, cost (including but not limited to all costs of defense and attorneys' fees) and any and all loss of any nature from any and all claims or suits resulting from the presence of, or the release or threatened release of, hazardous substances on the property the RECIPIENT is acquiring.

f. Restriction On Conversion Of Real Property And/Or Facilities To Other Uses

The RECIPIENT shall not at any time convert any real property (including any interest therein) or facility acquired, developed, maintained, renovated, and/or restored pursuant to this agreement to uses other than those purposes for which funds were approved without prior approval of ECOLOGY. For acquisition projects that are term limited, such as one involving a lease or a term-limited restoration, renovation or development project or easement, this restriction on conversion shall apply only for the length of the term, unless otherwise provided in written documents or required by applicable state or federal law. In such case, the restriction applies to such projects for the length of the term specified by the lease, easement, deed, or landowner agreement.

C. Best Management Practices (BMP) Implementation: If the RECIPIENT installs BMPs that are not approved by ECOLOGY prior to installation, the RECIPIENT assumes the risk that part or all of the reimbursement for that activity may be delayed or ineligible. For more details regarding BMP Implementation, please reference the Water Quality Financial Assistance Funding Guidelines available on ECOLOGY's Water Quality Program funding website.

D. Electronic Fund Transfers: Payment will be issued through Washington State’s Office of Financial Management’s Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process or electronic fund transfers, you can contact Statewide Payee Help Desk at (360) 407-8180 or email [PayeeRegistration@ofm.wa.gov](mailto:PayeeRegistration@ofm.wa.gov).

E. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of work or the Ecology approved construction plans and specifications, must be pre-approved by ECOLOGY’s project manager before purchase. All equipment purchases over \$5,000 and not included in a contract for work being completed on the funded project, must also be reported on the Equipment Purchase Report in EAGL.

F. Funding Recognition: The RECIPIENT must inform the public about ECOLOGY or any EPA (see Section 3.B for Section 319 funded or Section 5.E for SRF funded projects) funding participation in this project through the use of project signs, acknowledgement in published materials, reports, the news media, websites, or other public announcements. Projects addressing site-specific locations must utilize appropriately sized and weather-resistant signs. Sign logos are available from ECOLOGY’s Financial Manager upon request.

G. Growth Management Planning: The RECIPIENT certifies by signing this agreement that it is in compliance with the requirements of Chapter 36.70A RCW, “Growth Management Planning by Selected Counties and Cities.” If the status of compliance changes, either through RECIPIENT or legislative action, the RECIPIENT shall notify ECOLOGY in writing of this change within 30 days.

H. Interlocal: The RECIPIENT certifies by signing this agreement that all negotiated interlocal agreements necessary for the project are, or shall be, consistent with the terms of this agreement and Chapter 39.34 RCW, “Interlocal Cooperation Act.” The RECIPIENT shall submit a copy of each interlocal agreement necessary for the project to ECOLOGY upon request.

I. Lobbying and Litigation: Costs incurred for the purposes of lobbying or litigation are not eligible for funding under this agreement.

J. Post Project Assessment Survey: The RECIPIENT agrees to participate in a brief survey regarding the key project results or water quality project outcomes and the status of long-term environmental results or goals from the project approximately three years after project completion. A representative from ECOLOGY’s Water Quality Program may contact the RECIPIENT to request this data. ECOLOGY may also conduct site interviews and inspections, and may otherwise evaluate the project, as part of this assessment.

K. Project Status Evaluation: ECOLOGY may evaluate the status at any time. ECOLOGY’s Project Manager and Financial Manager will meet with the RECIPIENT to review spending trends, completion of outcome measures, and overall project administration and performance. If the RECIPIENT fails to make satisfactory progress toward achieving project outcomes, ECOLOGY may change the scope of work, reduce grant funds, or increase oversight measures.

L. Technical Assistance: Technical assistance for agriculture activities provided under the terms of this agreement shall be consistent with the current U.S. Natural Resource Conservation Service (“NRCS”) Field Office Technical Guide for Washington State and specific requirements outlined in the Water Quality Funding Guidelines. Technical assistance, proposed practices, or project designs that do not meet these standards may be eligible if approved in writing by ECOLOGY.

### **SECTION 3: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND CENTENNIAL CLEAN WATER FUNDED PROJECTS BEING USED TO MATCH SECTION 319 FUNDS.**

The RECIPIENT must submit the following documents to ECOLOGY before this agreement is signed by ECOLOGY:

1. Federal Funding Accountability and Transparency Act (FFATA) Form, available on the Water Quality Program website. (This form is used for Section 319 funds only)

2. “Section 319 Initial Data Reporting” form in EAGL.

A. Data Reporting: The RECIPIENT must complete the “Section 319 Initial Data Reporting” form in EAGL before this agreement can be signed by Ecology. This form is used to gather general information about the project for EPA.

B. Funding Recognition and Outreach: In addition to Section 2.F. of these Special Terms and Conditions, the RECIPIENT shall provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo and follow usage requirements available at <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. To obtain the appropriate EPA logo or seal graphic file, the RECIPIENT may send a request to their Ecology Financial Manager.

To increase public awareness of projects serving communities where English is not the predominant language, RECIPIENTS are encouraged to provide their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable, provided the costs are reasonable. (Applies to both the Section 319 funded projects and the Centennial match projects)

The RECIPIENT shall use the following paragraph in all reports, documents, and signage developed under this agreement: (Applies to Section 319 funded projects only)

“This project has been funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement to the Washington State Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.”

C. Load Reduction Reporting: The RECIPIENT shall complete the “Section 319 Annual Load

Reduction Reporting” form in EAGL by January 15 of each year and at project close-out. ECOLOGY may hold reimbursements until the RECIPIENT has completed the form. This form is used to gather information on best management practices (BMPs) installed and associated pollutant load reductions that were funded as a part of this project.

D. Time Extension: The RECIPIENT may request a one-time extension for up to 12 months. However, the time extension cannot exceed the time limitation established in EPA’s assistance agreement. In the event a time extension is requested and approved by ECOLOGY, the RECIPIENT must complete all eligible work performed under this agreement by the expiration date. (For Section 319 funded projects only)

#### **SECTION 4: THE FOLLOWING CONDITIONS APPLY TO SECTION 319 AND STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.**

A. Accounting Standards: The RECIPIENT shall maintain accurate records and accounts for the project (PROJECT Records) in accordance with Generally Accepted Accounting Principles (GAAP) as issued by the Governmental Accounting Standards Board (GASB), including standards related to the reporting of infrastructure assets or in accordance with the standards in Chapter 43.09.200 RCW “Local Government Accounting – Uniform System of Accounting.”

B. Acquisitions: Section 319 and SRF Equivalency project RECIPIENTS shall comply with the terms and conditions of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 84 Stat. 1894 (1970)--Public Law 91-646, as amended by the Surface Transportation and Uniform Relocation Assistance Act, PL 100-17-1987, and applicable regulations and procedures of the federal agency implementing that Act.

C. Audit Requirements: In accordance with 2 CFR 200.501(a), the RECIPIENT agrees to obtain a single audit from an independent auditor, if their organization expends \$750,000 or more in total Federal funds in their fiscal year. The RECIPIENT must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse’s Internet Data Entry System available at: <https://facweb.census.gov/>.

D. Archaeological Resources and Historic Properties (Section 106): The RECIPIENT shall comply with the additional requirements under section 106 of the National Historic Preservation Act (NHPA, 36 CFR 800).

E. Data Universal Numbering System (DUNS) and Central Contractor Registration (CCR) Requirements: RECIPIENTS shall have a DUNS number. Unless exempted from this requirement under 2 CFR 25.110, the RECIPIENT must ensure that their organization’s information in the System for Award Management (SAM), <https://www.sam.gov>, is kept current through project closeout. This requires that the RECIPIENT reviews and updates the information at least annually after the initial registration, and more frequently if information changes.

F. Disadvantaged Business Enterprise (DBE): General Compliance, 40 CFR, Part 33. The RECIPIENT agrees to comply with the requirements of the Environmental Protection Agency's Program for Utilization of Small, Minority, and Women's Business Enterprises (MBE/WBE) 40CFR, Part 33 in procurement under this agreement.

Six Good Faith Efforts, 40 CFR, Part 33, Subpart C. The RECIPIENT agrees to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under this agreement. Records documenting compliance with the following six good faith efforts shall be retained:

- 1) Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government RECIPIENTS, this shall include placing Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- 2) Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- 3) Consider, in the contracting process, whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State, and Local Government RECIPIENTS, this shall include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.
- 4) Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.
- 5) Use services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.
- 6) If the prime contractor awards subcontracts, require the prime contractor to take the five good faith efforts steps in paragraphs 1 through 5 above.

The RECIPIENT agrees to submit ECOLOGY's Contractor Participation Report Form D with each payment request.

Contract Administration Provisions, 40 CFR, Section 33.302. The RECIPIENT agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

Non-discrimination Provision. The RECIPIENT shall not discriminate on the basis of race, color, national origin or sex in the performance of this agreement. The RECIPIENT shall carry out



applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the RECIPIENT to carry out these requirements is a material breach of this agreement which may result in the termination of this contract or other legally available remedies.

This does not preclude the RECIPIENT from enacting broader nondiscrimination protections.

The RECIPIENT shall comply with all federal and state nondiscrimination laws, including but not limited to, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq, the Americans with Disabilities Act (ADA).

In the event of the RECIPIENT's noncompliance or refusal to comply with any applicable nondiscrimination law, regulation, or policy, this agreement may be rescinded, canceled, or terminated in whole or in part and the RECIPIENT may be declared ineligible for further funding from ECOLOGY. The RECIPIENT shall, however, be given a reasonable time in which to cure this noncompliance.

The RECIPIENT shall include the following terms and conditions in contracts with all contractors, subcontractors, engineers, vendors, and any other entity for work or services pertaining to this agreement.

"The Contractor will not discriminate on the basis of race, color, national origin or sex in the performance of this Contract. The Contractor will carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under Environmental Protection Agency financial agreements. Failure by the Contractor to carry out these requirements is a material breach of this Contract which may result in termination of this Contract or other legally available remedies."

Bidder List, 40 CFR, Section 33.501(b) and (c). The RECIPIENT agrees to create and maintain a bidders list. The bidders list shall include the following information for all firms that bid or quote on prime contracts, or bid or quote subcontracts, including both MBE/WBEs and non-MBE/WBEs.

1. Entity's name with point of contact
2. Entity's mailing address, telephone number, and e-mail address
3. The procurement on which the entity bid or quoted, and when
4. Entity's status as an MBE/WBE or non-MBE/WBE

G. Electronic and information Technology (EIT) Accessibility: RECIPIENTS shall ensure that loan funds provided under this agreement for costs in the development or purchase of EIT systems or products provide individuals with disabilities reasonable accommodations and an equal and

effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology as per Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7. Systems or products funded under this agreement must be designed to meet the diverse needs of users without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology.

H. Hotel-Motel Fire Safety Act: The RECIPIENT shall ensure that all space for conferences, meetings, conventions or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (15 USC 2225a, PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance, or to find other information about the Act. Pursuant to 15 USC 2225a.

I. Trafficking In Persons: The RECIPIENT and RECIPIENT employees that are private entities shall not engage in forms of trafficking in persons during the period of time this agreement is effective. This includes, but is not limited to, the procurement of a commercial sex act or forced labor. The RECIPIENT shall notify ECOLOGY immediately of any information received from any source alleging a violation under this provision.

## **SECTION 5: THE FOLLOWING CONDITIONS APPLY TO STATE REVOLVING FUND (SRF) LOAN FUNDED PROJECTS ONLY.**

The RECIPIENT must submit the following documents/forms to ECOLOGY before this agreement is signed by ECOLOGY:

1. Financial Capability Assessment Documentation
2. Opinion of RECIPIENT's Legal Council
3. Authorizing Ordinance or Resolution
4. Federal Funding Accountability and Transparency Act (FFATA) Form (Required for SRF Equivalency projects only)
5. CWSRF Federal Reporting Information form available in EAGL
6. Fiscal Sustainability Plan (Asset Management) Certification Form in EAGL (Only required if the project includes construction of a wastewater or stormwater facility construction)
7. Cost and Effectiveness Analysis Certification Form in EAGL (Required for all projects receiving SRF Loan funding)
8. State Environmental Review Process (SERP) Documentation (Required for facility projects only)

A. Alteration and Eligibility of Project: During the term of this agreement, the RECIPIENT (1)

shall not materially alter the design or structural character of the project without the prior written approval of ECOLOGY and (2) shall take no action which would adversely affect the eligibility of the project as defined by applicable funding program rules and state statutes, or which would cause a violation of any covenant, condition, or provision herein.

B. American Iron and Steel (Buy American): This loan provision applies to projects for the construction, alteration, maintenance, or repair of a “treatment works” as defined in the Federal Water Pollution Control Act (33 USC 1381 et seq.) The RECIPIENT shall ensure that all iron and steel products used in the project are produced in the United States. Iron and Steel products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. The RECIPIENT may request waiver from this requirement from the Administrator of the Environmental Protection Agency. The RECIPIENT must coordinate all waiver requests through ECOLOGY. This provision does not apply if the engineering plans and specifications for the project were approved by ECOLOGY prior to January 17, 2014. ECOLOGY reserves the right to request documentation of RECIPIENT’S compliance with this provision.

C. Authority of RECIPIENT: This agreement is authorized by the Constitution and laws of the state of Washington, including the RECIPIENT’S authority, and by the RECIPIENT pursuant to the authorizing ordinance or resolution. The RECIPIENT shall submit a copy of the authorizing ordinance or resolution to the ECOLOGY Financial Manager before this agreement shall be signed by ECOLOGY.

D. Equivalency Projects: (For designated equivalency projects only)

1. The RECIPIENT must procure architectural and engineering services in accordance with the federal requirements in Chapter 11 of Title 40, U.S.C. (see [www.gpo.gov/fdsys/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitle1-chap11.pdf](http://www.gpo.gov/fdsys/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitle1-chap11.pdf)).

E. Fiscal Sustainability Plan Certification: The RECIPIENT shall submit a completed Fiscal Sustainability Plan Certification before this agreement is signed by ECOLOGY. The Fiscal Sustainability Plan Certification is available from the ECOLOGY Financial Manager or on the Water Quality Program website.

F. Funding Recognition and Outreach: In addition to Section 2.F of these Terms and Conditions, the RECIPIENT agrees to comply with the EPA SRF Signage Guidance in order to enhance public awareness of EPA assistance agreements nationwide. The signage guidance can be found at: <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>.

G. Insurance: The RECIPIENT shall at all times carry fire and extended insurance coverage, public liability, and property damage, and such other forms of insurance with responsible insurers and policies payable to the RECIPIENT on such of the buildings, equipment, works,

plants, facilities, and properties of the Utility as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, and against such claims for damages as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, or it shall self-insure or participate in an insurance pool or pools with reserves adequate, in the reasonable judgment of the RECIPIENT, to protect it against loss.

H. Litigation Authority: No litigation is now pending, or to the RECIPIENT's knowledge, threatened, seeking to restrain, or enjoin:

(i) the execution of this agreement; or

(ii) the fixing or collection of the revenues, rates, and charges or the formation of the ULID and the levy and collection of ULID Assessments therein pledged to pay the principal of and interest on the loan (for revenue secured lien obligations); or

(iii) the levy and collection of the taxes pledged to pay the principal of and interest on the loan (for general obligation-secured loans and general obligation payable from special-assessment-secured loans); or

(iv) in any manner questioning the proceedings and authority under which the agreement, the loan, or the project are authorized. Neither the corporate existence, or boundaries of the RECIPIENT nor the title of its present officers to their respective offices is being contested. No authority or proceeding for the execution of this agreement has been repealed, revoked, or rescinded.

I. Loan Interest Rate and Terms: This loan agreement shall remain in effect until the date of final repayment of the loan, unless terminated earlier according to the provisions herein.

When the Project Completion Date has occurred, ECOLOGY and the RECIPIENT shall execute an amendment to this loan agreement which details the final loan amount (Final Loan Amount), and ECOLOGY shall prepare a final loan repayment schedule. The Final Loan Amount shall be the combined total of actual disbursements made on the loan and all accrued interest to the computation date.

The Estimated Loan Amount and the Final Loan Amount (in either case, as applicable, a "Loan Amount") shall bear interest based on the interest rate identified in this agreement as the "Effective Interest Rate," per annum, calculated on the basis of a 365 day year. Interest on the Estimated Loan Amount shall accrue from and be compounded monthly based on the date that each payment is mailed to the RECIPIENT. The Final Loan Amount shall be repaid in equal installments, semiannually, over the term of this loan "Loan Term" as outlined in this agreement.

J. Loan Repayment:

Sources of Loan Repayment

1. Nature of RECIPIENT's Obligation. The obligation of the RECIPIENT to repay the loan from the sources identified below and to perform and observe all other agreements and obligations on its part, contained herein, shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind. To secure the repayment of the loan from ECOLOGY, the RECIPIENT agrees to comply with all of the covenants, agreements, and attachments contained herein.

2. For General Obligation. This loan is a General Obligation Debt of the RECIPIENT.

3. For General Obligation Payable from Special Assessments. This loan is a General Obligation Debt of the RECIPIENT payable from special assessments to be imposed within the constitutional and statutory tax limitations provided by law without a vote of the electors of the RECIPIENT on all of the taxable property within the boundaries of the RECIPIENT.

4. For Revenue-Secured: Lien Position. This loan is a Revenue-Secured Debt of the RECIPIENT's Utility. This loan shall constitute a lien and charge upon the Net Revenue junior and subordinate to the lien and charge upon such Net Revenue of any Senior Lien Obligations.

In addition, if this loan is also secured by Utility Local Improvement Districts (ULID) Assessments, this loan shall constitute a lien upon ULID Assessments in the ULID prior and superior to any other charges whatsoever.

5. Other Sources of Repayment. The RECIPIENT may repay any portion of the loan from any funds legally available to it.

6. Defeasance of the Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT shall not be entitled to, and shall not affect, an economic Defeasance of the loan. The RECIPIENT shall not advance refund the loan.

If the RECIPIENT defeases or advance refunds the loan, it shall be required to use the proceeds thereof immediately upon their receipt, together with other available RECIPIENT funds, to repay both of the following:

(i) The Loan Amount with interest

(ii) Any other obligations of the RECIPIENT to ECOLOGY under this agreement, unless in its sole discretion ECOLOGY finds that repayment from those additional sources would not be in the public interest.

Failure to repay the Loan Amount plus interest within the time specified in ECOLOGY's notice to make such repayment shall incur Late Charges and shall be treated as a Loan Default.

7. Refinancing or Early Repayment of the Project. So long as ECOLOGY shall hold this

loan, the RECIPIENT shall give ECOLOGY thirty days written notice if the RECIPIENT intends to refinance or make early repayment of the loan.

#### Method and Conditions on Repayments

1. Semiannual Payments. Notwithstanding any other provision of this agreement, the first semiannual payment of principal and interest on this loan shall be due and payable no later than one year after the project completion date or initiation of operation date, whichever comes first.

Thereafter, equal payments shall be due every six months.

If the due date for any semiannual payment falls on a Saturday, Sunday, or designated holiday for Washington State agencies, the payment shall be due on the next business day for Washington State agencies.

Payments shall be mailed to:

Department of Ecology  
Cashiering Unit  
P.O. Box 47611  
Olympia WA 98504-7611

In lieu of mailing payments, electronic fund transfers can be arranged by working with ECOLOGY's Financial Manager.

No change to the amount of the semiannual principal and interest payments shall be made without a mutually signed amendment to this agreement. The RECIPIENT shall continue to make semiannual payments based on this agreement until the amendment is effective, at which time the RECIPIENT's payments shall be made pursuant to the amended agreement.

2. Late Charges. If any amount of the Final Loan Amount or any other amount owed to ECOLOGY pursuant to this agreement remains unpaid after it becomes due and payable, ECOLOGY may assess a late charge. The late charge shall be one percent per month on the past due amount starting on the date the debt becomes past due and until it is paid in full.

3. Repayment Limitations. Repayment of the loan is subject to the following additional limitations, among others: those on defeasance, refinancing and advance refunding, termination, and default and recovery of payments.

4. Prepayment of Loan. So long as ECOLOGY shall hold this loan, the RECIPIENT may prepay the entire unpaid principal balance of and accrued interest on the loan or any portion of the remaining unpaid principal balance of the Loan Amount. Any prepayments on the loan shall be applied first to any accrued interest due and then to the outstanding principal balance of the Loan Amount. If the RECIPIENT elects to

prepay the entire remaining unpaid balance and accrued interest, the RECIPIENT shall first contact ECOLOGY's Revenue/Receivable Manager of the Fiscal Office.

#### K. Loan Security

Due Regard: For loans secured with a Revenue Obligation: The RECIPIENT shall exercise due regard for Maintenance and Operation Expense and the debt service requirements of the Senior Lien Obligations and any other outstanding obligations pledging the Gross Revenue of the Utility, and it has not obligated itself to set aside and pay into the loan Fund a greater amount of the Gross Revenue of the Utility than, in its judgment, shall be available over and above such Maintenance and Operation Expense and those debt service requirements.

Where collecting adequate gross utility revenue requires connecting additional users, the RECIPIENT shall require the sewer system connections necessary to meet debt obligations and expected operation and maintenance expenses.

Levy and Collection of Taxes (if used to secure the repayment of the loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges to include in its budget and levy taxes annually within the constitutional and statutory tax limitations provided by law without a vote of its electors on all of the taxable property within the boundaries of the RECIPIENT in an amount sufficient, together with other money legally available and to be used therefore, to pay when due the principal of and interest on the loan, and the full faith, credit and resources of the RECIPIENT are pledged irrevocably for the annual levy and collection of those taxes and the prompt payment of that principal and interest.

Not an Excess Indebtedness: For loans secured with a general obligation pledge or a general obligation pledge on special assessments: The RECIPIENT agrees that this agreement and the loan to be made do not create an indebtedness of the RECIPIENT in excess of any constitutional or statutory limitations.

Pledge of Net Revenue and ULID Assessments in the ULID (if used to secure the repayment of this loan): For so long as the loan is outstanding, the RECIPIENT irrevocably pledges the Net Revenue of the Utility, including applicable ULID Assessments in the ULID, to pay when due the principal of and interest on the loan.

Utility Local Improvement District (ULID) Assessment Collection (if used to secure the repayment of the loan): All ULID Assessments in the ULID shall be paid into the Loan Fund and used to pay the principal of and interest on the loan.

L. Maintenance and Operation of a Funded Utility: The RECIPIENT shall, at all times, maintain and keep the funded Utility in good repair, working order, and condition.

M. Opinion of RECIPIENT's Legal Counsel: The RECIPIENT must submit an "Opinion of Legal Counsel to the RECIPIENT" to ECOLOGY before this agreement will be signed. ECOLOGY will provide the form.

N. Prevailing Wage (Davis-Bacon Act): The RECIPIENT agrees, by signing this agreement, to comply with the Davis-Bacon Act prevailing wage requirements. This applies to the construction, alteration, and repair of treatment works carried out, in whole or in part, with assistance made available by the State Revolving Fund as authorized by Section 513, title VI of the Federal Water Pollution Control Act (33 U.S.C. 1372). Laborers and mechanics employed by contractors and subcontractors shall be paid wages not less often than once a week and at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor.

The RECIPIENT shall obtain the wage determination for the area in which the project is located prior to issuing requests for bids, proposals, quotes or other methods for soliciting contracts (solicitation). These wage determinations shall be incorporated into solicitations and any subsequent contracts. The RECIPIENT shall ensure that the required EPA contract language regarding Davis-Bacon Wages is in all contracts and sub contracts in excess of \$2,000. The RECIPIENT shall maintain records sufficient to document compliance with the Davis-Bacon Act, and make such records available for review upon request.

The RECIPIENT also agrees, by signing this agreement, to comply with State Prevailing Wages on Public Works, Chapter 39.12 RCW, as applicable. Compliance may include the determination whether the project involves “public work” and inclusion of the applicable prevailing wage rates in the bid specifications and contracts. The RECIPIENT agrees to maintain records sufficient to evidence compliance with Chapter 39.12 RCW, and make such records available for review upon request.

O. Progress Reports: RECIPIENTS funded with State Revolving Fund Loan or Forgivable Principal shall include the following verification statement in the “General Comments” text box of each progress report.

“We verify that we are in compliance with all the requirements as outlined in our funding agreement(s) with the Department of Ecology. This includes but is not limited to:

- The Davis-Bacon Act, 29 CFR (If applicable)
- Washington State Prevailing Wage Rate, Chapter 39.12 RCW (Pertaining to all recipients)
- The Disadvantaged Business Enterprise (DBE), 40 CFR, Part 33”

P. Representations and Warranties: The RECIPIENT represents and warrants to ECOLOGY as follows:

Application: Material Information. All information and materials submitted by the RECIPIENT to ECOLOGY in connection with its loan application were, when made, and are, as of the date the RECIPIENT signs this agreement, true and correct. There is no material adverse information relating to the RECIPIENT, the project, the loan, or this agreement known to the RECIPIENT, which has not been disclosed in writing to ECOLOGY.



Existence; Authority. It is a duly formed and legally existing municipal corporation or political subdivision of the state of Washington or a federally recognized Indian Tribe. It has full corporate power and authority to execute, deliver, and perform all of its obligations under this agreement and to undertake the project identified herein.

Certification. Each payment request shall constitute a certification by the RECIPIENT to the effect that all representations and warranties made in this loan agreement remain true as of the date of the request and that no adverse developments, affecting the financial condition of the RECIPIENT or its ability to complete the project or to repay the principal of or interest on the loan, have occurred since the date of this loan agreement. Any changes in the RECIPIENT's financial condition shall be disclosed in writing to ECOLOGY by the RECIPIENT in its request for payment.

Q. Sale or Disposition of Funded Utility: The RECIPIENT shall not sell, transfer, or otherwise dispose of any of the works, plant, properties, facilities, or other part of the funded Utility or any real or personal property comprising a part of the funded Utility unless:

1. The facilities or property transferred are not material to the operation of the funded Utility, or have become unserviceable, inadequate, obsolete, or unfit to be used in the operation of the funded Utility or are no longer necessary, material, or useful to the operation of the funded Utility; or
2. The aggregate depreciated cost value of the facilities or property being transferred in any fiscal year comprises no more than three percent of the total assets of the funded Utility; or
3. The RECIPIENT receives from the transferee an amount equal to an amount which will be in the same proportion to the net amount of Senior Lien Obligations and this LOAN then outstanding (defined as the total amount outstanding less the amount of cash and investments in the bond and loan funds securing such debt) as the Gross Revenue of the funded Utility from the portion of the funded Utility sold or disposed of for the preceding year bears to the total Gross Revenue for that period.
4. Expressed written agreement by the ECOLOGY.

The proceeds of any transfer under this paragraph must be used (1) to redeem promptly, or irrevocably set aside for the redemption of, Senior Lien Obligations and to redeem promptly the loan, and (2) to provide for part of the cost of additions to and betterments and extensions of the Utility.

R. Sewer-Use Ordinance or Resolution for Funded Wastewater Facility Projects: If not already in existence, the RECIPIENT shall adopt and shall enforce a sewer-use ordinance or resolution. Such ordinance or resolution shall be submitted to ECOLOGY upon request.

The sewer use ordinance must include provisions to:

- 1) Prohibit the introduction of toxic or hazardous wastes into the RECIPIENT's sewer system.

- 2) Prohibit inflow of stormwater into separated sewer systems.
- 3) Require that new sewers and connections be properly designed and constructed.

#### S. Termination and Default:

##### Termination and Default Events

1. For Insufficient ECOLOGY or RECIPIENT Funds. ECOLOGY may terminate this loan agreement for insufficient ECOLOGY or RECIPIENT funds.
2. For Failure to Commence Work. ECOLOGY may terminate this loan agreement for failure of the RECIPIENT to commence project work.
3. Past Due Payments. The RECIPIENT shall be in default of its obligations under this loan agreement when any loan repayment becomes 60 days past due.
4. Other Cause. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance in full by the RECIPIENT of all of its obligations under this loan agreement. The RECIPIENT shall be in default of its obligations under this loan agreement if, in the opinion of ECOLOGY, the RECIPIENT has unjustifiably failed to perform any obligation required of it by this loan agreement.

Procedures for Termination. If this loan agreement is terminated prior to project completion, ECOLOGY shall provide to the RECIPIENT a written notice of termination at least five working days prior to the effective date of termination (the "Termination Date"). The written notice of termination by the ECOLOGY shall specify the Termination Date and, when applicable, the date by which the RECIPIENT must repay any outstanding balance of the loan and all accrued interest (the "Termination Payment Date").

##### Termination and Default Remedies

No Further Payments. On and after the Termination Date, or in the event of a default event, ECOLOGY may, at its sole discretion, withdraw the loan and make no further payments under this agreement.

Repayment Demand. In response to an ECOLOGY initiated termination event, or in response to a loan default event, ECOLOGY may at its sole discretion demand that the RECIPIENT repay the outstanding balance of the Loan Amount and all accrued interest.

Interest after Repayment Demand. From the time that ECOLOGY demands repayment of funds, amounts owed by the RECIPIENT to ECOLOGY shall accrue additional interest at the rate of one percent per month, or fraction thereof.

Accelerate Repayments. In the event of a default, ECOLOGY may, in its sole discretion, declare the principal of and interest on the loan immediately due and payable, subject to the prior lien and charge of any outstanding Senior Lien Obligation upon the Net Revenue.

That is, the loan is not subject to acceleration so long as any Senior Lien Obligations are outstanding. Repayments not made immediately upon such acceleration will incur Late Charges.

**Late Charges.** All amounts due to ECOLOGY and not paid by the RECIPIENT by the Termination Payment Date or after acceleration following a default event, as applicable, shall incur late charges.

**Intercept State Funds.** In the event of a default event and in accordance with Chapter 90.50A.060 RCW, "Defaults," any state funds otherwise due to the RECIPIENT may, at ECOLOGY's sole discretion, be withheld and applied to the repayment of the loan.

**Property to ECOLOGY.** In the event of a default event and at the option of ECOLOGY, any personal property (equipment) acquired under this agreement may, in ECOLOGY's sole discretion, become ECOLOGY's property. In that circumstance, ECOLOGY shall reduce the RECIPIENT's liability to repay money by an amount reflecting the fair value of such property.

**Documents and Materials.** If this agreement is terminated, all finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, and reports or other materials prepared by the RECIPIENT shall, at the option of ECOLOGY, become ECOLOGY property. The RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

**Collection and Enforcement Actions.** In the event of a default event, the state of Washington reserves the right to take any actions it deems necessary to collect the amounts due, or to become due, or to enforce the performance and observance of any obligation by the RECIPIENT, under this agreement.

**Fees and Expenses.** In any action to enforce the provisions of this agreement, reasonable fees and expenses of attorneys and other reasonable expenses (including, without limitation, the reasonably allocated costs of legal staff) shall be awarded to the prevailing party as that term is defined in Chapter 4.84.330 RCW.

**Damages.** Notwithstanding ECOLOGY's exercise of any or all of the termination or default remedies provided in this agreement, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and/or the state of Washington because of any breach of this agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

**T. User-Charge System for Funded Utilities:** The RECIPIENT certifies that it has the legal authority to establish and implement a user-charge system and shall adopt a system of user-charges to assure that each user of the funded utility shall pay its proportionate share of the cost of operation and maintenance, including replacement during the design life of the project. The user-charge system will include provisions for a connection charge.

In addition, the RECIPIENT shall regularly evaluate the user-charge system, at least annually, to ensure the system provides adequate revenues necessary to operate and maintain the funded utility, to establish reserves to pay for replacement, and to repay the loan.

## **Ecology General Terms and Conditions (06/24/2021 Version)**

### **1. ADMINISTRATIVE REQUIREMENTS**

a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition."

(<https://apps.ecology.wa.gov/publications/SummaryPages/1701004.html>)

b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.

c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.

d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

### **2. AMENDMENTS AND MODIFICATIONS**

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties. ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

### **3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY**

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to "covered technology." This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology's public web site.

### **4. ARCHAEOLOGICAL AND CULTURAL RESOURCES**

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT's project funded under this Agreement.

RECIPIENT shall:

a) Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:

- Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

\* For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).

b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves field activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

- Keep the IDP at the project site.
- Make the IDP readily available to anyone working at the project site.
- Discuss the IDP with staff, volunteers, and contractors working at the project site.
- Implement the IDP when Cultural Resources or human remains are found at the project site.

c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.

d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.

- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.

e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

## **5. ASSIGNMENT**

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

## **6. COMMUNICATION**

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

## **7. COMPENSATION**

a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.

b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.

c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.

d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.

e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.

f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.

g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email [PayeeRegistration@ofm.wa.gov](mailto:PayeeRegistration@ofm.wa.gov).

h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.

i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such

payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.

j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

## **8. COMPLIANCE WITH ALL LAWS**

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.

b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.

c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.

d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

## **9. CONFLICT OF INTEREST**

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

## **10. CONTRACTING FOR GOODS AND SERVICES**

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

## **11. DISPUTES**

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

## **12. ENVIRONMENTAL DATA STANDARDS**

- a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that



collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM), unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at: <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

### **13. GOVERNING LAW**

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

### **14. INDEMNIFICATION**

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

### **15. INDEPENDENT STATUS**

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

## **16. KICKBACKS**

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

## **17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)**

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.
- d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

## **18. ORDER OF PRECEDENCE**

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

## **19. PRESENTATION AND PROMOTIONAL MATERIALS**

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project

timeline.

c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

## **20. PROGRESS REPORTING**

a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.

b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.

c) RECIPIENT shall use ECOLOGY's provided progress report format.

d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.

e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

## **21. PROPERTY RIGHTS**

a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.

b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.

c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

f) Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

1. RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.
2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

## **22. RECORDS, AUDITS, AND INSPECTIONS**

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work

accomplished.

All records shall:

- a) Be kept in a manner which provides an audit trail for all expenditures.
- b) Be kept in a common file to facilitate audits and inspections.
- c) Clearly indicate total receipts and expenditures related to this Agreement.
- d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

## **23. RECOVERY OF FUNDS**

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

## **24. SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

## **25. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

## **26. SUSPENSION**

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

## **27. SUSTAINABLE PRACTICES**

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products. For more suggestions visit ECOLOGY's web page, Green Purchasing, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

## **28. TERMINATION**

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to

perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

**Failure to Commence Work.** ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

**Non-Performance.** The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

**Non-Allocation of Funds.** ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's

reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

## **29. THIRD PARTY BENEFICIARY**

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

## **30. WAIVER**

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.



## Appendix G: Conservation-Based Tillage Systems

Conservation-based tillage systems that are consistent with Ecology's Voluntary Clean Water Guidance for Agriculture guidance are eligible for Water Quality Program financial assistance. Conservation-based tillage systems eliminate full width tillage for seedbed preparation.

Implements used in conservation-based tillage systems minimize surface soil disturbance to the maximum extent while maintaining protective surface and subsurface crop residue from the previous crop. Conservation-based tillage systems significantly reduce erosion, improve soil quality, reduce fuel consumption, and are a viable alternative to traditional full tillage systems.

### Eligibility Conditions for All Activities

- Rental and custom application cost reimbursement will be provided only to those producers or landowners that have not previously implemented a single pass, direct seeding system.
- A landowner or producer that owns a single pass, low disturbance direct seed drill is not eligible for rental or custom application cost reimbursement.
- The landowner and producer must use a conservation based tillage system or plan for three full years.
- A conservation based tillage system must be used for all planting.
- Crop residue cannot be burned.
- Grant recipients must offer educational opportunities in conjunction with conservation based tillage system programs. This must include information on the importance of riparian buffers and can also include information on other supporting practices like cover crops and crop rotation. Examples of such opportunities include a mentoring program, workshops, or referrals to direct seed organizations. Grant recipients may coordinate with other conservation districts, organizations, or associations to fill this need.
- Cropland acres with any post-harvest or pre-planting tillage are not eligible. This includes the use of inversion tillage equipment such as moldboard plows, chisel plows, rod weeder and disks. Conventional summer fallow is not eligible.
- To be eligible for reimbursement, the public entity or nonprofit recipient and the landowner and producer must sign a landowner agreement prior to renting conservation-based tillage system equipment or contracting with a custom applicator to plant with a conservation-based tillage system.
- The funding recipient must report on the following information (additional requirements may be added as part of any grant contract):
  - Number of acres enrolled in program.
  - Number of landowners/producers enrolled.

- Location of acres enrolled including information such as county, farm number, tract number, and field number. GIS layers and other relevant spatial reference information may also be required.

## **Eligible Conservation-Based Tillage Activities**

### **Equipment Rental and Custom Application Fee Cost Reimbursement**

- Producers may be reimbursed for a portion of the cost of hiring a custom applicator to plant or renting equipment necessary to implement a conservation-based tillage system up to three plantings.
  - Cropland acres currently planted with a single pass, low disturbance direct seed are not eligible.
  - A three-year commitment to conservation-based tillage is required on the enrolled acreage (no conventional tillage allowed). This commitment may include any number of rotations of production crop, pasture seeding, or cover crop as appropriate for the site, however, the reimbursement criteria apply.
  - Cost share is available for only a first-time, full three-year conservation-tillage rotation (see above). Reimbursement payments will be made for eligible expenses during the initial three-year rotation only.
  - If conventional tillage occurs during the three-year trial, the producer must reimburse all previous cost share payments back to the Recipient, who will reimburse Ecology. The producer is not eligible for any future conservation tillage reimbursements
  - Cost share must not exceed \$30 dollar per acre, up to 250 acres, per producer. Total eligible cost shall not exceed \$7,500 per producer, per rotation for up to three rotations.
  - The funding recipient must verify the number of acres planted before reimbursement is provided.

### **Conservation-Based Tillage System Equipment Purchase**

- Public entities are eligible to receive a one-time grant to purchase equipment necessary to implement conservation-based tillage system for the purpose of providing regional access to conservation-based tillage equipment and facilitating education, outreach, and technical assistance to promote the benefits of conservation-based tillage systems.
  - Funding recipients must sign a 10-year maintenance agreement to keep the equipment in its best condition.
  - The cost share for equipment shall not exceed \$187,000 per grantee.
  - Producers may not receive rental reimbursement or custom application reimbursement payments from an Ecology-funded program when using the equipment purchased with an Ecology grant.
  - Funding recipients may charge a fee for the use of the Ecology-funded equipment to

cover the cost of maintenance and storage. However, the fees should be set to encourage broad participation and must not be set to gain a profit.

- Recipients must provide staff with knowledge of direct seed systems or equivalent experience.
- Public entities may be eligible for CWSRF loans to provide low-interest loans to individual producers for purchasing equipment necessary to implement a conservation-based tillage system.
  - Public entities are eligible for a one-time grant to establish an equipment-purchase loan program. Grant funds may not be provided as loans to producers/landowners.

### **Additional Sediment and Pollution Control Practices**

- Cover crops, filter strips, and riparian buffers are also eligible as part of conservation-based tillage system implementation project. Ecology recommends combining conservation tillage with riparian buffers consistent with the requirements described in Appendix J.
- If riparian buffers, as described in Appendix J, are implemented or in place, Ecology can extend cost-share to 500 acres.

## Appendix H: Livestock Exclusion Fencing and Off-stream Watering Facilities

Off-stream watering provides an alternative source of watering where fencing excludes livestock from streams in order to protect water quality. If a recipient installs livestock exclusion fencing as part of a riparian protection/restoration project and meets the minimum standards for that BMP, grant dollars may be used to install an off-stream watering facility. Off-stream watering facilities (including well construction) are conditionally eligible for WQC financial assistance for projects that include privately-owned livestock operations.

### Eligibility Conditions for Off-Stream Watering Facilities

- Land use must currently be dedicated to livestock or milk production. That use must occur within or adjacent to riparian areas, surface water, or groundwater where an assumed threat to the integrity of the riparian area and water quality exists.
- The recipient must obtain a signed ten-year landowner agreement with the property owner before they install the livestock exclusion projects.
- When the recipient installs off-stream watering systems, they must locate the new feeding/watering areas or relocate the existing areas so that the presence of livestock will no longer threaten surface water quality. Grant recipients must provide justification to the Ecology Project Manager that the location or relocation of the new or existing feeding area optimizes water quality protection. Ecology will not fund projects that are located too close to waters of the state.
- Off-stream watering systems may include water gaps in fencing for emergency watering purposes only. If the recipient wishes to design water gaps, they must submit a plan to Ecology's Project Manager which details the design and describes how they will minimize potential impacts to water quality resulting from water gaps.
- Recipients must install livestock exclusion fencing and provide a minimum setback from the ordinary high water mark in the riparian area consistent with the riparian restoration guidance found in Appendix J. If a recipient installed a livestock exclusion fence prior to July 1, 2014, and it provides a minimum of a 35-foot riparian buffer measured horizontally from the ordinary high water mark, Ecology may consider the livestock watering facility eligible without meeting the width requirements in Appendix J.
- Ecology requires the recipient to plant native trees and shrubs within the buffer created by the exclusion fencing to provide controlled overland flow filtering of pollutants (in accordance with Appendix J).
- Off-stream watering facilities (not including well construction) may be provided for fewer than 20 Animal Units (see Table 17).
- For wells to be eligible, operations must have (on or before the beginning of the funding

cycle) at least 20 Animal Units (see Table 17). The cost for well drilling is included in the funding caps associated with off-stream watering facilities. The recipient must complete a cost-effective analysis for wells in accordance with the following criteria:

- The recipient must consider gravity feeding or pumping from existing surface and groundwater sources and water hauling as first choices. If these alternatives are not feasible, the recipient may consider dug or drilled wells.
  - Wells must be either less costly or demonstrably more cost-effective (may include analysis of such issues as hydraulic flow, sediment clogging, freezing).
  - The practice chosen must be in accordance with the conservation plan (or more focused plan involving livestock exclusion and off-stream water provisions).
  - The recipient must complete plan(s), and at least the respective conservation district must approve them before off-stream watering is installed.
- Financial Assistance Limits and Other Provisions.
    - Off-stream livestock water provisions are eligible only where the recipient provides permanent and continuous exclusion from waters of the state.
    - Off-stream livestock water provisions are eligible with limits on financial assistance based on the continuous linear length of riparian exclusion fence per landowner (maximum of \$40,000 per landowner/cooperator). See Table 16 for limits.
    - Recipients must locate off-stream water developments a distance away from surface waters that will prevent water quality impacts.
    - Projects funded by a loan can cover up to 100 percent of eligible project cost.
    - Pumps, pipes, water troughs, and wells, as needed, are eligible.
    - All components of solar powered pumps are eligible. Electrical or mechanical power provisions are only eligible if existing infrastructure is available that can be utilized at a minimal cost.
    - Heavy use area protection (HUAP) at watering facilities is eligible as needed. Both the final cost of the off-stream watering facility and the funding limitations (see Table 16) include the cost of heavy use area protection. See Appendix I for additional details on HUAP eligibility.
    - The loan or grant will not reimburse recipients for costs associated with unsuccessful well drilling.
    - Cross fencing is ineligible. Third party contributions above the eligible financial costs are eligible to be counted toward match.

**Table 16: Miles of Livestock Riparian Exclusion and Financial Assistance Limits**

<b>Miles of Livestock Riparian Exclusion</b>	<b>Financial Assistance Limit on Watering Facilities (per landowner/cooperator)</b>
< ½ mile	Up to \$8,000
> ½ mile and < 1 mile	Up to \$12,000
> 1 mile and < 1.5 miles	Up to \$16,000
> 1.5 miles and < 2 miles	Up to \$24,000
> 2 miles and < 2.5 miles	Up to \$32,000
> 2.5 miles	Up to \$40,000

Animal Units as defined in WAC 173-224-030 are shown in Table 17.

**Table 17: Animal Units**

<b>Animal Type</b>	<b>Number of Animal Units per Animal<sup>88</sup></b>
Dairy Cows	
Jersey Breed	
Milking Cow	0.900
Dry Cow	0.900
Heifer	0.220
Calf	0.220
Other Breeds	
Milking Cow	1.400
Dry Cow	1.000
Heifer	0.800
Calf	0.500
Feedlot Beef	0.877
Horses	0.500
Sheep	0.100
Goats	0.1000
Swine for breeding	0.375
Swine for slaughter	0.110
Laying hens & pullets > 3 months	0.004
Broilers & pullets < 3 months	0.002

Example Calculation: 23 Feedlot Beef x 0.877 = 20 Animal Units.

<sup>88</sup> Example Calculation: 23 Feedlot Beef x 0.877 = 20 Animal Units.

## Appendix I: Livestock Feeding and Waste Management BMPs

The following BMPs support the relocation of livestock feeding areas that threaten water quality or enhance existing feeding areas distanced from surface waters. The recipient may install a combination of these BMPs when appropriate. Funding for the following BMPs only applies to projects that will improve existing water quality problems. The funding may not be used to rebuild feeding facilities where the primary purpose is to repair existing structures. Ecology's Project Management Team must approve all livestock feeding and waste management projects before installation.

### Eligibility Conditions for All Livestock Feeding and Waste Management BMPs

- Operations defined as a Concentrated Animal Feeding Operation (CAFO) Permit are not eligible for funding.
- BMPs are eligible only when livestock presence currently occurs within or adjacent to riparian areas and can be an assumed threat to the integrity of the riparian area and water quality.
- When the recipient installs BMPs, they must locate new feeding/watering areas or relocate existing areas so that the presence of livestock will no longer threaten water quality. Grant recipients must provide documentation to the Ecology Project Manager showing how the location or relocation of the new or existing feeding area will optimize water quality protection.
- The recipient must build and locate all BMPs according to NRCS specifications.
- When present, the producer must exclude livestock from all waters of the state, with a minimum setback from the ordinary high water mark consistent with the riparian restoration guidance found in Appendix J. If the producer installed a livestock exclusion fence prior to July 1, 2014, and it provides a minimum of a 35-foot riparian buffer measured horizontally from the ordinary high water mark, the livestock feeding facility may be eligible without meeting the width requirements in Appendix J.
- The recipient must plant appropriate native vegetation within the buffer created by the exclusion fencing to provide controlled overland flow filtering of pollutants, in accordance with Appendix J.
- The owner or operator must have a plan in place to manage manure and protect water quality. The plan must detail how the owner or operator will store and use the manure on-site to prevent discharges to surface or groundwater, or store and transfer off-site. The recipient must submit the plan to Ecology for review prior to the construction of waste storage facilities. The manure management plan is an eligible expense when construction is

completed under the grant.

- The landowner must sign a minimum ten-year landowner agreement.
- Roof runoff structures on existing livestock structures may be conditionally eligible for reimbursement where the recipient can demonstrate direct water quality protection or improvements. Ecology's Project Management Team must approve the structures prior to installation.

## Eligible Livestock Feeding BMPs

### Heavy Use Area Protection

- Heavy use area protection is eligible only to protect critical areas directly surrounding feeding and watering locations.
- Building permanent feed lots that will confine livestock continuously throughout the year is not eligible for Heavy Use Area Protection funding.
- Concrete and other cement based materials, rock aggregate, and other appropriate materials are eligible for funding.
- Heavy use area protection must prevent erosion and polluted runoff at feeding and watering facilities.
- Heavy use area protection is eligible up to a maximum of \$10,700 per landowner (except for HUAPs associated with watering facilities, which are subject to the caps identified in Appendix H).
- Fencing that creates temporary animal confinement to support relocation of livestock feeding areas that threaten water quality or to prevent the use of pasture/rangeland in winter months is eligible. Fencing to create permanent confinement areas is not eligible. Fencing must be limited to areas directly surrounding feeding stations and may include a connected pasture area. This type of fencing is eligible up to a maximum of \$10,700 per landowner, in addition to the heavy use protection area.
- Heavy use area protection areas must be designed and constructed according to NRCS standards.
- The producer must use a **waste storage facility** meeting the following criteria to be eligible for heavy use area protection.
  - Waste storage facilities, waste storage covers, and roof runoff structures are eligible if constructed to NRCS or equivalent engineering standards.
  - The total package of waste storage BMPs is eligible up to a maximum of \$32,000 per landowner.
  - Waste storage facilities must include a permanent roof, curbed concrete floor, and gutters or other appropriate structures to manage roof runoff. Metal framed, tension



fabric designs may be conditionally approved.

- A professional engineer must design and stamp waste storage facilities.
- The recipient must obtain building permits if required.
- The owner or operator must have a plan in place to manage manure to protect water quality. The plan must detail how the owner or operator will store and use the manure on-site to prevent discharges to surface or groundwater, or store and transfer off-site. The recipient must submit the plan to Ecology for review prior to the construction of waste storage facilities.

## **Livestock Crossing**

- Structures built for the purposes of livestock access across a stream are conditionally eligible for grant reimbursement on private property only. To be eligible, livestock must be excluded from stream access to prevent water pollution and riparian degradation. Hardened stream crossings are eligible when access is controlled by gates. Culverts in design or construction are not eligible.
- Bridges may be reimbursed up to 6 feet wide. If a landowner wants to construct a wider crossing for motorized vehicle access in addition to livestock, the eligible cost of the bridge can be pro-rated based on the 6-foot width. For example, the total cost of a 10-foot wide bridge would be 60 percent eligible for grant reimbursement.

## **Windbreaks**

- Windbreaks are planted tree rows used to shelter livestock from summer sun and winter wind, and, therefore, encourage the congregation of livestock and use of pasture or rangeland away from the riparian area.
- Windbreaks are eligible to support the relocation of winter feeding operations upland, away from riparian areas, and to prevent water quality impacts.
- Windbreaks are eligible up to a maximum of \$1,600 per landowner.

## Appendix J: Restoration and Planting

The following are requirements for implementing a riparian restoration, stream restoration, bank stabilization, or riparian planting project.

### Environmental Protection Agency and National Marine Fisheries Service Buffer Requirements

Ecology has established minimum requirements for riparian buffers to protect and restore salmon fisheries and achieve water quality standards. These requirements apply to funding for projects that address nonpoint pollution problems, including Section 319 grants, Centennial grants or loans, and CWSRF loans.

In response to tribal concerns, the U.S. Environmental Protection Agency (EPA) and the National Oceanographic and Atmospheric Administration (NOAA) told the Department of Ecology to take additional actions to protect salmon and salmon habitat. The EPA requires Washington State to include conditions on federal pass-through grants to be consistent with National Marine Fisheries Service (NMFS) buffer guidance to help protect and recover Washington's salmon runs.

Ecology includes the special conditions to grant funds to increase levels of riparian protection to both protect and restore salmon fisheries and help achieve water quality standards.

Ecology and other state agencies are reviewing new information and recommendations for riparian restoration and protection published by Washington Department of Fish and Wildlife in 2020. These documents will be used to inform and update the funding program guidance for future funding cycles. The following documents provide guidance in developing a project proposal.

- [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#)<sup>89</sup>.
- [Riparian Ecosystems, Volume 2: Management Recommendations](#)<sup>90</sup>.
- [Ecology's Restoring Wetlands in Washington: A Guidebook for Wetland Restoration, Planning & Implementation](#)<sup>91</sup>.

### Conditions of the Funding Agreement

All restoration activities must also be consistent with the [Stream Habitat Restoration Guidelines](#)<sup>92</sup> and the requirements below.

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<sup>89</sup> <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>

<sup>90</sup> <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>

<sup>91</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/93017.html>

<sup>92</sup> <http://wdfw.wa.gov/publications/01374/>

## EPA and NMFS Riparian Buffers

The minimum buffer size for surface waters (on each side) will be consistent with Table 18 and the following additional guidance provided below. Ecology developed Table 18 from information provided by NMFS. Buffer widths must be measured starting from the ordinary high water mark.

**Table 18: Minimum Buffer Requirements for Surface Waters**

Category	Functions	Minimum Buffer Width West of Cascades	Minimum Buffer Width East of Cascades
A. Constructed ditches, intermittent streams and ephemeral streams that are not identified as being accessed and were historically not accessed by anadromous or Endangered Species Act (ESA) listed fish species	Water quality, shade, source control and delivery reduction	35' minimum	35' minimum
B. Perennial waters that are not identified as being accessed and were historically not accessed by anadromous or ESA listed fish species	Water quality, shade, source control and delivery reduction	50' minimum	50' minimum
C. Perennial, intermittent and ephemeral waters that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, large wood debris (LWD) for cover, complexity and shade, and microclimate cooling, source control and delivery reduction	100' minimum	75' minimum
D. Intertidal and estuarine streams and channels that are identified as being accessed or were historically accessed by anadromous or ESA listed fish species	Water quality, habitat complexity	35'-75' minimum, or more as necessary to meet water quality standards	N/A

### Additional Guidance

- To determine which buffer category applies to a water body, EPA and Ecology developed a [mapping tool](#)<sup>93</sup>.
  - If surface water is present on a property but not shown on the map, a 35-foot minimum buffer width will apply.
  - If a water body is identified as “Category B” in Table 18, the grant recipient must contact

<sup>93</sup> <http://www.arcgis.com/home/webmap/viewer.html?webmap=d5478a4aaf704d81bac63ffc934e1549&extent=-123.0388,47.109,-122.5317,47.2963>

the regional Washington Department of Fish and Wildlife (WDFW) or tribal fish biologist to confirm that the water body is not currently or historically used by anadromous or listed fish. If the fish biologist informs the recipient of fish presence, then the buffer width must meet “Category C” requirements.

- If a man-made structure (e.g., culvert, dam, etc.) impedes a water body which prevents anadromous or ESA listed fish access, then the buffer width must meet “Category C” requirements.
  - [WDFW Contact Information](#)<sup>94</sup>.
  - [WA State Tribes and Tribal Reservations Map](#)<sup>95</sup>.
- The Table 18 buffer table establishes minimum requirements for funding eligibility purposes. Projects that include buffers that are larger than the minimums are preferred, especially when stated in a TMDL or other watershed improvement plan. To maintain fully functional riparian ecosystems and provide sufficient habitat to meet the needs of fish and wildlife, it is recommended that the recipient use Washington Department of Fish and Wildlife buffer widths table whenever those recommendations are larger.
- As stated in the *Stream Habitat Restoration Guidelines*, if the 100-year floodplain exceeds these widths, the riparian buffer width should extend to the outer edge of the 100-year floodplain.
- Ecology requires recipients to plant the buffer established by the fencing setback with native trees and shrubs to provide a higher level of water quality improvement. Grass filters strips are not sufficient to satisfy this requirement.
- When the project establishes buffers in forested areas, the buffer width must also be consistent with Forest Practices Rules.
- Buffers established as part of a WQC grant may not violate county Critical Area Ordinances, county Shoreline Rules, or other state and local regulations.
- Ecology may allow a conditional exemption from the minimum buffer width requirements where the presence of a structure, property line, or topography impedes the ability to meet the conditions. The recipient must submit an adequate justification as to why these cannot be met and provide an alternate written plan to Ecology’s Project Manager for review and written approval.

## Riparian Plantings

- The recipient must develop site-specific plans for all riparian buffers prior to implementation which include plant locations and species. The plan must be based on an assessment of native plant associations and community types.
- The recipient must only plant species that are riparian in nature and indigenous to the

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<sup>94</sup> <https://wdfw.wa.gov/about/contact>

<sup>95</sup> <http://www.washingtontribes.org/tribes-map>

primary watershed where the buffer is being established.

- The recipient must use, to the greatest extent possible, genetically appropriate plant materials collected from the primary or secondary watershed where the buffer is to be established.
- The recipient must use, to the greatest extent possible, plant species that are early successional within the primary watershed. Early successional species are those whose characteristics are such that they are first to colonize after a disturbance.

## **Streambank Protection**

- Streambank protection projects must not stand alone, but be part of a larger riparian buffer or stream restoration project. The project must meet the buffer and planting requirements listed above whether fully or partially funded by the grant. Streambank protection projects primarily intended for structure or property protection are not eligible.
- Rock or concrete may not be used to fully armor a bank against the erosive forces of a stream, river, or marine waters. In any situation where rock is to be used, the recipient must submit the design to Ecology's Project Manager for an evaluation.
- Streambank protection designs must be consistent with the Aquatic Habitat Guidelines Program's, [Integrated Streambank Protection Guidelines](#)<sup>96</sup>.

## **Relevant Definitions**

### **Anadromous Fish**

Fish that live their adult lives in the ocean but move into freshwater streams to reproduce or spawn (e.g., salmon).

### **Constructed Ditch**

A regularly maintained man-made trench or furrow dug in the ground for the primary purpose of conveying or draining surface water, storm water or irrigation water, that may or may not contain water at all times of the year.

### **Ephemeral Stream**

A stream or portion of a stream which flows briefly in direct response to precipitation in the immediate vicinity, and whose channel is at all times above the groundwater reservoir.

## **Endangered Species Act (ESA) Listed Fish Species**

The [Endangered Species Act \(ESA\)](#)<sup>97</sup> was signed on December 28, 1973, and provides for the conservation of species that are endangered or threatened throughout all or a significant portion of their range and the conservation of the ecosystems on which they depend. The ESA

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<sup>96</sup> <http://wdfw.wa.gov/publications/00046/>

<sup>97</sup> <https://www.fws.gov/le/USStatutes/ESA.pdf>

replaced the Endangered Species Conservation Act of 1969; it has been amended several times. A "species" is considered: 1) endangered if it is in danger of extinction throughout all or a significant portion of its range, and 2) threatened if it is likely to become an endangered species within the foreseeable future. There are approximately 2,200 total species listed under the ESA. Of these species, approximately 1,576 are found in part or entirely in the U.S. and its waters; the remainder are foreign species. [NOAA's National Marine Fisheries Service \(NMFS\)](https://www.fisheries.noaa.gov/)<sup>98</sup> and the [U.S. Fish and Wildlife Service \(USFWS\)](https://www.fws.gov/endangered/)<sup>99</sup> share responsibility for implementing the ESA. Generally, USFWS manages land and freshwater species, while NMFS manages marine and "anadromous" species.

## **Exclusion Fencing**

A constructed fence to restrict livestock, wildlife or people from riparian areas.

## **Floodplain**

Any lowland that borders a stream and is inundated periodically by the stream's waters.

## **Intermittent Stream**

A stream where portions flow continuously only at certain times of the year, for example, when it receives water from a spring or ground-water source or from a surface source, such as melting snow (i.e., seasonal). At low flow there may be dry segments alternating with flowing segments. These streams are also defined as no measurable flow during thirty (30) consecutive days in a normal water year.

## **Ordinary High Water Mark (OHWM)**

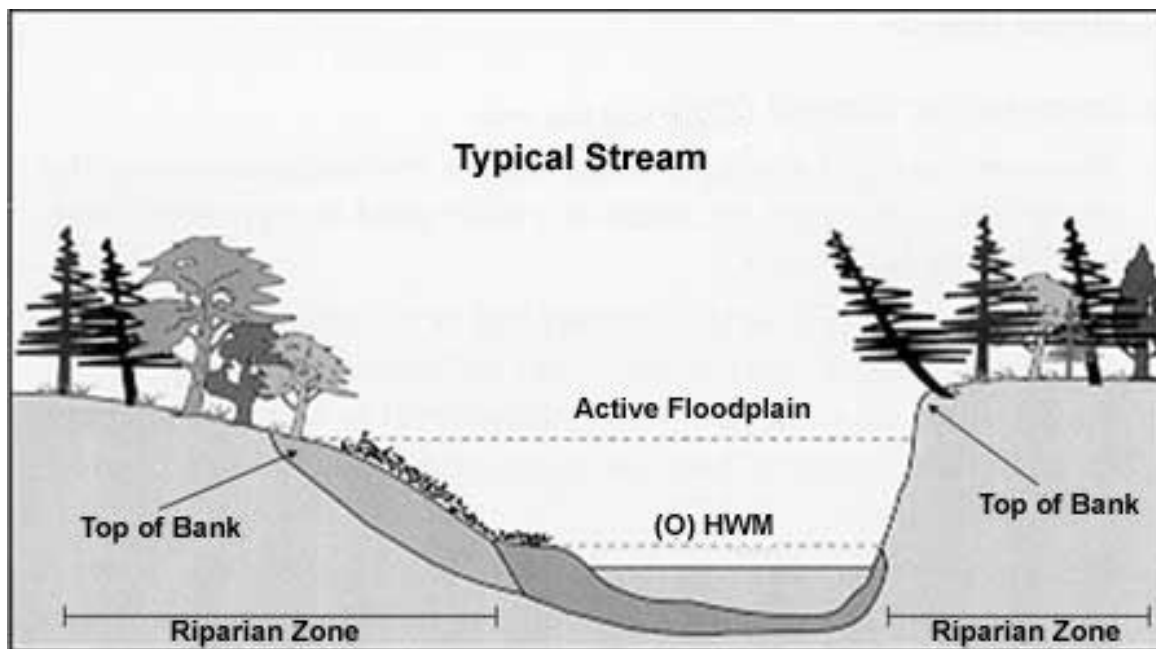
The point on the sides of streams or lakes which is historically or normally at water's edge, as identified by a visible change in vegetation and/or soil. It is also generally, the lowest point at which perennial vegetation grows on the streambank. The ordinary high water mark (OHWM) can usually be identified by physical scarring along the bank or shore, or by other distinctive signs. Ecology's publication, [Determining the Ordinary High Water Mark for Shoreline Management Act Compliance in Washington State](https://apps.ecology.wa.gov/publications/documents/1606029.pdf)<sup>100</sup> provides guidance on determining the OHWM on Washington streams. Figure 3 provides a diagram depicting a typical stream showing the active floodplain, the OHWM, the riparian zone, and the top of the bank.

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<sup>98</sup> <https://www.fisheries.noaa.gov/>

<sup>99</sup> <https://www.fws.gov/endangered/>

<sup>100</sup> <https://apps.ecology.wa.gov/publications/documents/1606029.pdf>



**Figure 3: Diagram of a Typical Stream**

## **Perennial Stream**

A stream or portion of a stream that flows year-round, is considered a permanent stream, and for which base flow is maintained by ground-water discharge to the streambed due to the ground-water elevation adjacent to the stream typically being higher than the elevation of the streambed.

## **Riparian Buffers**

Riparian buffers are generally recognized as a “separation zone” between a water body and a land use activity for the purposes of protecting ecological processes and water quality. The riparian buffer usually extends from the stream’s ordinary high water mark to the outer edge of the floodplain. Riparian buffers provide essential functions for river and stream ecosystems, including cover and shade, a source of fine or coarse woody material, nutrients, and organic and inorganic debris that maintain stream ecosystem function. As used here, riparian buffers are defined as separation zones that are relatively undisturbed by humans and contain native vegetation consistent with the potential of the site.

# Appendix K: Developing Public Communication and Education Project Proposals

Following is a checklist that applicants can refer to in developing public communication and education project proposals. The goal of the checklist is to help in the design of projects that are effective at changing behaviors and achieving environmental results.

## Project Background

- Consider the water quality problem that is the focus of the project; target population; geographic area; socio-economic status of targeted population; predominant land uses; and the behavioral change you seek to achieve for each target identified (source of the water quality problem or issue - one target could be responsible for several problems).
- What knowledge, attitude, and skills do you desire in the targeted population?
- Be careful to use one or two primary objectives and be realistic about what you can accomplish during the grant period.
- If this is a continuing attitude or behavior change that you wish to affect, how do you propose to sustain it?

## Project Design

- Agree on the optimal way to identify and reach your audiences. Include local audiences that speak languages other than English.
- Identify common needs in participants and how the project can fulfill these needs.
- Identify conflicting needs (associated with barriers analysis).
- Identify the specific barriers, both internal to the person or organization as well as external, such as lack of knowledge or conditions, and practical barriers to desired change. Tell us how your project will remove these barriers.
- Identify the project team and their qualifications.
- Will you use volunteers and if so, how? How will you recruit and retain them?
- Identify community leaders, decision makers, area Tribes, trusted peers and leaders within business, not-for-profits, and community groups that have similar interests in environmental change/sustainability. These are the people and organizations that will help you advance your project and its objectives. Please explain how you will leverage their influence to amplify your results.
- Determine resources you will use, including training materials, facilities, media, and a corresponding distribution strategy. Conduct a regional search for existing materials before producing any new educational flyers or pamphlets.



- Also consider: (a) regular reminders of the desired behavior; (b) trusted and credible sources for communication; (c) communication that is direct, simple, personal and vivid; (d) leaders, described previously, to model and promote the behavior you seek (what kind of changes do you want people to make in the way they make decisions?); (e) personal commitments from groups and individuals.
- Plan to pilot and field test your materials or activities with a small segment of your intended audience before “going big” and final.
- Make sure that your plan can be adjusted during the project to accommodate lessons learned. (Can it be changed in mid-course?)
- Design your project with evaluation tools and methodologies in mind and don’t make it an afterthought.

## Education Plan

- State measurable objectives and goals of the project.
- List the performance measures you will use to assess how effective your project was. Success is defined as progress towards meeting your goals and objectives.
- List your specific actions, implementing entities, and both timetable and cost per action.
- List media and promotions to be utilized (including the use of music and art).
- For Public Participation, record the number of participants at events, number of one-on-one contacts, and number of groups interested.

## Monitoring and Post-project Evaluation

- What kind of assessment and evaluation tools will you use to evaluate the effectiveness of your program? Examples include customer feedback surveys (telephone tends to work better), interviews, focus groups, observations, and, before and at least after six months, “records” that can infer change.
- How will you measure the participant’s knowledge, skill, attitudes, and actions?
- How is the evaluation strategy linked to the stated goals and objectives?
- How will you evaluate presenter activities and materials?
- How will you monitor or evaluate the relationship between the educational activities and changes in behavior and water quality changes?

## Suggested Resources

- [Visual Tools for Watershed Education](https://p2infohouse.org/ref/17/16590.pdf)<sup>101</sup>.

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<sup>101</sup> <https://p2infohouse.org/ref/17/16590.pdf>

- “Fostering Sustainable Behavior” by Doug McKenzie-Mohr and William Smith.
- “Targeting Outcomes of Programs” by Claude Bennett and Kay Rockwell.

# Appendix L: Stormwater Design Deliverables Guidance

This document details Ecology's expectations of deliverables for Ecology funded stormwater projects.

## Stormwater Facility Projects

### 1.0 Stormwater Planning

Stormwater facility planning projects include a wide range of program goals. Deliverables for stormwater planning projects will be negotiated for each individual project, however all stormwater planning projects should contain the following elements:

- A statement that describes the scope, purpose, and goal of the plan.
- A description of existing conditions within the planning area.
- The metrics that will define the success of the implemented plan.
- A description of stakeholder engagement efforts throughout the planning process.
- Development of robust alternatives, including cost and water quality benefit estimates
- The criteria used to rate and rank alternatives.
- Project implementation and maintenance cost estimates.
- Documentation showing that the preferred alternatives represent a cost effective approach to achieving the water quality benefit.

Strategic/programmatic planning efforts should also include a process to adaptively manage the plan over time.

### 2.0 Design Report

This section intends to help stormwater grant and/or loan recipients identify the necessary information to include in Design Report deliverables. Ecology does not require that reports follow this outline, but including the information listed below expedites the review process. The information required varies by project. Some projects may require additional information, and others may not need as much. Allow for 45 calendar days for Ecology review.

The intent of the Design Report is to demonstrate that the project:

- Has not changed from the project in the original application.
- Includes retrofit runoff treatment and/or flow control BMPs.
- Uses the applicable design guidance for the proposed BMP(s).

- Provides a quantifiable Flow Control and/or Runoff Treatment benefit.

Design Reports for Ecology review should include the following:

## **2.1 Introduction**

Provide a brief description of the project, including elements such as project location and goals. Include figures as appropriate to show the location and layout of the project.

## **2.2 Basin Description**

Describe the basin that the project lies within under historic, existing, and proposed conditions. Provide figures that show topography and flow direction. Provide information such as current and future land use (i.e. residential, commercial, industrial), soils, area, water bodies, etc.

## **2.3 Site Description**

Provide detailed information about the project site including, but not limited to:

- Project Limits.
- Threshold Discharge Areas (TDAs) boundaries, if there is more than one TDA in the project.
- Current land use, including any structures on the project site such as buildings, wells, drain fields, culverts, etc.
- Proposed land use.
- Existing stormwater features.
- Proposed stormwater features.
- Total area.
- Vegetation, including trees.
- Wetlands.
- Existing soils:
  - Infiltration rate.
  - Cation exchange capacity.
  - Percent organics.
  - Other properties listed in under Soil Suitability Criteria (SSC).
- Access locations for construction and post-construction activities.
- Other information relevant to the project design, construction, or maintenance.

## **2.4 Minimum Requirement/Core Element Analysis**

Ecology expects the following analysis for all projects, even if the proposed project is a retrofit.

Ecology will use the Minimum Requirement/Core Element Analysis (MRCE) to verify:

- Project eligibility, per the applicable funding guidelines.
- Project compliance with the [NPDES Municipal Stormwater Permit](#)<sup>102</sup>, if the project is within a permitted jurisdiction.

These are the main steps in this analysis:

- 1) Identify the stormwater manual currently adopted by the grant and/or loan recipient, and, if using an equivalent manual, which Ecology manual it is equivalent to.
- 2) Identify and tally the pollution generating and non-pollution generating surfaces pertinent to the MRs/CEs thresholds. Keep each area separate. Examples of areas you may need to identify are:
  - New hard surfaces.
  - Replaced hard surfaces.
  - Existing hard surfaces.
  - Effective impervious surfaces.
  - Effective hard surfaces.
  - Lawn/landscaped areas.
  - Pasture areas.
  - Total land disturbed.
- 3) Include an analysis to determine the MRs/CEs applicable to the project (Figures 2.1 and 2.2 in Ecology's 2019 [Stormwater Management Manual for Western Washington](#)<sup>103</sup> (SWMMWW), Section 2.1 in Ecology's 2019 [Stormwater Management Manual for Eastern Washington](#)<sup>104</sup> (SWMMEW)). State which MRs/CEs apply, and to which surfaces within the project limits.
  - For projects in Western Washington that require MRs #6 and #7 after the project level analysis, you must also provide a threshold analysis for MRs #6 and #7 for each Threshold Discharge Area (TDA) within the project site.

If the analysis above shows that the project does not exceed new/redevelopment thresholds, the project is a retrofit project.

If the project exceeds the new/redevelopment thresholds and must comply with MRs/CEs for Runoff Treatment and/or Flow Control, provide an analysis of the proposed BMP(s) that provide Runoff Treatment and/or Flow Control for new, replaced, or existing surfaces. Identify

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<sup>102</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits>

<sup>103</sup> <https://apps.ecology.wa.gov/ezshare/wq/Permits/Flare/2019SWMMWW/2019SWMMWW.htm>

<sup>104</sup> <https://apps.ecology.wa.gov/ezshare/wq/Permits/Flare/2019SWMMEW/2019SWMMEW.htm>

those BMPs that provide Runoff Treatment and/or Flow Control for existing surfaces above and beyond those required by the MRs/CEs. Ecology considers the BMPs outside of those used to satisfy the MRs/CEs to be retrofit.

Ecology makes an exception for permeable pavement when determining what portions of a project are retrofit, when the funding is only for retrofit elements. If the project is for the replacement of existing conventional impervious pavement with permeable pavement, then Ecology may consider the permeable pavement to be eligible even if the project exceeds the new and redevelopment thresholds and installation of permeable pavement is required under Minimum Requirement #5. Ecology will make this consideration when the permeable pavement is the only trigger for the Minimum Requirements.

## **2.5 Alternatives Considered**

Discuss alternatives considered and why you did or did not select them. Include a brief description of any environmental impacts necessary for the alternatives. This includes large tree removal, sensitive vegetation, wetlands, public recreation areas, etc. large trees are those considered eligible for flow control credit as described by BMP T5.16 in the 2019 SWMMWW and BMP F6.62 in the 2019 SWMMEW.

## **2.6 Design Analysis**

- 1) Describe the chosen alternative in detail. Name the specific BMP whose design criteria you are using (e.g. BMP T5.15: Permeable Pavements or BMP T7.30: Bioretention Cells, Swales, and Planter Boxes).
- 2) Provide tree species, sizes, and locations of the necessary tree removal, if appropriate.
- 3) Provide drawings of the proposed site improvements.
- 4) Provide a schematic of flow through the facilities if needed to assist in describing the proposed work.
- 5) Provide hydraulic profiles, if appropriate.
- 6) Describe and/or show the basin contributing to each proposed BMP. Consider and include offsite areas that contribute runoff to the BMP.
- 7) If the project proposes a BMP with an infiltration component, including Bioretention and Permeable Pavement, describe the results from the site specific characterization, soil and infiltration testing. Typically, this will include the long term hydraulic conductivity rate from the geotechnical report and the suitability of soil for treatment.
- 8) Provide detailed design calculations.
  - a) Provide sizing calculations for the selected Runoff Treatment BMP(s). Identify the water quality design flow or volume you use for sizing each Runoff Treatment BMP. This flow or volume may be less than that required for a new/redevelopment BMP if there are site conditions that limit the size of the BMP, and the project does not trip the new/redevelopment thresholds.

- b) Provide sizing calculations for the selected Flow Control BMP(s). Include an analysis of the flows out of the BMP (use WWHM in western WA and local approved method in eastern WA).
  - c) Summarize the calculation inputs and results for the Runoff Treatment and/or Flow Control improvements.
- 9) Summarize the model results and refer to the computer model printouts, if used. This may involve using “print screens” to include all the relevant information.

## **2.7 Quantify the Water Quality Benefit**

Discuss the amount of water quality benefit expected based on the current level of design.

Provide a discussion that compares the amount of Runoff Treatment and/or Flow Control provided in the proposed project to the amount of Runoff Treatment and/or Flow Control required under full new/redevelopment standards for the area contributing to the BMP. Provide the calculations necessary to verify the discussion. Both treatment and flow control calculations are required unless there is a Flow Control Exemption (Receiving Waters). See Section 4.0 below for Ecology’s guidance on how to quantify the water quality benefit.

## **2.8 Engineer’s Opinion of Probable Cost**

Provide a breakdown showing the total project cost. Additionally, identify what items you consider eligible for Ecology funding. Ecology typically funds the footprint of eligible BMP(s) and immediate connections to existing facilities/discharge points. Ecology will review the proposed cost breakdown to confirm funding eligibility.

## **2.9 Proposed Schedule**

Provide the proposed project schedule. This includes all design and construction milestones. Include Ecology deliverable review times and the grant and/or loan agreement deadline in the schedule.

## **2.10 Attachments**

Attachments commonly included in design reports include, but are not limited to:

- Basin Maps.
- Project Limits/TDA Maps.
- Preliminary Plans.
- Cost Estimate Details.
- Storm Simulation outputs and screenshots (e.g. WWHM2012 output).
- Geotechnical Reports, including:
  - Infiltration test results.

- Soil Suitability Lab test results.
- Physical soils test results

### 3.0 90% Design Package

Ecology expects the 90% Design Package to detail the completed final design. Ecology has labeled the package as 90% instead of 100% to allow you to incorporate any comments received from Ecology or any other reviewing parties between the 90% design and the Final Bid Package. Reduce all figures and drawings to 11x17 inches in size. Allow for 45 calendar days for Ecology review.

You need to include the information from the following two Ecology inserts in your plans and specifications:

- [Stormwater Grant/Loan Program Bid Specification Clause](#)<sup>105</sup>.
- [Stormwater Grant/Loan Program Bid Insert](#)<sup>106</sup>.
- It will expedite the review process if you provide a memo that lists each required insert item and where you have inserted the information within the plans and/or specifications (i.e. page numbers and/or sheet numbers).

### 4.0 Final Bid Package

Ecology expects the Final Bid Package to detail the completed final design, with any comments from the 90% Design Package incorporated. Ecology expects digital copies only of this submittal. Allow for 15 calendar days for Ecology review.

The Final Bid Package includes all documents used for bidding including, but not limited to:

- Final Plans.
- Final Specifications.
- Addenda.
- Final Engineer's Opinion of Probable Cost.
- Anticipated Project Schedule.

### 5.0 Quantifying the Water Quality Benefit

Retrofit projects are not required to meet the new and redevelopment criteria established in the three Municipal Stormwater General Permits. As a result, Ecology has not previously established a standardized method to demonstrate how much Runoff Treatment or Flow Control has been accomplished through retrofit projects funded through Ecology. The system

<sup>105</sup> <https://ecology.wa.gov/DOE/files/fc/fc45c49a-9a58-4eb5-9386-693abb7367ad.pdf>

<sup>106</sup> <https://ecology.wa.gov/DOE/files/51/5150260c-0962-4202-8053-c4922e5ed05c.pdf>



discussed below is an attempt to quantify the level of improvement realized through retrofit projects.

Ecology has established Runoff Treatment and Flow Control design criteria for projects that exceed new and redevelopment thresholds as defined in Chapter 2 of Volume I of the Stormwater Management Manual for Western Washington (SWMMWW) and Chapter 2 of the Stormwater Management Manual for Eastern Washington (SWMMEW). The design criteria are well defined and it is clear how to calculate the size of Runoff Treatment and Flow Control BMPs for any given new/redevelopment project. By calculating the size of BMPs that you must install if you needed to meet new/redevelopment standards, a designer can calculate a baseline for comparison purposes.

For retrofit projects that are not required to meet the new/redevelopment standards, the size and environmental constraints within the project site could control the size and capacity of the proposed Runoff Treatment or Flow Control BMP. By comparing the size of the proposed retrofit BMP to the size of a BMP designed to meet new/redevelopment criteria, the designer can demonstrate the level of water quality benefit obtained. Ecology requires that the recipients of Ecology funds calculate two ratios to demonstrate the retrofit water quality benefit:

- 1) Flow Control Ratio.
- 2) Runoff Treatment Ratio.

Once these ratios are calculated, the applicant can develop an Equivalent New/Redevelopment Area for the retrofit project. Projects in Flow Control Exempt basins do not have to calculate the Flow Control Ratio. Projects that provide both Runoff Treatment and Flow Control would provide two separate equivalency values, one for Flow Control, and one for Runoff Treatment.

This information, while not difficult to obtain, does require more detailed information than is typically available at the funding application stage. The designer should include this information with the Design Report submitted to Ecology as part of the funding requirements. Ecology will require that the designer revise the comparison, as necessary, with submittal of the 90% Design Package and again following construction of the BMP. Ecology will use this information to quantify the water quality benefits realized by retrofit projects funded by Ecology.

The designer may do the comparison using the following methods:

## **5.1 Western Washington**

The procedures below outline methods to estimate the areas improved by proposed Flow Control and Runoff Treatment retrofit projects.

### **5.1.1 Procedure for Comparison – Flow Control BMPs**

#### **Procedure WFC-1: Analysis for Size of Detention/Retention Flow Control BMP**

- Run the pre-developed condition for WWHM using the basin area contributing to the BMP.

- Use forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pasture land cover).
- Size the Flow Control BMP to meet new/redevelopment criteria for the proposed land use of the basin contributing to the BMP immediately after the construction of the project. Using the Auto Pond function is an acceptable method to obtain this information for detention/retention BMPs.
- Calculate the volume of the proposed retrofit Flow Control BMP at the overflow elevation.
- Calculate the ratio of the proposed retrofit Flow Control BMP volume to the volume of the Flow Control BMP required to meet new/redevelopment.

$$\text{Ratio}_{\text{WFC}-1} = \frac{\text{Volume at overflow of proposed Flow Control BMP}}{\text{Volume at overflow of Flow Control BMP to meet new/redevelopment criteria}}$$

*If  $\text{Ratio}_{\text{WFC}-1} > 1$ , then set  $\text{Ratio}_{\text{WFC}-1} = 1$*

- Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{WFC}-1} = \text{Ratio}_{\text{WFC}-1} \times \text{Contributing Basin Area}$$

#### **Procedure WFC-2: Analysis for Size of Bioretention/Permeable Pavement Flow Control BMP**

- Run the pre-developed condition for WWHM using the basin area contributing to the BMP.
- Use forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pasture land cover).
- Size the Flow Control BMP to meet new/redevelopment criteria for the proposed land use of the basin contributing to the BMP.
- Identify the surface area of the proposed retrofit bioretention or permeable pavement BMP.
- Calculate the ratio of the proposed retrofit BMP surface area to the surface area of the BMP required to meet new/redevelopment.
- **Note:** Bioretention by itself is not an efficient flow control BMP and needs to be quite large to meet the new/redevelopment criteria.

$$\text{Ratio}_{\text{WFC}-2} = \frac{\text{Surface Area of proposed Bioretention or Permeable Pavement}}{\text{Surface Area of Bioretention or Permeable Pavement to meet new/redevelopment criteria}}$$

*If  $\text{Ratio}_{\text{WFC}-2} > 1$ , then set  $\text{Ratio}_{\text{WFC}-2} = 1$*

- Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{WFC}-2} = \text{Ratio}_{\text{WFC}-2} \times \text{Contributing Basin Area}$$

### 5.1.2 Procedure for Comparison – Runoff Treatment BMPs

#### Procedure WRT-1: Analysis of Size of Traditional Flow Rate or Volume Based Runoff Treatment BMP

- Run the pre-developed condition for WWHM using the basin area contributing to the BMP.
- Use forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pasture land cover).
- Run the water quality analysis module within WWHM to determine the design flow rate and/or volume for the basin contributing to the Runoff Treatment BMP. Use the on-line or off-line flow rate depending on the configuration of the selected retrofit BMP.
- Using the design flow rate or volume for the Runoff Treatment BMP you are proposing; calculate the ratio between the design flow rate or volume for the retrofit BMP and the design flow rate or volume for the basin contributing to the BMP.

$$\text{Ratio}_{\text{WRT}-1} = \frac{\text{Design flow rate or volume for proposed retrofit treatment BMP}}{\text{Design flow rate or volume to meet new/redevelopment criteria}}$$

$$\text{If } \text{Ratio}_{\text{WRT}-1} > 1, \text{ then set } \text{Ratio}_{\text{WRT}-1} = 1$$

- Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{WRT}-1} = \text{Ratio}_{\text{WRT}-1} \times \text{Contributing Basin Area}$$

#### Procedure WRT-2: Analysis of Size of Bioretention Runoff Treatment BMP

- Run the pre-developed condition for WWHM using the basin area contributing to the BMP.
  - Use forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pasture land cover).
- Run iterations of the bioretention module within WWHM to determine the size of the bioretention BMP that results in a minimum of 91-percent flow through the bioretention media. Use the Underdrain Used button and do not include native infiltration. In addition, assume vertical walls on the bioretention BMP.
- Using the surface area of the proposed BMP, calculate the ratio between the surface area for the proposed BMP and the surface area for the full basin.

$$\text{Ratio}_{\text{WRT}-2} = \frac{\text{Design flow rate or volume for proposed retrofit treatment BMP}}{\text{Design flow rate or volume to meet new/redevelopment criteria}}$$

$$\text{If } \text{Ratio}_{\text{WRT}-2} > 1, \text{ then set } \text{Ratio}_{\text{WRT}-2} = 1$$

- Multiply the ratio developed above times the area of the full basin to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{WRT-2}} = \text{Ratio}_{\text{WRT-2}} \times \text{Contributing Basin Area}$$

### 5.1.3 Example Calculations

We use the following sample case in these example calculations:

- Existing Basin Contributing to BMP: 7.0 acres landscaping, flat, 3.0 acres hard surface roads and buildings, Type C soil, 0.3 in/hr native infiltration rate.
- Pre-Developed Scenario: 10.0 acres Type C soil, forested, flat, 0.3 in/hr native infiltration rate.
- Proposed Retrofits:
  - Detention BMP: 1.569 ac-ft at overflow.
  - Traditional treatment BMP: 0.035 cfs design treatment flow rate (on-line).
  - Wet Pond/Vault: 0.115 ac-ft (5,000 cu ft) design treatment volume.
  - Bioretention BMP 2,500 sq. ft. surface area, 18-inch media (3 in/hr.), 6-inch sand, 18-inch gravel.
  - Permeable Pavement 2-acres (out of 3 acres of hard surface), 0.3 in/hr. native infiltration rate. The 3 acres of hard surface is the full contributing area to the proposed permeable pavement.

#### Procedure WFC-1: Detention/Retention BMP

- Existing Conditions WWHM pond volume at top of outlet (using Auto Pond function, and vertical side slopes) = 2.302 ac-ft.
- Proposed Retrofit Pond Volume at top of outlet = 1.569 ac-ft.
- Flow Control Ratio of Proposed Pond Volume to Required Pond Volume:

$$\text{Ratio}_{\text{WFC-1}} = \frac{1.569 \text{ ac ft}}{2.302 \text{ ac ft}} = 0.682$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{WFC-1}} = 0.682 \times 10 \text{ ac} = 6.82 \text{ acres}$$

#### Procedure WFC-2: Permeable Pavement

- Existing Conditions Surface Area required to meet redevelopment criteria (Flow Control duration curve) = < area provided in retrofit project sq. ft.
- Proposed Retrofit design Permeable Pavement surface area = 87,120 sq. ft. (2 acres).
- Treatment Ratio of Proposed Surface Area to required Surface Area is greater than 1.

Since calculated  $\text{Ratio}_{\text{WFC}-2} > 1$ , set  $\text{Ratio}_{\text{WFC}-2} = 1$

- Equivalent New/Redevelopment Area (only 3 acres contributing to Permeable Pavement).

$$\text{Area}_{\text{WFC}-2} = 1 \times 3 \text{ ac} = 3 \text{ acres}$$

#### **Procedure WRT-1: Swale/Manufactured Treatment Device (Uses Water Quality Flow rate)**

- Existing Conditions WWHM design flow rate for water quality BMP (on-line) = 0.0800 cfs.
- Proposed Retrofit design flow rate for water quality BMP (on-line flow) = 0.035 cfs.
- Treatment Ratio of Proposed design flow rate to required design flow rate:

$$\text{Ratio}_{\text{WRT}-1} = \frac{0.035 \text{ cfs}}{0.080 \text{ cfs}} = 0.437$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{WRT}-1} = 0.437 \times 10 \text{ ac} = 4.37 \text{ acres}$$

#### **Procedure WRT-1: Wet Pond/Vault**

- Existing Conditions Pond Volume required for new/redevelopment criteria (6-month Storm) 0.1614 ac- ft.
- Proposed Retrofit design Wet Pond/Vault Volume = 0.115 ac-ft.
- Treatment Ratio of Proposed design flow rate to required design flow rate

$$\text{Ratio}_{\text{WRT}-1} = \frac{0.115 \text{ ac ft}}{0.1614 \text{ ac ft}} = 0.712$$

- Equivalent New/Redevelopment Area

$$\text{Area}_{\text{WRT}-1} = 0.712 \times 10 \text{ ac} = 7.12 \text{ acres}$$

#### **Procedure WRT-2: Bioretention BMP (underdrain)**

- Existing Conditions Surface Area required to meet redevelopment criteria (91-percent treated) = 3,500 sq. ft.
- Proposed Retrofit design Bioretention surface area = 2,500 sq. ft.
- Treatment Ratio of Proposed design flow rate to required design flow rate:

$$\text{Ratio}_{\text{WRT}-2} = \frac{2,500 \text{ sq ft}}{3,500 \text{ sq ft}} = 0.714$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{WRT}-2} = 0.714 \times 10 \text{ ac} = 7.14 \text{ acres}$$

## 5.2 Eastern Washington

The designer calculates the volume of the Flow Control BMP and the water quality design flow rate or volume needed to meet new/redevelopment criteria. The designer compares these two values to the actual volume of the Flow Control BMP and actual water quality design flow rate for the selected retrofit project. Using these ratios, the designer will calculate the percentage of water quality benefit that the retrofit BMP provides compared to the full new/redevelopment BMP for both Flow Control and Runoff Treatment. You then multiply the resulting ratio by the basin area to obtain the Equivalent New/ Redevelopment Area.

### 5.2.1 Procedure for Comparison – Flow Control BMPs

#### Procedure EFC-1: Analysis for Size of Detention/Retention Flow Control BMP

- Develop the Flow Control BMP sized to meet new development criteria for the full contributing area and the proposed land use. You can use the method that you tell developers to use to determine detention/retention sizing. This will give you the volume of the Flow Control BMP required to meet new/redevelopment.
- Calculate the volume of the proposed retrofit Flow Control BMP at the overflow elevation.
- Calculate the ratio of the proposed retrofit BMP volume to the volume of the BMP required to meet the new development criteria.

$$\text{Ratio}_{\text{EFC}-1} = \frac{\text{Volume at overflow of proposed Flow Control BMP}}{\text{Volume at overflow of Flow Control BMP to meet new/redevelopment criteria}}$$

$$\text{If } \text{Ratio}_{\text{EFC}-1} > 1, \text{ then set } \text{Ratio}_{\text{EFC}-1} = 1$$

- Multiply the ratio developed above times the area of the full basin to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{EFC}-1} = \text{Ratio}_{\text{EFC}-1} \times \text{Contributing Basin Area}$$

### 5.2.2 Procedure for Comparison – Runoff Treatment BMPs

#### Procedure ERT-1: Analysis of Size of traditional Flow Rate or volume based Runoff Treatment BMP

- Determine water quality design flowrate and/or volume for full basin (6-month, 24-hr volume or Standard flow rate). Use the method that you tell developers to use to determine water quality treatment flowrate and/or volume. Alternatively, you can use one of the five methods to calculate water quality volume or the three methods to calculate water quality treatment flow in Chapter 2.7.6 of the SWMMEW. Either use the in-line or off-line flow rate depending on the configuration of the selected retrofit BMP. This treatment BMP should treat 90% of the annual runoff.
- Using the design flow rate or volume for the water quality BMP you are proposing; calculate the ratio between the design flow rate or volume for the retrofit BMP and the design flow

rate or volume for the full basin.

$$\text{Ratio}_{\text{ERT}-1} = \frac{\text{Design flow rate or volume for proposed retrofit treatment BMP}}{\text{Design flow rate or volume to meet new/redevelopment criteria}}$$

If  $\text{Ratio}_{\text{ERT}-1} > 1$ , then set  $\text{Ratio}_{\text{ERT}-1} = 1$

- Multiply the ratio developed times the area of the full basin to obtain the Equivalent New/Redevelopment Area.

$$\text{Area}_{\text{ERT}-1} = \text{Ratio}_{\text{ERT}-1} \times \text{Contributing Basin Area}$$

### 5.2.3 Example Calculations

We use the following sample case in these example calculations:

- Existing Basin: 7.0 acres Type C soil, landscaping, flat, 3.0 acres hard surface roads and buildings, 0.3 in/hr. native infiltration rate.
- Pre-Developed: 10.0 acres Type C soil, forested, flat, 0.3 in/hr. native infiltration rate.
- Proposed Retrofits:
  - Detention BMP: 1.569 ac-ft. at overflow.
  - Traditional treatment BMP: 0.035 cfs design treatment flow rate (on-line).
  - Wet Pond/Vault: 0.115 ac-ft. (5,000 cu ft.) design treatment volume.

#### Procedure EFC-1: Detention/Retention BMP

- Existing Conditions calculated pond volume at top of outlet = 2.302 ac-ft.
- Proposed Retrofit Pond Volume at top of outlet = 1.569 ac-ft.
- Flow Control Ratio of Proposed Pond Volume to Required Pond Volume:

$$\text{Ratio}_{\text{EFC}-1} = \frac{1.569 \text{ ac ft}}{2.302 \text{ ac ft}} = 0.682$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{EFC}-1} = 0.682 \times 10 \text{ ac} = 6.82 \text{ acres}$$

#### Procedure ERT-1: Swale/Manufactured Treatment Device (Uses Water Quality Flow Rate)

- Existing Conditions water quality design flow rate for water quality BMP (on-line) = 0.0800 cfs.
- Proposed Retrofit design flow rate for water quality BMP (on-line flow) = 0.035 cfs.
- Treatment Ratio of Proposed design flow rate to required design flow rate:

$$\text{Ratio}_{\text{ERT}-1} = \frac{0.035 \text{ cfs}}{0.080 \text{ cfs}} = 0.437$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{ERT-1}} = 0.437 \times 10 \text{ ac} = 4.37 \text{ acres}$$

#### Procedure ERT-1: Wet Pond/Vault (Uses Water Quality Volume)

- Existing Conditions Pond Volume required for redevelopment criteria (6-month Storm) 0.1614 ac- ft.
- Proposed Retrofit design Wet Pond/Vault Volume = 0.115 ac-ft.
- Treatment Ratio of Proposed design flow rate to required design flow rate:

$$\text{Ratio}_{\text{ERT-1}} = \frac{0.115 \text{ ac ft}}{0.1614 \text{ ac ft}} = 0.712$$

- Equivalent New /Redevelopment Area:

$$\text{Area}_{\text{ERT-1}} = 0.712 \times 10 \text{ ac} = 7.12 \text{ acres}$$

## 6.0 Construction Quality Assurance Plan (CQAP)

A Construction Quality Assurance Plan (CQAP) is the documentation of the recipient and contractor's process for delivering the level of construction quality required by the contract. Ecology intends this document to provide guidance to recipient as to what is expected from CQAPs, and to identify the criteria for these plans. As per the agreement, the recipient will submit a CQAP to Ecology for review and acceptance prior to beginning construction on any stormwater project. This plan must describe how the recipient will provide adequate and competent construction oversight. Washington Administrative Code regulation, [WAC Chapter 173-240-075](#)<sup>107</sup>, lists the requirements for preparing a CQAP.

The CQAP submittal should include a cover page containing the grant and/or loan recipient name, project name, agreement number, project engineer's name, job title, jurisdiction/company, and date CQAP was prepared/revised. The recipient must upload the submittal to EAGL and notify the Ecology Project Manager of the submittal. Allow for 15 calendar days for Ecology review.

If the recipient is using the Washington State Department of Transportation (WSDOT) standard specs, [Division 1 of the WSDOT standard specs](#)<sup>108</sup> covers the general requirements of a CQAP. The CQAP must also contain project and recipient specific information.

### 6.1 Introduction and Site Description

Provide an overview of project to include a site description and project construction. Include a description of any construction activities that are not grant and/or loan eligible, but installed

<sup>107</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-075>

<sup>108</sup> <https://www.wsdot.wa.gov/publications/manuals/fulltext/M41-10/SS.pdf>



under the construction contract in place.

## **6.2 Features of Work**

Provide a brief description of the tasks performed under the grant and/or loan agreement in sequential order. This description should include a discussion of the overall project, summary of the schedule timeline, any special activities, and the number of subcontractors, etc. to get the reader up-to-date on the project.

Include a statement that states that the Cultural Resources Inadvertent Discovery Plan (IDP) will be maintained on site at all times during the project construction. If an IDP was not completed, the recipient must provide one to the Ecology Project Manager prior to construction.

## **6.3 Project Organization**

Submit an organizational chart with names, email addresses, and phone numbers of key personnel; include sub-consultants and major sub-contractors (if known at the time of submittal, if not known provide an update once you select the contractor). Include a brief summary of the construction management organization, management procedures, lines of communication, and responsibility. Include recipient and Ecology Project Managers in the organization chart.

## **6.4 General Administrative Work**

Identify how the recipient will interface between the contractor and the engineer and where the contractor may find guidance for administrative work. This includes information on submittals for review, pay requests, change orders, inspections, etc. Identify the occurrence of meetings between the contractor, engineer, and recipient.

If you use Division 1 of the *Standard Specifications for Road, Bridge, and Municipal Construction* (WSDOT Specs), you can reference this and the requirements of this section are satisfied.

## **6.5 Construction Stormwater Pollution Prevention Plan (SWPPP)**

Identify if the Ecology Construction Permit applies to the project and who is responsible for compliance with the permit. Confirm that the SWPPP is on-site and updated as necessary.

## **6.6 Quality Control Methods**

Submit a description/summary table of the quality control testing such as soil and material tests, leakage/pressure tests, equipment performance tests, etc. Include type of tests, frequency, parameters, specifications and who will perform the tests. Add brief explanations as appropriate.

## **6.7 Inspections**

Summarize your construction inspection program. Include:

- Inspector's responsibility.

- Inspection frequency.
- Deficiency resolution process.
- Inspector qualifications (brief summary may be included or attached).
- Municipality or authorized agent performing the inspection.
- Daily Inspection Report Template.

## **6.8 Technical Records Handling**

Briefly discuss who is responsible for keeping technical records, and where the records are stored. Technical Records include project correspondence, plans and specifications, inspection reports and daily logs, meeting minutes, shop drawings, field orders and change orders.

## **6.9 Field Testing Procedures**

Describe field-testing procedures to verify that control measures are adequate to provide a product that conforms to contract. This may include referencing applicable testing parameters (ASTM, etc.), listing approved and validated facilities and equipment, and verification and review that all tests are documented and submitted as part of quality control system reporting.

## **6.10 Permits, Licenses, Easements, and Agreements**

List and track all required permits, easements, agreements and licenses. Include any associated notices. The recipient will complete all design, environmental review and permitting tasks and respond to Ecology comments in a timely manner.

## **6.11 Documentation**

Describe the maintenance of project document records and submittals, to include, Inadvertent Discovery Plan (IDP), project correspondence, reimbursements, plans and specifications, addenda, progress reports, inspection reports and daily logs.

## **6.12 Change Order Documents**

Describe how modifications or revisions to the specifications will be tracked and relayed to grant and/or loan recipient key personnel and Ecology. Submissions can include drawings, plans, diagrams, or any other supplementary data or calculations.

When applicable, the submittal should include a description of tasks and items that may have costs that changed.

Submit a description of the change order process. Include who will initiate, review, negotiate, approve, and send change orders to Ecology. Ecology must review and accept change orders before implementation. Promptly convey Issues during construction that may result in a change order to Ecology either at construction meetings, via phone and/or email as they arise. Include a change order template in submittal.

Prior to execution, the recipient will submit in writing any eligible change orders that are a significant deviation from Ecology-accepted plans and specifications for Ecology review and acceptance for payment. Allow for 10 calendar days for Ecology review. Ecology must review and accept all change orders that impact grant and/or loan eligible activities prior to implementation. Ecology must review all other change orders for technical merit and should be submitted within 30 days after execution. Change orders are to be signed by the contractor, the engineer (if appropriate), and the recipient prior to submittal to Ecology for acceptance.

## 6.13 Project Completion Documentation

- GIS data deliverables.
- Site visits.
- Record drawings.
- Water benefit calculation.

Upon project completion, the recipient will submit the Declaration of Construction Completion form to Ecology in accordance with [WAC 173-240-090](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-090)<sup>109</sup>. The form, when signed by a professional engineer, indicates that the contractor completed the project in accordance with the plans and specifications and major change orders approved by Ecology, and accurately shown on the record drawings.

You may be required to submit a CQAP revision if there are significant changes in your project.

## 7.0 Operations and Maintenance Plan (O&M) for Facilities

- For TAPE GULD devices, the manufacturer's Operation and Maintenance plan is required. For non-TAPE GULD devices, provide specific BMP O&M plan. See more details below.
- For Low Impact Development (LID) BMPs maintenance guidance, you may refer to Appendix G of the [Eastern Washington Low impact Development Guidance Manual](#)<sup>110</sup> or Appendix 4 of the Low Impact Development Technical Guidance Manual for Puget Sound.
- Identify the person or party who's responsible for the operation and maintenance, such as Public Works Department or the third-party contractor.
- Describe how the maintenance operations fit into the recipient's overall operations and maintenance plan.
- Post-construction plant maintenance for BMPs that rely on vegetation to maintain functionality.

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<sup>109</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-090>

<sup>110</sup> <https://apps.ecology.wa.gov/publications/documents/1310036.pdf>

## 8.0 GIS

This section intends to help stormwater grant and/or loan recipients identify the necessary information to include in GIS deliverables. Ecology does not require that GIS deliverables follow this outline, but following this guidance will expedite the review process.

Stormwater facility agreements include deliverables for preliminary and final GIS data. The preliminary project file is completed at the design phase, and the final project file is based on the completed construction of the stormwater facility. Ecology review of GIS data may include the following:

- Comparison between GIS data and design plans.
- Comparison between GIS data and field observations using GIS/GPS mapping application tools during site visits.
- Georeferenced photos.
- Comparison between GIS data and water quality benefit equivalent area calculations, as reported in Two-paged Outcome Summary Report during closeout.

### 8.1 EAGL Mapping

Although the recipient has authorization to upload the project contributing area into the Mapping Information form of EAGL, Ecology prefers to have the Ecology regional project manager upload after Ecology has reviewed the data, as it is easy to accidentally repopulate EAGL with a default placeholder GIS file.

### 8.2 Data and Schema

All GIS data must be polygon(s), and not lines or points. The standard Ecology Projection is Washington State Plane, South Zone, NAD 83 HARN, US Feet. Ecology may accept other projections so long as the files are readily accommodated by ArcMap.

**Stormwater facility GIS files should provide the following information:**

- 1) Contributing area. One polygon feature class with a single feature. The feature can be multipart, and must be a single record in the attribute table. Fields should include:
  - a) Project ID (i.e. agreement number).
  - b) Contributing area in acres.
  - c) Pollution Generating Impervious Surface (PGIS) in acres.
  - d) Runoff Treatment benefit in acres from equivalent new/redevelopment area determination.
  - e) Flow Control benefit in acres from equivalent new/redevelopment area determination.
  - f) Text comments for additional clarification if necessary.

- 2) BMP footprint. One polygon feature class with a separate polygon feature for each BMP. If more than one BMP is constructed, then multiple records should appear in the attribute table. Fields should include:
  - a) Project ID (i.e. agreement number).
  - b) BMP name consistent with an Ecology approved manual, or Ecology approved TAPE device name.
  - c) Text comments for additional clarification if necessary.

**Stormwater Decant Facilities should provide the following GIS files:**

- 1) Decant facility footprint. Fields should include:
  - a) Project ID (i.e. agreement number).
  - b) Text comment of a brief description of decant facility constructed.
- 2) If a water quality treatment or flow control facility is constructed as part of the project, provide the BMP footprints for these facilities. Fields should include:
  - a) Project ID (i.e. agreement number).
  - b) BMP name consistent with an Ecology approved manual, or Ecology approved TAPE device name.
  - c) Text comments for additional clarification if necessary.

All files must be zipped (.zip) to upload to the EAGL Uploads form of the agreement. An empty file geodatabase template with acceptable schema is available on the [General Resources for Water Quality Grants & Loans webpage under Forms - Stormwater Agreement Materials](#)<sup>111</sup>.

## 9.0 Example Scope of Work

Task Number: 1

Task Cost:

Task Title: Grant and Loan Administration

Task Description:

- a) The RECIPIENT shall carry out all work necessary to meet ECOLOGY grant or loan administration requirements. Responsibilities include, but are not limited to: maintenance of project records; submittal of requests for reimbursement and corresponding backup documentation; progress reports; an EAGL (Ecology Administration of Grants and Loans) recipient closeout report; and a two-page Final Report (including photos, if applicable). In the event that the RECIPIENT elects to use a

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<sup>111</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

contractor to complete project elements, the RECIPIENT shall retain responsibility for the oversight and management of this funding agreement.

- b) The RECIPIENT shall keep documentation that demonstrates the project is in compliance with applicable procurement, contracting, and interlocal agreement requirements; permitting requirements, including application for, receipt of, and compliance with all required permits, licenses, easements, or property rights necessary for the project; and submittal of required performance items. This documentation shall be made available to ECOLOGY upon request.
- c) The RECIPIENT shall maintain effective communication with ECOLOGY and maintain up-to-date staff contact information in the EAGL system. The RECIPIENT shall carry out this project in accordance with any completion dates outlined in this agreement.

**Task Goal Statement:**

Properly managed and fully documented project that meets ECOLOGY's grant and loan administrative requirements.

**Task Expected Outcome:**

\* Timely and complete submittal of requests for reimbursement, quarterly progress reports, Recipient Closeout Report, and two-page Outcome Summary Report.

\* Properly maintained project documentation.

**Grant and Loan Administration Deliverables**

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges, and changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form).	
1.3	Two-page Outcome Summary Report.	

**Task Number:** 2

**Task Cost:**

**Task Title:** Cultural and Environmental Reviews, and Permitting

**Task Description:**

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will provide both the ECOLOGY project manager and [separegister@ecy.wa.gov](mailto:separegister@ecy.wa.gov) an initial consultation on the draft State Environmental Policy Act (SEPA) documents.
- B. The RECIPIENT will notify the ECOLOGY project manager, in addition to the required distribution and public notice, when SEPA documents have been issued for the official comment period, which is a minimum of 21 days.
- C. The RECIPIENT is responsible for application of, receipt of, and compliance with all required local, state, tribal and federal permits, licenses, easements, or property rights necessary for the project.
- D. The RECIPIENT will submit the documents listed below to ECOLOGY to initiate cultural resources review. Property acquisition and above and below ground activities proposed at any project site must be reviewed for potential affects to cultural resources.
  - 1. The RECIPIENT will submit the Cultural Resources Review Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archaeology and Historic Preservation's Washington State Standards for Cultural Resource Reporting. The Cultural Resources Review form template may be found on the ECOLOGY website.
  - 2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the ECOLOGY template. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site. The IDP template may be found on the ECOLOGY website.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Work done prior to written notice to proceed shall not be eligible for reimbursement. Examples of work may include, but are not limited to, geotechnical work, acquisition, site prep work, and BMP installations. Work done prior to written notice to proceed shall not be eligible for reimbursement.

Task Goal Statement:

The RECIPIENT will complete all cultural and environmental reviews and permitting tasks in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by any local, state, and federal environmental and cultural resource laws, authorities, and consultations including, but not limited to, state Executive Order 21-02, State Environmental Policy Act, completion of Joint Aquatic Resource Permit Application (JARPA) if required, and all other applicable federal, state, and local laws, and regulations.

## Cultural, Environmental Review, and Permitting Deliverables

Number	Description	Due Date
2.1	SEPA checklist, or other documentation for projects considered exempt from SEPA review. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.2	List of permits acquired and environmental review documents. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.3	Cultural Resources Review Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager and Cultural Resource Contact.	
2.4	Inadvertent Discovery Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	

Task Number: 3

Task Cost:

Task Title: Design Plans and Specifications

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will develop a stormwater project design. The design submittals must conform to the Design Deliverables for Stormwater Projects with Ecology Funding (Design Deliverables Document). Projects must be designed in accordance with the Stormwater Management Manual for Eastern Washington, Stormwater Management Manual for Western Washington, or equivalent manual. Refer to the ECOLOGY website for specific guidance. Project must be reviewed and accepted in writing by ECOLOGY to be eligible for reimbursement.

The RECIPIENT will upload the design submittals listed below to EAGL for ECOLOGY review. Reduce design figures to 11x17 inches in size and ensure they are legible.

1. The RECIPIENT will submit a Design Report to ECOLOGY for review and acceptance. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Design Report Acceptance Letter prior to proceeding to 90 Percent Design.

2. The RECIPIENT will submit a 90 Percent Design Package to ECOLOGY for review and acceptance. At a minimum, this package must include 90 percent plans, specifications, engineer's opinion of cost, which includes a schedule of eligible costs,



and project construction schedule. The current required bid inserts and specifications may be found on the Ecology website. Allow 45 calendar days for ECOLOGY review.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding Final Design.

3. The RECIPIENT will submit a Final Bid Package to ECOLOGY for review and acceptance prior to advertising the project. The Final Bid Package includes: project plans, specifications, engineer's opinion of cost including a schedule of eligible costs, and project construction schedule. Allow 15 calendar days for ECOLOGY review.
- B. The RECIPIENT will calculate and submit a preliminary equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Design Deliverables Document.
- C. The RECIPIENT will submit a preliminary GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-approved equivalent. The project area should include polygon features for stormwater facilities and contributing areas.

Task Goal Statement:

The RECIPIENT will complete all design tasks and respond to ECOLOGY comments in a timely manner.

Task Expected Outcome:

The project will meet the requirements set forth by ECOLOGY water quality facility design standards and all other applicable federal, state, and local laws, and regulations.

**Design Plans and Specifications Deliverables**

Number	Description	Due Date
3.1	Contract documents (if contracting out for design). Upload to EAGL and notify ECOLOGY when upload is complete.	
3.2	Design Report. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.3	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.4	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.5	90 Percent Design Package. Upload to EAGL and notify ECOLOGY when complete.	

Number	Description	Due Date
3.6	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.7	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.8	Preliminary equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.9	Preliminary project area shapefile, geodatabase file, or ECOLOGY-approved equivalent. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
3.10	Final Bid Package. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.11	Responses to ECOLOGY Final Bid Package comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.12	Ecology Final Bid Package Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
3.13	Bid documents (e.g. bid announcement, bid tabulations, and bid award). Upload to EAGL and notify ECOLOGY when upload is complete.	

Task Number: 4

Task Cost:

Task Title: Construction Management

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will provide construction oversight and management of the project.
- B. The RECIPIENT will submit a detailed Construction Quality Assurance Plan (CQAP) to ECOLOGY for review and acceptance before the start of construction. This plan must describe how the RECIPIENT will perform adequate and competent construction oversight. Guidance for CQAP development is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- C. The RECIPIENT will conduct a pre-construction conference meeting and invite ECOLOGY to attend.
- D. The RECIPIENT will submit an updated project schedule and cost estimate prior to the

start of construction and whenever major changes occur.

- E. Prior to execution, the RECIPIENT will submit to ECOLOGY any eligible change orders that deviate from ECOLOGY-accepted plans and specifications. ECOLOGY must review and accept all change orders that affect grant eligible activities prior to implementation. Allow 10 calendar days for ECOLOGY review.

Task Goal Statement:

The RECIPIENT will oversee and manage construction, communicate with ECOLOGY in a timely fashion, and provide ECOLOGY with all requested project documentation.

Task Expected Outcome:

The project will be constructed on schedule and in accordance with accepted plans.

**Construction Management Deliverables**

Number	Description	Due Date
4.1	Construction Quality Assurance Plan. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
4.2	Pre-construction conference meeting minutes. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.3	Project Schedule. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.4	Revised construction cost estimates when changes in construction schedule occur. Upload to EAGL and notify ECOLOGY when upload is complete.	
4.5	Change Order(s). Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	

Task Number: 5

Task Cost:

Task Title: Construction

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will complete construction of the project in accordance with ECOLOGY-accepted plans and specifications. The construction project will include installation of (NAME OF BMPs FROM PROJECT SHORT DESCRIPTION) to mitigate runoff from (ACRES) of pollution-generating impervious surfaces.

- B. Stormwater Construction Completion Form signed by a professional engineer indicating that the project was completed in accordance with the plans and specifications, and major change orders approved by ECOLOGY's Project Engineer and shown on the Record Drawings. The Stormwater Construction Completion Form can be found on the ECOLOGY website.

Task Goal Statement:

Construction of the project in accordance with ECOLOGY-accepted plans and specifications.

Task Expected Outcome:

Constructed project will provide water quality benefits including reductions in (LIST PARAMETERS FROM SHORT PROJECT DESCRIPTION).

**Construction Deliverables**

Number	Description	Due Date
5.1	Signed and dated construction contract. Upload to EAGL and notify ECOLOGY when upload is complete.	
5.2	Stormwater Construction Completion Form. Upload to EAGL and notify ECOLOGY when upload is complete.	

Task Number: 6

Task Cost:

Task Title: Project Close Out

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will operate and maintain the constructed facility for the design life of the facility. The RECIPIENT will develop and submit an Operations and Maintenance (O&M) plan for all facilities constructed with ECOLOGY funding to ECOLOGY for review. The O&M plan must address long-term activities to assure ongoing pollutant removal and flow-control capability of the project in accordance with the design manual. O&M plan development guidance is located in the Design Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- B. The RECIPIENT will calculate and submit a final equivalent new/re-development area for the completed retrofit project(s) using the methods outlined in the Design Deliverables Document.

- C. The RECIPIENT will submit the final GIS compatible project area in shapefile, geodatabase file, or ECOLOGY-approved equivalent. The project area should include polygon features for stormwater facilities and contributing areas.
- D. The RECIPIENT will submit the Recipient Closeout Report (RCOR) in EAGL in accordance with Task 1.
- E. The RECIPIENT will submit the Two-page Outcome Summary Report using the ECOLOGY template in accordance to Task 1. Upload the Two-page Outcome Summary Report in the RCOR in EAGL.

**Task Goal Statement:**

The RECIPIENT will complete all close out submittals in a timely manner.

**Task Expected Outcome:**

- \* Timely and complete submittal of O&M plan, equivalent area calculation, GIS, Recipient Closeout Report, and Two-page Outcome Summary Report.
- \* Proper maintenance of the constructed facility to maintain water quality benefits.

**Project Closeout Deliverables**

Number	Description	Due Date
6.1	Facility Operation and Maintenance Plan. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	
6.2	Final, as constructed, equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY when upload is complete.	
6.3	Final, as constructed, project area shapefile, geodatabase file, or ECOLOGY-approved equivalent. Upload to EAGL and notify ECOLOGY when upload is complete. Upload ECOLOGY acceptance documentation.	

## Stormwater Activity Projects

### 10.0 Enhanced Maintenance & Source Control Planning

The information below is provided to assist you in developing a scope of work for projects that propose to evaluate and enhance their maintenance. The Enhanced Maintenance Plan should include the following sections, as well as a cover page containing the title, jurisdiction, and date the plan was prepared/revised.

#### 10.1 Introduction

This section should:

- 1) Introduce readers to the water bodies that receive water from the MS4, including water quality concerns and the relative influence of stormwater.
- 2) Provide an overview of the plan and the context within your larger stormwater quality program.
- 3) Describe the increase in benefits you expect to achieve and water quality goals you hope to meet by implementing this plan.

If your community is completing a Stormwater Management Action Plan, the information you provide in this section should align with your water conditions assessment. For more information about assessing your receiving waters, please refer to Ecology's Stormwater Management Action Planning Guidance.

In larger communities, or communities that have many receiving waters, it may be helpful to divide this section into several subsections and include an executive summary.

#### 10.2 Pre-Project (Baseline) Program

Documenting the existing maintenance program and assessing the water quality benefits the existing program provides is the first step in developing and managing an enhanced maintenance program.

##### 10.2.1 Current Program Priorities & Implementation

Describe goals of your current program and the method your jurisdiction is currently using to prioritize maintenance (e.g., sweeping, vactoring, line jetting or other source control activities). In your description, please discuss:

- Geographic areas, urban catchments and outfalls.
- Frequency for each activity.
- Special events (community and/or weather) or spill response capability.
- Methods and tools used for tracking maintenance activities, curb miles, roads/routes, loading complaints, emergency response, etc.

- Describe how and where you currently dispose of solid and liquid materials.
- Information on load testing for hazardous substances, including frequency, sampling methods, and testing protocols. Consult with your local health jurisdiction to determine if your current protocols meet the testing criteria for proper disposal or reuse of solid waste.
- The facilities and equipment that are used to implement the current program.
- Who currently implements each program element including any existing agreements or partnerships.

### **10.2.2 Program Costs**

Calculate the short and long-term costs of operating the current program. Include costs such as labor, disposal, equipment storage, maintenance, and replacement, etc. Include a brief description of how the program is currently funded.

### **10.2.3 Evaluation and Adaptive Management**

State the current program performance standards and goals. Describe how and how often you currently measure program performance.

### **10.2.4 Estimate of the Water Quality Benefits**

Describe the methodology used to calculate the water quality benefits in the current program. Include total units of pollutants, sediment, other materials or benefits provided by the current program. If you do not have an existing methodology, develop an estimate using the best available data.

Ecology does not currently have an approved state-wide method for calculating water quality benefits for source control activities. An online database of source contribution tools and methodologies for BMPs including source control BMPs has been compiled by the [California Stormwater Quality Association](https://www.casqa.org/resources/effectiveness-assessment/source-contribution-tools-methodologies/online-database)<sup>112</sup>. This database is not exhaustive and should not be construed as a specific recommendation for specific cases. For additional assistance in developing a method appropriate for your program contact your Ecology regional project manager.

## **10.3 Proposed or Post Project Program**

### **10.3.1 Alternative Development, Evaluation & Selection**

This section of the Enhanced Maintenance Plan should describe the maintenance alternatives you considered and a description of the final selected alternative. The development and analysis of feasible alternatives is a critical component of your plan. The proposed alternatives should be designed to address the critical water quality concerns for your community's receiving waters and should include cost and water quality benefits for each alternative.

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<sup>112</sup> <https://www.casqa.org/resources/effectiveness-assessment/source-contribution-tools-methodologies/online-database>

If you intend on applying for Ecology funding to fund the start-up costs for implementing your enhanced maintenance program, this section will provide the answers to many of the questions on the Ecology Combined Water Quality Funding Program Application (see Appendix C).

The [City of Edina, MN, Street Sweeping Management Plan](https://www.edinamn.gov/DocumentCenter/View/3887/Edina-Street-Sweeping-Plan-Final-PDF?bidId=)<sup>113</sup> is a good example of how a mid-size community evaluated sweeping alternatives to maximize the value of their sweeping program.

### **10.3.2 Enhanced Program Priorities & Implementation**

Describe the specific changes that will be made to the baseline program. If any additional equipment or facilities will be required to implement the program, describe how you determined the size/type and number needed. Ecology will use this information to determine funding program eligibility.

### **10.3.3 Program Costs**

Calculate the short- and long-term costs of operating the proposed program. Include costs such as labor, disposal, equipment storage, maintenance, and replacement, etc.

Provide details on how the program will maintain this level of service and fund additional costs associated with the Enhanced Maintenance Plan including long-term costs such as equipment replacement.

### **10.3.4 Evaluation and Adaptive Management**

Describe any revised goals or performance measures. If the baseline program did not include standards and goals that relate to improvements in water quality, they must be included in the proposed program.

### **10.3.5 Estimate of the Water Quality Benefits**

Calculate the water quality benefits of the proposed project using the method described for the baseline condition and compare the pre- and post-project conditions.

Include any proposed revisions to the methodology.

### **10.3.6 Sample Enhanced Maintenance Task**

Task Number: 2

Task Cost:

Task Title: Enhanced Maintenance Plan

Task Description:

The RECIPIENT shall ensure the following items are completed and provide the associated

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<sup>113</sup> <https://www.edinamn.gov/DocumentCenter/View/3887/Edina-Street-Sweeping-Plan-Final-PDF?bidId=>



deliverables to ECOLOGY. The RECIPIENT must approve all materials prior to submitting them to ECOLOGY for acceptance.

- A. The RECIPIENT will develop and submit a draft and final Enhanced Maintenance Plan (EMP) including Cost and Effectiveness Analysis for ECOLOGY review and comment. At a minimum, this plan shall include the following elements:

1. Introduction/Overview

- a. Assessment of waterbodies that receive water from the RECIPIENT's MS4. Include information such as pollutants of concern, TMDLs, beneficial uses, etc. Estimate the amount of pollutants that are contributed to the system by the RECIPIENT's MS4 and water quality improvement goals for each waterbody.
- b. Discussion of why the RECIPIENT is choosing to explore enhanced maintenance as a strategy for pollutant reduction, as opposed to other means of improving water quality.
- c. Summarize the differences between the current program and the RECIPIENT's enhanced program.

2. Current Program Description

- a. Current program priorities, goals, and how the RECIPIENT determines where to employ existing maintenance resources.
- b. Estimate of the total cost to implement the existing program. Include labor, training, disposal, equipment maintenance & replacement costs. Note if any costs are currently unfunded.
- c. Any formal/informal method used to determine if the program is meeting the goals described above. If the program is routinely assessed by the RECIPIENT, describe how changes are made to the program.
- d. Current program implementation. Include location and frequency of current pollutant removal & source control efforts, staff training, equipment maintenance, material disposal process, data collection & tracking methods. Quantify equipment needed to implement the current program.
- e. Estimate of the water quality benefits the program provides. Show the method used to arrive at this estimate. If insufficient data exists to provide an estimate, identify and describe these gaps.

3. Future Program Description

- a. Perform alternatives analysis including cost & water quality benefit evaluation. Cost estimates will include labor, training, disposal, equipment acquisition, maintenance & replacement costs, and facility improvements. If the program proposes to purchase equipment, analyze rent or lease versus purchase alternatives to determine the most economic approach.

- b. Identify preferred enhancement alternative and justify selection. Estimate the water quality benefits and show the method used to arrive at this estimate. Identify equipment and facilities needed to implement the program.
  - c. Describe the program's implementation. Include location and frequency of enhanced maintenance efforts, data collection & analysis methods.
  - d. Explain how frequently the program will be assessed, and the process for adaptive management of the program to ensure the goals are achieved.
- B. The RECIPIENT will respond to ECOLOGY comments on the draft EMP. The RECIPIENT must receive an EMP Acceptance & Eligibility letter prior to proceeding with any purchase of equipment or facility designing.

**Task Goal Statement:**

The RECIPIENT will complete the Enhanced Maintenance Plan and respond to ECOLOGY comments in a timely manner.

**Task Expected Outcome:**

Identification of the best alternative for optimizing street cleaning performance and removing total suspended solids and other related pollutants from roadways.

**Enhanced Maintenance Plan Deliverables**

Number	Description	Due Date
2.1	Draft Enhanced Maintenance Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.2	Responses to ECOLOGY Enhanced Maintenance Plan comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.3	ECOLOGY Enhanced Maintenance Plan Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.4	Final Enhanced Maintenance Plan. Upload to EAGL and notify Ecology when upload is complete.	
2.5	Waste disposal agreements. If applicable, upload copies of waste disposal contracts or agreements to EAGL.	

## 11.0 Additional Information for Activities Infrastructure and Equipment

### 11.1 Decant Facilities

#### 11.1.1 Minimum Requirements for a Decant Facility

If an Ecology-accepted Enhanced Maintenance Plan shows the recipient needs to construct a decant facility to accomplish water quality goals design and construction of such a facility is

eligible for funding. The decant facility design and/or construction scope of work should include the tasks from the facilities scope of work template (Appendix L, Section 9.0) and deliverables guidance for stormwater facility design and construction. In addition, the following requirements will also apply:

- Include at least two bays. Covered bays are recommended, but not required for Eastern Washington.
- Meet new/redevelopment criteria according to the Ecology Stormwater Management Manuals for Eastern or Western Washington, or accepted equivalent manual.
- Be authorized to discharge to either a sanitary sewer or other accepted treatment facility.
- Treatment methods other than sanitary sewer discharge can be discussed on a case-by-case basis.
- Include an oil/water separator downstream of the decant water collection area.
- Include safety lighting.
- Include shutoff valve to control hot load in the event of emergency spill.
- Provide adequate room for turning vehicles.
- Provide facilities for washing out the interior of vector tanks and sweeper storage bay.
- Follow local health jurisdiction guidelines for disposal testing criteria to ensure proper disposal or reuse of solid waste.
- Stockpile permit from your local health jurisdiction, if required.
- Include facilities for testing water and soils for hazardous materials.

### **11.1.2 Decant Facility Operations and Maintenance Plan (O&M) Requirements**

- Before the decant facility becomes operational, Ecology must review and accept an Operations and Maintenance Plan. The plan must:
  - Describe how the flow line is clear and properly maintained.
  - Describe how all on-site stormwater BMPs are maintained and repaired.
  - Ensure to have discharge authorization or other permission to discharge to the sanitary sewer issued by the municipality's sewage treatment agency.
- Not limited to sanitary, but open to other options, such as on-site treatment and infiltration into ground. It is required to treat street waste liquids, refer to Appendix IV-B of SWMMWW.
- If it is necessary to dispose of decant water to a location other than the sanitary sewer, work with the Ecology Municipal Permit Planner to determine feasibility of discharging in another location.

- For an O&M manual template example, you can refer to Appendix E of Regional Siting Study for the counties of Snohomish, King, Pierce, and Thurston.

## **11.2 Sweepers and Vector Equipment**

Equipment with a purchase price greater than \$5,000 will require pre-approval from Ecology. In addition to the program-specific feedback provided through the Enhanced Maintenance Plan approval process, Ecology typically looks for the following elements when approving maintenance equipment.

### **11.2.1 Sweeper Trucks**

- Regenerative Air Sweeper or vacuum sweeper as manufactured by Elgin, Tennant, Peterbilt, International, or Schwarze, or approved equivalent.
- Contains standard equipment for operation, operator comfort, and monitoring of sweeping activities.

### **11.2.2 Vector Trucks**

- Vacuum trucks for cleaning catch basins and piping as manufactured by Peterbilt, International, Freightliner, Kenworth, or approved equivalent.
- Contains standard equipment for operation, operator comfort, and catch basin and pipe cleaning operations.

### **11.2.3 Sweeper/Vector Truck Operations and Maintenance Plan (O&M)**

The Operations & Maintenance Plan should include the following elements:

- Training:
  - How staff will be trained to operate equipment.
- Operating procedures:
  - Start-up.
  - Load dumping.
  - Wash out.
- Equipment inspection:
  - Inspection schedule.
  - Inspection tasks.
  - Parties responsible for inspection.
- Equipment maintenance:
  - Maintenance schedule.
  - Maintenance tasks.

- Parties responsible for maintenance.
- Budget:
  - Estimated costs for regular maintenance tasks, materials, and supplies.
  - Funding source for operations and maintenance.

#### **11.2.4 Equipment Purchase, Rental, or Use Rate Reimbursement**

If the Ecology-accepted Enhanced Maintenance Plan shows the recipient needs additional equipment, Ecology will pay for the purchase, rental, or contracted use of a high efficiency street sweeper, vactor truck, or both, when the recipient meets the following criteria:

- Recipient has an Ecology-accepted Enhanced Maintenance Plan.
- Recipient has an Ecology-accepted equipment Operations and Maintenance Plan.
- Recipient has documented a current contract for proper disposal of sweeping/cleaning waste.
- Recipient may purchase equipment according to the agreement and funding program guidelines. When cost effective and feasible, the recipient should consider renting versus purchasing.
- Recipient must submit documentation to verify they possess the equipment before requesting reimbursement.
- If the recipient will rent or contract for services, or seek reimbursement for sweeping costs, they must include a breakdown of the use rate. The use rate can include all components related to the total cost of operating the equipment. Costs associated with labor, testing and disposal of solids and effluent are eligible.
- Recipient must report miles swept and tons of debris collected quarterly and cumulatively for the remainder of the agreement.

## Appendix M: Median Household Income, Population, Hardship Eligibility

The [U.S. Census Bureau](https://data.census.gov/cedsci/)<sup>114</sup> provides population and median household income (MHI) data. MHI estimates for states, cities, towns, and census designated places (CDP) are obtained through the American Community Survey.

The data in Table 19 were obtained in early 2021. Ecology uses the data in Table 19 when making hardship determinations. If a community does not have an MHI or a population listed in Table 19, Ecology will use the MHI or population for the county where the community is located or another applicable location such as a census tract.

If an applicant disputes the MHI estimate used by Ecology, the applicant may conduct a scientific survey to determine the MHI for the project area. If an applicant chooses to conduct an Income Survey, they must adhere to the [Infrastructure Assistance Coordinating Council \(IACC\)](http://www.infrafunding.wa.gov/)<sup>115</sup> *Income Survey Guide*, and the results must be approved by Ecology.

**Table 19: Median Household Income, Population, Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship, 2% of Monthly MHI**

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
*Washington	\$73,775	7,404,107	n/a	n/a
Aberdeen city	\$44,444	16,456	Eligible	\$74.07
Aberdeen Gardens CDP	\$94,028	337	Ineligible	\$156.71
Acme CDP	-	108	n/a	n/a
Adams County	\$48,294	19,594	Eligible	\$80.49
Addy CDP	-	130	n/a	n/a
Ahtanum CDP	\$70,227	3,356	Ineligible	\$117.05
Airway Heights city	\$52,579	8,560	Eligible	\$87.63
Albion town	\$59,464	646	Ineligible	\$99.11
Alder CDP	\$101,719	161	Ineligible	\$169.53
Alderton CDP	\$88,167	2,890	Ineligible	\$146.95
Alderwood Manor CDP	\$99,451	9,579	Ineligible	\$165.75
Alger CDP	\$68,750	184	Ineligible	\$114.58
Algona city	\$74,844	3,211	Ineligible	\$124.74
Allyn CDP	\$83,663	2,414	Ineligible	\$139.44
Almira town	\$65,156	300	Ineligible	\$108.59

<sup>114</sup> <https://data.census.gov/cedsci/>

<sup>115</sup> <http://www.infrafunding.wa.gov/>

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Altoona CDP	\$84,821	48	Ineligible	\$141.37
Amanda Park CDP	\$34,375	92	Eligible	\$57.29
Amboy CDP	\$100,506	1,875	Ineligible	\$167.51
Ames Lake CDP	\$121,458	1,556	Ineligible	\$202.43
Anacortes city	\$71,844	16,977	Ineligible	\$119.74
Anderson Island CDP	\$80,078	1,181	Ineligible	\$133.46
Arlington city	\$82,626	19,483	Ineligible	\$137.71
Arlington Heights CDP	\$94,464	2,410	Ineligible	\$157.44
Artondale CDP	\$110,651	13,364	Ineligible	\$184.42
Ashford CDP	\$45,856	531	Eligible	\$76.43
Asotin city	\$56,548	929	Eligible	\$94.25
Asotin County	\$53,715	22,421	Eligible	\$89.53
Auburn city	\$72,822	80,134	Ineligible	\$121.37
Bainbridge Island city	\$117,990	24,486	Ineligible	\$196.65
Bangor Base CDP	\$57,134	6,506	Eligible	\$95.22
Banks Lake South CDP	\$35,000	146	Eligible	\$58.33
Barberton CDP	\$98,911	6,981	Ineligible	\$164.85
Baring CDP	\$44,286	162	Eligible	\$73.81
Barney's Junction CDP	-	138	n/a	n/a
Barstow CDP	\$30,667	105	Eligible	\$51.11
Basin City CDP	\$55,160	1,209	Eligible	\$91.93
Battle Ground city	\$75,208	20,406	Ineligible	\$125.35
Bay Center CDP	\$27,946	198	Eligible	\$46.58
Bay View CDP	\$105,250	662	Ineligible	\$175.42
Beaux Arts Village town	\$230,625	407	Ineligible	\$384.38
Belfair CDP	\$51,772	4,564	Eligible	\$86.29
Bell Hill CDP	\$117,083	608	Ineligible	\$195.14
Bellevue city	\$120,456	144,403	Ineligible	\$200.76
Bellingham city	\$53,396	88,764	Ineligible	\$88.99
Benton City	\$55,175	3,373	Eligible	\$91.96
Benton County	\$69,023	197,518	Ineligible	\$115.04
Bethel CDP	\$78,526	3,851	Ineligible	\$130.88
Bickleton CDP	\$52,500	102	Eligible	\$87.50
Big Lake CDP	\$105,682	1,774	Ineligible	\$176.14
Bingen city	\$54,327	644	Eligible	\$90.55

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Birch Bay CDP	\$62,413	9,323	Ineligible	\$104.02
Black Diamond city	\$108,490	4,476	Ineligible	\$180.82
Blaine city	\$71,324	5,313	Ineligible	\$118.87
Blyn CDP	\$180,461	60	Ineligible	\$300.77
Bonney Lake city	\$97,055	20,707	Ineligible	\$161.76
Bothell city	\$99,965	45,749	Ineligible	\$166.61
Bothell East CDP	\$122,004	11,665	Ineligible	\$203.34
Bothell West CDP	\$111,705	21,115	Ineligible	\$186.18
Boulevard Park CDP	\$58,263	3,717	Eligible	\$97.11
Boyds CDP	-	45	n/a	n/a
Brady CDP	-	902	n/a	n/a
Bremerton city	\$52,716	40,631	Ineligible	\$87.86
Brewster city	\$45,288	2,367	Eligible	\$75.48
Bridgeport city	\$46,399	2,570	Eligible	\$77.33
Brier city	\$131,293	6,843	Ineligible	\$218.82
Brinnon CDP	\$52,350	784	Eligible	\$87.25
Browns Point CDP	\$107,917	1,104	Ineligible	\$179.86
Brush Prairie CDP	\$82,458	2,636	Ineligible	\$137.43
Bryant CDP	\$97,772	1,817	Ineligible	\$162.95
Bryn Mawr-Skyway CDP	\$70,968	18,414	Ineligible	\$118.28
Buckley city	\$77,512	4,788	Ineligible	\$129.19
Bucoda town	\$51,250	668	Eligible	\$85.42
Buena CDP	\$34,619	1,084	Eligible	\$57.70
Bunk Foss CDP	\$120,357	3,939	Ineligible	\$200.60
Burbank CDP	\$70,948	3,358	Ineligible	\$118.25
Burien city	\$67,402	51,477	Ineligible	\$112.34
Burley CDP	\$78,042	2,304	Ineligible	\$130.07
Burlington city	\$49,641	8,881	Eligible	\$82.74
Camano CDP	\$80,965	17,042	Ineligible	\$134.94
Camas city	\$111,584	23,200	Ineligible	\$185.97
Canterwood CDP	\$125,256	3,218	Ineligible	\$208.76
Canyon Creek CDP	\$76,708	3,433	Ineligible	\$127.85
Carbonado town	\$76,875	713	Ineligible	\$128.13
Carlsborg CDP	\$55,913	745	Eligible	\$93.19
Carnation city	\$104,044	1,835	Ineligible	\$173.41



Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Carson CDP	\$55,819	2,830	Eligible	\$93.03
Cascade Valley CDP	\$45,878	1,673	Eligible	\$76.46
Cashmere city	\$60,994	3,140	Ineligible	\$101.66
Castle Rock city	\$50,573	3,153	Eligible	\$84.29
Cathcart CDP	\$108,777	2,426	Ineligible	\$181.30
Cathlamet town	\$36,000	621	Eligible	\$60.00
Cavalero CDP	\$112,768	5,370	Ineligible	\$187.95
Centerville CDP	\$51,250	103	Eligible	\$85.42
Central Park CDP	\$77,522	3,205	Ineligible	\$129.20
Centralia city	\$42,449	17,216	Eligible	\$70.75
Chain Lake CDP	\$113,056	4,522	Ineligible	\$188.43
Chehalis city	\$42,209	7,497	Eligible	\$70.35
Chelan city	\$57,778	4,146	Eligible	\$96.30
Chelan County	\$58,795	76,229	Ineligible	\$97.99
Chelan Falls CDP	-	88	n/a	n/a
Cheney city	\$40,573	12,165	Eligible	\$67.62
Cherry Grove CDP	\$132,591	738	Ineligible	\$220.99
Chewelah city	\$39,618	2,623	Eligible	\$66.03
Chico CDP	\$112,984	2,846	Ineligible	\$188.31
Chinook CDP	-	154	n/a	n/a
Clallam Bay CDP	\$37,578	497	Eligible	\$62.63
Clallam County	\$52,192	75,392	Ineligible	\$86.99
Clark County	\$75,253	473,252	Ineligible	\$125.42
Clarkston city	\$40,186	7,381	Eligible	\$66.98
Clarkston Heights-Vineland CDP	\$79,337	6,348	Ineligible	\$132.23
Clayton CDP	\$28,438	547	Eligible	\$47.40
Cle Elum city	\$48,767	3,017	Eligible	\$81.28
Clear Lake CDP (Pierce County)	\$79,926	1,126	Ineligible	\$133.21
Clear Lake CDP (Skagit County)	\$70,417	914	Ineligible	\$117.36
Clearview CDP	\$100,903	3,630	Ineligible	\$168.17
Cliffdell CDP	-	130	n/a	n/a
Clinton CDP	\$62,159	891	Ineligible	\$103.60
Clover Creek CDP	\$67,736	6,734	Ineligible	\$112.89
Clyde Hill city	\$238,958	3,329	Ineligible	\$398.26
Cohasset Beach CDP	\$54,894	691	Eligible	\$91.49

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Colfax city	\$50,539	2,891	Eligible	\$84.23
College Place city	\$49,347	9,182	Eligible	\$82.25
Colton town	\$59,808	436	Ineligible	\$99.68
Columbia County	\$53,423	3,992	Eligible	\$89.04
Colville city	\$42,869	4,777	Eligible	\$71.45
Conconullytown	\$39,107	174	Eligible	\$65.18
Concrete town	\$37,443	738	Eligible	\$62.41
Connell city	\$51,154	5,517	Eligible	\$85.26
Conway CDP	-	0	n/a	n/a
Copalis Beach CDP	-	578	n/a	n/a
Cosmopolis city	\$56,979	1,610	Eligible	\$94.97
Cottage Lake CDP	\$161,233	22,677	Ineligible	\$268.72
Coulee City town	\$45,250	534	Eligible	\$75.42
Coulee Dam town	\$56,447	1,209	Eligible	\$94.08
Country Homes CDP	\$49,296	6,117	Eligible	\$82.16
Coupeville town	\$48,438	1,715	Eligible	\$80.73
Covington city	\$105,154	20,825	Ineligible	\$175.26
Cowiche CDP	\$48,486	821	Eligible	\$80.81
Cowlitz County	\$54,506	106,778	Ineligible	\$90.84
Creston town	\$48,542	241	Eligible	\$80.90
Crocker CDP	\$96,551	1,196	Ineligible	\$160.92
Curlew CDP	-	100	n/a	n/a
Curlew Lake CDP	\$62,639	610	Ineligible	\$104.40
Cusick town	\$44,375	88	Eligible	\$73.96
Custer CDP	\$53,529	133	Eligible	\$89.22
Dallesport CDP	\$54,609	1,515	Eligible	\$91.02
Danville CDP	-	81	n/a	n/a
Darrington town	\$37,708	1,088	Eligible	\$62.85
Dash Point CDP	\$120,000	1,105	Ineligible	\$200.00
Davenport city	\$57,109	1,819	Eligible	\$95.18
Dayton city	\$50,313	2,656	Eligible	\$83.86
Deep River CDP	\$41,563	186	Eligible	\$69.27
Deer Park city	\$52,429	4,119	Eligible	\$87.38
Deming CDP	-	164	n/a	n/a
Des Moines city	\$70,222	31,734	Ineligible	\$117.04

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Desert Aire CDP	\$66,127	2,712	Ineligible	\$110.21
Disautel CDP	\$21,736	25	Eligible	\$36.23
Dixie CDP	\$58,750	190	Eligible	\$97.92
Dollars Corner CDP	\$98,607	699	Ineligible	\$164.35
Donald CDP	-	0	n/a	n/a
Douglas County	\$62,951	42,023	Ineligible	\$104.92
Duluth CDP	\$78,068	1,314	Ineligible	\$130.11
DuPont city	\$90,298	9,435	Ineligible	\$150.50
Duvall city	\$159,597	7,901	Ineligible	\$266.00
East Cathlamet CDP	\$46,188	512	Eligible	\$76.98
East Port Orchard CDP	\$64,375	5,407	Ineligible	\$107.29
East Renton Highlands CDP	\$105,755	11,842	Ineligible	\$176.26
East Wenatchee city	\$54,223	13,960	Eligible	\$90.37
Eastmont CDP	\$111,482	21,733	Ineligible	\$185.80
Easton CDP	\$77,500	361	Ineligible	\$129.17
Eatonville town	\$67,670	2,981	Ineligible	\$112.78
Edgewood city	\$100,110	11,264	Ineligible	\$166.85
Edison CDP	\$142,115	147	Ineligible	\$236.86
Edmonds city	\$89,229	42,040	Ineligible	\$148.72
Elbe CDP	-	53	n/a	n/a
Electric City	\$66,154	894	Ineligible	\$110.26
Elk Plain CDP	\$70,041	15,167	Ineligible	\$116.74
Ellensburg city	\$39,645	20,167	Eligible	\$66.08
Elma city	\$46,228	3,277	Eligible	\$77.05
Elmer City town	\$51,875	298	Eligible	\$86.46
Endicott town	\$38,438	304	Eligible	\$64.06
Enetai CDP	\$73,250	1,921	Ineligible	\$122.08
Entiat city	\$65,174	1,029	Ineligible	\$108.62
Enumclaw city	\$61,010	11,879	Ineligible	\$101.68
Ephrata city	\$54,587	8,072	Eligible	\$90.98
Erlands Point-Kitsap Lake CDP	\$60,910	3,116	Ineligible	\$101.52
Eschbach CDP	\$86,957	352	Ineligible	\$144.93
Esperance CDP	\$99,063	4,204	Ineligible	\$165.11
Everett city	\$60,759	109,766	Ineligible	\$101.27
Everson city	\$57,636	2,705	Eligible	\$96.06

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Fairchild AFB CDP	\$67,656	3,336	Ineligible	\$112.76
Fairfield town	\$51,696	596	Eligible	\$86.16
Fairwood CDP (King County)	\$97,398	19,962	Ineligible	\$162.33
Fairwood CDP (Spokane County)	\$63,997	8,669	Ineligible	\$106.66
Fall City CDP	\$105,160	2,426	Ineligible	\$175.27
Farmington town	\$49,306	125	Eligible	\$82.18
Federal Way city	\$67,347	96,526	Ineligible	\$112.25
Felida CDP	\$128,833	8,959	Ineligible	\$214.72
Fern Prairie CDP	\$80,563	1,958	Ineligible	\$134.27
Ferndale city	\$73,074	14,043	Ineligible	\$121.79
Ferry County	\$41,939	7,578	Eligible	\$69.90
Fife city	\$66,144	10,096	Ineligible	\$110.24
Fife Heights CDP	\$113,241	2,368	Ineligible	\$188.74
Finley CDP	\$73,196	6,021	Ineligible	\$121.99
Fircrest city	\$80,839	6,795	Ineligible	\$134.73
Five Corners CDP	\$71,802	18,908	Ineligible	\$119.67
Fobes Hill CDP	\$114,875	2,984	Ineligible	\$191.46
Fords Prairie CDP	\$72,394	2,662	Ineligible	\$120.66
Forks city	\$38,984	3,828	Eligible	\$64.97
Fort Lewis CDP	\$42,157	13,054	Eligible	\$70.26
Four Lakes CDP	-	490	n/a	n/a
Fox Island CDP	\$105,750	3,918	Ineligible	\$176.25
Franklin County	\$63,584	92,009	Ineligible	\$105.97
Frederickson CDP	\$89,012	22,994	Ineligible	\$148.35
Freeland CDP	\$72,669	2,154	Ineligible	\$121.12
Friday Harbor town	\$53,676	2,426	Eligible	\$89.46
Garfield County	\$55,900	2,230	Eligible	\$93.17
Garfield town	\$48,571	622	Eligible	\$80.95
Garrett CDP	\$70,184	1,280	Ineligible	\$116.97
Geneva CDP	\$75,039	2,460	Ineligible	\$125.07
George city	\$45,000	745	Eligible	\$75.00
Gig Harbor city	\$84,335	9,854	Ineligible	\$140.56
Glacier CDP	-	154	n/a	n/a
Gleed CDP	\$66,997	2,808	Ineligible	\$111.66
Glenwood CDP	\$43,438	254	Eligible	\$72.40

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Gold Bar city	\$68,500	1,858	Ineligible	\$114.17
Goldendale city	\$47,000	3,459	Eligible	\$78.33
Gorst CDP	-	235	n/a	n/a
Graham CDP	\$86,943	28,976	Ineligible	\$144.91
Grand Coulee city	\$40,809	1,067	Eligible	\$68.02
Grand Mound CDP	\$57,031	3,373	Eligible	\$95.05
Grandview city	\$49,002	11,116	Eligible	\$81.67
Granger city	\$49,958	3,756	Eligible	\$83.26
Granite Falls city	\$70,563	3,737	Ineligible	\$117.61
Grant County	\$55,556	95,502	Ineligible	\$92.59
Grapeview CDP	\$85,179	784	Ineligible	\$141.97
Grayland CDP	\$42,708	722	Eligible	\$71.18
Grays Harbor County	\$51,240	72,779	Ineligible	\$85.40
Grays River CDP	\$65,714	269	Ineligible	\$109.52
Green Bluff CDP	\$163,063	402	Ineligible	\$271.77
Greenwater CDP	-	56	n/a	n/a
Hamilton town	\$56,667	297	Eligible	\$94.45
Hansville CDP	\$71,131	3,413	Ineligible	\$118.55
Harrah town	\$57,917	613	Eligible	\$96.53
Harrington city	\$31,964	409	Eligible	\$53.27
Hartline town	\$73,393	179	Ineligible	\$122.32
Hat Island CDP	-	63	n/a	n/a
Hatton town	\$33,250	184	Eligible	\$55.42
Hazel Dell CDP	\$61,520	21,196	Ineligible	\$102.53
Herron Island CDP	\$56,250	37	Eligible	\$93.75
High Bridge CDP	\$126,905	3,148	Ineligible	\$211.51
Hobart CDP	\$107,818	7,262	Ineligible	\$179.70
Hockinson CDP	\$113,520	5,355	Ineligible	\$189.20
Hogans Corner CDP	-	70	n/a	n/a
Home CDP	\$66,250	1,477	Ineligible	\$110.42
Hoodsport CDP	-	134	n/a	n/a
Hoquiam city	\$45,667	8,495	Eligible	\$76.11
Humtulsips CDP	-	243	n/a	n/a
Hunts Point town	\$250,000	389	Ineligible	\$416.67
Ilwaco city	\$37,734	1,034	Eligible	\$62.89

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Inchelium CDP	\$36,146	326	Eligible	\$60.24
Index town	\$70,625	173	Ineligible	\$117.71
Indianola CDP	\$75,583	3,524	Ineligible	\$125.97
lone town	\$42,813	375	Eligible	\$71.36
Island County	\$68,604	82,866	Ineligible	\$114.34
Issaquah city	\$109,676	37,965	Ineligible	\$182.79
Jamestown CDP	-	395	n/a	n/a
Jefferson County	\$55,127	31,285	Ineligible	\$91.88
Junction City CDP	-	0	n/a	n/a
Kahlotus city	\$51,250	215	Eligible	\$85.42
Kalama city	\$62,969	2,629	Ineligible	\$104.95
Kapowsin CDP	\$100,909	129	Ineligible	\$168.18
Kayak Point CDP	\$97,813	1,704	Ineligible	\$163.02
Keller CDP	\$27,292	210	Eligible	\$45.49
Kelso city	\$39,044	12,123	Eligible	\$65.07
Kendall CDP	-	18	n/a	n/a
Kenmore city	\$109,810	22,724	Ineligible	\$183.02
Kennewick city	\$59,533	81,479	Ineligible	\$99.22
Kent city	\$72,062	131,118	Ineligible	\$120.10
Ketron Island CDP	-	0	n/a	n/a
Kettle Falls city	\$45,337	1,769	Eligible	\$75.56
Key Center CDP	\$78,924	3,806	Ineligible	\$131.54
Keyport CDP	\$48,319	430	Eligible	\$80.53
King County	\$94,974	2,195,502	Ineligible	\$158.29
Kingston CDP	\$64,423	2,193	Ineligible	\$107.37
Kirkland city	\$117,190	89,438	Ineligible	\$195.32
Kitsap County	\$75,411	265,882	Ineligible	\$125.69
Kittitas city	\$46,319	1,503	Eligible	\$77.20
Kittitas County	\$56,004	45,897	Ineligible	\$93.34
Klickitat CDP	\$36,050	243	Eligible	\$60.08
Klickitat County	\$55,773	21,721	Eligible	\$92.96
Krupp (Marlin) town	-	54	n/a	n/a
La Center city	\$99,094	3,219	Ineligible	\$165.16
La Conner town	\$47,813	934	Eligible	\$79.69
La Grande CDP	-	39	n/a	n/a

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Lacey city	\$67,687	49,248	Ineligible	\$112.81
LaCrosse town	\$42,708	332	Eligible	\$71.18
Lake Bosworth CDP	\$118,846	935	Ineligible	\$198.08
Lake Cassidy CDP	\$99,531	3,602	Ineligible	\$165.89
Lake Cavanaugh CDP	-	179	n/a	n/a
Lake Forest Park city	\$126,750	13,430	Ineligible	\$211.25
Lake Goodwin CDP	\$96,078	3,775	Ineligible	\$160.13
Lake Holm CDP	\$132,386	3,331	Ineligible	\$220.64
Lake Ketchum CDP	\$72,250	889	Ineligible	\$120.42
Lake Marcel-Stillwater CDP	\$145,104	1,360	Ineligible	\$241.84
Lake McMurray CDP	\$106,250	154	Ineligible	\$177.08
Lake Morton-Berrydale CDP	\$102,458	11,001	Ineligible	\$170.76
Lake Roesiger CDP	\$72,139	648	Ineligible	\$120.23
Lake Shore CDP	\$88,279	7,599	Ineligible	\$147.13
Lake Stevens city	\$93,381	32,487	Ineligible	\$155.64
Lake Stickney CDP	\$81,765	10,230	Ineligible	\$136.28
Lake Tapps CDP	\$116,942	12,838	Ineligible	\$194.90
Lakeland North CDP	\$93,413	12,867	Ineligible	\$155.69
Lakeland South CDP	\$79,183	13,434	Ineligible	\$131.97
Lakeview CDP	\$44,875	1,044	Eligible	\$74.79
Lakewood city	\$51,972	60,111	Ineligible	\$86.62
Lamont town	\$37,500	57	Eligible	\$62.50
Langley city	\$52,188	1,094	Eligible	\$86.98
Larch Way CDP	\$93,523	3,851	Ineligible	\$155.87
Latah town	\$55,250	146	Eligible	\$92.08
Laurier CDP	-	0	n/a	n/a
Leavenworth city	\$55,275	2,375	Eligible	\$92.13
Lebam CDP	-	87	n/a	n/a
Lewis County	\$53,484	78,145	Ineligible	\$89.14
Lewisville CDP	\$96,202	1,721	Ineligible	\$160.34
Liberty Lake city	\$76,353	9,836	Ineligible	\$127.26
Lincoln County	\$54,631	10,574	Eligible	\$91.05
Lind town	\$58,750	571	Eligible	\$97.92
Lochsloy CDP	\$86,133	2,973	Ineligible	\$143.56
Lofall CDP	\$95,296	1,973	Ineligible	\$158.83

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Long Beach city	\$30,266	1,468	Eligible	\$50.44
Longbranch CDP	\$53,220	3,974	Eligible	\$88.70
Longview city	\$44,957	37,520	Ineligible	\$74.93
Longview Heights CDP	\$66,442	3,803	Ineligible	\$110.74
Loomis CDP	\$55,982	107	Eligible	\$93.30
Loon Lake CDP	\$51,875	780	Eligible	\$86.46
Lower Elochoman CDP	\$112,308	297	Ineligible	\$187.18
Lyle CDP	\$42,143	464	Eligible	\$70.24
Lyman town	\$76,250	437	Ineligible	\$127.08
Lynden city	\$66,085	14,281	Ineligible	\$110.14
Lynnwood city	\$63,743	38,143	Ineligible	\$106.24
Mabton city	\$42,378	2,087	Eligible	\$70.63
Machias CDP	\$95,179	981	Ineligible	\$158.63
Malden town	\$38,500	293	Eligible	\$64.17
Malo CDP	-	50	n/a	n/a
Malone CDP	\$73,750	524	Ineligible	\$122.92
Malott CDP	\$39,271	840	Eligible	\$65.45
Maltby CDP	\$124,857	11,972	Ineligible	\$208.10
Manchester CDP	\$80,045	5,673	Ineligible	\$133.41
Mansfield town	\$41,667	343	Eligible	\$69.45
Manson CDP	\$48,860	1,336	Eligible	\$81.43
Maple Falls CDP	-	146	n/a	n/a
Maple Heights-Lake Desire CDP	\$109,457	3,641	Ineligible	\$182.43
Maple Valley city	\$114,159	26,352	Ineligible	\$190.27
Maplewood CDP	\$105,339	5,072	Ineligible	\$175.57
Marblemount CDP	-	68	n/a	n/a
Marcus town	\$28,571	113	Eligible	\$47.62
Marietta-Alderwood CDP	\$50,808	4,086	Eligible	\$84.68
Markham CDP	-	140	n/a	n/a
Marrowstone CDP	\$51,429	831	Eligible	\$85.72
Martha Lake CDP	\$102,316	21,129	Ineligible	\$170.53
Maryhill CDP	-	62	n/a	n/a
Marysville city	\$80,453	68,633	Ineligible	\$134.09
Mason County	\$57,634	63,804	Ineligible	\$96.06
Mattawa city	\$52,031	4,715	Eligible	\$86.72



Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
May Creek CDP	\$70,313	766	Ineligible	\$117.19
McChord AFB CDP	\$56,495	3,381	Eligible	\$94.16
McCleary city	\$48,953	2,061	Eligible	\$81.59
McKenna CDP	-	892	n/a	n/a
McMillin CDP	\$94,583	1,551	Ineligible	\$157.64
Mead CDP	\$66,390	7,114	Ineligible	\$110.65
Meadow Glade CDP	\$118,409	2,859	Ineligible	\$197.35
Meadowdale CDP	\$114,891	3,151	Ineligible	\$191.49
Medical Lake city	\$60,295	4,938	Ineligible	\$100.49
Medina city	\$212,337	3,267	Ineligible	\$353.90
Mercer Island city	\$147,566	25,675	Ineligible	\$245.94
Mesa city	\$50,000	543	Eligible	\$83.33
Metaline Falls town	\$23,750	208	Eligible	\$39.58
Metaline town	\$63,750	105	Ineligible	\$106.25
Methow CDP	\$92,750	122	Ineligible	\$154.58
Midland CDP	\$50,845	10,005	Eligible	\$84.74
Mill Creek city	\$103,750	20,553	Ineligible	\$172.92
Mill Creek East CDP	\$133,794	24,291	Ineligible	\$222.99
Millwood city	\$56,364	1,629	Eligible	\$93.94
Milton city	\$74,394	7,715	Ineligible	\$123.99
Mineral CDP	\$17,313	205	Eligible	\$28.86
Minnehaha CDP	\$84,568	12,353	Ineligible	\$140.95
Mirrormont CDP	\$125,453	3,780	Ineligible	\$209.09
Moclips CDP	-	47	n/a	n/a
Monroe city	\$85,896	18,865	Ineligible	\$143.16
Monroe North CDP	\$106,371	1,738	Ineligible	\$177.29
Montesano city	\$66,066	3,957	Ineligible	\$110.11
Morton city	\$41,154	1,013	Eligible	\$68.59
Moses Lake city	\$51,272	23,056	Eligible	\$85.45
Moses Lake North CDP	\$36,761	4,526	Eligible	\$61.27
Mossyrock city	\$31,438	684	Eligible	\$52.40
Mount Vernon city	\$62,056	35,026	Ineligible	\$103.43
Mount Vista CDP	\$84,901	9,544	Ineligible	\$141.50
Mountlake Terrace city	\$72,955	21,210	Ineligible	\$121.59
Moxee city	\$59,297	4,012	Ineligible	\$98.83

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Mukilteo city	\$108,536	21,336	Ineligible	\$180.89
Naches town	\$61,528	627	Ineligible	\$102.55
Napavine city	\$53,945	1,753	Eligible	\$89.91
Naselle CDP	\$49,760	421	Eligible	\$82.93
Navy Yard City CDP	\$57,333	3,064	Eligible	\$95.56
Neah Bay CDP	\$36,750	1,049	Eligible	\$61.25
Neilton CDP	\$53,681	281	Eligible	\$89.47
Nespelem Community CDP	\$50,357	180	Eligible	\$83.93
Nespelem town	\$37,500	196	Eligible	\$62.50
Newcastle city	\$129,828	11,750	Ineligible	\$216.38
Newport city	\$33,494	2,071	Eligible	\$55.82
Nile CDP	-	73	n/a	n/a
Nisqually Indian Community CDP	\$59,583	631	Ineligible	\$99.31
Nooksack city	\$65,104	1,724	Ineligible	\$108.51
Normandy Park city	\$89,313	6,670	Ineligible	\$148.86
North Bend city	\$114,840	6,983	Ineligible	\$191.40
North Bonneville city	\$64,952	1,126	Ineligible	\$108.25
North Fort Lewis CDP	\$66,302	6,355	Ineligible	\$110.50
North Lynnwood CDP	\$73,565	23,620	Ineligible	\$122.61
North Marysville CDP	-	142	n/a	n/a
North Omak CDP	\$35,417	437	Eligible	\$59.03
North Puyallup CDP	\$56,114	1,930	Eligible	\$93.52
North Sultan CDP	\$96,750	237	Ineligible	\$161.25
North Yelm CDP	\$56,758	3,365	Eligible	\$94.60
Northport town	\$27,708	363	Eligible	\$46.18
Northwest Stanwood CDP	-	126	n/a	n/a
Oak Harbor city	\$55,647	23,089	Eligible	\$92.75
Oakesdale town	\$61,375	458	Ineligible	\$102.29
Oakville city	\$46,196	561	Eligible	\$76.99
Ocean City CDP	\$72,994	213	Ineligible	\$121.66
Ocean Park CDP	\$43,125	1,745	Eligible	\$71.88
Ocean Shores city	\$46,144	5,975	Eligible	\$76.91
Odessa town	\$41,597	988	Eligible	\$69.33
Okanogan city	\$45,976	2,587	Eligible	\$76.63
Okanogan County	\$47,240	41,842	Ineligible	\$78.73

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Olympia city	\$59,878	51,534	Ineligible	\$99.80
Omak city	\$40,714	4,774	Eligible	\$67.86
Onalaska CDP	\$35,383	544	Eligible	\$58.97
Orchards CDP	\$73,417	24,335	Ineligible	\$122.36
Orient CDP	\$23,661	82	Eligible	\$39.44
Oroville city	\$32,598	2,036	Eligible	\$54.33
Orting city	\$80,700	8,012	Ineligible	\$134.50
Oso CDP	-	326	n/a	n/a
Othello city	\$47,243	8,100	Eligible	\$78.74
Otis Orchards-East Farms CDP	\$73,996	6,466	Ineligible	\$123.33
Outlook CDP	-	48	n/a	n/a
Oyehut CDP	-	0	n/a	n/a
Pacific Beach CDP	-	278	n/a	n/a
Pacific city	\$60,565	7,215	Ineligible	\$100.94
Pacific County	\$46,733	21,688	Eligible	\$77.89
Packwood CDP	\$32,115	315	Eligible	\$53.53
Palouse city	\$66,250	1,028	Ineligible	\$110.42
Parker CDP	-	74	n/a	n/a
Parkland CDP	\$55,346	37,303	Ineligible	\$92.24
Parkwood CDP	\$60,051	7,113	Ineligible	\$100.09
Pasco city	\$62,775	72,899	Ineligible	\$104.63
Pateros city	\$60,078	653	Ineligible	\$100.13
Pe Ell town	\$61,250	555	Ineligible	\$102.08
Peaceful Valley CDP	\$30,292	4,123	Eligible	\$50.49
Pend Oreille County	\$50,591	13,377	Eligible	\$84.32
Picnic Point CDP	\$107,500	9,064	Ineligible	\$179.17
Pierce County	\$72,113	877,013	Ineligible	\$120.19
Pine Grove CDP	\$66,583	158	Ineligible	\$110.97
Point Roberts CDP	\$43,510	1,116	Eligible	\$72.52
Pomeroy city	\$43,810	1,263	Eligible	\$73.02
Port Angeles city	\$47,256	19,832	Eligible	\$78.76
Port Angeles East CDP	\$47,927	3,231	Eligible	\$79.88
Port Gamble Tribal Community CDP	\$65,313	914	Ineligible	\$108.86
Port Hadlock-Irondale CDP	\$58,255	3,219	Eligible	\$97.09
Port Ludlow CDP	\$60,192	2,828	Ineligible	\$100.32

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Port Orchard city	\$69,962	14,062	Ineligible	\$116.60
Port Townsend city	\$51,389	9,551	Eligible	\$85.65
Porter CDP	-	122	n/a	n/a
Poulsbo city	\$73,388	10,602	Ineligible	\$122.31
Prairie Heights CDP	\$100,327	4,187	Ineligible	\$167.21
Prairie Ridge CDP	\$85,536	11,994	Ineligible	\$142.56
Prescott city	\$38,594	328	Eligible	\$64.32
Prosser city	\$50,164	6,202	Eligible	\$83.61
Puget Island CDP	\$63,958	1,118	Ineligible	\$106.60
Pullman city	\$31,487	33,598	Ineligible	\$52.48
Purdy CDP	\$68,611	1,439	Ineligible	\$114.35
Puyallup city	\$73,248	40,991	Ineligible	\$122.08
Queets CDP	\$45,000	192	Eligible	\$75.00
Quilcene CDP	\$55,956	697	Eligible	\$93.26
Qui-nai-elt Village CDP	-	50	n/a	n/a
Quincy city	\$58,919	7,646	Eligible	\$98.20
Raft Island CDP	\$179,306	434	Ineligible	\$298.84
Rainier city	\$69,688	2,385	Ineligible	\$116.15
Ravensdale CDP	\$89,306	1,773	Ineligible	\$148.84
Raymond city	\$49,034	2,918	Eligible	\$81.72
Reardan town	\$43,125	446	Eligible	\$71.88
Redmond city	\$132,188	65,558	Ineligible	\$220.31
Renton city	\$77,739	101,484	Ineligible	\$129.57
Republic city	\$31,742	1,182	Eligible	\$52.90
Richland city	\$77,686	56,399	Ineligible	\$129.48
Ridgefield city	\$96,836	7,767	Ineligible	\$161.39
Ritzville city	\$40,550	1,680	Eligible	\$67.58
River Road CDP	\$82,333	694	Ineligible	\$137.22
Riverbend CDP	\$98,828	2,562	Ineligible	\$164.71
Riverside town	\$33,056	287	Eligible	\$55.09
Rochester CDP	\$84,766	3,126	Ineligible	\$141.28
Rock Island city	\$48,611	953	Eligible	\$81.02
Rockford town	\$55,417	405	Eligible	\$92.36
Rockport CDP	-	40	n/a	n/a
Rocky Point CDP	\$75,227	1,596	Ineligible	\$125.38

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Ronald CDP	-	103	n/a	n/a
Roosevelt CDP	\$62,813	117	Ineligible	\$104.69
Rosalia town	\$51,146	608	Eligible	\$85.24
Rosburg CDP	\$64,750	416	Ineligible	\$107.92
Rosedale CDP	\$104,231	4,472	Ineligible	\$173.72
Roslyn city	\$44,886	539	Eligible	\$74.81
Roy city	\$50,438	779	Eligible	\$84.06
Royal City	\$38,315	1,687	Eligible	\$63.86
Ruston town	\$90,833	1,156	Ineligible	\$151.39
Ryderwood CDP	\$36,341	503	Eligible	\$60.57
Salmon Creek CDP	\$79,593	20,956	Ineligible	\$132.66
Sammamish city	\$174,003	64,674	Ineligible	\$290.01
San Juan County	\$63,622	16,788	Ineligible	\$106.04
Santiago CDP	-	32	n/a	n/a
Satsop CDP	\$61,250	646	Ineligible	\$102.08
Seabeck CDP	\$75,625	885	Ineligible	\$126.04
SeaTac city	\$63,009	29,019	Ineligible	\$105.02
Seattle city	\$92,263	724,305	Ineligible	\$153.77
Sedro-Woolley city	\$60,863	11,739	Ineligible	\$101.44
Sekiu CDP	-	62	n/a	n/a
Selah city	\$58,120	7,856	Eligible	\$96.87
Sequim city	\$40,155	7,248	Eligible	\$66.93
Shadow Lake CDP	\$110,625	2,434	Ineligible	\$184.38
Shelton city	\$40,809	10,167	Eligible	\$68.02
Shoreline city	\$86,827	56,267	Ineligible	\$144.71
Silvana CDP	-	14	n/a	n/a
Silver Firs CDP	\$131,337	22,358	Ineligible	\$218.90
Silverdale CDP	\$77,299	21,677	Ineligible	\$128.83
Sisco Heights CDP	\$106,056	2,754	Ineligible	\$176.76
Skagit County	\$67,028	125,612	Ineligible	\$111.71
Skamania County	\$65,181	11,753	Ineligible	\$108.64
Skamokawa Valley CDP	-	325	n/a	n/a
Skokomish CDP	\$45,833	609	Eligible	\$76.39
Skykomish town	\$45,500	121	Eligible	\$75.83
Snohomish city	\$71,800	9,976	Ineligible	\$119.67

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Snohomish County	\$86,691	798,808	Ineligible	\$144.49
Snoqualmie city	\$145,580	13,480	Ineligible	\$242.63
Snoqualmie Pass CDP	-	332	n/a	n/a
Soap Lake city	\$32,826	1,551	Eligible	\$54.71
South Bend city	\$41,250	1,500	Eligible	\$68.75
South Cle Elum town	\$58,571	653	Eligible	\$97.62
South Creek CDP	\$52,095	2,636	Eligible	\$86.83
South Hill CDP	\$86,568	60,172	Ineligible	\$144.28
South Prairie town	\$85,313	325	Ineligible	\$142.19
South Wenatchee CDP	\$49,231	1,821	Eligible	\$82.05
Southworth CDP	\$81,000	2,224	Ineligible	\$135.00
SpanawayCDP	\$71,659	32,575	Ineligible	\$119.43
Spangle city	\$46,875	198	Eligible	\$78.13
Spokane city	\$50,306	217,353	Ineligible	\$83.84
Spokane County	\$56,904	505,505	Ineligible	\$94.84
Spokane Valley city	\$51,961	97,562	Ineligible	\$86.60
Sprague city	\$40,104	484	Eligible	\$66.84
Springdale town	\$39,875	392	Eligible	\$66.46
St. John town	\$56,635	627	Eligible	\$94.39
StansberryLake CDP	\$96,750	2,634	Ineligible	\$161.25
Stanwood city	\$75,767	7,068	Ineligible	\$126.28
Starbuck town	\$35,417	137	Eligible	\$59.03
Startup CDP	-	573	n/a	n/a
Steilacoom town	\$82,330	6,303	Ineligible	\$137.22
Steptoe CDP	\$75,000	190	Ineligible	\$125.00
Stevens County	\$51,775	44,655	Ineligible	\$86.29
Stevenson city	\$57,500	1,530	Eligible	\$95.83
Sudden Valley CDP	\$86,064	8,072	Ineligible	\$143.44
Sultan city	\$79,023	5,166	Ineligible	\$131.71
Sumas city	\$55,225	1,703	Eligible	\$92.04
Summit CDP	\$77,247	8,946	Ineligible	\$128.75
Summit View CDP	\$73,292	8,475	Ineligible	\$122.15
Summitview CDP	\$74,938	960	Ineligible	\$124.90
Sumner city	\$63,043	10,053	Ineligible	\$105.07
Sunday Lake CDP	\$98,036	613	Ineligible	\$163.39

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Sunnyside city	\$42,780	16,559	Eligible	\$71.30
Sunnyslope CDP	\$97,882	3,704	Ineligible	\$163.14
Suquamish CDP	\$64,509	4,395	Ineligible	\$107.52
Swede Heaven CDP	\$76,313	1,297	Ineligible	\$127.19
Tacoma city	\$62,358	212,869	Ineligible	\$103.93
Taholah CDP	\$32,500	665	Eligible	\$54.17
Tampico CDP	\$28,750	84	Eligible	\$47.92
Tanglewilde CDP	\$73,917	7,270	Ineligible	\$123.20
Tanner CDP	\$159,773	985	Ineligible	\$266.29
Tekoa city	\$55,000	731	Eligible	\$91.67
Tenino city	\$54,917	1,716	Eligible	\$91.53
Terrace Heights CDP	\$60,669	8,507	Ineligible	\$101.12
Thorp CDP	\$44,091	241	Eligible	\$73.49
Three Lakes CDP	\$119,583	3,480	Ineligible	\$199.31
Thurston County	\$72,003	279,711	Ineligible	\$120.01
Tieton city	\$45,852	1,686	Eligible	\$76.42
Tokeland CDP	\$37,500	200	Eligible	\$62.50
Toledo city	\$57,014	654	Eligible	\$95.02
Tonasket city	\$36,008	1,214	Eligible	\$60.01
Toppenish city	\$50,089	8,873	Eligible	\$83.48
Torboy CDP	-	105	n/a	n/a
Touchet CDP	\$81,845	449	Ineligible	\$136.41
Town and Country CDP	\$63,704	5,090	Ineligible	\$106.17
Tracyton CDP	\$69,883	5,556	Ineligible	\$116.47
Trout Lake CDP	\$64,671	624	Ineligible	\$107.79
Tukwila city	\$58,097	20,196	Eligible	\$96.83
Tumwater city	\$69,685	22,974	Ineligible	\$116.14
Twin Lakes CDP	\$27,750	69	Eligible	\$46.25
Twisp town	\$48,750	982	Eligible	\$81.25
Union CDP	-	428	n/a	n/a
Union Gap city	\$41,310	6,163	Eligible	\$68.85
Union Hill-Novelty Hill CDP	\$150,239	21,992	Ineligible	\$250.40
Uniontown town	\$68,063	306	Ineligible	\$113.44
University Place city	\$71,697	33,326	Ineligible	\$119.50
Upper Elochoman CDP	\$101,000	85	Ineligible	\$168.33

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Vader city	\$46,042	880	Eligible	\$76.74
Valley CDP	\$43,750	104	Eligible	\$72.92
Vancouver city	\$61,714	180,556	Ineligible	\$102.86
Vantage CDP	-	22	n/a	n/a
Vashon CDP	\$78,966	10,291	Ineligible	\$131.61
Vaughn CDP	\$126,250	697	Ineligible	\$210.42
Venersborg CDP	\$118,889	4,227	Ineligible	\$198.15
Verlot CDP	-	651	n/a	n/a
Wahkiakum County	\$53,227	4,268	Eligible	\$88.71
Waitsburg city	\$63,167	1,243	Ineligible	\$105.28
Walla Walla city	\$50,550	32,793	Ineligible	\$84.25
Walla Walla County	\$57,858	60,365	Ineligible	\$96.43
Walla Walla East CDP	\$78,889	2,015	Ineligible	\$131.48
Waller CDP	\$83,438	7,647	Ineligible	\$139.06
Wallula CDP	\$37,557	342	Eligible	\$62.60
Wapato city	\$40,772	5,041	Eligible	\$67.95
Warden city	\$38,833	2,756	Eligible	\$64.72
Warm Beach CDP	\$99,375	2,603	Ineligible	\$165.63
Washougal city	\$91,100	15,769	Ineligible	\$151.83
Washtucna town	\$46,667	195	Eligible	\$77.78
Waterville town	\$59,830	1,513	Ineligible	\$99.72
Wauna CDP	\$83,700	4,294	Ineligible	\$139.50
Waverly town	\$38,125	107	Eligible	\$63.54
Wenatchee city	\$53,167	34,188	Ineligible	\$88.61
West Clarkston-Highland CDP	\$46,526	5,830	Eligible	\$77.54
West Pasco CDP	\$105,104	1,731	Ineligible	\$175.17
West Richland city	\$99,817	14,495	Ineligible	\$166.36
West Side HighwayCDP	\$69,805	6,089	Ineligible	\$116.34
Westport city	\$42,439	1,817	Eligible	\$70.73
Whatcom County	\$62,984	220,821	Ineligible	\$104.97
Whidbey Island Station CDP	\$32,098	2,371	Eligible	\$53.50
White Center CDP	\$58,704	15,834	Eligible	\$97.84
White Salmon city	\$55,652	2,554	Eligible	\$92.75
White Swan CDP	\$45,962	851	Eligible	\$76.60
Whitman County	\$42,745	49,231	Ineligible	\$71.24



Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Wilbur town	\$46,923	779	Eligible	\$78.21
Wilderness Rim CDP	\$117,886	1,633	Ineligible	\$196.48
Wilkeson town	\$82,344	516	Ineligible	\$137.24
Willapa CDP	\$47,750	160	Eligible	\$79.58
Wilson Creek town	\$33,750	188	Eligible	\$56.25
Winlock city	\$50,240	1,791	Eligible	\$83.73
Winthrop town	\$46,765	386	Eligible	\$77.94
Wishram CDP	\$31,250	529	Eligible	\$52.08
Wollochet CDP	\$99,077	6,365	Ineligible	\$165.13
Woodinville city	\$106,145	12,383	Ineligible	\$176.91
Woodland city	\$58,710	6,071	Eligible	\$97.85
Woods Creek CDP	\$106,364	5,706	Ineligible	\$177.27
Woodway city	\$194,904	1,105	Ineligible	\$324.84
Yacolt town	\$74,318	1,590	Ineligible	\$123.86
Yakima city	\$44,950	93,413	Ineligible	\$74.92
Yakima County	\$51,637	249,697	Ineligible	\$86.06
Yarrow Point town	\$250,000	1,202	Ineligible	\$416.67
Yelm city	\$75,000	8,985	Ineligible	\$125.00
Zillah city	\$63,667	3,116	Ineligible	\$106.11

# Appendix N: Environmental and Cultural Resources Review Guidance

## 1.0 Introduction

This section provides guidance on internal and external environmental and cultural requirements for the Water Quality Program grant or loan opportunities.

Grant and loan recipients must complete certain internal and external environmental and cultural requirements before disbursement of expenditures for construction. Other requirements may have more flexible timelines. It is important to coordinate your regulatory contacts and your Project Manager to ensure you fully understand these requirements. If you need assistance, Ecology Water Quality Grants and Loans has environmental review coordinators and cultural resource contacts to assist you.

Ecology makes internal decisions or determinations tied to certain requirements. These environmental and cultural review determinations on Ecology's end are *tied to the decision* to provide grant or loan money to a recipient. Ecology must issue the environmental and/or cultural review determination prior to construction, or in the case of state funding, before expenditures for acquisition, demolition or construction can occur.

When selecting a project site, recipients should address regulations that can alter a location or require site-specific mitigation early in the planning process stage. A pre-con meeting with the environmental review coordinator and/or cultural resource contact will help address potential site issues and restrictions, saving time and money on project implementation. Staff are here to assist you.

## 2.0 State Funded Construction Projects

The WQC funds construction projects with state financial resources through the Stormwater Financial Assistance Program (SFAP) and Centennial Clean Water Program grants. SFAP is funded by state capital funds through the Model Toxics Stormwater Account and Centennial is generally funded through state building construction bond resources. This section provides guidance on regulations and requirements that apply to those funds. If a project has combined funding that includes CWSRF loan or Section 319 grant, some additional federal review requirements will apply. Check with your Ecology project or financial project management contacts to ensure you know what is required for your specific project.

### 2.1 Important Regulations that Apply to State Funded Projects

#### 2.1.1 State Environmental Policy Act (SEPA)

The Washington state legislature adopted the SEPA in 1971; the act is modeled on the federal National Environmental Policy Act (NEPA). Chapter 197-11 WAC implements SEPA. SEPA

provides information to agencies, applicants, and the public to encourage the development of environmentally sound proposals. The environmental review process involves the identification and evaluation of probable environmental impacts; and the development of mitigation measures that will reduce adverse environmental impacts. Agency decision-makers use environmental information, along with other considerations, to decide whether to approve, approve with conditions, or deny a proposal. SEPA applies to actions made at all levels of government within Washington State.

### **Background – Applicant/recipient Role and Responsibility**

The SEPA applies to decisions made by every state and local agency, including counties, cities, ports, and special districts. Responsibilities of a SEPA lead agency include identifying and evaluating the potential adverse environmental impacts of a proposal. As defined under SEPA, the recipient is generally the Lead Agency - responsible for the preparation, circulation and consideration of the environmental document prior to approving the project. Responsibilities of Ecology and other agencies having jurisdiction over the proposed project include reviewing and considering the information in the environmental document prior to approving any portion of the project.

SEPA is often a stand-alone requirement for many municipalities planning under the Growth Management Act (GMA). For all recipients of state grants, SEPA is required for all agency actions unless specifically exempted by the SEPA Rules (WAC 197-11-800 to 880). Even if exempt under state law (SEPA), if receiving a federal CWSRF loan, federal law requires that Ecology conduct a careful review of all proposed exemptions receiving federal funding (40 CFR 35.3140 Environmental Review Requirements). Ecology adopts the information from the SEPA process to help fulfill in-part the requirements for federal environmental review (see Federally Funded Projects section).

### **Project and Non-project SEPA Actions**

SEPA describes proposals as project or non-project action. A non-project action (WAC 197-11-704 (2)(b)) is a governmental action that involves decisions on policies, plans, or programs that contain standards controlling use or modification of the environment or that will govern a series of connected actions. For example, the development of a City's Stormwater Management Plan for a specific region is a non-project action. Project actions are governmental decisions to license, fund, or undertake a specific project. Construction of a stormwater detention pond is a project action, as described in the City's Stormwater Management Plan.

When moving from non-project to project level SEPA, Phased Review streamlines the process between planning/design and construction (WAC 197-11-060). Coordinate with the Ecology Project Manager and Environmental Review Coordinator when applying Phased Review to multiple loans. Phased Review assists with project planning, permits and discussions with regulatory agencies.

## Environmental Checklist

The SEPA requires an environmental checklist. Your Ecology Project Manager uses the checklist to learn about the proposal and its probable environmental impacts. The Environmental Review Coordinator reviews the checklist against any other regulatory requirements; for example, if there is a nexus to Endangered Species Consultation. Ensure your Ecology Project Manager is included in the SEPA distribution list. The environmental checklist form is located in the SEPA Rules under WAC 197-11-960. [Guidance](#)<sup>116</sup> on completing the environmental checklist is available.

## Mitigation

The consideration of environmental impacts and possible mitigation measures during agency decision-making is a cornerstone of SEPA. SEPA substantive authority gives all levels of local and state government the ability to condition or deny a proposal based on environmental impacts.

Mitigation means the avoidance, minimization, rectification, compensation, reduction, or elimination of adverse impacts to the built and natural elements of the environment. Mitigation may also involve monitoring and a contingency plan for correcting problems if they occur.

In determining mitigation, the lead agency reviews the environmental checklist and other information available on the proposal, including consultations with other agencies, such as Ecology. Mitigation required under existing local, state, and federal rules may be sufficient to eliminate any adverse impacts—or even to deny the proposal.

If additional mitigation is warranted, the lead agency's SEPA procedures identifies ways to address potential adverse impacts. Agencies with jurisdiction or expertise, such as Ecology, tribes, and the public may assist the lead agency in determining appropriate mitigation for a proposal. Mitigation conditions must be reasonable and capable of being accomplished. Mitigation measures and stipulations are outlined prior to the threshold determination. Discuss mitigation with your project manager, as it may need to be incorporated into the funding agreement in order to be a reimbursable deliverable.

## Threshold Determination

After evaluating the proposal and identifying any mitigation measures, the lead agency will determine if the SEPA action will still have any likely significant adverse environmental impacts. The SEPA Rules state that significant “means a reasonable likelihood of more than a moderate adverse impact on environmental quality”.

If the lead agency has enough information and concludes that the proposal is unlikely to have a significant adverse environmental impact, the agency issues a determination of non-significance (DNS). If the applicant mitigates adverse impacts, the agency issues a mitigated determination of non-significance (MDNS). If the information indicates the proposal is likely to have a significant adverse environmental impact, the lead agency issues a determination of

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<sup>116</sup> <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>

significance (DS) and requires an environmental impact statement (EIS). The DNS and MDNS provide a minimum 14-day public comment period (generally) while the EIS provides a formal process involving public hearings, scoping, evaluation of alternatives, and formal input on how the agency selects measures intended to eliminate or reduce the likely environmental impacts of the preferred alternative.

## A Note on SEPA Exemptions

If applying for **federal** funding (see Section 4.0), SEPA exemptions may not apply<sup>117</sup>. The recipient should be especially diligent and obtain input early from Ecology if applying a SEPA exemption to a CWSRF project. Even if exempt under SEPA, federal requirements (State Environmental Review Process or SERP) require that Ecology carefully review proposed exemptions receiving federal funding (40 CFR 35.3140 Environmental Review Requirements). If a SEPA exemption is approved under SERP, the public participation requirements, SERP review, public notification, and final determination will still be required. To request a SEPA exemption, complete a memo or a [SEPA Finding of Categorical Exemption](#) (ECY Publication 070-643)<sup>118</sup> justifying its application and submit it as part of the SERP package. Ecology retains authority under 40 CFR 35.3140 to ensure the exemption is consistent with federal environmental review standards.

The [SEPA Guide](#)<sup>119</sup> for project applicants provides detailed guidance on the process.

A [basic overview of SEPA](#)<sup>120</sup> is available online for your convenience.

## Information on SEPA

- [General Information on Washington's State Environmental Policy Act](#)<sup>121</sup>.
- [Electronic versions of SEPA forms](#)<sup>122</sup>.
- [SEPA Register](#)<sup>123</sup>.
- [SEPA rule](#)<sup>124</sup>, 197-11 WAC.
- [SEPA statute](#)<sup>125</sup>, Chapter 43.21C RCW.

## Questions on This Topic

- For SEPA-related questions: [sepahelp@ecy.wa.gov](mailto:sepahelp@ecy.wa.gov) or 360-407-6922.

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<sup>117</sup> For CWSRF loans, CWSRF federal environmental review guidance and EPA SERP approval requirements supersede Chapter 197-11 and RCW 43.21C.

<sup>118</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070643.pdf>

<sup>119</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Guide-for-project-applicants>

<sup>120</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Basic-overview>

<sup>121</sup> <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>

<sup>122</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-document-templates>

<sup>123</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-Register>

<sup>124</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=197-11>

<sup>125</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21C>

- For SERP-related questions: Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).

### **2.1.2 Executive Order 21-02 (formerly 05-05): Archaeological and Cultural Resources**

All state funded projects must follow [Executive Order 21-02](#)<sup>126</sup> (formerly 05-05) and Ecology's internal Policy and Guidance to account for any potential effect of the action on pre-historic and historic resources and to ensure actions are taken to minimize those impacts.

The goal of consultation is to identify cultural resources potentially affected by the proposed action, assess the effects, and seek ways to avoid, minimize, or mitigate any adverse effects on historic properties and cultural resources. Cultural resources are defined in the Order as "archaeological or historic archaeological site, historic building/structure and cultural or sacred place".

Governor's Executive Order 21-02 (GEO 21-02) requires state agencies to review all state funded construction projects and land acquisition projects, including grant and pass-through funding that culminates in construction and land acquisition, to determine potential impacts to cultural resources. This review is completed with DAHP and tribes, as early as possible in the planning process and prior to the expenditure of any funds for construction, demolition or acquisition.

If, during planning, the identification of any adverse effects to a cultural resource (defined above) occurs, state agencies shall take all reasonable action to avoid, mitigate, and minimize such adverse effects. If the identification of indirect or direct effects occurs, the state agency shall work with consulting parties on avoidance strategies to minimize harm. Avoid first, before considering other mitigation options. If you avoid the potential impact, there is nothing to mitigate.

In addition, WQC grant and loan recipients are responsible for following all local, state, and federal laws, Ecology's terms and conditions, and this guidance. A number of local, state, and federal laws protect pre-contact, historic resources, cemeteries, or human remains. The following laws apply statewide, on public or private land, and apply whether Ecology funds a project or not. DAHP is the lead on the following.

- Libraries, Museums and Historic Activities, Title 27 RCW.
  - RCW 27.44 Indian Graves and Records.
  - RCW 27.53 Archaeological Sites and Resources.
- Archaeology and Historic Preservation, Department of (DAHP), Title 25 WAC.
  - Chapter 25-48 Archaeological Excavation and Removal permit (references 27.53).

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<sup>126</sup> <https://www.governor.wa.gov/sites/default/files/21-02%20-%20Archaeological%20and%20Cultural%20Resources.pdf>

- Cemeteries, Morgues and Human Remains, Title 68 RCW.
  - RCW 68.50.645 - Skeletal human remains – Duty to notify.
  - RCW 68.60.050 – Protection of historic graves – Penalty.
  - RCW 68.60.055 – Skeletal human remains – Duty to notify.
  - RCW 68.60.060 – Violations – Civil liability.

Cultural resources are also addressed and/or protected under the Forest Practices Act, Shorelines Management Act, Growth Management Act, National Historic Preservation Act (as amended), National Environmental Policy Act, and the State Environmental Policy Act, to mention a few.

For federally funded projects, a similar process, outlined under the National Historic Preservation Act and referred to as Section 106 consultation, applies. Either way, cultural resources review is required on your project.

An Inadvertent Discovery Plan (IDP) is required onsite, at all times (see Section 5.0 for further detail). You must upload a copy to the Ecology Administration of Grants and Loans (EAGL) system and provide a copy to your Ecology Project Manager.

### Questions on This Topic

- The assigned Ecology Cultural Resource Contact (CRC) in your Region or Liz Ellis, FMS Environmental and Cultural Resource Review Coordinator, (360) 628-4410.
- Central Washington Region: Heather Simmons, Cultural Resource Review, (509) 379-4600.
- Regional Loan Program: Seth Elsen, Cultural Resource Contact, (564) 999-1177.
- Stormwater Financial Assistance Program: Michelle Myers, Cultural Resource Contact, (360) 628-4067.
- Holly Borth. Department of Archaeology and Historic Preservation (DAHP), Preservation Design Reviewer; (360) 586-3533 or [Holly.Borth@dahp.wa.gov](mailto:Holly.Borth@dahp.wa.gov).

## 3.0 Water Quality Grant and Loan's Cultural Review Process

This section explains the general process used for Water Quality grants and loans. This section applies to both state and federally funded projects unless otherwise stated.

Unless Ecology defers to another agency, Ecology is always the lead agency for Executive Order 21-02, which only applies to state funds and agencies; recipients and consultants may not act on behalf of Ecology.

Where Ecology FMS is the lead, the Cultural Resource Contact (CRC) will:

- Work to review the agreement information.

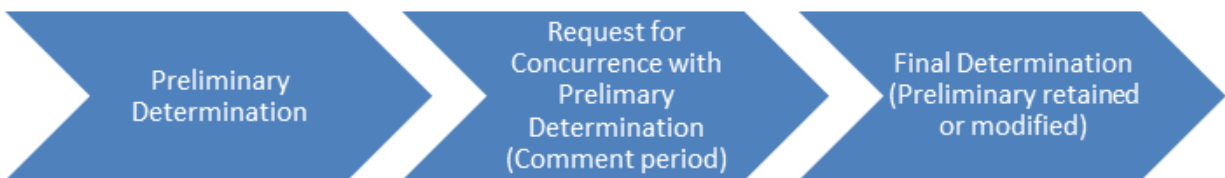
- Review the Ecology Cultural Resource Form and any other information.
- Prepare a preliminary determination.
- Initiate consultation with DAHP, affected tribes and any other consulting parties.
- Accept comments after a 35-day comment period.
- Review the determination for any revisions prior to submitting a final determination.

Conditions may be required on a case-by-case basis, including coordinating virtual meetings with DAHP, tribes, and the recipient, to discuss potential mitigation.

**Note:** Ecology provides a CRC as a public service. Ensure you coordinate with your CRC and make sure they receive the information and support necessary to coordinate an effective and efficient review for your project.

### 3.1 Assess the Location During Planning

- During the planning or early design stage, include a review of the agreement's project area for possible historical and cultural resources by using DAHP's [Washington Information System for Architectural & Archaeological Records Data](#)<sup>127</sup> (WISAARD) database and any other documentation. Integrate this information into your planning decisions.



**Figure 4: General Sequence for Cultural Resources Review**<sup>128</sup>

The first step is to determine whether Ecology is the lead agency, or another state or federal agency (Section 106) is the lead as may be the case if the United State Army Corp of Engineers (USACE), for example, requires a Section 404 permit. For projects where Ecology FMS is the lead, the FMS CRC will coordinate cultural resource review with DAHP, consulting parties, and affected tribes

If another agency is the lead, it may be possible to (1) Defer to the other agency if they are a federal agency and/or (2) Adopt their review for state agencies or other situations, provided all of Ecology's consultation requirements are met. For further details, contact your CRC.

### 3.2 Tribal Consultation Best Practices

If, during a comment period, a tribal representative asks for a meeting, Ecology does our best to

<sup>127</sup> <https://fortress.wa.gov/dahp/wisaardp3/>

<sup>128</sup> May be subject to change dependent upon the project.



accommodate. Virtual or in-person meetings are both options. Ecology always attends these meetings to ensure representation during any decisions that affect agency interest or the project.

### 3.3 Cultural Review Process

The recipient will complete and submit an Ecology [Cultural Resources Review form](#)<sup>129</sup> to the Ecology Project Manager. Once received, the Project Manager reviews the form for completeness and forwards to the CRC. The CRC will also review and will return incomplete forms. The basic process of review and consultation follows these steps:

- 1) **Preliminary Determination:** An Ecology CRC will use the Ecology Cultural Resources Review form, the [Washington Information System for Architectural & Archaeological Records Data](#)<sup>130</sup> (WISAARD) database, and any other documentation to identify the potential for any archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or burial sites within or directly adjacent to the Area of Potential Effect. In some cases, a consultant archaeologist may assist with this preliminary determination. This preliminary determination is open for comment by all consulting parties. The format may be an electronic letter, paper or digital correspondence.
- 2) **Request for Concurrence with Preliminary Determination:** The CRC initiates cultural resource review by requesting comments and concurrence on the preliminary determination. The CRC includes DAHP, consulting parties, tribes and any other identified parties. This correspondence includes a detailed project description, map and Ecology's Cultural Resources Review form with a cover letter or email. The comment period is typically 35 days, but Ecology may extend it.
- 3) **Final Determination:** The Final Determination is based upon any comments received, and may be the same as the preliminary determination, or different. The CRC will consider concerns, comments, discussions and new information from the comment period. The CRC will make a decision on whether to retain or modify the preliminary determination.

Surveys may be required for a number of reasons including, but not limited to, the following:

- A consulting party identifies the potential for cultural resources and requests a survey to identify any cultural resources within the APE.
- Cultural resources exist, and the boundary must be clearly identified.
- Cultural resources exist, the boundary is known, and this project will adversely impact them. A survey/investigation is required to determine the amount of modification in order to develop a Memorandum of Agreement before mitigation is discussed.

**Monitoring:** Another tool is monitoring. Having a professional monitor present while ground disturbing work commences helps ensure the professional management of any discoveries. If a

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<sup>129</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070537.pdf>

<sup>130</sup> <https://fortress.wa.gov/dahp/wisaardp3/>

survey is not feasible, consider monitor for sensitive locations. Monitoring requires **a plan**, explaining the strategy for monitoring, and **a report**, explaining the results of the monitoring. Both documents can help to inform future work in the area.

This was a simplistic description of the Ecology FMS cultural review process. If you need further detail, please contact your CRC or the Environmental Review Coordinator. Ecology has an internal policy on cultural resource protection for projects funded by capital dollars (Policy 22-07).

### 3.3.1 Helpful Information

#### Multi-phased Projects or Acquisitions

Large multi-phased projects with multiple partners and permitting agencies can be complex, particularly if they include acquiring land. The completion of local environmental permits, approvals, and cultural resource review is required prior to expenditures for acquisition, demolition, or construction, for either state or federally funded projects. We encourage you to have a site stewardship plan or similar management plan ready prior to requesting cultural resource review, even if in draft form. If a stewardship plan has not yet been created, a written description of potential next phases and how and when cultural resource review will be included should be submitted. Understand all the phases of your project, who you will partner with, their role, and whether they may be a lead agency or a co-lead agency on a permit, approval or consultation. By grasping the big picture before you approach Ecology, you can save yourself and everyone else a lot of time. Suggested approaches include an agreement between all partners to guide everyone through the project phases or ensuring the tasks and deliverables stipulations of your funding agreements and title documents. Whatever route you take, communication and coordination are key to ensuring a streamlined approach.

**New for SFY23:** Note that acquisitions using state or federal funding must undergo cultural review prior to any expenditures for the acquisition (reimbursement), per Executive Order 21-02, or 36 CFR 800.1(c) *Timing*, to determine the potential effects on cultural resources. Specifically, complete cultural resource review on state or federally funded acquisitions prior to any expenditure of funds for construction, demolition, or acquisition.

#### Adoption of Another Review

Ecology's Cultural Resources Review form has a section that asks about previous reviews covering the project area. If you know of one, provide the information. If there is evidence of a cultural investigation/review less than 10 years old, Ecology FMS will review the documentation for applicability to the current agreement. Your CRC must examine the documentation and approve it first.

#### Continuing a Previous Consultation

Did you complete a cultural resource review during your geo-tech phase and now you are ready for construction? Are you wondering if you have to go through the entire process again? Good news – with phased reviews, you can continue your consultation without starting over. Just

inform your CRC of any new details, such as changes to your project area.

### **Did you forget to complete cultural resource review?**

If activity proceeded without cultural resource review, both state and federal funding requires that Ecology FMS withhold expenditures. You will be required to work with DAHP and any consulting parties to address the potential for damage to any cultural resources. Once DAHP and consulting parties, including tribes, are satisfied, Ecology will approve expenditures for the agreement.

**Note:** Ecology FMS will no longer coordinate “After Action” or post project consultation.

### **Useful References**

- Ecology’s [Cultural Resources Review form](#)<sup>131</sup>.
- [Executive Order 21-02: Archaeological and Cultural Resources](#)<sup>132</sup>.
- [National Historic Preservation Act](#)<sup>133</sup>, 16 USC 470 (see page 47).
- [Protection of Historic Properties](#)<sup>134</sup>, 36 CFR 800.
- [Archaeological and Historic Preservation Act](#)<sup>135</sup>, 16 USC 469a-1, as amended in 2014 (U.S. Code Title 54) – see page 40.
- [Advisory Council for Historic Preservation](#)<sup>136</sup>.
- [National Register of Historic Places](#)<sup>137</sup>.
- [Washington State Department of Archaeology and Historic Preservation](#)<sup>138</sup> (DAHP).
- [Washington Information System for Architectural and Archaeological Records Data](#)<sup>139</sup> (WISAARD).
- [Tribal cultural resources contact information](#)<sup>140</sup>.
- [Governor’s Office of Indian Affairs](#)<sup>141</sup> (GOIA).

Contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Governor’s Office of Tribal Affairs (GOIA) for further information on areas of tribal interest and for specific questions on Executive Order 21-02.

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<sup>131</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070537.pdf>

<sup>132</sup> <https://dahp.wa.gov/sites/default/files/21-02%20-%20Archaeological%20and%20Cultural%20Resources.pdf>

<sup>133</sup> <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

<sup>134</sup> [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl)

<sup>135</sup> <https://www.law.cornell.edu/uscode/text/16/469a-1>

<sup>136</sup> <https://www.achp.gov/>

<sup>137</sup> <https://www.nps.gov/subjects/nationalregister/index.htm>

<sup>138</sup> <https://dahp.wa.gov/>

<sup>139</sup> <https://dahp.wa.gov/project-review/wisaard-system>

<sup>140</sup> <https://goia.wa.gov/tribal-directory/tribal-chair-contact-information>

<sup>141</sup> <https://goia.wa.gov/>

## Questions on This Topic

- The assigned Ecology CRC; call (360) 407-6429 if unsure who.
- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).
- The Department of Archaeology and Historic Preservation (DAHP) – General office; (360) 586-3065.

## 4.0 Environmental Justice & Title VI (Civil Rights) Review

### 4.1 Background Information

This section is applicable to all sources of funding within the Water Quality Combined Funding Program.

#### 4.1.1 What is Environmental Justice (EJ)?

The Environmental Protection Agency (EPA) defines environmental justice as "the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies."

Title VI of the Civil Rights Act is one of several federal laws that can help "to prevent minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects." Title VI of the Civil Rights Acts of 1964 requires that no person shall, on the basis of race, color, or national origin, including limited English proficiency, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. See the [Title VI and Environmental Justice website](#)<sup>142</sup>.

The WQP FMS has a developed guidance for the CWSRF to assist recipients of loan agreements better understand compliance with Title VI and Environmental Justice requirements. For tips on meaningful engagement and resources, see Appendix O.

## Questions on This Topic

- Environmental Justice Contacts for Water Quality Grants and Loans:
  - Liz Ellis, FMS HQ – (360) 628-4410.
  - Emma Hanson, FMS HQ – (360) 995-2796.
  - Heather Simmons, WQP CRO EJ contact – (509) 379-4600.
  - Stephanie Herbst, FMS HQ EJ contact – (360) 628-1911.
- Agency Environmental Justice Coordinator:

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<sup>142</sup> <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

- Millie Piazza, PhD, Environmental Justice Coordinator, WA State Department of Ecology; [millie.piazza@ecy.wa.gov](mailto:millie.piazza@ecy.wa.gov), (360) 407-6177, or (360) 489-2416.

## 5.0 Federally Funded Projects

### 5.1 Clean Water State Revolving Fund Loans

The Federal Clean Water Act of 1987 (CWA) allows states to administer Clean Water State Revolving Fund (CWSRF) programs to finance clean water projects. This program provides loans for treatment and non-treatment works water quality improvement.

There are specific environmental review requirements tied to the lending of money for treatment works projects. This section provides information on the specific environmental review requirements and other consultation requirements for the CWSRF program.

#### 5.1.1 The State Environmental Review Process (SERP)

The CWA requires Ecology to ensure a complete review of the potential environmental impacts of treatment works projects financed through the CWSRF program. This includes any nonpoint projects and estuary protection projects that are treatment projects and receiving CWSRF funding (40 CFR 35.3140 (a)).

The responsibility to complete SERP lies with Ecology, as the environmental review and subsequent determination is tied to the lending of CWSRF funds.

**Important Note:** The specific federal requirements for SERP are found in 40 CFR 35.3140 Environmental Review Requirements. The EPA formally approved the Water Quality Program's SERP in 2016. Local governments may submit a completed Washington State Environmental Policy Act (SEPA<sup>143</sup>) package to meet many of the SERP requirements, but not all of them. Tribes may use the National Environmental Policy Act (NEPA) or they may provide a Tribal Environmental Policy Act (TEPA) equivalent review.

The guidance presented here helps recipients ensure Ecology receives the information needed to complete a SERP determination for a CWSRF agreement.

#### The Value of Treatment Reports and SERP

An engineering report, stormwater treatment design, or general sewer plan consists of a detailed technical analysis for a treatment works project, including a consideration of alternatives.

Ecology views the development of these plans as the first step in planning and the appropriate point to conduct a thorough environmental review of the treatment works project. For wastewater facilities, these plans must be approved by Ecology (Chapter 173-240 WAC) prior to

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<sup>143</sup> More information on SEPA can be located in (Chapter 43.21C Revised Code of Washington; Washington Administrative Code 197-11). SEPA Guidance is available at the [SEPA Website](#); Contact Ecology's SEPA staff (360) 407-6922 with SEPA questions.

design and construction, regardless of the source of funding for the project. The rule also specifies detailed requirements for this document and identifies the types of projects that do not require engineering reports or general sewer plans. Stormwater projects and other “non-sewage” treatment works projects must also include a technical analysis demonstrating the project’s effectiveness. This technical review is part of the design process.

For wastewater facility and sewer plan engineering reports, a statement on compliance with SEPA or NEPA must be addressed per WAC 173-240-060(3)(r). This compliance may be applicable to the SERP requirements. SEPA is also required for stormwater projects.

A phased approach to environmental, health, socioeconomic, and cultural considerations is encouraged for municipalities that consider CWSRF funding. A phased approach may involve non-project review during the planning and design phases, followed by project level planning in the construction phase(s). The next section explores this in detail

### **Submission of the SERP Information Packet**

We have developed the diagram in Figure 5 below to help recipients visualize environmental requirements as part of the project planning process. The timing of when to submit your SERP Information Packet is suggested in Table 20, with the key item to remember is each individual loan requires that Ecology make an individual SERP Determination.

The components of environmental review (facility plan, reasonable alternatives, SEPA, permitting, mitigation, environmental justice information, and public engagement) provide the necessary items for Ecology to make a SERP determination. These components make up what is often referred to as a SERP Information Packet.

Based on our experience working with facility planning, we developed this diagram to assist recipients with the different phases of both a loan and facility planning. Please download the diagram in Figure 5 from our [Environmental Review Process for Water Quality Program grants and loans website](https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Environmental-review)<sup>144</sup>.

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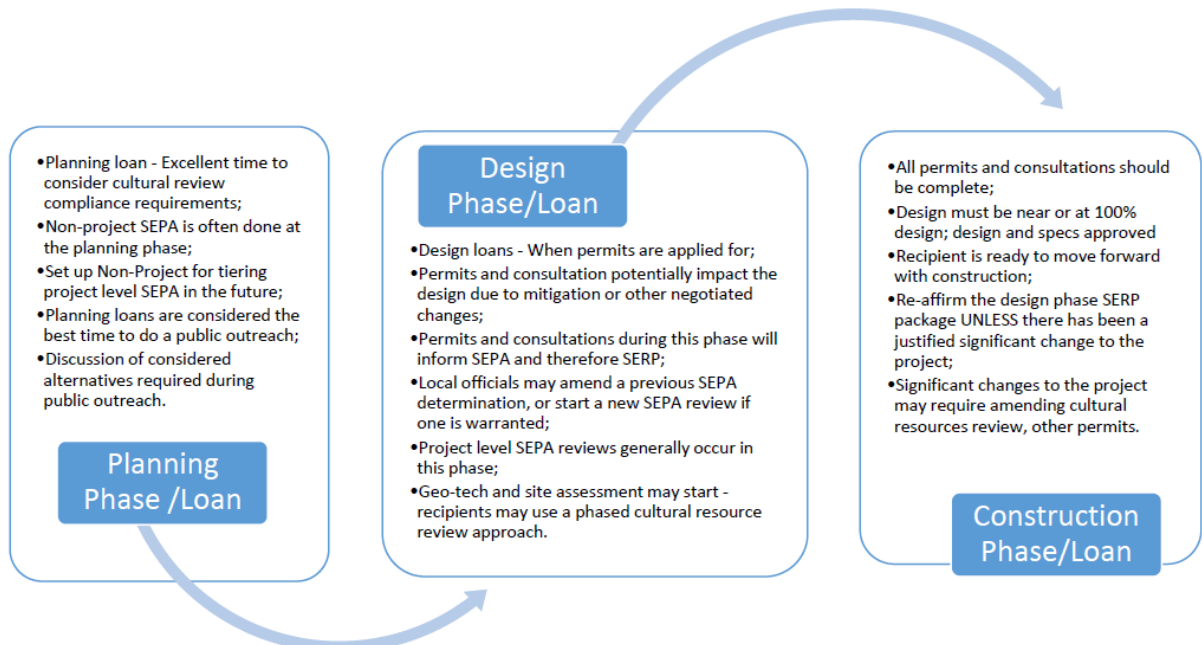
<sup>144</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Environmental-review>

## Elements of Environmental Review by Phase and Loan

This diagram illustrates Ecology's approach to environmental review for the Clean Water State Revolving Fund.

Environmental review is a process; it is not a one-time permit or consultation. Review can cover the entire life of the project – with permits and consultations finalized during different phases.

Ecology will issue a SERP determination with each loan issued during the life of the project, updating our records as necessary.



Questions? Contact: Liz Ellis, Environmental and Cultural Resource Coordinator, Financial Management Section, Water Quality Program, Department of Ecology. (360) 628 4410 (Telework/Cell) [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov)

**Figure 5: Elements of Environmental Review by Phase and Loan**

Completing your SERP Information Packet is an eligible expense and reimbursable with CWSRF funds. If CWSRF is paying for planning and design of a project, include SERP as a deliverable to receive reimbursement. For construction-only projects, the recipient is encouraged to turn in a preliminary SERP Information Packet as early as possible, preferably when submitting any engineering documents for review and the SERP Information Packet must be completed – with a SERP Determination issued - before the funding agreement is signed. To emphasize, for Step 3-Construction Loans, a complete SERP Information Packet and Ecology's SERP determination must be filed with the Ecology Project Manager, Environmental Review Coordinator and the SRF Fund Coordinator. For combined design/construction projects, the SERP Information Packet and the resulting SERP Determination must be on file before construction begins.

If the project is identified as an equivalency project, eligible for a state or federal categorical exclusion, or if another agency is taking the lead for environmental review, contact the Environmental Review Coordinator immediately to discuss a strategy for review that works with your deadlines.



## Ecology Procedures for Completing a SERP Information Packet

The Washington state legislature adopted the SEPA in 1971; the act is modeled on the federal NEPA. Chapter 197-11 WAC implements SEPA. SEPA is intended to provide information to agencies, applicants, and the public to encourage the development of environmentally sound proposals. The environmental review process involves the identification and evaluation of probable environmental impacts, and the development of mitigation measures, if needed, that will reduce adverse environmental impacts. This environmental information, along with other considerations, can be used by agency decision-makers to decide whether to approve a proposal, approve the proposal with conditions, or deny the proposal. SEPA provides a framework for considering the environmental consequences of a project and provides a familiar, well-understood method for citizens in Washington State to provide their input.

The following sections provide local governments with additional guidance to ensure SEPA is synchronized with SERP.

### Synchronize Your SEPA With SERP

As mentioned earlier, Ecology has approval from the EPA to use the environmental information collected during the local government's SEPA process to *partially fulfill* the environmental review requirements of SERP.

To ensure your SEPA review is synchronized with SERP review, the following steps are suggested:

- Properly define the project as a project proposal or [non-project proposal](#)<sup>145</sup>.
- Identify if **Phased Review** is being applied – which works well for facility planning (WAC 197-11-704).
- Ensure all content outlined under WAC 197-11-060, *Content of Environmental Review* is included.
- Include required additional public outreach and comment documentation.
- Include information on potential Environmental Justice and Civil Rights concerns.
- Address potential cultural resource concerns and upload the Inadvertent Discovery Plan (IDP).

Ecology staff use the SEPA checklist as part of the SERP review to learn about the proposal and its probable environmental impacts. If any mitigation is proposed, identify the measures clearly. Provide electronic copies of all SEPA documentation to Ecology before making a threshold determination to allow for comment. As SEPA does not address every issue, if the recipient is aware of impacts being addressed through a permit or consultation, it is expected those are disclosed. Also considered a required part of the SERP Information Packet are the results of any

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<sup>145</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/SEPA-checklist-guidance/SEPA-Checklist-Section-D-Non-project-actions>



consultations or agreements, such as for cultural resource review requirements.

For large, complex projects we recommend including the Environmental Review Coordinator in a negotiation meeting.

If a SEPA DNS or MDNS is issued during the planning phase and subsequent permitting identifies a significant and/or adverse effect which cannot be mitigated down within the conditions of the permit, the recipient must do a supplemental SEPA and explore with Ecology whether an EIS may be required. For all adverse impacts, take into consideration all efforts to avoid and or mitigate early, and report your mitigation to Ecology through the SERP Information Packet. We will document your efforts as part of the agreement.

### **Roles and Responsibilities**

The local recipient responsible for the treatment works plan is generally also the SEPA lead agency. SEPA is required on the treatment works plan under WAC 173-240-060(3)(r). The SEPA lead agency is responsible for identifying and evaluating the potential adverse environmental impacts of the proposal and for preparing, circulating, and considering threshold determinations. Potential impacts may be identified during any phase of the project – planning, design or construction.

The recipient is responsible for providing the Ecology Project Manager and the Environmental Review Coordinator with the information necessary to make a SERP determination.

Ecology is responsible for the SERP determination on each agreement, including the formal determination associated with any SERP package turned in by the recipient for review. Ecology is responsible for working with any consulting parties or agencies having jurisdiction over the proposed project and must consider their information in the environmental document prior to approving any portion of the project.

Ecology can re-affirm a previous SERP determination, request more information, or return incomplete SERP packages.

The recipient is responsible for ensuring the Ecology Project Manager and the Environmental Review Coordinator are provided with the information necessary to make a SERP determination.

### **SERP Information Packet Submission**

A SERP Information packet is only required when the recipient considers environmental review complete enough to request a formal review and determination by Ecology staff. For further information, contact the Environmental Review Coordinator.

When ready, the recipient will submit the SERP packet to Ecology's Project Manager and the Environmental Review Coordinator.

The SERP Information Coversheet ([Ecology publication ECY 070-421<sup>146</sup>](#)). must be included with your documentation. This form has been recently updated and includes the following:

- 1) General agreement information, project contacts, project description, and loan/agreement number, if known.
- 2) SEPA or NEPA documentation checklist section.
- 3) Public participation (basic requirements) checklist section.
- 4) Environmental Justice/Civil Rights requirements section.
- 5) Cultural Resource Review status section.
- 6) Designated Equivalency Projects/Federally Funded Projects section.
- 7) Links to forms, resources, guidance and tools.

The recipient is responsible for ensuring the Ecology Project Manager has an opportunity to review the SEPA documentation prior to the recipient signing the threshold determination. The recipient uploads the SERP Information Packet to the Environmental and Cultural Review form in the EAGL system.

### **Public Participation and Engagement (See Appendix O)**

For all projects, public participation and review are essential to SERP and Environmental Justice. An earnest public participation program can improve the planning process and reduce the chance of delays due to public controversy. Incorporating the environmental justice public engagement requirements can streamline the questions on engaging any identified, disproportionately impacted sectors within the community.

Each lead agency, consistent with its existing activities and procedures, should include formal and informal public involvement and receive and evaluate public reactions to environmental issues related to its project. If public comments or controversies are not addressed during the planning of a proposed project it could result in the need for a subsequent environmental document at a later stage or lead to legal challenges, delaying the project and raising the cost significantly. For assistance in this area, the applicant should call the environmental review staff.

SERP **requires** applicants provide an additional opportunity for the public to comment on the proposal for all projects, no matter what the SEPA decision. CWSRF applicants must hold a public meeting to describe the preferred alternative and provide public opportunity to comment. This meeting should address all environmental, technical, and financial issues of the project. Additionally, meaningful involvement and transparent participation is required for your project. Identify and remove barriers to participation.

**Note:** See the list below for specific elements to address during public participation and ensure

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<sup>146</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070421.pdf>

the public has an opportunity to learn and comment upon them. See Appendix O for more helpful tips.

One of the most common questions is how to engage the public. Post-Covid-19 has provided a number of ways to engage the public, particularly members of the community who may have difficulty attending meetings in person.

The format of the meeting should be appropriate to the community and the scope of the project. For rural areas, reaching members may be easier using websites and mobile phone applications or through bill inserts. What matters is that the community has an opportunity to learn about the project, the impacts of the project, and to provide input to decision makers.

Applicants for CWSRF funding must provide documentation of the public participation process with the SERP Information Packet. The documentation must include:

- Legal public advertisement of the meeting.
- History of what occurred at the meeting (record, transcripts, agenda, minutes).
- Documentation showing all alternatives were discussed and explained, including explanation of all potential environmental, social, and economic impacts of the alternatives.
- A copy of any presentation given at the meeting, if one was provided.
- Documentation that the public meeting covered the ratepayer (when applicable) impacts of the project.
- Documentation that the public had an opportunity to comment on the proposal, including submission of any comments to Ecology.

Other environmental laws and authorities (environmental justice, floodplains, critical farmland, etc.) may also require that the funding applicant conduct a public meeting to receive comments regarding impacts to these specific resources. Ecology recommends that funding applicants coordinate their outreach efforts and reviews so that a single meeting can meet all requirements when possible.

## Other Guidance for SERP

### Using NEPA to Meet SERP Requirements

Ecology may approve the use of NEPA documents to satisfy SERP requirements provided that the standards outlined under WAC 197-11-600 and 197-11-610 are met.

**Update:** Ecology can adopt a federal NEPA categorical exclusion using the EPA's NEPA Procedures (40 CFR 6.204). Ecology does not adopt another agency's exemption or Categorical Exclusion. Contact the Environmental Review Coordinator to discuss this process. A [SERP Request for a NEPA Categorical Exclusion form](#)<sup>147</sup> is required. This may assist certain recipients with Water Infrastructure Finance and Innovation Act (WIFIA) funds.

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<sup>147</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070644.pdf>

## **Tribal Governments and SERP**

For tribal governments that obtain a CWSRF loan, Ecology may accept a Tribal Environmental Policy Act (TEPA)<sup>148</sup> or NEPA document. If the action warrants categorical exclusion under the TEPA, please complete the NEPA categorical exclusion form and work with the Environmental Review Coordinator to show your Record of Environmental Consideration listing consideration of Extraordinary Circumstances. Please contact the Environmental Review Coordinator if there are questions.

## **Reaffirmation of a SERP Determination**

Ecology may re-affirm our SERP determinations, provided they are less than five years old and no substantive changes have been made. To re-affirm, Ecology re-evaluates the original SERP Information Packet. When reevaluating the previous SERP Information Packet, Ecology considers if the recipients followed Part Six of the SEPA rules (WAC 197-11-600 through 640) which provides direction on when to use environmental documents that have been previously prepared in order to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as, or different from those analyzed in the existing documents. Ecology considers any new permits, consultation, or mitigation required since the previous SERP Determination. Re-affirmation of a SERP Determination applies to the environmental documentation, not to the public outreach.

Following completion of a reevaluation of a SERP determination or exemption, Ecology makes a SERP determination based upon the information received. A new SERP package may be required if conditions warrant it, per WAC 197-11-600(3) and (4).

## **References**

- Revised Code of Washington 43.21C State Environmental Policy Act (SEPA).
- Chapter 197-11 Washington Administrative Code (WAC) SEPA Rules.
- [Washington State SEPA Guidance](#)<sup>149</sup>.
- Chapter 173-98 WAC Uses and Limitations of the Water Pollution Control Revolving Fund.
- WAC 173-98-530 Step process for water pollution control facilities.
- WAC 173-98-720 State environmental review process (SERP).
- Federal Clean Water Act (33 United States Code [U.S.C.] Section 1251 through 1388).
- 40 CFR 35.3140 Environmental Review Requirements.

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<sup>148</sup> For more information on developing a TEPA, please see the guidance entitled: Participating in the National Environmental Policy Act, Developing a Tribal Environmental Policy Act: A Comprehensive Guide For American Indian and Alaska Native Communities. 2000. Mittlstaedt, Gillian, Suagee, Dean and Libby Halpin Nelson. October 2000. Available for download from this link: <https://nr.tulaliptribes.com/Base/File/NR-PDF-LandBasedTreatyRights-TribalEAHandbook>

<sup>149</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance>

- 40 CFR Part 35, Subpart K, Appendix A to Subpart of Part 35-Criteria for evaluating a State's proposed NEPA-Like process.

## Environmental Review Forms and Checklists

The following are links to forms and checklists for recipients and Ecology for SERP and cross cutter review and approval.

- [SERP Cover Sheet \(for use by recipients\)](#)<sup>150</sup>.
- [SERP Request for a NEPA Categorical Exclusion](#)<sup>151</sup>.
- [SERP SEPA Finding of Categorical Exemption](#)<sup>152</sup>.
- [Ecology Cultural Resources Review form](#)<sup>153</sup>.
- [Ecology's Inadvertent Discovery Plan](#)<sup>154</sup>.

The latest forms and Ecology Determinations may be located on [Ecology's Water Quality Grants and Loans Environmental Review Webpage](#)<sup>155</sup>.

## Questions on This Topic

- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360)628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).

## 5.2 Designated Equivalency Projects and Additional Environmental Review

### 5.2.1 Clarification on Federal Law and Authority (Cross Cutting) Requirements

Federal environmental laws are triggered when there is a federal nexus – federal permit, federal land, federal oversight, federal funding. For purposes of this document, we will refer to federal requirements only associated with **Designated Equivalency Projects** under the CWSRF and explain how to wrap these requirements into the SERP Information Packet.

If a project is completely funded by federal money under the CWSRF, it is referred to as a Designated Equivalency Project or DEP. The Funding Offer List and Intended Use Plan (IUP) clearly identifies DEPs. Only DEPs report compliance on a specific list of federal environmental assurances, which the EPA refers to as environmental cross cutters.

Please note that it is Ecology's policy to request information and updates related to *any*

<sup>150</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070421.pdf>

<sup>151</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070644.pdf>

<sup>152</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070643.pdf>

<sup>153</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070537.pdf>

<sup>154</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070560.pdf>

<sup>155</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Environmental-review>

environmental law, regulation, approval, or order - local, state, Tribal or Federal - if required for completing the project. We may require the information at any time, no matter what type of funding the project has – state or federal.

### **5.2.2 How do I report on compliance with federal laws and authorities??**

Include which federal laws, authorities, and consultations were required as part of your agreement as part of your SERP. The SERP Cover Sheet asks a question for agreements that are DEPs, federally funded, or may have another federal nexus. Coordinate closely with the Environmental Review Coordinator to avoid delays.

Protection of the resources identified by these federal laws and authorities generally will occur whether there is a federal nexus or not. Clean air, water, listed species, floodplains, wetlands, cultural resources – are all protected under local, state and federal laws. Ensure you document any required mitigation through your SERP under either state or federal laws. For example, if you are building in a floodplain, you are required to follow federal, state, and local floodplain regulations and ensure your insurance is up to date. These regulations not only protect the environment and other resources, they can help protect your investment. It shows compliance with a specific EPA- created list of stand-alone federal laws created in response to real world, ongoing environmental concerns, natural resource problems, or threats to wildlife species .

When designing your project, consider the history of these laws and why they were developed. For example, as reported by the [Water Quality and Health Council](https://waterandhealth.org/safe-drinking-water/drinking-water/safe-drinking-water-act-blueprint-protecting-nations-drinking-water/)<sup>156</sup>, the Safe Drinking Water Act, one of these federal authorities, was passed by Congress in 1974 after nationwide studies revealed widespread water quality problems and health risks related to poor operating procedures, inadequate facilities, and uneven management of public water facilities. It was this the SWDA that created maximum contaminant levels or MCLs.

After your review, include any resulting mitigation or other requirements that affect a project's design or schedule in your SERP Information Packet, and ensure the mitigation requirements are also included in the loan agreement as Ecology specifications. Ensure compliance with these federal requirements by including the Ecology specification inserts in the construction bid package.

Ecology has the discretion to select a state or federally funded CWSRF project not identified as a DEP to address any local, state, or federal laws or authorities intended to protect environmental and natural resources, wildlife or address climate changes. Potential impacts will often be identified during the SEPA/SERP review and may require further permitting to protect a resource. The Environmental Review Coordinator notifies the recipient during the SERP process that additional information is necessary.

The next section outlines those laws and who to contact for more information.

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<sup>156</sup> <https://waterandhealth.org/safe-drinking-water/drinking-water/safe-drinking-water-act-blueprint-protecting-nations-drinking-water/>

### 5.2.3 Further Resources

If your project is a DEP, coordinate early working with the Environmental Review Coordinator. Review the following list of required federal assurances, see which may apply to your project, and follow the directions on compliance. Information on how the project is coordinating or complying with each applicable regulation must be included in your SERP Information Packet. Without this information, Ecology will not issue a SERP Determination.

Each of these laws or authorities has its own procedures, but compliance generally requires three steps.

- 1) Investigate the protected resources located in the vicinity of the project and evaluate the impact the project could have on the resources.
- 2) Document that the project will have no impact on the protected resources, or take steps to prevent, minimize, or mitigate for an impact.
- 3) If necessary, involve the federal resource protection agency and incorporate required modifications or recommendations as appropriate.

The resource agency's level of involvement varies depending on the specific project and regulatory requirements. Outcomes of the final review may require loan recipients to modify the project based on recommendations from consulting agencies. All modifications to the design must be included in the SERP Information Packet, as changes to the design must be approved and become requirements of the financial assistance agreement.

**Important note:** All projects funded by WQC program require cultural resource review and consultation. Work with your CRC to see if Section 106 of the National Historic Preservation Act (1966, as amended) or consultation under Executive Order 21-02 applies.

**Table 20: List of Federal Environmental Laws and Authorities that Apply to CWSRF Projects**

Clean Air Act	National Historic Preservation Act
Coastal Zone Management Act	Safe Drinking Water Act
Endangered Species Act	Sustainable Fisheries Act (Essential Fish Habitat)
Environmental Justice	Wetland Protection Executive Orders
Farmland Protection Policy Act	Wild and Scenic Rivers Act
Floodplain Management Executive Orders	Clean Water Act Certification

#### The Clean Air Act

The Clean Air Act (CAA) was passed in 1970 to prevent air pollution, protect the ozone layer and promote public health. This federal law may require your project to ensure you control dust and other emissions during construction, and ensure you conform to the Washington State Implementation Plan (SIP), which describes how the state implements, maintains and enforces



National Ambient Air Quality Standards (NAAQS). Compliance may require estimating the air pollution emissions associated with the project.

- [Air Quality Criteria Pollutants and Standards](#)<sup>157</sup>.
- [Air Quality](#)<sup>158</sup>.
- [EPA's website](#)<sup>159</sup> on air quality and general conformity.

## Coastal Zone Management Act

The Coastal Zone Management Act (CZMA) was created in 1972 to address the challenge of continued growth in the nation's coastal areas. This federal law applies to any project receiving federal funding located in a county adjacent to the Puget Sound, the Pacific Ocean, or the Lower Columbia River Estuary. Compliance requires receiving CZMA Determination from Ecology.

- [Coastal Zone Management Act](#)<sup>160</sup>: 16 USC 1451 - Coastal Zone Management Act.
- [Coastal Zone Management Program Regulations](#)<sup>161</sup>: 15 CFR Part 923.
- [Subpart D: Federal Consistency with Approved Coastal Zone Management Programs](#)<sup>162</sup>. United States Department of Commerce: 15 CFR Part 930.50.
- [Ecology's Coastal Zone Management Program](#)<sup>163</sup>.
- [WA Coastal Zone Management Program evaluation](#)<sup>164</sup>.

## The Endangered Species Act

The Endangered Species Act (ESA) was passed by Congress in 1966 as the Endangered Species Preservation Act, providing a means for listing native animal species as endangered and giving them limited protection. Subsequent amendments, including the signing of the Convention on International Trade in Endangered Species of Wild Fauna and Flora, led to the passage of the Endangered Species Act of 1973, signed by President Nixon. Section 7 of the ESA may be triggered if the project has the potential to "take"<sup>165</sup> any threatened or endangered species or modify designated critical habitat. Compliance requires a review of the project design, online

<sup>157</sup> <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards>

<sup>158</sup> <https://ecology.wa.gov/Air-Climate/Air-quality>

<sup>159</sup> <https://www.epa.gov/environmental-topics/air-topics>

<sup>160</sup> <https://coast.noaa.gov/czm/act/>

<sup>161</sup> <https://www.ecfr.gov/cgi-bin/text-idx?SID=7557d8f3105fd75f2a8b3461cbc69d04&mc=true&node=pt15.3.923&rgn=div5>

<sup>162</sup> <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Programs-policies/Federal-consistency>

<sup>163</sup> <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management>

<sup>164</sup> <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Program-evaluation>

<sup>165</sup> Take: Meaning harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, collect, or attempt to do any of these things – Source: National Marine Fisheries Service, <https://www.fisheries.noaa.gov/topic/laws-policies#endangered-species-act>.



research using ECOS, PHS and IPaC (below) to determine if coordination with the US Fish and Wildlife Service and the National Marine Fisheries Service (Services) is necessary.

- 16 USC 1531 - [Endangered Species Act](#)<sup>166</sup>.
- [Endangered Species Consultation Handbook](#)<sup>167</sup>.
- U.S. Fish & Wildlife Service: [Section 7 Consultation Guidance on Preparing a Biological Assessment](#)<sup>168</sup>.
- NMFS Alaska Region, November, 2009, [General Format for Section 7 Biological Assessments](#)<sup>169</sup>.
- USFWS & USGS [Information, Planning and Conservation System](#)<sup>170</sup> (IPaC).
- [USFWS's Pacific Region](#)<sup>171</sup>.
- [NOAA Fisheries West Coast Region](#)<sup>172</sup>.
- [USFWS Critical Habitat Portal](#)<sup>173</sup>.
- Endangered Species Act: [A History of the Endangered Species Act of 1973](#)<sup>174</sup>.
- [NOAA Fisheries, West Coast Region Critical habitat, Maps & GIS Data](#)<sup>175</sup>.
- WA Department of Fish and Wildlife [priority habitats and species](#)<sup>176</sup> (PHS).
- [Fish data for the Northwest](#)<sup>177</sup>.
- [WSDOT Biological Assessment Manual and Templates](#)<sup>178</sup>.

## Environmental Justice

Environmental Justice (EJ) seeks to identify potential impacts to, and reduce barriers to public engagement with, underserved populations within a community, particularly if such populations have been disproportionately impacted in the past. Underserved may include low income, people of color, elderly, children, Limited English Proficiency (LEP), and Persons With

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<sup>166</sup> <https://www.fws.gov/le/USStatutes/ESA.pdf>

<sup>167</sup> [https://www.fws.gov/ecological-services/es-library/pdfs/esa\\_section7\\_handbook.pdf](https://www.fws.gov/ecological-services/es-library/pdfs/esa_section7_handbook.pdf)

<sup>168</sup> [https://www.fws.gov/midwest/endangered/section7/ba\\_guide.html](https://www.fws.gov/midwest/endangered/section7/ba_guide.html)

<sup>169</sup> <https://www.fisheries.noaa.gov/region/alaska>

<sup>170</sup> <https://ecos.fws.gov/ipac/>

<sup>171</sup> <https://www.fws.gov/pacific/>

<sup>172</sup> <https://www.fisheries.noaa.gov/region/west-coast>

<sup>173</sup> <https://ecos.fws.gov/ecp/>

<sup>174</sup> <https://www.fws.gov/endangered/laws-policies/esa-history.html>

<sup>175</sup>

[https://www.fisheries.noaa.gov/resources/maps?title=critical+habitat&field\\_management\\_area\\_value%5BWest+Coast%5D=West+Coast&field\\_species\\_vocab\\_target\\_id=&sort\\_by=created](https://www.fisheries.noaa.gov/resources/maps?title=critical+habitat&field_management_area_value%5BWest+Coast%5D=West+Coast&field_species_vocab_target_id=&sort_by=created)

<sup>176</sup> <https://wdfw.wa.gov/species-habitats/at-risk/phs>

<sup>177</sup> <https://www.streamnet.org/>

<sup>178</sup> <https://wsdot.com/environment/environment-technical/environment-disciplines/fish-wildlife/BA-preparation-manual>

Disabilities (PWD). Disproportionate impacts means a community carries an unequal share of environmental or human health impacts caused by project activities. See the links below or Appendix O for more information.

- EJ Tools: [EJSCREEN](https://ejscreen.epa.gov/mapper/)<sup>179</sup>.
- [Washington Tracking Network](https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap) <sup>180</sup>.
- Ecology's [Water Quality Atlas](https://apps.ecology.wa.gov/waterqualityatlas/wqa/map)<sup>181</sup>.
- Ecology's [What's in My Neighborhood](https://apps.ecology.wa.gov/neighborhood/)<sup>182</sup>.
- [Centers for Disease Control National Environmental Public Health Tracking Network](https://ephtracking.cdc.gov/)<sup>183</sup>.
- [U.S. Census](https://censuscounts.org/whats-at-stake/census-factsheet/)<sup>184</sup>.
- [Promising Practices for EJ Methodologies in NEPA Reviews](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)<sup>185</sup>.
- [Executive Order 12898](https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf)<sup>186</sup>.
- [White House Environmental Justice Advisory Council \(WHEJAC\)](https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council)<sup>187</sup>.
- [Title VI and Environmental Justice](https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice)<sup>188</sup>.
- [Ecology's Environmental Justice Webpage](https://ecology.wa.gov/About-us/Accountability-transparency/Environmental-Justice)<sup>189</sup>.
- [Ecology's statement on non-discrimination](https://ecology.wa.gov/About-us/Accountability-transparency/Non-discrimination)<sup>190</sup>.

## The Farmland Protection Policy Act

The Farmland Protection Policy Act (FPPA) was enacted as a subtitle of the Farm Bill in 1981 to "...minimize the extent to which Federal programs contribute to the unnecessary conversion of farmland to nonagricultural uses." This law may apply if your project is involved in re-zoning or acquisition of farmland. Compliance will require consultation with the U.S. Department of Agriculture, Natural Resource Conservation Service (NRCS) and the US Soil Conservation Service.

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<sup>179</sup> <https://ejscreen.epa.gov/mapper/>

<sup>180</sup>

<https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>

<sup>181</sup> <https://apps.ecology.wa.gov/waterqualityatlas/wqa/map>

<sup>182</sup> <https://apps.ecology.wa.gov/neighborhood/>

<sup>183</sup> <https://ephtracking.cdc.gov/>

<sup>184</sup> <https://censuscounts.org/whats-at-stake/census-factsheet/>

<sup>185</sup> [https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)

<sup>186</sup> <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

<sup>187</sup> <https://www.epa.gov/environmentaljustice/white-house-environmental-justice-advisory-council>

<sup>188</sup> <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

<sup>189</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Environmental-Justice>

<sup>190</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Non-discrimination>

- [FPPA statute](#)<sup>191</sup>.
- [USDA FPPA informational website](#)<sup>192</sup>.
- [NRCS Web Soil Survey](#)<sup>193</sup>.
- [Conversion Impact Rating form \(AD-1006\)](#)<sup>194</sup>.

## Floodplain Management Executive Orders

Floodplain Management Executive Orders (as revised, 2015) are a series of presidential executive orders that protect floodplain function and protect federally funded projects from flood damage. If the project is located in a base floodplain, this may require consultation with the local government and/or Federal Emergency Management Agency. Ecology has a comprehensive website on floodplain management and planning (below).

- [Floods and floodplain planning \(Ecology\)](#)<sup>195</sup>.
- [Executive Order 11988](#)<sup>196</sup>, Floodplain Management (as amended, 2015).
- [Federal Emergency Management Agency \(FEMA\) Floodplain Management](#)<sup>197</sup>.
- [Washington Flood Hazard Maps](#)<sup>198</sup>.
- [FEMA Region X](#)<sup>199</sup>.

## The National Historic Preservation Act

The National Historic Preservation Act (NHPA) protects archaeological and cultural resources and historic structures. Contact your CRC to find out if your project will go through Section 106 consultation or Executive Order 21-02 consultation.

- Ecology's [Cultural Resources Review form](#)<sup>200</sup>.
- [National Historic Preservation Act](#)<sup>201</sup>, 16 USC 470 (see page 47).
- [Protection of Historic Properties](#)<sup>202</sup>, 36 CFR 800.
- [Archaeological and Historic Preservation Act](#)<sup>203</sup>, 16 USC 469a-1, as amended in 2014 (U.S.

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<sup>191</sup> [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1042432.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1042432.pdf)

<sup>192</sup> [https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143\\_008275](https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275)

<sup>193</sup> <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

<sup>194</sup> [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/stelprdb1045394.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf)

<sup>195</sup> <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Hazards/Floods-floodplain-planning>

<sup>196</sup> <https://www.fema.gov/executive-order-11988-floodplain-management>

<sup>197</sup> <https://www.fema.gov/floodplain-management>

<sup>198</sup> <https://apps.ecology.wa.gov/coastalatlas/tools/Flood.aspx>

<sup>199</sup> <http://www.fema.gov/region-x-ak-id-or-wa>

<sup>200</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070537.pdf>

<sup>201</sup> <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

<sup>202</sup> [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl)

<sup>203</sup> <https://www.thecre.com/fedlaw/legal13/archpreserv.htm>

Code Title 54) – see page 40.

- [Advisory Council for Historic Preservation](#)<sup>204</sup>.
- [National Register of Historic Places](#)<sup>205</sup>.
- Washington State [Department of Archaeology and Historic Preservation](#)<sup>206</sup> (DAHP).
- Washington Information System for Architectural and Archaeological Records Data ([WISAARD](#)<sup>207</sup>).
- [Tribal cultural resources contact information](#)<sup>208</sup>.
- [Governor's Office of Indian Affairs](#)<sup>209</sup> (GOIA).

Contact the Washington State Department of Archaeology and Historic Preservation (DAHP) and the Governor's Office of Tribal Affairs (GOIA) for further information on areas of tribal interest.

### **The Safe Drinking Water Act**

The Safe Drinking Water Act (SDWA) protects sole source drinking water aquifers. The Washington State Department of Health manages the Drinking Water State Revolving Fund (DWSRF) to allocate congressional funds for utilities to use to achieve or maintain SDWA compliance<sup>210</sup>. If your project has the potential to impact release unregulated contaminants into drinking water, or if the project is located over a sole source aquifer, compliance will consultation with state groundwater officials and the Environmental Protection Agency.

- [EPA's Sole Source Aquifer Program](#)<sup>211</sup> (SSA).
- [Interactive map of the SSA](#)<sup>212</sup>.

### **Essential Fish Habitat Consultation Process under the Magnuson-Stevenson Fishery Conservation and Management Act**

Essential Fish Habitat Consultation Process under the Magnuson-Stevenson Fishery Conservation and Management Act (EFH) protects habitat for commercially valuable fish species. Review may apply if the project is located near Essential Fish Habitat (EFH). Compliance may require sending information on EFH near the project area to the nearest NOAA Regional

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<sup>204</sup> <https://www.achp.gov/>

<sup>205</sup> <https://www.nps.gov/subjects/nationalregister/index.htm>

<sup>206</sup> <https://dahp.wa.gov/>

<sup>207</sup> <https://dahp.wa.gov/project-review/wisaard-system>

<sup>208</sup> <https://goia.wa.gov/tribal-directory/tribal-chair-contact-information>

<sup>209</sup> <https://goia.wa.gov/>

<sup>210</sup> Source: Richard Weinmeyer, JD, MA, MPhil, Annalise Norling, Margaret Kawarski, and Estelle Higgins. 2017. The Safe Drinking Water Act of 1974 and Its Role in Providing Access to Safe Drinking Water in the United States *AMA J Ethics*. 2017; 19(10):1018-1026. doi: 10.001/journalofethics.2017.19.10.hlwa1-1710.

<sup>211</sup> <https://www.epa.gov/dwssa>

<sup>212</sup> <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>

Office.

- [Magnuson-Stevens Fishery Conservation and Management Act](#)<sup>213</sup>.
- [NOAA Northwest Regional Office Essential Fish Habitat](#)<sup>214</sup>.
- [NOAA Essential Fish Habitat Consultation Guidance](#)<sup>215</sup>.
- [Essential Fish Habitat Mapper](#)<sup>216</sup>.
- [Essential Fish Habitat Maps and Data](#)<sup>217</sup>.

## The Protection of Wetlands Executive Orders

The Protection of Wetlands Executive Orders seek to avoid to the extent possible adverse impacts associated with the destruction and modification of wetlands, and to avoid direct and indirect support of new construction in wetlands wherever there is a practicable alternative. If your project impacts a wetland, ensure you have a delineation completed, complete a Joint Aquatic Resource Permit Application (JARPA), and consult, as necessary, with the U.S. Corps of Engineers (Corps), Ecology Shorelands and Environmental Assistance Program (SEA), and the Ecology Regional Ecologist.

- [Joint Aquatic Resource Permit Application](#)<sup>218</sup>.
- [Protection of Wet Lands Executive Order 11990](#)<sup>219</sup>.
- [Statement of Procedures on Floodplain Management and Wetlands Protection](#)<sup>220</sup>.
- [Ecology Wetlands contact by subject and region](#)<sup>221</sup>.
- Mitigation and Protection:
  - [Department of Ecology Wetland Protection](#)<sup>222</sup>.
  - [EPA Compensatory Mitigation Clean Water Act Section 404](#)<sup>223</sup>.
  - [Ecology Wetland Mitigation Guidance](#)<sup>224</sup>.

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<sup>213</sup> <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>

<sup>214</sup> <https://archive.fisheries.noaa.gov/wcr/permits/index.html>

<sup>215</sup> <https://www.fisheries.noaa.gov/national/habitat-conservation/consultations-essential-fish-habitat>

<sup>216</sup> <https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>

<sup>217</sup> <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/essential-fish-habitat-west-coast>

<sup>218</sup> [https://www.epermitting.wa.gov/site/alias\\_\\_resourcecenter/9978/default.aspx](https://www.epermitting.wa.gov/site/alias__resourcecenter/9978/default.aspx)

<sup>219</sup> <https://www.epa.gov/cwa-404/protection-wetlands-executive-order-11990>

<sup>220</sup> <https://www.epa.gov/nepa/floodplain-management-and-wetland-guidance-national-environmental-policy-act-reviews>

<sup>221</sup> <https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Contacts-by-subject-region>

<sup>222</sup> <https://ecology.wa.gov/Water-Shorelines/Wetlands/Wetlands-overview>

<sup>223</sup> <https://www.epa.gov/cwa-404/background-about-compensatory-mitigation-requirements-under-cwa-section-404#recent>

<sup>224</sup> <https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation>

- Identifying Wetlands Nearby:
  - 2011 [Modeled Wetland Inventory for Western Washington](#)<sup>225</sup>.
  - [National Wetlands Inventory](#)<sup>226</sup> (Wetlands Mapped).

## The Wild and Scenic Rivers Act

The Wild and Scenic Rivers Act (WSA) protects the free flowing character of designated rivers. If the project is located in the river basin of a wild and scenic river, you will need to consult with the land managing agency where the river is located.

- [Washington State list of Wild and Scenic Rivers](#)<sup>227</sup>.
- [Wild and Scenic Rivers Act](#)<sup>228</sup>.
- [Wild & Scenic Rivers Act: Section 7](#)<sup>229</sup>.
- [Flow Chart for evaluation standards under Section 7 of the Wild and Scenic Rivers Act](#)<sup>230</sup>.

Loan recipients are encouraged to address these requirements as practicable during SERP review. Coordinating these reviews can potentially save time and money, prevent project delays, and improve opportunities to receive funding.

## Clean Water Act 401 Water Quality Certification

Recipients receiving a Section 404 Permit from the U.S. Army Corps of Engineers (Corps), a Coast Guard permit or federal license or approval such as a license from the Federal Energy Regulatory Commission (FERC), are required to obtain a Section 401 Water Quality Certification from the Department of Ecology (Ecology). Issuance of a certification means that Ecology anticipates that the project will comply with state water quality standards and other requirements of state law. The 401 Certification can cover the construction, operation and maintenance of the proposed project. Conditions of the 401 Certification become conditions of the Federal permit or license.

If the project is located on or discharges to a tribal reservation who has 401 certifying authority, the recipients must obtain a 401 certification from the tribe.

- [EPA Overview of Clean Water Act 401 Certification](#)<sup>231</sup>.
- [Ecology Overview of Clean Water Act 401 Certification](#)<sup>232</sup>.

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<sup>225</sup>

<http://waecy.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=22edd2e4e7874badbef2a907a3cd4de6>

<sup>226</sup> <https://www.fws.gov/wetlands/>

<sup>227</sup> <https://www.rivers.gov/washington.php>

<sup>228</sup> <https://www.nps.gov/rigr/learn/management/upload/wsr-act.pdf>

<sup>229</sup> <https://www.rivers.gov/documents/section-7.pdf>

<sup>230</sup> <http://www.rivers.gov/documents/section7/process-flowchart.pdf>

<sup>231</sup> <https://www.epa.gov/cwa-401/overview-cwa-section-401-certification>

<sup>232</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/401-Water-quality-certification>

## Where to Obtain Help

For DEP Projects, engage the Environmental Review Coordinator when review of the SERP Information Packet is required in order to avoid delays.

### What if we already started work and never completed any environmental review?

Communities with treatment works projects may have begun construction prior to receiving CWSRF funding. Work that has occurred **prior to** approval of the SERP Information Packet and receipt of a current SERP Determination, which includes review of where the agreement is with cultural resource review, is not eligible for reimbursement. Communities that want to apply for a loan to fund a project already under construction and have never completed any type of environmental review should contact their Ecology Cultural Resource Contact as early as possible for further discussion prior to applying.

### Questions on This Topic

- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).

## 6.0 Inadvertent Discovery Plan

Ecology Water Quality Program uses the agency's standard inadvertent discovery protocol for addressing the potential risk associated with any inadvertent, unanticipated discovery of human remains, archaeological sites, artifacts, or historic structures during excavations.

Recipients of any funded grant or loan that involves ground disturbance must have an approved inadvertent discovery plan (IDP) onsite prior to starting the activity.

In the event of an unanticipated discovery of an archaeological and historic archaeological site, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, and/or human remains during construction on public or private lands, the protocol outlined in the IDP must be followed.

The IDP is separate from cultural resource review, and is required whether the project underwent cultural resource review or not. An IDP is associated with activities that have the potential to encounter an unanticipated discovery. The IDP describes:

- Who to call first and who not to call.
- What steps to take and what not to do.
- How to obtain technical assistance and determine whether you have a significant find.
- What special measures to take if we find potential human remains.
- How to define the site and protect the area.

If potential human remains are discovered on private or public lands, RCW 27.44 procedures

shall be followed. If a potential archaeological resource is discovered, RCW 27.53 applies.

## 6.1 What to do in the Event of a Discovery

If you find cultural resources or human remains on non-federal or non-tribal land in the state of Washington, for a project funded by WQP grants and loans state or federal funding, follow the protocol outlined in this DAHP approved document paying special attention to Section 5:

- [Public Inadvertent Discovery Plan](#)<sup>233</sup>.

For federally funded projects, any post construction discoveries must also follow the procedures as outlined under 36 CFR 800.13 and the Archaeological and Historic Preservation Act (AHPA), Pub. L. No. 93-291 (1974).

Every person working on the project site must be familiar with the IDP procedures in case any cultural resources are discovered; training is encouraged.

Ecology created a short, informative video on discovery protocol now posted on [DAHP's website](#)<sup>234</sup>. Please review as a training tool on discovery protocol and the importance of using an IDP.

## Questions on This Topic

- The assigned Ecology CRC.
- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).

## 7.0 Clean Water State Revolving Fund Emergency Funding Program

The CWSRF includes limited funding for some emergencies. Emergency funding is only available to public bodies serving a population of 10,000 or fewer people and projects where a local emergency has been declared. Detailed information on the program is available in the [CWSRF Emergency Funding Program Guidelines](#)<sup>235</sup>. Some specific information on environmental and cultural resources requirements follow.

## 7.1 Environmental and Cultural Resources Requirements

Local, state and federal emergencies are often exempt from a number of regulations. This is because incident responders must focus their time on responding immediately to the disaster at hand.

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<sup>233</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070560.pdf>

<sup>234</sup> <https://dahp.wa.gov/archaeology/human-remains/recommended-inadvertent-human-remains-discovery-language>

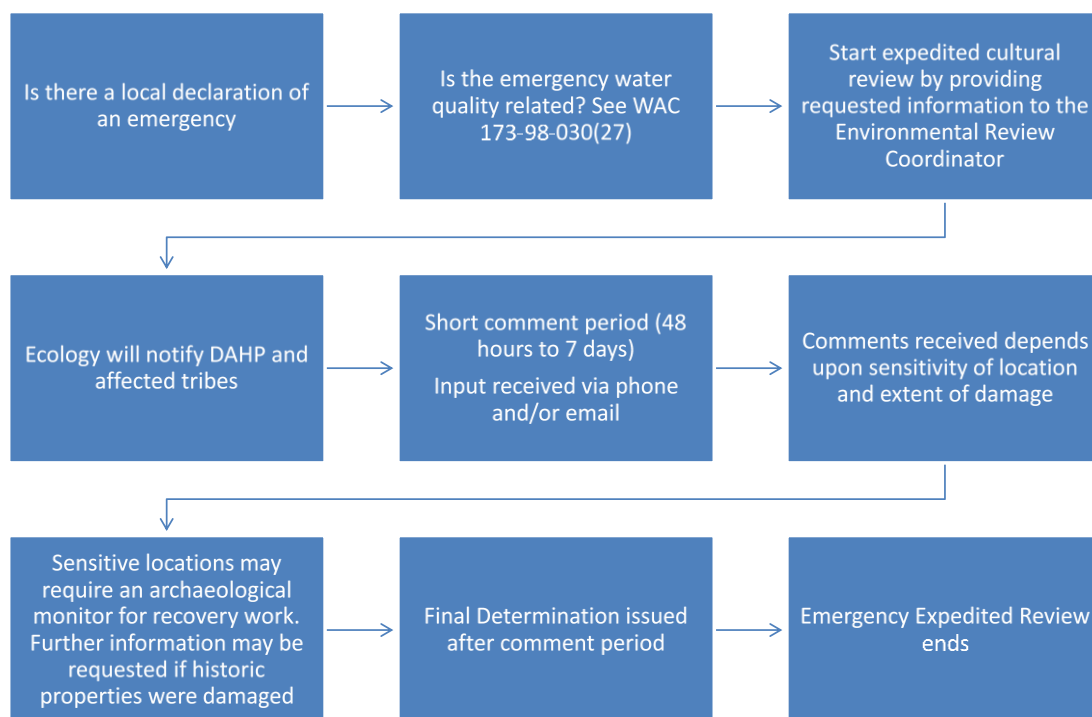
<sup>235</sup> <https://apps.ecology.wa.gov/publications/documents/2010042.pdf>



### 7.1.1 Fulfilling Executive Order 21-02 Cultural Resource Obligations

Applicants will submit an Ecology Cultural Resources Review Form to the Ecology Grant Manager, and upload an Inadvertent Discovery Plan to EAGL. The review and comment period associated with the project is dependent upon the nature and severity of the emergency, but can be expedited.

Ecology worked with the Department of Archaeology and Historic Preservation (DAHP) on this emergency expedited process for informing DAHP and area-affected tribes of a local emergency or larger disaster. Any information received back from DAHP or the tribes on sensitive locations will be coordinated back to Ecology. Ecology, DAHP, and the tribal governments will work with the local community as partners in times of an emergency. Figure 4 summarizes the possible expedited cultural resources review process.



**Figure 6: Expedited Cultural Resources Review Process for Local Emergencies**

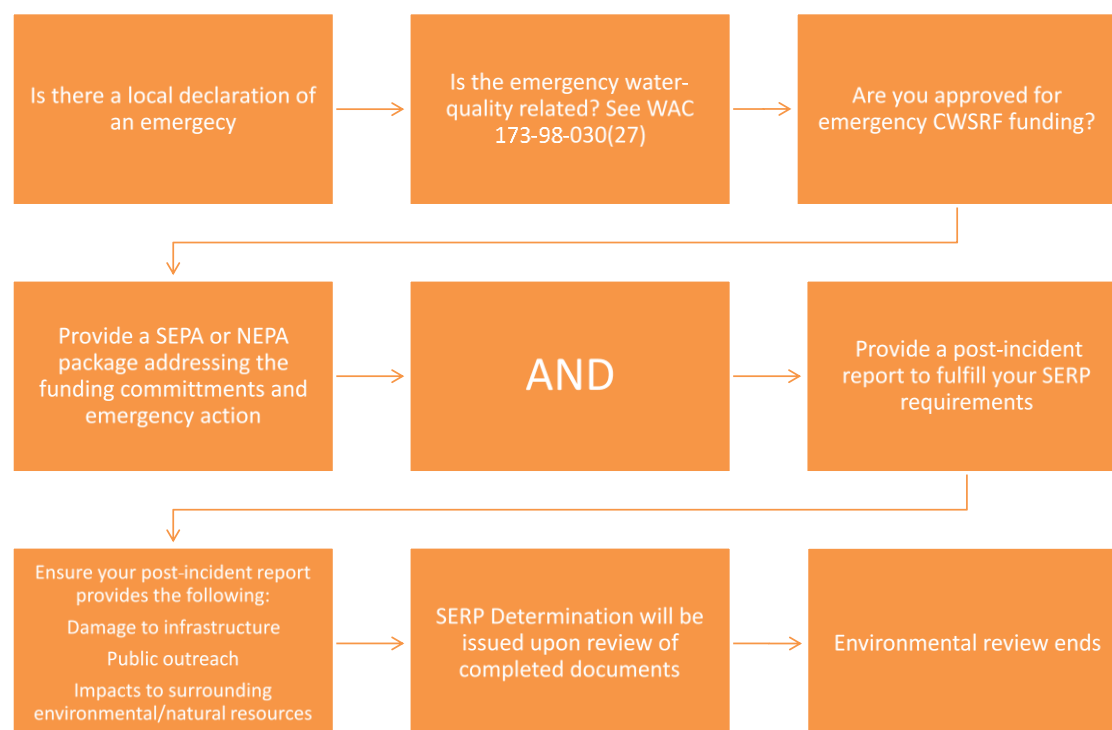
### 7.1.2 Environmental assessment options and the State Environmental Review Process (SERP)

To ensure short-term (temporary) repairs and long-term permanent emergency impacts are considered, Ecology requires one of the following two items during initial application phase:

- A State Environmental Policy Act (SEPA) threshold determination covering the emergency action funded by the CWSRF loan. If the local government has a SEPA exemption for the temporary repairs associated with the emergency action Ecology will consider the exemption.

- A National Environmental Policy Act (NEPA) or Tribal Environmental Policy Act (TEPA) environmental review covering the action.

Following the approval of the design for repairs, Ecology requires an after-action report associated with long-term repairs, or a post-incident report and/or natural resource damage assessment, which should completely address the damage to the infrastructure and any impacts to surrounding environmental/natural resources. Figure 5 summarizes the possible expedited environmental review process.



**Figure 7: Expedited Environmental Review Process for Local Emergencies**

By providing these documents, Ecology will consider the loan recipient in compliance with all SERP obligations.

### Questions on This Topic

- Daniel Thompson, CWSRF Planner; (360) 407-6510 or [daniel.thompson@ecy.wa.gov](mailto:daniel.thompson@ecy.wa.gov).
- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 (office), (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).

# Appendix O: Public Outreach and Engagement and Environmental Justice Guidance

**Background:** Ecology Financial Management Section is providing this guidance to assist recipients of Clean Water State Revolving Funds with any question on public outreach requirements (Part A) and requirements on how to meet Title VI and Environmental Justice Regulation (Part B).

## Part A: Public Outreach and Engagement for Clean Water State Revolving Funds

The public outreach requirement is a separate requirement as part of the approved State Environmental Review Process (SERP) to ensure the federal environmental review requirements are met. The U.S. Environmental Protection Agency promotes public engagement with all the projects it funds. For you, offering the community an opportunity to learn more about clean water projects often leads to improved education on water quality issues important to your area.

### What is required during SERP?

**Public notice** of all decisions is required (40 CFR 35.3140 Environmental Review Requirements, Section 4, Public Notice and Participation).

- When an exemption is issued or rescinded.
- When a Finding of No Significant Impact or a Threshold Determination is signed.
- When the decision is made to proceed or not to proceed in a Record of Decision (ROD) with an Environmental Impact Statement.

**Public comment period during which no action allowed:** Except for categorical exclusions, exemptions and re-affirmations, a formal public comment period must be provided during which no action on the project will be allowed.

**Public hearing will be held for all projects** except those having little or no environmental effect (at Ecology's discretion). A public meeting is required. The public meeting gives the community the opportunity to learn more about the project, the preferred alternative, and any potential impacts, including impacts to existing utility rates. During the public meeting, the following must be discussed, and a presentation is highly recommended:

- An explanation of all alternatives that were considered and why the preferred one was or will be selected.
- Potential impact of project to existing rate payers.

- Any environmental impacts the project may have.
- Mitigation to offset any environmental impacts.
- Real estate transactions, such as land acquisitions.

You must provide an opportunity for the public to ask questions and provide comment on the project proposal.

Document all comments and send copies to your Ecology Project Manager and Environmental Review Coordinator. If no comments were made, attest to this by checking this box on your SERP Information Packet.

**Public advertisement** of the meeting and comment period is required. Advertisement can be in a variety of forms, including virtual. What is important is that your service area received notice. Notice can be made in any of the following provided it is successful in reaching your target audience:

- Affidavit in a newspaper of record.
- Agenda item for upcoming council meeting (verify where posted for public viewing).
- Library.
- Post office.
- Mailings in the utility bill.
- Direct mailing in the service area.
- Other publically accessible area.
- Website.
- Signage (if used with another outreach method).

Include your method of outreach in your public outreach/engagement plan.

We support signage and webpages, but these alone may not be adequate to contact your community. Consider combining these methods with other outreach efforts.

We no longer consider posting one advertisement in a newspaper a sufficient method of notifying the public.

## Part B: Meeting Title VI and Environmental Justice Regulations

For federally funded projects or Designated Equivalency Projects, [Executive Order 12898 Environmental Justice in Minority and Low-income Populations](#)<sup>236</sup> is considered a cross cutter

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<sup>236</sup> <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

that must be complied with. For partially or fully federally funded projects under the Clean Water State Revolving Fund, and for recipients of Ecology state funding, all programs and activities may not discriminate based on race, color, or national origin<sup>237</sup>. For State funded projects, the Healthy Environment for All Act ([ESSB 5141 \(2021\)](#))<sup>238</sup> agency requirements will also be followed.

Ensure your public involvement process is available to and accessible by all persons regardless of race, color, national origin (including language), disability, age, sex or prior exercise of rights or opposition to actions protected under federal nondiscrimination laws. To help ensure compliance with Title VI, we suggest the following steps:

- 1) Identify any **underserved populations within the community**<sup>239</sup> of the project area. Underserved may include low income, people of color, elderly, children, Limited English Proficiency (LEP), and Persons With Disabilities (PWD).
  - Helpful sources of information include: Ecology's [Water Quality Atlas](#)<sup>240</sup>; [EJSCREEN](#)<sup>241</sup>, [Washington Tracking Network](#)<sup>242</sup>, Ecology's [What's in My Neighborhood](#)<sup>243</sup>, [U.S. Census](#)<sup>244</sup>, [Washington State MIL Language Mapping Tool](#)<sup>245</sup>, program staff, local agencies, and community service organizations.
  - If an underserved population is identified, tailor public engagement to reduce barriers to engagement and ensure access to information. This means focusing on underserved community members, presenting information directly to them, and identifying how the project may benefit or otherwise impact this community.
  - Tips for meaningful public engagement:
    - Public outreach that considers EJ and Title VI must be more proactive than NEPA/SEPA/TEPA to ensure meaningful engagement and equitable access to information.
    - Notify the community early and solicit input - do not wait for community members to ask questions.
    - In-person door-to-door canvassing in the community can yield high quality data and

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<sup>237</sup> Source: EPA Office of General Council website, June 8, 2021, at <https://www.epa.gov/ogc/facts-title-vi-civil-rights-act-1964>.

<sup>238</sup> <http://lawfilesext.leg.wa.gov/biennium/2021-22/Pdf/Bills/Session%20Laws/Senate/5141-S2.SL.pdf?q=20210608213212>

<sup>239</sup> Members of the public who are considered vulnerable and/or underserved may face barriers that make it difficult to get basic services. During Covid-19, many of the elderly were vulnerable and underserved. Each community may have a different profile.

<sup>240</sup> <https://apps.ecology.wa.gov/waterqualityatlas/wqa/map>

<sup>241</sup> <https://www.epa.gov/ejscreen>

<sup>242</sup> <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation>

<sup>243</sup> <https://apps.ecology.wa.gov/neighborhood/>

<sup>244</sup> <https://censuscounts.org/whats-at-stake/census-factsheet/>

<sup>245</sup> <https://waseocgis.maps.arcgis.com/apps/webappviewer/index.html?id=ffd638d41f7045fe97a27d1e2ccbe0af>

help shape the project. Online data have limitations, and direct engagement and familiarity with the community will validate and strengthen community profiles.

- Include traditional and non-traditional leadership (e.g., churches, elders, community leaders).
  - Virtual options expand the ability to ensure effective public engagement - consider StoryMap, mobile apps, project visualizations, DIY Videos, crowdsourcing tools, virtual town halls, ArcGIS.
  - Value and respect the expertise, perspective, and priorities of the communities potentially impacted by the action.
  - Ensure you understand the history of community concerns, including any past complaints filed under nondiscrimination laws.
  - Provide language support assistance, including translation of documents and interpretation services as necessary.
  - Designate at least one non-discrimination point person who will ensure compliance with any state or federal non-discrimination laws.
  - Develop and implement a detailed plan of action for how to address concerns from the community.
  - Develop a contingency plan for unexpected events.
- 2) Provide Ecology with a copy of your public engagement plan and results.
  - 3) Develop mitigation in an equitable manner. Ensure the Ecology Environmental Review Coordinator is part of the process.
  - 4) Listen to the Community. If done well, your project will have the support of the community, and you will strengthen trust.

## Helpful Resources

- [Ecology's Environmental Justice Webpage](#)<sup>246</sup>.
- EJ Tools:
  - [EJSCREEN](#)<sup>247</sup>.
  - [Washington Tracking Network](#)<sup>248</sup>.
- [Ecology's Language Services](#)<sup>249</sup>.

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<sup>246</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Environmental-Justice>

<sup>247</sup> <https://ejscreen.epa.gov/mapper/>

<sup>248</sup>

<https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>

<sup>249</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Language-services>

## Appendix P: Metrics Guidance

This appendix provides basic guidance on how Ecology assesses proposed metrics when evaluating funding applications and the requirements for reporting metrics for funded projects for each of the project categories (nonpoint, onsite sewage systems, stormwater, and wastewater).

### Why are metrics essential in the funding application and agreement?

Metrics information is used in the application evaluation and scoring process and for reporting for fund source accountability. Metrics help:

- Make sure the project will have a meaningful impact towards achieving watershed goals and that it will complement other efforts in the area.
- Determine how much work will be accomplished and that the cost is realistic.
- Measure project progress and success.

## Wastewater Projects

Wastewater project applications should include detailed information about what the project will accomplish, including the work and the environmental benefits. Projects that receive funding will be expected to report on metrics at project close-out.

### When and How to Propose/Report Wastewater Metrics

- **Funding Application, Scope of Work - FOR APPLICATION Form, Task Descriptions.** Your description of the work that will be billed to each task on this form should include specific information on any of the wastewater metrics listed in Table 22.
- **Funding Application, Water Quality and Public Health Improvements Form.** Your response to questions on this form should make the connections between the proposed project and any of the wastewater metrics listed in Table 22 and describe how success will be measured.
- **Progress Reports.** Recipients of funding must submit progress reports at least quarterly and with every payment request. Progress reports should describe key accomplishments that occurred during the reporting period, including progress on any of the wastewater metrics listed in Table 22.
- **Close Out Reports.** At project close-out recipients must submit an outcome summary report. Outcome summary report templates are found in the Forms Section on the [General Resources for Water Quality Grants and Loans webpage](https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources)<sup>250</sup>. The report must include specific

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<sup>250</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

information on all of the applicable wastewater metrics listed in Table 22. Ecology will use the metrics information in the report to help assess the effectiveness of our funding programs for wastewater projects.

## Metrics to Report for Wastewater Projects at Project Close-out

Table 22 shows the metrics to report for wastewater projects at project close-out. The metrics to report depend of the type of project.

**Table 21: Metrics to Report for Wastewater Projects at Project Close-out**

<b>Did the funded project help your utility maintain or achieve permit compliance?</b>
<ul style="list-style-type: none"> <li>Report each permit requirement targeted before and after the funded project. Use the standard reporting unit for each parameter.</li> </ul>
<b>Did the funded project maintain or increase the capacity of the treatment plant?</b>
<ul style="list-style-type: none"> <li>Report the million gallons per day capacity before and after the funded project.</li> </ul>
<b>Did the funded project involve parts of the sewer collection system?</b>
<ul style="list-style-type: none"> <li>Report the number of linear feet of collection system pipeline repaired, rehabilitated, or replaced by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the number of manholes repaired, rehabilitated, or replaced by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the annual gallons of infiltration/inflow eliminated by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the number of onsite sewage systems eliminated by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>For any sewage lift stations, report the gallons per minute of pumping capacity before and after the funded project.</li> </ul>
<b>Did the funded project address combined sewer overflows?</b>
<ul style="list-style-type: none"> <li>Report the average number of combined sewer overflows before and after the funded project. (Use your CSO annual report.)</li> </ul>
<ul style="list-style-type: none"> <li>Report the annual gallons of combined sewer overflows discharged before and after the funded project. (Use your CSO annual report.)</li> </ul>
<b>Did the funded project create opportunities for the use of reclaimed water?</b>
<ul style="list-style-type: none"> <li>Report the number of linear feet of reclaimed water distribution line installed by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the number of any appurtenances installed by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the annual gallons diverted from discharge to beneficial use by the funded project.</li> </ul>
<ul style="list-style-type: none"> <li>Report the annual gallons of drinking water conserved by the funded project.</li> </ul>
<b>Did the funded project reduce nutrient discharge to the Puget Sound?</b>
<ul style="list-style-type: none"> <li>Report the annual pounds of nitrogen removed from your discharge by the funded project.</li> </ul>

## Onsite Sewage System Projects

Onsite sewage system (OSS) project applications should include detailed information about what the project will accomplish, including the work and the environmental benefits. Projects



that receive funding will be expected to report on metrics throughout the project.

## When and How to Propose/Report OSS Metrics

- **Funding Application, Scope of Work - FOR APPLICATION Form, Task Descriptions.** Your description of the work that will be billed to each task on this form should include specific information on any of the OSS metrics listed in Table 23.
- **Funding Application, Water Quality and Public Health Improvements Form.** Your response to questions on this form should make the connections between the proposed project and any of the OSS metrics listed in Table 23 and describe how success will be measured.
- **Progress Reports.** Recipients of funding must submit progress reports at least quarterly and with every payment request. Progress reports should describe key accomplishments that occurred during the reporting period, including progress on any of the OSS metrics listed in Table 23.
- **Close Out Reports.** At project close-out recipients must submit an outcome summary report. Outcome summary report templates are found in the Forms Section on the [General Resources for Water Quality Grants and Loans webpage](#)<sup>251</sup>. The report must include specific information on all of the applicable onsite sewage system metrics listed in Table 23. Ecology will use the metrics information in the report to help assess the effectiveness of our funding programs for onsite sewage system projects.

## Metrics to Report for OSS Projects at Project Close-out

Table 23 shows the metrics to report for OSS projects at project close-out. The metrics to report depend of the type of project.

**Table 22: Metrics to Report for Onsite Sewage Systems Projects at Project Close-out**

Did the funded project repair or replace onsite sewage systems, or connect homes to sewer?
<ul style="list-style-type: none"><li>• Report the number of OSS repaired or replaced<ul style="list-style-type: none"><li>○ List the address or latitude/longitude of the repair or replacements</li><li>○ Indicate whether the homeowner meets hardship criteria</li><li>○ List the number of gallons of wastewater properly treated by the repair/replacement</li></ul></li></ul>
Did the funded project include education or outreach activities?
<ul style="list-style-type: none"><li>• Report the number of education/outreach events held<ul style="list-style-type: none"><li>○ Indicate the number of attendees for each event or meeting</li></ul></li><li>• Report the approximate number of outreach publications disseminated as part of the project</li></ul>

## Stormwater Projects

See Appendix L for guidance on stormwater project metrics.

<sup>251</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

## Nonpoint Projects

Nonpoint applications should include detailed information about what the project will accomplish, including the work and the environmental benefits. Projects that receive funding will be expected to establish and report on metrics throughout the life of the project, from application through close-out.

### When and How to Propose/Report Nonpoint Metrics

- **Funding Application, Scope of Work - FOR APPLICATION Form, Task Descriptions.** The description of each task should explain to the evaluator (1) what the work is, (2) who will be doing the work, and (3) where the work will be done, and use numeric quantities. Evaluators will consider the amount of work and the associated costs when scoring the application. For funded projects, these will be listed in Task Expected Outcomes in the agreement scope of work.
- **Funding Application, Water Quality and Public Health Improvements Form.** This form should clearly identify the waterbody and the environmental parameter needing improvement or protection, make the connections between the proposed project and metrics established in a watershed plan, and describe how success will be measured. Different activities may have different qualitative or quantitative methods that may include:
  - Comparing implementation metrics from application to close-out.
  - Performing best management practice (BMP) effectiveness monitoring and maintenance activities.
  - Water quality monitoring and analysis.
  - Estimating pollutant load reductions.
- **Progress Reports.** Quarterly progress reports should include updates on the work completed during that quarter, based on the metrics identified in the Task Expected Outcomes. Please use supplemental guidance and the Nonpoint Metrics Reporting Template.
- **Close Out Reports.** Funded projects will have follow-up reporting (quarterly progress reports, annual implementation and load reduction reporting, and close out reports) to track project success at achieving the targets identified in the scope of work agreement.

### Pollutant Load Reductions and Other Environmental Benefits

- Refer to Total Maximum Daily Loads (TMDLs) and watershed plans, which should provide pollutant load allocations to help determine what is needed to achieve water quality standards. Use these resources to develop projects that will help achieve pollutant load rates that meet those standards. Wherever possible, cite plans that quantify the load reductions needed, and quantify the work that will achieve it.
- Pollutant load reduction estimates for some BMPs can be calculated using models. Ecology

does not require one specific model, though some examples include:

- STEPL: Spreadsheet Tool for Estimating Pollutant Loads for nitrogen, phosphorus, sediment, biological oxygen demand (BOD). (This is a free tool provided by EPA as an option for 319 reporting.)
- RUSLE: Revised Universal Soil Loss Equation (RUSLE1 or RUSLE2) for soil erosion.
- HSFP: Hydrological Simulation Program FORTRAN.
- Pollutant load reductions for some BMPs must be reported annually (by January 15) for projects funded by Section 319 or Centennial dollars that are used to meet the state match requirement.

## **Implementation Metrics – Quantifying the Proposed Work**

- Best management practices should be specified, based on the eligible activities from the guidelines (see Table 25 below). If any specific sites are already known, they should be identified.
- Photo monitoring to visually show qualitative characteristics before and after implementation.
- Education and outreach tasks should specify the target audience and the types of activities .
  - Landowners – for BMP implementation:
    - Quantify general outreach including distribution of flyers, newsletter articles, website updates, social media posts.
    - Individual technical assistance and recruitment for future BMP implementation through phone calls, site visits, site plans.
  - Students/General Public – for general knowledge and behavior change:
    - Number of classroom visits, field trips and number of students, teachers, parents, or general public reached.

## **Water Quality & BMP Effectiveness Monitoring – Ensuring the Work is Functioning as Intended**

This may be an activity included in the scope of work, or it may be a separate effort outside the scope, which can provide relevant data. Funding applications should demonstrate how the effects of the project will be measured and contribute to watershed goals. Suggestions of ways to measure water quality improvements and BMP effectiveness include:

- Upstream-downstream sampling and analysis of the parameters addressed by the project.
  - Ecology’s Environmental Information Management (EIM) system is one repository of monitoring efforts that may provide useful data in the project area. Most monitoring data collected as part of a funded project must be entered into EIM (see Section 2.5.10 for more information).

- Check with local partners such as conservation districts, counties, tribes, or other local jurisdictions who may have relevant monitoring projects, ongoing programs, and data.
- Pre and post implementation/construction monitoring. This may include:
  - Brief narrative of the conditions after implementation (upon completion, 1 year later, 3 years later, etc.)
  - Photo points.
- Plant survival rates/plant densities achieved.
- Canopy cover percentages and shade deficits.
- Stewardship and maintenance activities – what monitoring and maintenance will occur and when.

### **Example (hypothetical)**

The Scope of Work – FOR APPLICATION form specifies that the project will install a waste storage facility, 1200 feet of livestock exclusion fencing, and 2.75 acres of riparian buffer along Stony Creek. The Water Quality Benefits and Public Health Improvement form describes an ongoing monthly temperature and fecal coliform monitoring program by a partner organization, which established that the current temperature is 0.4 degrees higher than the standard for Stony Creek over 7 months of the year (based on 2016-2019 data) at the RM 1, 6, 12, and 18 monitoring stations, which are above and below the proposed project site. There is currently 0% canopy cover in the project reach. Eight of the ten fecal coliform samples from that same monitoring period exceeded standards. This monitoring program is anticipated to continue, so we will request annual data from our partner organization so we can assess fecal coliform changes after the project. We will perform vegetation monitoring for 5 years to ensure at least 85% survival of trees and shrubs, and work with our partner to add canopy density to their monitoring program in this reach.

### **Metrics to Report for Nonpoint Implementation Projects**

Table 24 shows the metrics to report for nonpoint implementation projects. **Note:** Some activities should report more than one metric. See Section 2.5 and associated appendixes for eligibility criteria and limitations for specific BMPs.

**Table 23: Metrics to Report for Nonpoint Implementation Projects**

<b>BMP/Activity</b>	<b>Implementation Unit to Report</b>	<b>Metric Description</b>
<b>Agricultural BMPs</b>		
Conservation Tillage Residue Management (Direct seed, reduced-till)	acres	Area seeded through cost-share, equipment rental program, or equipment loan program. Report all cost share acres, and specify the rotation number. In cases of multiple rotations on the same acreage, report each rotation as a separate line, and specify the rotation number in the comment field. Task Outcomes and Close Out Reports should identify both total acres seeded (including multiple rotations for cost share), and total unique acres.
Cover Crop	acres	Area seeded through cost-share, equipment rental program, or equipment loan program. Seeds include grasses, legumes, and forbs planted for seasonal vegetative cover.
Fence	feet	Length of stream protected by the fence.
Fence	individual units	Number of head of livestock excluded from the stream.
Filter Strip	square feet	Area of herbaceous vegetation that removes contaminants from overland flow.
Grassed Waterway	feet	Length of a shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.
Heavy Use Area Protection	acres	Area of grazing/pasture area served by the area. This should be reported with Water Facility as appropriate.
Heavy Use Area Protection	individual units	Number of head of livestock served by the area. This should be reported with Water Facility as appropriate.
Heavy Use Area Protection	square feet	Area of a stable, non-eroding surface for livestock use. This should be reported with Water Facility as appropriate.
Irrigation Water Management	acres	Area where the volume, frequency, and application rate of irrigation water is controlled.
Livestock Stream Crossing	acres	Area of grazing/pasture area served by the crossing.
Livestock Stream Crossing	individual units	Head of livestock served by the crossing.
Livestock Stream Crossing	square feet	Area of a stabilized area or structure constructed across a stream to provide a travel way for livestock. Bridges for livestock crossing may be up to 6 feet wide.
Roof Runoff Management	square feet	Area of facility roof/cover.
Sediment Basin	tons per year	Amount of sediment captured and prevented from

<b>BMP/Activity</b>	<b>Implementation Unit to Report</b>	<b>Metric Description</b>
		entering a waterbody.
Spring Development	individual units	Number of springs to provide for livestock.
Waste Storage Facility	acres	Area of grazing/pasture area served by the facility.
Waste Storage Facility	individual units	Number of head of livestock served by the facility.
Waste Storage Facility*	square feet	Area to temporarily store wastes such as manure.
Water Well	individual units	Number of wells. Report with Water Facility or Irrigation Water Management as appropriate.
Watering Facility	individual units	Number of head of livestock served by the facility.
Well Decommissioning	gallons per day	Volume of well water used.
Well Decommissioning	individual units	Number of wells decommissioned
Windbreak/Shelterbelt Establishment	feet	Length of windbreak to discourage livestock from congregating near surface waters.
Windbreak/Shelterbelt Establishment	individual units	Number of head of livestock excluded from the stream.
<b>Land Acquisition</b>		
Conservation Easements	acres	Area of easement for wetland habitat preservation and protection; riparian area and watershed preservation; drinking water source protection.
Property Acquisition	acres	Area of property acquired.
Wetland Acquisition-protection	acres	Area of wetland acquired.
<b>Outreach and Education</b>		
Community Event	individual units	Number of attendees, specify type of event in comments.
Community Meeting	individual units	Number of attendees.
Distributed Materials	individual units	Number of media materials distributed.
Media Materials	individual units	Number of media materials produced.
Pet Waste Management [Disposal System]	individual units	Number of disposal systems.
Pet Waste Management [Education Program]	individual units	Number of signs installed.

<b>BMP/Activity</b>	<b>Implementation Unit to Report</b>	<b>Metric Description</b>
Student Education - Classroom Visit	individual units	Number students, include school name in comments and latitude/longitude of school. Other property related information is N/A.
Student Education - Field Trip	individual units	Number of students, include school name in comments and GPS coordinates of school. Other property related information is N/A.
Technical Assistance - Conservation Plans	individual units	Number of conservation plans
Technical Assistance - Other	individual units	Number of phone calls, door visits, etc. Specify in comments what type.
Technical Assistance - Site Visits	individual units	Number of site visits.
Technical Assistance - Tours	individual units	Number of tours.
Work Party	individual units	Number of attendees.
Workshop	individual units	Number of attendees.
<b>Restoration</b>		
Bank Stabilization (armoring/planting)	feet	Length of streambank stabilized.
Floodplain Restoration	acres	Area returned to a floodplain and its functions to a close approximation of its original condition as it existed prior to disturbance. Also report Tree/Shrub Establishment.
Invasive Species/Noxious Weed Control	acres	Area of invasive species/noxious weed control.
Lake Stabilization - Natural	feet	Length of shoreline of the lake restored. The lake must be publicly accessible.
Riparian Forest Buffer	feet	Length of stream protected by the fence.
Riparian Forest Buffer*	acres	Area of buffer implemented. Scope of work description should specify minimum buffer width required for the specific waterbody(s). Also report Tree/Shrub Establishment.
Stream Restoration	acres	Area of improved stream.
Stream Restoration*	feet	Length of improved stream.
Tree/Shrub Establishment	individual units	Number of trees/shrubs planted. Typically reported with Riparian Forest Buffer, Wetland Restoration, Floodplain Restoration (same latitude, longitude). Can also be used for supplemental planting during maintenance activities.
Water Quality Monitoring	individual units	Number of samples collected or monitoring stations established. Specify in comments. Scope of work and monitoring reports should provide additional details

BMP/Activity	Implementation Unit to Report	Metric Description
		related to frequency, parameters, results etc.
Watershed Management Plan	acres	Area the plan addresses.
Wetland Creation	acres	Area of an artificial ecosystem with hydrophytic vegetation for water treatment. Also report Tree/Shrub Establishment.
Wetland Restoration*	acres	Areas returned to a wetland and its functions to a close approximation of its original condition as it existed prior to disturbance on a former or degraded wetland site. Also report Tree/Shrub Establishment.

\* BMPs that must report load reductions.



# Appendix Q: Water Quality Program Grant and Loan Project Monitoring and Oversight

This appendix contains the text from the Water Quality Program's Grant and Loan Project Monitoring and Oversight Policy (WQ Policy 3-17).

## Purpose

To establish a policy to implement project monitoring and oversight of grant and loan recipients (this includes sub recipients defined as a recipient who receives federal monies and/or federal matching monies from Ecology).

## Application

The policy applies to all Water Quality Program loan and grant recipients.

### I. Project monitoring and oversight

- A. Each project receiving Water Quality funding assistance will have a Project Management Team. This team includes the Project Manager, Financial Manager, and Recipient. The Project Manager is the primary contact for the recipient and is responsible for coordinating the team with regard to the funding agreement and its requirements. This may include coordinating with other technical staff.
- B. The Water Quality Program (WQP) will provide recipient training on grant and loan administration with an emphasis on payment requests, eligible costs, backup documentation, and progress reporting requirements.
- C. Ecology reimburses the funding recipient based on documented eligible costs incurred. Backup documentation and progress reports are required with every payment request. The project manager and financial manager (the project management team) will review documentation to verify eligibility and may request further documentation as necessary.
- D. The project manager will conduct at least one field site visit and complete a site visit form for every project where on-the-ground work is being performed or document why a site visit was not conducted. A collection of photographs and observations, where applicable, is highly recommended to augment the written portion of the site visit form. For other types of projects, the project manager may opt to conduct an alternative site visit, such as an office visit, a conference call, or other methods of verifying progress and performance.
- E. The financial manager may also make site visits when necessary or when the recipient requests additional assistance with eligibility, payment requests, financial documentation, or other financial management issues. The financial manager will document the review by completing a site visit form.

- F. The project management team can increase the level of oversight and monitoring at any time during the life of the project. For example, the level of monitoring may be increased due to an audit finding or consistent payment request errors by the recipient. Conversely, the level of oversight may be reduced if a recipient shows improved management and accountability over a continuous time period.
- G. Financial capability assessments will be conducted for loan recipients to ensure they can repay their loan and to identify whether any special loan conditions will be required in the funding agreement.
- H. The project management team will document whether the project should receive increased oversight along with an explanation of the factors on the "Screening, Eligibilities and Additional Requirements Checklist" in EAGL.
- I. The project management team should notify the recipient if they are under increased oversight in writing.

## **II. Risk Assessment and Remedies**

- A. The project management team will consider the following factors in determining whether any additional conditions or monitoring will be applied.
  - 1. First-time recipient.
  - 2. A recipient of hardship grant assistance.
  - 3. Change in key recipient staff.
  - 4. Recipient whose last loan or grant ended more than three (3) years prior to the current loan or grant offer.
  - 5. First-time implementation project.
  - 6. Audit findings.
  - 7. Poor or inadequate performance on existing or past projects.
  - 8. Innovative or unusual pilot project or a complex project, including projects with multiple funding sources.
  - 9. Results of the financial capability assessment or change in recipient's financial condition.
- B. If the project management team determines that there is a need for additional conditions or increased monitoring, the following options may be implemented, as appropriate:
  - 1. The inclusion of additional requirements in the scope of work or a special grant or loan condition.
  - 2. A requirement for more documentation.
  - 3. Additional monitoring, including more frequent site visits or performance verifications, utility rate reviews, or fiscal management reviews.

4. More extensive photo documentation.
  5. Required prior approvals to initiate specific work and to incur costs.
  6. Require the recipient to obtain technical, financial, or project management assistance.
- C. If a recipient fails to meet the conditions of the financial assistance agreement, the project management team will determine which of the following remedies are appropriate:
1. Withhold payment until acceptable performance is evident.
  2. Disallow all or part of the cost of the activity or action not in compliance.
  3. Suspend or terminate the award, in whole or in part.
  4. Recommend suspension or debarment proceedings be initiated by the federal awarding agency.
  5. Reduce past performance points on evaluations for future funding.
  6. Deny or condition future funding awards.
  7. Take other remedies that may be legally available.