



DEPARTMENT OF
ECOLOGY
State of Washington

State Fiscal Year 2022 Funding Guidelines

Centennial Clean Water Program

Clean Water Act Section 319 Program

Stormwater Financial Assistance Program

Washington State Water Pollution Control
Revolving Fund Program

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Publication and Contact Information

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¹ <https://fortress.wa.gov/ecy/publications/summarypages2010024.html>

² <https://ecology.wa.gov/>

³ <https://ecology.wa.gov/accessibility>

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Water Quality Program
Washington State Department of Ecology
Olympia, Washington

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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](#)⁴ 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.

⁴ <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.

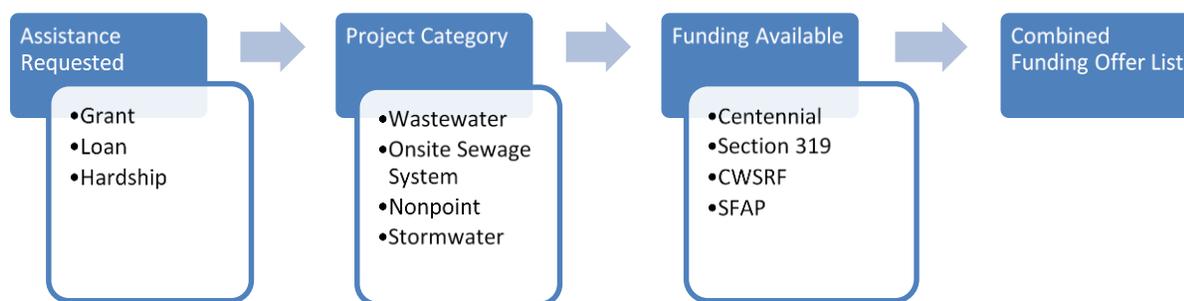


Figure 1: Water Quality Combined Program Funding Process

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 ⁵ | X | | X | X |
| Irrigation districts | X | | X | X |
| Local health jurisdictions | X | | X | X |
| Not-for-profit organizations ⁶ | | | | 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.
 - Planning, environmental review, design, and construction.
 - Reclaimed water and reuse, including reclaimed water distribution.

⁵ If the project is not included in the institution’s statutory responsibilities.

⁶ Must be recognized as tax-exempt by the Internal Revenue Service.

- Onsite sewage system
 - Large onsite sewage systems/community systems (planning, design, and construction).
 - Local grant/loan repair/replacement program.
 - Planning, outreach, surveys.
- Stormwater⁷ 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 (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.

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 | |

⁷ 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.

| | CWSRF | SFAP | Centennial | Section 319 |
|---------------------|--------------|-------------------|-------------------|--------------------|
| 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 |
| 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 |
| Land acquisition for right of way using eminent domain |

| Description |
|---|
| Landscaping for aesthetic reasons |
| Lighting or other project elements that do not provide a water quality benefit |
| Lobbying or expenses associated with lobbying |
| 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 2022 (SFY22) Funding Cycle.

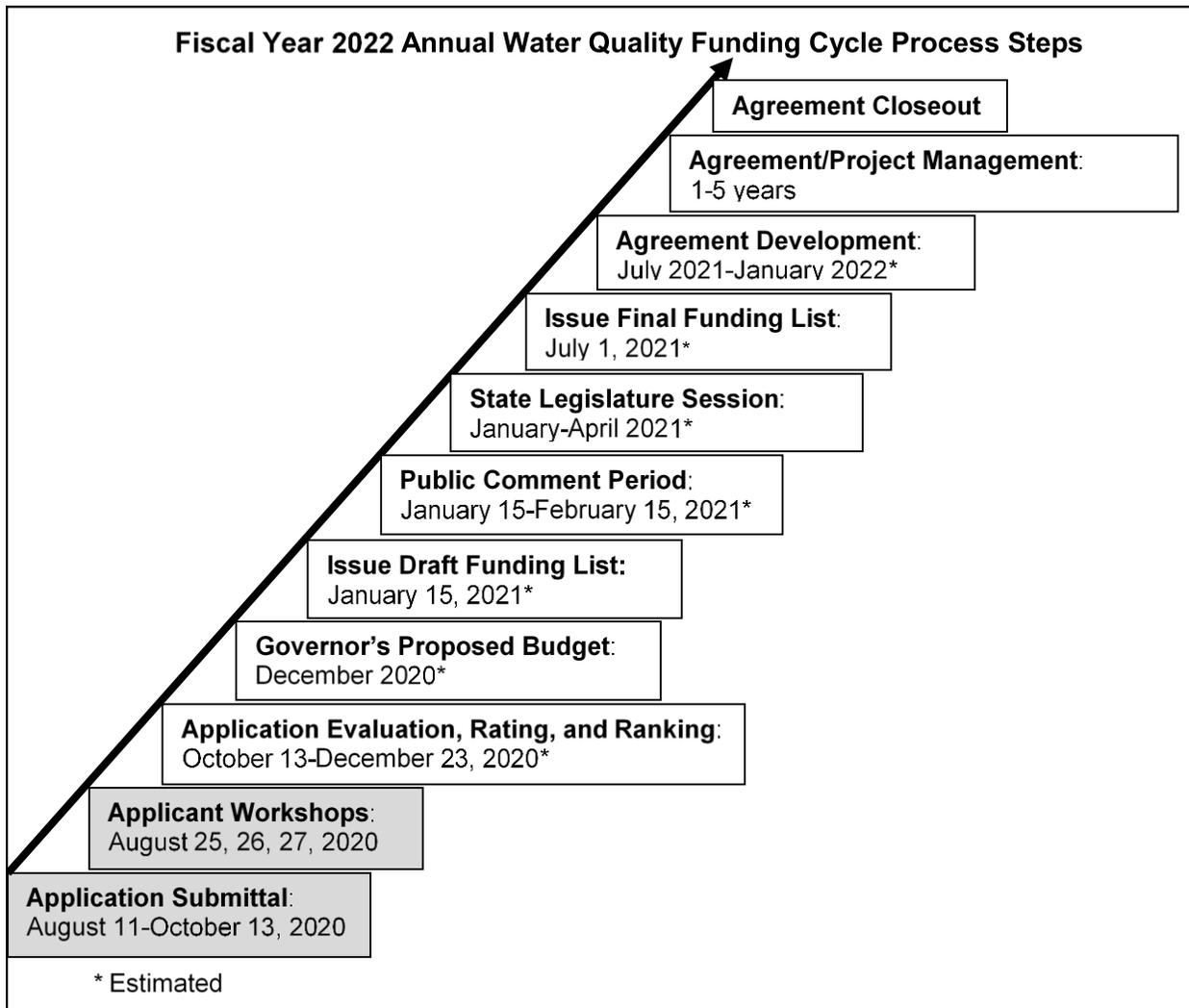


Figure 2: The SFY22 Funding Cycle

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

Table 4: Important SFY22 Funding Cycle Dates

| Important SFY22 Funding Cycle Dates |
|--|
| Application and Funding Offer Dates |
| August 11, 2020: Application opens |
| October 13, 2020: EAGL applications due before 5:00pm |
| January 15, 2021: Draft offer list published, start of funding program public comment period |
| February 3, 2021: Public meeting |
| February 15, 2021: Funding program public comment period closes |
| July 1, 2021: Final offer list published, project expenses may be eligible ⁸ |
| Negotiation and Agreement Development |
| July 2021: Regional workshops for funding recipients (dates and locations TBD) |
| January 31, 2021: All agreements are negotiated and signed |
| Project Implementation and Closeout |
| April 30, 2021: All projects have started work |
| June 30, 2023: Activity projects complete |
| June 30, 2025: 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.

⁸ 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.

Table 5: Application Rating Criteria

| Application Points and Rating Criteria |
|---|
| <ul style="list-style-type: none"> • 0-15 points: Applicant has identified adequate matching funds. (Full points if no match is required.) • 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. • 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. • 0-85 points: The cost to complete the scope of work is reasonable when compared to similar projects in the region. • 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. • 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. • 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). • 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. • 0-50 points: Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project. • 0-100 points: The water quality and public health improvements that will be achieved represent a good value. • 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 15, 2020:

- 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.

New for SFY22: To meet Step 2 funding eligibility, applicants must submit the site-specific planning document to Ecology for review on or before October 13, 2020 (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 15, 2020:

- 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.

New for SFY22: To meet Step 3 funding eligibility, applicants must submit the design plans and specifications to Ecology for review on or before October 13, 2020 (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 15, 2020:

- 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.

New for SFY22: To meet Step 4 funding eligibility, applicants must submit the site-specific planning document to Ecology for review on or before October 13, 2020 (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](#)⁹ 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 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.

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

⁹ <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-030>

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](#)¹⁰.
- Ecology’s [Criteria for Sewage Works Design](#)¹¹ (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](#)¹².

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](#)¹³.

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.

¹⁰ <http://app.leg.wa.gov/wac/default.aspx?cite=173-240>

¹¹ <https://fortress.wa.gov/ecy/publications/summarypages/9837.html>

¹² <http://app.leg.wa.gov/WAC/default.aspx?cite=173-240>

¹³ <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](#)¹⁴.

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 |

¹⁴ http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.pdf

| Description | Centennial Grant | CWSRF Loan |
|---|------------------|------------|
| Facilities for the control, storage, treatment, disposal, or recycling of domestic wastewater | Yes** | Yes |
| Fiscal sustainability 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 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 |
| Side-sewer laterals, pump stations, and other appurtenances on private property for projects that address documented infiltration and inflow issues | Yes** | Yes |

| Description | Centennial Grant | CWSRF Loan |
|--|------------------|------------|
| 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](#)¹⁵. 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 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

¹⁵ <http://app.leg.wa.gov/WAC/default.aspx?cite=246-272B&full=true>

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](#)¹⁶.

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 |
|---|------------------|-------------------|------------|
| 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 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 |

¹⁶ <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>

| Description | Centennial Grant | Section 319 Grant | CWSRF Loan |
|---|------------------|-------------------|------------|
| 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 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 funding for:

- Stormwater project planning and prioritization.
- Design.
- Design/construct.
- Construction-only.

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](https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals)¹⁷.
- Equivalent Ecology-approved manual as listed in Appendix 10 of the 2019 revision to the [Phase I Municipal NPDES Stormwater Permit](https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-)¹⁸.

¹⁷ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

¹⁸ <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal->

- Received a General Use Level Designation (GULD) through the [Technology Assessment Protocol – Ecology \(TAPE\) program](#)¹⁹.
- Received a [Functionally Equivalent designation](#)²⁰ (to bioretention) 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 funding. Additional information about these types of projects is included in Section 2.4.

Section 2.3.1 Stormwater Quality Planning and Prioritization

Costs associated with stormwater facility siting and project planning are eligible for grant and/or loan funding. This may include costs associated with the development of a Stormwater Management Action Plan such as assembling existing basin-specific data, as well as municipal separate storm sewer system (MS4) catchment mapping work that is necessary to prioritize receiving waters and formulate and evaluate stormwater project alternatives within a drainage basin. Costs associated with the State Environmental Policy Act (SEPA) and/or SERP review and rate studies are also eligible. At a minimum, eligible planning efforts must result in a prioritized list of stormwater projects, and include:

- Project implementation cost estimates.
- The criteria used to evaluate projects and project alternatives.
- A description of the stakeholder engagement process used throughout the planning process.

Section 2.3.2 Design

Ecology will review all stormwater projects to ensure compliance with Ecology design standards and Ecology-approved manuals. Stormwater project design includes preparing design

stormwater-general-permits/Municipal-Stormwater-Phase-I-Permit

¹⁹ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies>

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

documents, cultural resource determinations, geotechnical work, engineering design reports, environmental review, and value engineering studies. Additional information about Ecology design review requirements, is available in Appendix L.

Section 2.3.3 Construction

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

Section 2.3.4 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](#)²¹. 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.

²¹ http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.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

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.

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 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 2.3.5 Eligibility Summary

Stormwater facility projects are primarily funded through SFAP and CWSRF. SFAP grant funding is limited to projects that treat and/or manage flows from existing development. For more information about these funding sources, see to 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](#)²².
- 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 jurisdiction are also eligible. Recipients proposing projects that quantify water quality

²² https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf

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.
- Mitigation costs or 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 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 bioretention 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 | 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 |
| 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 |

| Description | SFAP Grant | CWSRF Loan |
|----------------|------------|------------|
| 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.

Section 2.4 Stormwater Activity Projects

Stormwater activity projects provide water quality benefits by creating behavior change, reducing impacts to water bodies, and protecting and restoring natural systems. These projects 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.

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.

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 Source Control

Development of outreach materials, data management systems, and staff training programs necessary to implement new source control programs are eligible expenses. Examples include:

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

Section 2.4.2 Enhanced Maintenance

The development of programs to adaptively manage pollutants before they enter the stormwater collection systems or to remove contaminants in the collection system itself are eligible for grant and loan funding. Similar to a stormwater facility project, an enhanced maintenance program includes planning and implementation. The application must show how the proposal is an enhancement of the current stormwater management program. Therefore, applicants are encouraged to apply for plan development dollars and implementation dollars in separate funding cycles. Applicants that propose the purchase of equipment or facilities prior to developing a plan may have a difficult time answering application questions pertaining to the water quality benefits of the proposed program.

Enhanced Maintenance Plans

To be eligible for funding, sweeping and line-cleaning activities, including the associated equipment and facilities (i.e. high efficiency sweepers and decant facilities) must have an Ecology-accepted plan that, at a minimum:

- Identifies and prioritizes areas with the greatest potential to contaminate stormwater.
- Includes a pre-and post-project implementation estimate of water quality benefit.
- Provides a cost estimate for implementing the program including, the cost of any new facilities or equipment, staff hours, equipment maintenance and replacement costs, material processing and disposal costs, etc.
- Includes procedures for data tracking and implementation mapping.
- Describes how the program strategy will be adjusted based on data collected over time.

Additional guidance for development of Enhanced Maintenance Plans is available in Appendix L.

Facilities and Equipment for Enhanced Maintenance Program Implementation

Once a recipient has an Ecology-accepted plan, new facilities and equipment that are identified in the plan as necessary for the improvement in water quality may be eligible for funding. This may include outright purchase of equipment or the payment of use rates, or rental of equipment, whichever is shown to be most cost-effective. See Appendix L for additional guidance.

Section 2.4.3 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 2.4.4 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. 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, or inter-local) 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

Eligible Activities

- 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.
- Technical assistance and site planning (cultural resource reviews, etc.).
- Water quality monitoring.
- Watershed planning.

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](#)²³.

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](#)²⁴. 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](#)²⁵.

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 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

²³ <https://fortress.wa.gov/ecy/ezshare/wq/WaterQualityImprovement/TMDL/projectdirectory.htm>

²⁴ <https://www.epa.gov/polluted-runoff-nonpoint-source-pollution/handbook-developing-watershed-plans-restore-and-protect>

²⁵ <https://fortress.wa.gov/ecy/publications/SummaryPages/1510015.html>

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](#)²⁶.

²⁶ <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>

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](#)²⁷.
- **Cultural Resource Review:** Must obtain a final determination prior to implementation (see Section 6.2.5).
- **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 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.

²⁷ <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>

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 and that they are willing to commit before cultural resources. 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. Agreements shall not contain provisions for termination of the agreement at any time.
 - 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 [Section IV of the FOTG](#)²⁸ for Washington State.

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

²⁸ <https://efotg.sc.egov.usda.gov/#/details>

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.

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)²⁹.

²⁹ <http://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/DrinkingWaterSystemData.aspx>

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.

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](#)³⁰. 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. Eligible PIC program activities often include:

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

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

³⁰ http://www.rco.wa.gov/documents/manuals&forms/Manual_3_acq.pdf

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.

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's Restoring Wetlands in Washington: A Guidebook for Wetland Restoration, Planning & Implementation](#)³¹ provides guidance in developing a project proposal.

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](#)³². Streambank protection designs must be consistent with the Aquatic Habitat Guidelines Program's, [Integrated Streambank](#)

³¹ <https://fortress.wa.gov/ecy/publications/SummaryPages/93017.html>

³² <http://wdfw.wa.gov/publications/01374>

[Protection Guidelines](#)³³.

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.

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. Monitoring may be the entire project or a component of a larger project.

Quality Assurance Project Plan (QAPP)

Prior to initiating water quality 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](#)³⁴. [QAPP Standard Operating Procedures for field sampling and testing activities](#)³⁵ associated with monitoring QAPP development are also available. The QAPP template is also available by request from the

³³ <http://wdfw.wa.gov/publications/00046/>

³⁴ <https://fortress.wa.gov/ecy/publications/summarypages/0403030.html>

³⁵ <https://ecology.wa.gov/About-us/How-we-operate/Scientific-services/Quality-assurance/Quality-assurance-for-NEP-grantees>

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](#)³⁶ 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.
- 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](#)³⁷.

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](#)³⁸ and be approved by Ecology’s Project Manager. Final payment requests will be withheld until data has been approved in EIM.

³⁶ <https://fortress.wa.gov/ecy/publications/summarypages/9178.html>

³⁷ <https://fortress.wa.gov/ecy/laboratorysearch/>

³⁸ <https://ecology.wa.gov/Research-Data/Data-resources/Environmental-Information-Management-database>

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](#)³⁹. 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.

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](#)⁴⁰.

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](#)⁴¹ and the [Watershed Planning training module](#)⁴².

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 |
|--|---------------------------------|------------|
| Agricultural BMPs | | |
| Acquisition/installation of livestock exclusion fencing along stream | Yes | Yes |

³⁹ <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>

⁴⁰ <http://app.leg.wa.gov/WAC/default.aspx?cite=400>

⁴¹ <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>

⁴² https://cfpub.epa.gov/watertrain/moduleFrame.cfm?parent_object_id=2868&object_id=2873#2873

| Description | Section 319 or Centennial Grant | CWSRF Loan |
|---|---------------------------------|------------|
| 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 |
| 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 |
| Land Acquisition | | |
| Conservation easement administration and legal costs associated with establishing conservation easements | Yes | Yes |

| Description | Section 319 or Centennial Grant | CWSRF Loan |
|---|--|-------------------|
| 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 |
| Outreach and Education | | |
| 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 |
| Planning | | |
| Comprehensive planning for basin, watershed, and area-wide water quality | Yes | Yes |
| 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 |
| Restoration | | |
| 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 |

| Description | Section 319 or Centennial Grant | CWSRF Loan |
|---|--|-------------------|
| 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 |
| Wetlands restoration | Yes | Yes |
| Water Quality Monitoring | | |
| 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 |
| Miscellaneous and Administration | | |
| 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 for BMP implementation | 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 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](#)⁴³.
- [Chapter 70.146 RCW](#)⁴⁴.
- [Chapter 90.50A RCW](#)⁴⁵.

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.

⁴³ <http://app.leg.wa.gov/WAC/default.aspx?cite=173-98>

⁴⁴ <http://app.leg.wa.gov/RCW/default.aspx?cite=70.146>

⁴⁵ <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 SFY22.

Table 11: SFY22 Interest Rates for Standard CWSRF Loans

| Loan Term | Interest Rate for Most Projects | Interest Rate for Nonpoint Source Activity Projects |
|-----------|---------------------------------|---|
| 5 Years | 0.6% | 0.4% |
| 20 Years | 1.2% | 0.8% |
| 30 Years | 1.6% | 1.2% |

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 SFY22 wastewater construction hardship loan interest rates and grant eligibility.

Table 12: SFY22 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: | 0.6% | 0.4% | 0.2% | 0.0% |
| 20 years term: | 1.2% | 0.8% | 0.4% | 0.0% |
| 30 years term: | 1.6% | 1.2% | 0.8% | 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: SFY22 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: | 0.6% | 0.3% | 0.0% |
| 20 years term: | 1.2% | 0.6% | 0.3% |
| 30 years term: | 1.6% | 0.8% | 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](#)⁴⁶ or [EPA’s GPR guidance document](#)⁴⁷.

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.

⁴⁶ <https://www.epa.gov/cwsrf/green-project-reserve-guidance-clean-water-state-revolving-fund-cwsrf>

⁴⁷ 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 adjust a recipient's facility construction loan or grant agreement by amendment 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 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).

Ecology may provide a five percent contingency for change orders subject to available funding. The five percent contingency will be based on the low, responsive, responsible bid minus any contingency included in the bid. The five percent contingency can be included in the grant or loan agreement.

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 design-build or design- build-operate projects.

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. 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

SFAP-eligible 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](#)⁴⁸ are not eligible for SFAP funding.

Examples of 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.

⁴⁸ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

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

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, and funding is available, Ecology may approve a funding increase for up to 10 percent of the original engineer's cost estimate as supplied with the bid documents. 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).

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

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 70.146 RCW](#)⁴⁹ and [Chapter 173-95A WAC](#)⁵⁰.

Section 3.3.1 Eligible Applicants

Applicants eligible for Centennial funding include:

- Conservation districts.
- Counties, cities/towns.

⁴⁹ <https://app.leg.wa.gov/RCW/default.aspx?cite=70.146&full=true>

⁵⁰ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true>

- 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.

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, interlocal, or other in-kind match.
 - Projects awarded a grant of more than \$250,000 up to the maximum amount of \$500,000 must supply a cash-only 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](#)⁵¹. 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, 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.

⁵¹ <https://fortress.wa.gov/ecy/publications/SummaryPages/1510015.html>

- 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 a cash-only match.

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.

Grants Used to Match Grants

If a recipient wants to use a grant from another funding agency as match, the recipient should check with the 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.

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.

Interlocal Contributions

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. Interlocal contributions can satisfy a cash match requirement. Interlocal contributions differ from other in-kind 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.

Other In-kind

Examples of other in-kind match contributions are property, goods, or services contributed to the recipient (or any contractor under the agreement) without direct monetary compensation. Other in-kind match includes donated or loaned real or personal property, volunteer services, and employee services donated to a project. Other in-kind match does not include eligible project costs paid directly by the recipient (see Cash Match above). Other in-kind 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** other in-kind 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, interlocal, or other in-kind match.
 - Projects awarded a grant of more than \$250,000 up to the maximum amount of \$500,000 must supply a cash-only 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 25, 26, 27, 2020.

After the final workshop, workshop materials will be available under the “Funding applicant training” header on [Ecology’s Grants and Loans General Resources webpage](#)⁵².

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](#))⁵³ 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](#)⁵⁴.

Once in the EAGL system, applicants can initiate a “Water Quality Combined Financial Assistance: 2022” 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 11, 2020. All applications must be submitted before 5:00pm on October 13, 2020.

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

⁵² <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

⁵³ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

⁵⁴ <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

| Application Rating Criteria and Guidance |
|--|
| Funding Request |
| <p>Scoring Worth up to 15 total points as follows:</p> <ul style="list-style-type: none"> • 0-15 points: Applicant has identified adequate matching funds. (Full points if no match is required.) <p>Guidance</p> <ul style="list-style-type: none"> • To receive full points, the match plus funding request must equal the total eligible cost. • Applicants that will accept loan dollars will receive full points. • Match may exceed the minimum amount required. |
| Scope of Work – For Application |
| <p>Scoring Worth up to 75 total points as follows:</p> <ul style="list-style-type: none"> • 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. <p>Guidance</p> <ul style="list-style-type: none"> • Scope must demonstrate an understanding of all elements necessary to implement and complete the project. • Maps, plans, and detailed drawings of proposed BMPs and their locations, and other documents that |

| |
|---|
| Application Rating Criteria and Guidance |
| <p>show the feasibility of the project should be uploaded on the “Uploads” form.</p> <ul style="list-style-type: none"> • 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. |
| Task Costs and Budget |
| <p>Scoring</p> <p>Worth up to 135 total points as follows:</p> <ul style="list-style-type: none"> • 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. • 0-85 points: The cost to complete the scope of work is reasonable when compared to similar projects in the region. <p>Guidance</p> <ul style="list-style-type: none"> • The uploaded budget should be organized by task and provide sufficient detail to support the scope of work. • Applicants should “show their work” and describe the general method used for cost estimation. Supporting documentation may be included as a separate upload. • 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. • 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. |
| Project Team |
| <p>Scoring</p> <p>Worth up to 65 total points as follows:</p> <ul style="list-style-type: none"> • 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. • 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. <p>Guidance</p> <ul style="list-style-type: none"> • 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.”. • 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 |
| Project Planning and Schedule |

| Application Rating Criteria and Guidance |
|---|
| <p>Scoring</p> <p>Worth up to 160 total points as follows:</p> <ul style="list-style-type: none"> • 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). <p>Guidance</p> <ul style="list-style-type: none"> • 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: useful life, installation cost, site suitability, and environmental justice.) • 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 |
| <p>Scoring</p> <p>Worth up to 500 total points as follows:</p> |

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.
- **0-50 points:** Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project.
- **0-100 points:** The water quality and public health improvements that will be achieved represent a good value.
- **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](#)⁵⁵.
- 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:

⁵⁵ https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf

Application Rating Criteria and Guidance

- **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 Partnership Action Agenda](#)⁵⁶ 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](#)⁵⁷.

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.
- Adopting energy efficiency policies to reduce consumption in buildings and infrastructure.

⁵⁶ <http://psp.wa.gov/action-agenda-document.php>

⁵⁷ <http://app.leg.wa.gov/rcw/default.aspx?cite=70.235.070>

- 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 environmental justice issues when selecting projects and projects alternatives and provide meaningful outreach to all stakeholders may receive higher scores for project planning.

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 \(Yellow Book\)](#)⁵⁸.

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

⁵⁸ <https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>

be found on [Ecology’s Facility Project Resources webpage](#)⁵⁹.

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](#)⁶⁰.

Section 6.2.3 Equipment Purchase and Equipment Fees

Equipment purchases are eligible if Ecology’s Project Management Team approved them in advance or they are specified in the agreement. The recipient may charge an appropriate use fee for equipment it owns.

A use fee for equipment owned by the recipient or utilized through a valid interlocal agreement:

- Must be justifiable, fair, and reasonably attributed to the project.
- Must directly satisfy the project scope of work.
- Must be shown to be cost effective.
- Cannot exceed the acquisition cost of the equipment or facilities.
- Cannot exceed the rental rate or purchase price for comparable equipment or facilities in the recipient's market.

Section 6.2.4 Growth Management Act (GMA) Compliance

In accordance with [WAC 173-98-710](#)⁶¹ and [WAC 173-95A-610](#)⁶², any county, city, or town required or choosing to fully plan under [RCW 36.70A.040](#)⁶³ 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.

⁵⁹ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>

⁶⁰ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

⁶¹ <https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-710>

⁶² <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true#173-95A-610>

⁶³ <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.040>

Section 6.2.5 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) and the tribe(s) to determine if a site has the potential of disturbing or significantly impacting cultural or historic resources. All activities associated with site assessments for historic properties are grant and loan eligible. Ground-disturbing activities that occur prior to a cultural resources review are not eligible expenses. Any projects that have the potential to impact cultural or historic resources must complete an Inadvertent Discovery Plan and Ecology's 05-05/106 form.

More information on historic and cultural resources requirements can be found in Appendix N.

Section 6.2.6 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

Section 6.2.7 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.

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](#)⁶⁴ to Ecology during agreement negotiations. Ecology cannot sign a funding agreement until the form is completed.

Section 6.2.8 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.

⁶⁴ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070395.html>

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

Section 6.2.9 Payment Holds or Termination

If a recipient does not satisfy conditions in the funding agreement, Ecology may terminate the agreement and request that the recipient repay all of the funds disbursed, withhold a payment, or decrease the payment by the amount proportionate to the costs associated to the incomplete work.

Section 6.2.10 Payment Requests Processing

Payment requests are initiated and processed through the EAGL system. Backup documentation is required for all goods and services listed in a payment request.

Section 6.2.11 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 6.2.12 Procuring Goods and Services

The recipient is responsible for procuring professional, personal, and other services using sound business judgment and good administrative procedures consistent with applicable federal, state, and local laws, orders, regulations, and permits. This includes issuance of invitation of bids, requests for proposals, selection of contractors, award of sub-agreements, and other related procurement matters.

To document voluntary and mandatory state and federal reporting requirements around Minority and Women Owned Business Enterprises (MBE/WBE) and Disadvantaged Business Enterprises (DBE), Ecology requires all recipients to report on contracting by completing [Form D](#)⁶⁵ when submitting all payment requests.

Section 6.2.13 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.

⁶⁵ <https://fortress.wa.gov/ecy/publications/summarypages/ecy06011.html>

Section 6.2.14 Project Management Consultant

In some cases it may be beneficial or necessary for recipients to hire a “Project Management 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 6.2.15 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 6.2.16 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 6.2.17 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 6.2.18 Transportation Costs

The recipient can recover the cost of transportation through the state mileage rate, a use fee, or an indirect rate. The recipient may charge mileage to the project at the current state mileage rate. The mileage charge includes all vehicle-related needs, such as gas, tires, insurance, and maintenance.

Section 6.2.19 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](#)⁶⁶.

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.](#)⁶⁷. The federal requirements differ somewhat from the state requirements found in [Chapter 39.80 RCW](#)⁶⁸.

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.

⁶⁶ <https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>

⁶⁷ <https://www.govinfo.gov/content/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitleI-chap11.pdf>

⁶⁸ <https://app.leg.wa.gov/rcw/default.aspx?cite=39.80&full=true>

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 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](#)⁶⁹.

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 laws and authorities often referred to 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.

⁶⁹ <https://www.dol.gov/whd/regs/statutes/dbra.htm>

Ecology requires compliance with 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 Alternate DEPs are:

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

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.

Environmental Reporting Requirements for CWSRF DEPs

Projects identified as DEPs by Ecology report on compliance for all applicable federal laws and authorities to Ecology regional staff who coordinate with Ecology's Environmental Review Coordinator. Ecology provides a determination on whether the environmental reporting package is complete or requires further information. Ecology may act as non-federal lead for EPA for Section 106 of the National Historic Preservation Act and for the Endangered Species Act.

For Step 3 projects, the environmental report and an Ecology determination must occur before the Ecology can sign a funding agreement. For Step 4 projects, the environmental report and an Ecology determination must occur before starting construction activities. Any construction activities that occur prior to an Ecology determination will not be eligible for reimbursement.

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](http://app.leg.wa.gov/RCW/default.aspx?cite=39.04)⁷⁰, [RCW 35.22.620](http://app.leg.wa.gov/RCW/default.aspx?cite=35.22.620)⁷¹, and [RCW 35.23.352](http://app.leg.wa.gov/RCW/default.aspx?cite=35.23.352)⁷².
- 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.

⁷⁰ <http://app.leg.wa.gov/RCW/default.aspx?cite=39.04>

⁷¹ <http://app.leg.wa.gov/RCW/default.aspx?cite=35.22.620>

⁷² <http://app.leg.wa.gov/RCW/default.aspx?cite=35.23.352>

- 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.

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](#)⁷³.

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.

⁷³ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>

State Environmental Review Process (SERP)

Recipients of CWSRF funding for Step 3 or Step 4 wastewater facility and stormwater projects with a construction component must complete SERP. For Step 3 projects SERP must be completed before Ecology may sign a funding agreement. For Step 4 projects SERP must be completed before construction begins.

More information on SERP can be found in Appendix N.

Section 6.2.20 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:

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

Section 6.2.21 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 construction projects identified as CWSRF DEPs. | Throughout project. |
| Federal Environmental Cross Cutters | Wastewater facility construction projects identified as CWSRF DEPs. | Construction projects: before loan signing. Design/construction projects: before construction begins. |
| 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. |
| 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. |

| Requirement | What projects does it apply to? | When does it apply? |
|--|---|--|
| 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. | Construction projects: before loan signing. Design/construction projects: before construction begins. |

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, 2021).

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: Ecology Grant and Loan Contacts

| Headquarters | | |
|--|---------------------------------------|--|
| Nonpoint Projects | | |
| Elsen, Seth | (360) 407-6703 Cell (564) 999-1177 | seth.elsen@ecy.wa.gov |
| Gregg, Lori | (360) 407-6541 | lori.gregg@ecy.wa.gov |
| Keeley-Arnold, Eliza* | (360) 407-6509 Cell (564) 999-1269 | eliza.keeley-arnold@ecy.wa.gov |
| Valdez, Torren | (360) 407-6424 | torren.valdez@ecy.wa.gov |
| Webster, Laurie | (360) 407-6542 | laurie.webster@ecy.wa.gov |
| Stormwater Projects | | |
| Graunke, Kyle | (360) 407-6452 | kyle.graunke@ecy.wa.gov |
| Herbst, Stephanie | (360) 407-7639 | stephanie.herbst@ecy.wa.gov |
| Jacobo, Kyler | (360) 407-6225 | kyler.jacobo@ecy.wa.gov |
| Myers, Michelle | (360) 407-6564 | michelle.myers@ecy.wa.gov |
| Schwing, Jessica* | (360) 407-6216 Cell (564) 999-1267 | jessica.schwing@ecy.wa.gov |
| Valdez, Torren | (360) 407-6424 | torren.valdez@ecy.wa.gov |
| Zehner, Sarah | (360) 407-7196 | sarah.zehner@ecy.wa.gov |
| Wastewater Projects | | |
| Dunn, David | (360) 407-6503 | david.dunn@ecy.wa.gov |
| McClure, Tammie | (360) 407-6410 | tammie.mcclure@ecy.wa.gov |
| McMurry, Shelly* | (360) 407-7132 | shelly.mcmurry@ecy.wa.gov |
| Mellon, Sean | (360) 407-6570 | sean.mellon@ecy.wa.gov |
| Ridner, Jeanna | (360) 407-6533 | jeanna.ridner@ecy.wa.gov |
| Thompson, Daniel | (360) 407-6510 | daniel.thompson@ecy.wa.gov |
| Environmental Review and Cultural Resource Review Coordinator | | |
| Ellis, Liz | (360) 407-6429 | liz.ellis@ecy.wa.gov |
| Stormwater Engineers | | |
| Duda, Tim | (360) 407-6684 | tim.duda@ecy.wa.gov |
| Gardiner, Ryan | (360) 407-6470 | ryan.gardiner@ecy.wa.gov |

| Headquarters | | |
|---|----------------|--|
| Heye, Amanda | (360) 407-6457 | amanda.heye@ecy.wa.gov |
| Howie, Doug | (360) 407-6444 | douglas.howie@ecy.wa.gov |
| Jiang, Joey | (360) 407-6728 | joey.jiang@ecy.wa.gov |
| Freshwater Aquatic Invasives and Algae | | |
| Seebacher, Lizbeth* | (360) 407-6938 | lizbeth.seebacher@ecy.wa.gov |
| National Estuary Program – Stormwater Strategic Initiative | | |
| Donahue, Justin | (360) 407-7651 | justin.donahue@ecy.wa.gov |
| Supervisors | | |
| Brommer, Pat | (360) 407-6566 | patricia.brommer@ecy.wa.gov |
| Nejedly, Jeff | (360) 407-6572 | jeffrey.nejedly@ecy.wa.gov |
| Wagar, Kim | (360) 407-6614 | kimberly.wagar@ecy.wa.gov |

* Fund Coordinators

| Central Region | | |
|---|---------------------------------------|--|
| Nonpoint Projects | | |
| Simmons, Heather | (509) 454-7207 Cell (509) 379-4600 | heather.simmons@ecy.wa.gov |
| Stormwater Projects | | |
| Benge, Seth | (509) 454-7298 | seth.benge@ecy.wa.gov |
| Wastewater Treatment Facility Projects | | |
| Matthews, David | (509) 454-4261 | david.matthews@ecy.wa.gov |
| Miller, Coleman | (509) 454-4246 | coleman.miller@ecy.wa.gov |

| Eastern Region | | |
|--------------------------|---------------------------------------|--|
| Nonpoint Projects | | |
| Gilmore, Meagan | (509) 329-3499 Cell (509) 850-7807 | meagan.gilmore@ecy.wa.gov |
| Johnson, Curtis | (509) 329-3446 Cell (509) 202-6965 | curtis.johnson@ecy.wa.gov |
| Ranson, Stephen | (509) 329-3472 Cell (509) 598-9236 | stephen.ranson@ecy.wa.gov |
| Redfern, Mitch | (509) 329-3534 Cell (509) 638-2050 | mitch.redfern@ecy.wa.gov |

| Eastern Region | | |
|---|---------------------------------------|--|
| Richardson, Amanda | (509) 329-3585 Cell (509) 385-3076 | amanda.richardson@ecy.wa.gov |
| Stormwater Projects | | |
| Simpson, Annie | (509) 329-3567 | annie.simpson@ecy.wa.gov |
| Wastewater Treatment Facility Projects | | |
| Prisock, Kim | (509) 329-3450 | kimberly.prisock@ecy.wa.gov |
| Wall, Cynthia | (509) 329-3537 | cynthia.wall@ecy.wa.gov |

| Northwest Region, including the Bellingham Field Office | | |
|--|---------------------------------------|--|
| Nonpoint Projects | | |
| Graham, Sylvia | (360) 255-4393 | sylvia.graham@ecy.wa.gov |
| Khan, Heather | (425) 649-7003 Cell (425) 213-9832 | heather.khan@ecy.wa.gov |
| Shoblom, Tricia | (425) 649-7288 Cell (425) 223-0618 | tricia.shoblom@ecy.wa.gov |
| Snoeberger, Melisa | (425) 649-7047 Cell (360) 489-5047 | melisa.snoeberger@ecy.wa.gov |
| Stormwater Projects | | |
| Graham, Sylvia | (360) 255-4393 | sylvia.graham@ecy.wa.gov |
| Roscow, Nina | (425) 649-7216 | nina.roscow@ecy.wa.gov |
| Snoeberger, Melisa | (425) 649-7047 Cell (360) 489-5047 | melisa.snoeberger@ecy.wa.gov |
| Waterman, Amy | (425) 649-7025 | amy.waterman@ecy.wa.gov |
| Wastewater Treatment Facility Projects | | |
| Allen, Stephanie | (425) 649-7160 | stephanie.allen@ecy.wa.gov |
| Hoffman, Maia | (425) 649-7127 | maia.hoffman@ecy.wa.gov |
| Hood, Steve | (360) 255-4396 | steve.hood@ecy.wa.gov |
| Leung, Kevin | (425) 649-7207 | kevin.leung@ecy.wa.gov |
| Ziebart, Kenneth | (425) 649-7164 | kenneth.ziebart@ecy.wa.gov |

| Southwest Region, including the Vancouver Field Office | | |
|---|--|--|
| Nonpoint Projects | | |

| Southwest Region, including the Vancouver Field Office | | |
|---|---------------------------------------|--|
| Gray, Donovan | (360) 407-6407 | donovan.gray@ecy.wa.gov |
| Rostorfer, Devan | (360) 690-4665 Cell (360) 409-6693 | devan.rostorfer@ecy.wa.gov |
| Weiss, Leanne | Cell (360) 480-9358 | leanne.weiss@ecy.wa.gov |
| Whitesell, Leanne | (360) 407-6295 | leanne.whitesell@ecy.wa.gov |
| Stormwater Projects | | |
| Bearnes-Loza, Heather | (360) 407-6294 Cell (360) 584-2755 | heather.earnes-loza@ecy.wa.gov |
| Mora, David | (360) 690-4782 Cell (360) 515-8106 | david.mora@ecy.wa.gov |
| Wastewater Treatment Facility Projects | | |
| Dougherty, David | (360) 407-6278 | david.dougherty@ecy.wa.gov |

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. |
| EJ | Environmental Justice |

| Some Acronyms and Abbreviations Used in This Document | |
|--|--|
| 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 |
| 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 |
| LID | Low Impact Development |
| LOSS | Large Onsite Sewage System |
| MBE/WBE | Minority- and Woman-Owned Business Enterprises |
| MOU | Memorandum of Understanding |
| MS4 | Municipal Separate Storm Sewer System |
| N/A | Not applicable |
| NEPA | National Environmental Policy Act |
| NMFS | National Marine Fisheries Service |

| Some Acronyms and Abbreviations Used in This Document | |
|--|--|
| NPDES | National Pollution Discharge Elimination System |
| NRCS | Natural Resource Conservation Service |
| NRCS | National Resources 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 |
| 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) |
| TAPE | Technology Assessment Protocol – Ecology |
| TMDL | Total Maximum Daily Loads |
| 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 |
| WISAARD | Washington Information System for Architectural and Archaeological Records Data |
| WQC | Water Quality Combined Funding Program |
| WTN | Washington Tracking Network |

Appendix C: SFY22 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 SFY22 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](#)⁷⁴). 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](#)⁷⁵ 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)

⁷⁴ <http://www.ecy.wa.gov/funding/EAGL.html>

⁷⁵ <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; autoloading 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](#)⁷⁶ are available in EAGL. Applicants are

⁷⁶ https://ecyeagl/IntelliGrants_BASE/Documentation/WAECOL/Map_Instructions_Recipient.pdf

required to provide a location for the project, draw a boundary, or upload a Shapefile.

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: 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 |

*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 15, 2020. (**Important note:** Prerequisite approvals are due by December 15, 2020, but applicants must submit the documents to Ecology for review by October 13, 2020.) (Wastewater only)

- Planning (Step 1): No Prerequisites.
- Design (Step 2): Ecology’s letter approving the site specific planning for the project
- Construction (Step 3): Ecology’s letter approving the site specific planning for the project. 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.

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](#)⁷⁷ developed a [Project Budget Template](#)⁷⁸ 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 200) | *(char 200) |

*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, 2022. 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)

⁷⁷ https://salishsearestoration.org/wiki/Align_Grant_Coordination_Workgroup

⁷⁸ 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.

*Has initial cultural resources review been conducted for the area of potential effect (APE) (for example, review of the APE in the [WISARRD](#)⁷⁹ database)? 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?

- 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
- Puget Sound Action Plan
- Mitigation

⁷⁹ <https://fortress.wa.gov/dahp/wisaardp3/>

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 300) |

*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

For all Water Quality Combined Funding Program projects, regardless of funding source or project category.

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.

- NEPA Environmental Assessment or Impact Statement
- SEPA checklist
- SEPA Threshold Determination
- SEPA Environmental Impact Statement
- Affidavit of Publication of SEPA Threshold Determination
- Public Meeting documents
- SERP Coversheet
- SERP Checklist
- SERP Determination
- Memo justifying use of an exemption under NEPA or SEPA
- 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.

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](#)⁸⁰ 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 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?

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

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?

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.

| |
|--|
| Funding Request |
| <p>Scoring Worth up to 15 total points as follows:</p> <ul style="list-style-type: none"> 0-15 points: Applicant has identified adequate matching funds. (Full points if no match is required.) <p>Guidance</p> <ul style="list-style-type: none"> To receive full points, the match plus funding request must equal the total eligible cost. Applicants that will accept loan dollars will receive full points. Match may exceed the minimum amount required. |
| Scope of Work – For Application |
| <p>Scoring Worth up to 75 total points as follows:</p> <ul style="list-style-type: none"> 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. <p>Guidance</p> <ul style="list-style-type: none"> Scope must demonstrate an understanding of all elements necessary to implement and complete the project. 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. 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. |
| Task Costs and Budget |
| <p>Scoring Worth up to 135 total points as follows:</p> <ul style="list-style-type: none"> 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. 0-85 points: The cost to complete the scope of work is reasonable when compared to similar projects in the region. <p>Guidance</p> <ul style="list-style-type: none"> The uploaded budget should be organized by task and provide sufficient detail to support the scope of work. Applicants should “show their work” and describe the general method used for cost estimation. Supporting documentation may be included as a separate upload. 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 |

| |
|--|
| <p>referenced project.</p> <ul style="list-style-type: none"> 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. |
| <p>Project Team</p> |
| <p>Scoring</p> <p>Worth up to 65 total points as follows:</p> <ul style="list-style-type: none"> 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. 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. <p>Guidance</p> <ul style="list-style-type: none"> 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.”. 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. |
| <p>Project Planning and Schedule</p> |
| <p>Scoring</p> <p>Worth up to 160 total points as follows:</p> <ul style="list-style-type: none"> 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). <p>Guidance</p> <ul style="list-style-type: none"> 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: useful life, installation cost, site suitability, and environmental justice.) 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 |

| |
|--|
| <p>complex projects with tasks that will run concurrently.</p> <ul style="list-style-type: none"> • 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. |
| <p>Water Quality and Public Health Improvements</p> |
| <p>Scoring</p> <p>Worth up to 500 total points as follows:</p> <ul style="list-style-type: none"> • 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. • 0-50 points: Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project. • 0-100 points: The water quality and public health improvements that will be achieved represent a good value. • 0-15 points: How well does the applicant and the project address greenhouse gas emission reductions in accordance with RCW 70.235.070? <p>Guidance</p> <ul style="list-style-type: none"> • 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](#)⁸¹.
- 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.

⁸¹ 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

| Person | Organization(s) | Role | Active Dates | Assigned By |
|---|---|---------------------|--------------|-------------|
| <input checked="" type="checkbox"/> ECYTest Test Email | Washington Test Org (Authorized Official) | Authorized Official | | |

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

| Person | Organization(s) | Role | Active Dates | Assigned By |
|---|---|---------------------|---|-------------|
| <input checked="" type="checkbox"/> ECYTest Test Email | Washington Test Org (Authorized Official) | Authorized Official | Active date → 9/1/2015 Inactive date → 9/30/2015 | |

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 | Washington Test Org | 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

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 |
| Initiate and Submit Payment Request/Progress Reports and upload any associated documents | N/A | Authorized Official Recipient Project Manager (Progress Report ONLY) Recipient Financial Officer (Payment Request ONLY) | None |

| What | Who | | | | | |
|--|-----------------------|------------|--|-----------------------------|--------|--------|
| 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 |
| 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](#)⁸². 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.

E. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of

⁸² <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>

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 of this project 18 months from the effective date of this agreement. 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 Only.

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](#)⁸³. 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

⁸³ <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>

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](#)⁸⁴. For complete information on how to accomplish the single audit submission, go to the [Federal Audit Clearinghouse Web site](#)⁸⁵.

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 \(SAM\)](#)⁸⁶ 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)

⁸⁴ <https://harvester.census.gov/fac/collect/ddeindex.html>

⁸⁵ <http://harvester.census.gov/fac>

⁸⁶ <https://www.sam.gov/>

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](#)⁸⁷ 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

⁸⁷ <http://www.usfa.dhs.gov/applications/hotel/>

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.](#)⁸⁸.

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](#)⁸⁹ in order to enhance public awareness of EPA assistance agreements nationwide.

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:

⁸⁸ www.gpo.gov/fdsys/pkg/USCODE-2011-title40/pdf/USCODE-2011-title40-subtitleI-chap11.pdf

⁸⁹ <http://www.ecy.wa.gov/programs/wq/funding/FundPrgms/CWSRF/SignageGuidanceJune2015.pdf>

(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 per 7-1-2019 Version

Administrative Requirements

RECIPIENT shall follow the [Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition](#)⁹⁰.

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.

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.

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.

⁹⁰ <https://fortress.wa.gov/ecy/publications/SummaryPages/1701004.html>

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.

Accessibility Requirements for Covered Technology

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, [OCIO Policy no. 188, Accessibility](#)⁹¹ 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.

Archaeological and Cultural Resources

RECIPIENT shall take reasonable action to avoid, minimize, or mitigate adverse effects to archeological and historic resources. The RECIPIENT must agree to hold harmless the State of Washington in relation to any claim related to historical or cultural artifacts discovered, disturbed, or damaged due to the RECIPIENT’s project funded under this Agreement. RECIPIENT shall:

Contact the ECOLOGY Program issuing the grant or loan to discuss any Cultural Resources requirements for their project:

For capital construction projects or land acquisitions for capital construction projects, if required, comply with Governor Executive Order 05-05, Archaeology and Cultural Resources.

For projects with any federal involvement, if required, comply with the National Historic Preservation Act.

Any cultural resources federal or state requirements must be completed prior to the start of any work on the project site.

If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

Keep the IDP at the project site.

⁹¹ <https://ocio.wa.gov/policy/accessibility>

Make the IDP readily available to anyone working at the project site.

Discuss the IDP with staff and contractors working at the project site.

Implement the IDP when cultural resources or human remains are found at the project site.

If any archeological or historic resources are found while conducting work under this Agreement:

Immediately stop work and notify the ECOLOGY Program, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.

If any human remains are found while conducting work under this Agreement:

Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, and then the ECOLOGY Program.

Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

Assignment

No right or claim of the RECIPIENT arising under this Agreement shall be transferred or assigned by the RECIPIENT.

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.

Compensation

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.

Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.

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.

RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.

ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for

submitting payment requests.

ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.

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](#)⁹². 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.

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.

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.

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.

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:

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.

RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.

RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.

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.

⁹² <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>

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.

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.

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:

RECIPIENT notifies the funding program of an appeal request.

Appeal request must be in writing and state the disputed issue(s).

RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.

ECOLOGY reviews the RECIPIENT's appeal.

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.

Environmental Data Standards

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.

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 here](#)⁹³.

RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. [Guidelines for Creating and Accessing GIS Data](#)⁹⁴ are available. 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.

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.

⁹³ <http://www.ecy.wa.gov/eim>

⁹⁴ <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>

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.

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.

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.

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:

Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.

Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.

Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.

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.

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.

Presentation and Promotional Materials

ECOLOGY reserves the right to approve RECIPIENT's communication documents and materials related to the fulfillment of this Agreement:

If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.

RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.

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.

Progress Reporting

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.

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.

RECIPIENT shall use ECOLOGY's provided progress report format.

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.

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.

Property Rights

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.

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.

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.

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.

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.

Acquisition Projects. The following provisions shall apply if the project covered by this Agreement includes funds for the acquisition of land or facilities:

RECIPIENT shall establish that the cost is fair value and reasonable prior to disbursement of funds provided for in this Agreement.

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.

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.

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:

Be kept in a manner which provides an audit trail for all expenditures.

Be kept in a common file to facilitate audits and inspections.

Clearly indicate total receipts and expenditures related to this Agreement.

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.

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.

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.

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.

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.

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.

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.

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](#)⁹⁵.

Termination

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.

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.

⁹⁵ <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>

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.

By Mutual Agreement

ECOLOGY and the RECIPIENT may terminate this Agreement, in whole or in part, at any time, by mutual written agreement.

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.

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.

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

- Cropland acres currently planted with a single pass, low disturbance direct seed are not eligible, except for equipment-purchase loan programs for producers (CWSRF loans only).
- 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 weeders 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 maybe 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.
 - A three-year commitment to conservation 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. 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 \$28 dollar per acre, up to 250 acres, per producer. Total eligible cost shall not exceed \$7,000 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 \$175,000 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 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 \$37,500 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 include the cost of heavy use area protection. See Appendix I for 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

| Miles of Livestock Riparian Exclusion | Financial Assistance Limit on Watering Facilities (per landowner/cooperator) |
|---------------------------------------|--|
| < ½ mile | Up to \$7,500 |
| > ½ mile and < 1 mile | Up to \$11,250 |

| Miles of Livestock Riparian Exclusion | Financial Assistance Limit on Watering Facilities (per landowner/cooperator) |
|---------------------------------------|--|
| > 1 mile and < 1.5 miles | Up to \$15,000 |
| > 1.5 miles and < 2 miles | Up to \$22,500 |
| > 2 miles and < 2.5 miles | Up to \$30,000 |
| > 2.5 miles | Up to \$37,500 |

Animal Units as defined in WAC 173-224-030 are shown in Table 17.

Table 17: Animal Units

| Animal Type | Number of Animal Units per Animal ⁹⁶ |
|----------------------------------|---|
| 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.

⁹⁶ 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 \$10,000 per landowner.
- 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 \$10,000 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 \$30,000 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 \$1,500 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 increased the 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.

Conditions of the Funding Agreement

All restoration activities must also be consistent with the [Stream Habitat Restoration Guidelines](#)⁹⁷ and the requirements below.

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.

⁹⁷ <http://wdfw.wa.gov/publications/01374/>

Table 18: Minimum Buffer Requirements for Surface Waters

| Category | Functions | Minimum Buffer Width West of Cascades | Minimum Buffer Width East of Cascades |
|--|---|---|---------------------------------------|
| 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 |
| 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 |
| 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 |
| 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](#)⁹⁸.
 - 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 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.

⁹⁸ <http://www.arcgis.com/home/webmap/viewer.html?webmap=d5478a4aaf704d81bac63ffc934e1549&extent=-123.0388,47.109,-122.5317,47.2963>

- [WDFW Contact Information](#)⁹⁹.
- [WA State Tribes and Tribal Reservations Map](#)¹⁰⁰.
- 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 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.

⁹⁹ <https://wdfw.wa.gov/about/contact>

¹⁰⁰ <http://www.washingtontribes.org/tribes-map>

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](#)¹⁰¹.

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 \(ESA\)](#)¹⁰² 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 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 \(NMFS\)](#)¹⁰³ and the

¹⁰¹ <http://wdfw.wa.gov/publications/00046/>

¹⁰² <http://www.nmfs.noaa.gov/pr/laws/esa/text.htm>

¹⁰³ <https://www.fisheries.noaa.gov/>

[U.S. Fish and Wildlife Service \(USFWS\)](#)¹⁰⁴ 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](#)¹⁰⁵ provides guidance on determining the OHWM on Washington streams.

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,

¹⁰⁴ <https://www.fws.gov/endangered/>

¹⁰⁵ <https://fortress.wa.gov/ecy/publications/SummaryPages/1606029.html>

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, and trusted peers and leaders within business, not-for-profit, 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)¹⁰⁶.

¹⁰⁶ <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 Design Report

This section intends to help stormwater grant and/or loan recipients identify the necessary information to include in Design Reports. Ecology does not require that reports follow this outline, but including the information listed 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.
- 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:

1.1 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.

1.2 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.

1.3 Site Description

Provide detailed information about the project site including but not limited to:

- Project Limits.
- Threshold Discharge Areas (TDAs).
- Current use.
- Proposed use.

- Existing stormwater features.
- Proposed stormwater features.
- Total area.
- Vegetation, including trees.
- Wetlands.
- Soils.
- Access.
- Other information relevant to the project design, construction, or maintenance.

1.4 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 to verify:

- Project eligibility, per the applicable funding guidelines.
- Project compliance with the [NPDES Municipal Stormwater Permit](#)¹⁰⁷, 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 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

¹⁰⁷ <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits>

in Ecology’s 2019 [Stormwater Management Manual for Western Washington](#)¹⁰⁸, Section 2.1 in Ecology’s 2019 [Stormwater Management Manual for Eastern Washington](#)¹⁰⁹). 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 the new and/or replaced surfaces. Identify 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 it exceeds the new and redevelopment thresholds. Ecology will make this consideration when the permeable pavement is the only trigger for the Minimum Requirements.

1.5 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 Stormwater Management Manual for Western Washington (SWMMWW), and BMP F6.62 in the 2019 Stormwater Management Manual for Eastern Washington (SWMMEW).

1.6 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

¹⁰⁸ <https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMWW/2019SWMMWW.htm>

¹⁰⁹ <https://fortress.wa.gov/ecy/ezshare/wq/Permits/Flare/2019SWMMEW/2019SWMMEW.htm>

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.

1.7 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.

1.8 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.

1.9 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.

1.10 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

2.0 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](#)¹¹⁰.
- [Stormwater Grant/Loan Program Bid Insert](#)¹¹¹.
- 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).

¹¹⁰ <https://ecology.wa.gov/DOE/files/fc/fc45c49a-9a58-4eb5-9386-693abb7367ad.pdf>

¹¹¹ <https://ecology.wa.gov/DOE/files/51/5150260c-0962-4202-8053-c4922e5ed05c.pdf>

3.0 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.

4.0 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 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:

4.1 Western Washington

The procedures below outline methods to estimate the areas improved by proposed Flow Control and Runoff Treatment retrofit projects.

4.1.1 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.

Ratio_{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 Ratio_{WFC-1} > 1, then set Ratio_{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.

Ratio_{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 Ratio_{WFC-2} > 1, then set Ratio_{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.

$$\text{Area}_{\text{WFC-2}} = \text{Ratio}_{\text{WFC-2}} \times \text{Contributing Basin Area}$$

4.1.2 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.

$$\text{Ratio}_{\text{WRT-1}} = \frac{\text{Design flow rate or volume for proposed retrofit treatment BMP}}{\text{Design flow rate or volume to meet new/redevelopment criteria}}$$

If Ratio_{WRT-1} > 1, then set Ratio_{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.

$$\text{Ratio}_{\text{WRT-2}} = \frac{\text{Design flow rate or volume for proposed retrofit treatment BMP}}{\text{Design flow rate or volume to meet new/redevelopment criteria}}$$

If $\text{Ratio}_{\text{WRT-2}} > 1$, 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.

$$\text{Area}_{\text{WRT-2}} = \text{Ratio}_{\text{WRT-2}} \times \text{Contributing Basin Area}$$

4.1.3 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 AutoPond 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.

$$\text{Since calculated Ratio}_{\text{WFC-2}} > 1, \text{ set Ratio}_{\text{WFC-2}} = 1$$

- 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:

$$\text{Area}_{\text{WRT-2}} = 0.714 \times 10 \text{ ac} = 7.14 \text{ acres}$$

4.2 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.

4.2.1 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.

$$\text{Ratio}_{\text{EFC-1}} = \frac{\text{Volume at overflow of proposed Flow Control BMP}}{\text{Volume at overflow of Flow Control BMP to meet new/redevelopment criteria}}$$

If $\text{Ratio}_{\text{EFC-1}} > 1$, 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.

$$\text{Area}_{\text{EFC-1}} = \text{Ratio}_{\text{EFC-1}} \times \text{Contributing Basin Area}$$

4.2.2 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.

$$\text{Area}_{\text{ERT-1}} = \text{Ratio}_{\text{ERT-1}} \times \text{Contributing Basin Area}$$

4.2.3 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:

$$\text{Area}_{\text{ERT-1}} = 0.712 \times 10 \text{ ac} = 7.12 \text{ acres}$$

5.0 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](#)¹¹², 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](#)¹¹³ covers the general requirements of a CQAP. The CQAP must also contain project and recipient specific information.

5.1 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 under the construction contract in place.

5.2 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 produce the plan prior to construction.

5.3 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.

5.4 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

¹¹² <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-075>

¹¹³ <https://www.wsdot.wa.gov/publications/manuals/fulltext/M41-10/SS.pdf>

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.

5.5 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.

5.6 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.

5.7 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.

5.8 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.

5.9 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.

5.10 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.

5.11 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.

5.12 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.

5.13 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](#)¹¹⁴. 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.

6.0 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](#)¹¹⁵ or Appendix 4 of the [Low Impact Development Technical Guidance Manual for Puget Sound](#)¹¹⁶.
- 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.

7.0 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.

¹¹⁴ <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-090>

¹¹⁵ <https://fortress.wa.gov/ecy/publications/documents/1310036.pdf>

¹¹⁶ https://www.psp.wa.gov/downloads/LID/20121221_LIDmanual_FINAL_secure.pdf

7.1 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.

7.2 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](#)¹¹⁷.

¹¹⁷ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

8.0 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 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. | |

| Number | Description | Due Date |
|--------|--|----------|
| 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 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. Above and below ground activities must be reviewed for cultural resource impacts. The RECIPIENT will submit the forms listed below to ECOLOGY to initiate consultation for cultural resources review.

To initiate cultural resources review:

- 1. The RECIPIENT will submit the 05-05/106 Form to ECOLOGY, using the ECOLOGY template. Any supporting materials must conform to the Department of Archeology and Historic Preservation’s Washington State Standards for Cultural Resource Reporting.
- 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. This includes geotechnical work.

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 the cultural resource protection requirements, State Environmental Policy Act, 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 | ECOLOGY 05-05/106 Form. Email the form and any supplemental cultural resources documentation directly to the ECOLOGY Project Manager. ECOLOGY will upload documentation to EAGL when cultural resources is complete. | |
| 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. | |
| 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

9.0 Enhanced Maintenance Plan

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.

9.1 Introduction

Provide an overview of the plan and the context within your larger stormwater management program. Describe the increase in benefits you expect to achieve and goals you hope to meet.

9.2 Pre-Project (Baseline) Program

9.2.1 Area Prioritization and Program Implementation

Describe the method your jurisdiction is currently using to prioritize the maintenance activity you plan to improve (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.
- Where street waste, including decanted solids and liquids, are disposed of and managed
- Information on load testing for hazardous substances, including frequency, sampling methods, and testing protocols.
- The facilities and equipment that are used to implement the current program.
- Who currently implements each program element including any existing agreements or partnerships.

9.2.2 Evaluation and Adaptive Management

State the current program performance standards and goals. Describe how and how often you currently measure program performance.

9.2.3 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](#)¹¹⁸. 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.

9.2.4 Program Costs

Calculate the short and long-term costs of operating the current program. Include costs such labor, disposal, equipment storage, maintenance, and replacement, etc. Include a brief description of how the program is currently funded.

9.3 Proposed or Post Project Program

9.3.1 Area Prioritization and Program 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.

9.3.2 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.

Discuss any alternatives considered and why they were not selected.

9.3.3 Estimate of the Water Quality Benefits

Calculate the water quality benefits of the proposed projects using the method described for the baseline condition and compare the pre-and post-project conditions.

Describe any proposed revisions to the methodology.

9.3.4 Program Costs

Calculate the short and long-term costs of operating the proposed program. Include costs such labor, disposal, equipment storage, maintenance, and replacement, etc.

¹¹⁸ <https://www.casqa.org/resources/effectiveness-assessment/source-contribution-tools-methodologies/online-database>

Provide details on how the program will fund additional costs associated with the Enhanced Maintenance Plan including long-term costs such as equipment replacement.

10.0 Additional Information for Activities Infrastructure and Equipment

10.1 Decant Facilities

10.1.1 Minimum Requirements for a Decant Facility

If an Enhanced Maintenance Plan shows the recipient needs to construct a decant facility, and the Plan has been accepted by Ecology, Ecology will pay for the design and construction of such a facility. Decant facility design and/or construction must follow the scope of work template and deliverables guidance for stormwater facility design and construction, in addition to the following requirements:

- Include at least two bays. Covered bay 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.
- Include facilities for testing water and soils for hazardous materials.

10.1.2 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.
- 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](#)¹¹⁹.

10.2 Sweepers and Vector Equipment

10.2.1 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.

10.2.2 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.

10.2.3 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.

¹¹⁹ <http://www.wastormwatercenter.org/decant/>

- Maintenance tasks.
- Parties responsible for maintenance.
- Budget:
 - Estimated costs for regular maintenance tasks, materials, and supplies.
 - Funding source for operations and maintenance.

10.2.4 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/)¹²⁰ 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 2020. 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.infracouncil.org/)¹²¹ *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 | \$70,116 | 7,294,336 | n/a | n/a |
| Aberdeen city | \$40,948 | 16,359 | Eligible | \$68.25 |
| Aberdeen Gardens CDP | \$78,594 | 299 | Ineligible | \$130.99 |
| Acme CDP | - | 180 | n/a | n/a |
| Adams County | \$49,142 | 19,452 | Eligible | \$81.90 |
| Addy CDP | - | 109 | n/a | n/a |
| Ahtanum CDP | \$63,015 | 3,416 | Ineligible | \$105.03 |
| Airway Heights city | \$50,030 | 8,285 | Eligible | \$83.38 |
| Albion town | \$57,206 | 716 | Ineligible | \$95.34 |
| Alder CDP | \$132,629 | 150 | Ineligible | \$221.05 |
| Alderton CDP | \$81,719 | 3,280 | Ineligible | \$136.20 |
| Alderwood Manor CDP | \$81,818 | 9,257 | Ineligible | \$136.36 |
| Alger CDP | \$68,281 | 147 | Ineligible | \$113.80 |
| Algona city | \$69,853 | 3,191 | Ineligible | \$116.42 |
| Allyn CDP | \$81,378 | 2,497 | Ineligible | \$135.63 |

¹²⁰ <https://data.census.gov/cedsci/>

¹²¹ <http://www.infracouncil.org/>

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-------------------------|-----------|------------|---|-------------------|
| Almira town | \$54,792 | 276 | Eligible | \$91.32 |
| Altoona CDP | \$117,976 | 62 | Ineligible | \$196.63 |
| Amanda Park CDP | \$40,625 | 127 | Eligible | \$67.71 |
| Amboy CDP | \$90,658 | 2,022 | Ineligible | \$151.10 |
| Ames Lake CDP | \$126,250 | 1,597 | Ineligible | \$210.42 |
| Anacortes city | \$67,698 | 16,725 | Ineligible | \$112.83 |
| Anderson Island CDP | \$69,919 | 1,187 | Ineligible | \$116.53 |
| Arlington city | \$76,097 | 19,154 | Ineligible | \$126.83 |
| Arlington Heights CDP | \$97,612 | 2,573 | Ineligible | \$162.69 |
| Artondale CDP | \$107,127 | 13,172 | Ineligible | \$178.55 |
| Ashford CDP | \$12,330 | 98 | Eligible | \$20.55 |
| Asotin city | \$56,004 | 1,105 | Eligible | \$93.34 |
| Asotin County | \$50,423 | 22,337 | Eligible | \$84.04 |
| Auburn city | \$68,947 | 79,110 | Ineligible | \$114.91 |
| Bainbridge Island city | \$115,230 | 24,060 | Ineligible | \$192.05 |
| Bangor Base CDP | \$54,339 | 6,336 | Eligible | \$90.57 |
| Banks Lake South CDP | \$38,438 | 256 | Eligible | \$64.06 |
| Barberton CDP | \$93,719 | 6,941 | Ineligible | \$156.20 |
| Baring CDP | \$42,813 | 202 | Eligible | \$71.36 |
| Barney's Junction CDP | \$28,631 | 178 | Eligible | \$47.72 |
| Barstow CDP | \$25,750 | 137 | Eligible | \$42.92 |
| Basin City CDP | \$60,202 | 1,045 | Ineligible | \$100.34 |
| Battle Ground city | \$70,774 | 19,932 | Ineligible | \$117.96 |
| Bay Center CDP | \$27,885 | 212 | Eligible | \$46.48 |
| Bay View CDP | \$97,121 | 659 | Ineligible | \$161.87 |
| Beaux Arts Village town | \$225,938 | 394 | Ineligible | \$376.56 |
| Belfair CDP | \$46,250 | 4,435 | Eligible | \$77.08 |
| Bell Hill CDP | \$113,924 | 737 | Ineligible | \$189.87 |
| Bellevue city | \$112,283 | 142,242 | Ineligible | \$187.14 |
| Bellingham city | \$50,844 | 87,071 | Ineligible | \$84.74 |
| Benton City | \$55,966 | 3,315 | Eligible | \$93.28 |
| Benton County | \$65,650 | 194,168 | Ineligible | \$109.42 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|----------------------|-----------|------------|---|-------------------|
| Bethel CDP | \$78,125 | 3,787 | Ineligible | \$130.21 |
| Bickleton CDP | \$73,125 | 83 | Ineligible | \$121.88 |
| Big Lake CDP | \$103,259 | 1,641 | Ineligible | \$172.10 |
| Bingen city | \$52,692 | 606 | Eligible | \$87.82 |
| Birch Bay CDP | \$63,182 | 9,037 | Ineligible | \$105.30 |
| Black Diamond city | \$94,650 | 4,434 | Ineligible | \$157.75 |
| Blaine city | \$70,964 | 5,172 | Ineligible | \$118.27 |
| Blyn CDP | - | 22 | n/a | n/a |
| Bonney Lake city | \$91,368 | 20,313 | Ineligible | \$152.28 |
| Bothell city | \$94,986 | 44,994 | Ineligible | \$158.31 |
| Bothell East CDP | \$117,927 | 10,682 | Ineligible | \$196.55 |
| Bothell West CDP | \$103,628 | 20,307 | Ineligible | \$172.71 |
| Boulevard Park CDP | \$56,325 | 3,723 | Ineligible | \$93.88 |
| Boyds CDP | - | 73 | n/a | n/a |
| Brady CDP | \$78,929 | 885 | Ineligible | \$131.55 |
| Bremerton city | \$50,311 | 40,220 | Ineligible | \$83.85 |
| Brewster city | \$46,442 | 2,591 | Eligible | \$77.40 |
| Bridgeport city | \$46,200 | 2,526 | Eligible | \$77.00 |
| Brier city | \$122,623 | 6,819 | Ineligible | \$204.37 |
| Brinnon CDP | \$51,912 | 751 | Eligible | \$86.52 |
| Browns Point CDP | \$99,375 | 1,088 | Ineligible | \$165.63 |
| Brush Prairie CDP | \$72,344 | 2,820 | Ineligible | \$120.57 |
| Bryant CDP | \$97,458 | 2,003 | Ineligible | \$162.43 |
| Bryn Mawr-Skyway CDP | \$68,782 | 18,347 | Ineligible | \$114.64 |
| Buckley city | \$64,201 | 4,680 | Ineligible | \$107.00 |
| Bucoda town | \$41,875 | 689 | Eligible | \$69.79 |
| Buena CDP | \$32,636 | 1,206 | Eligible | \$54.39 |
| Bunk Foss CDP | \$108,833 | 3,872 | Ineligible | \$181.39 |
| Burbank CDP | \$74,426 | 3,333 | Ineligible | \$124.04 |
| Burien city | \$62,315 | 51,326 | Ineligible | \$103.86 |
| Burley CDP | \$75,761 | 2,119 | Ineligible | \$126.27 |
| Burlington city | \$51,887 | 8,743 | Eligible | \$86.48 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|--------------------------------|------------|-------------------|--|--------------------------|
| Camano CDP | \$78,590 | 16,427 | Ineligible | \$130.98 |
| Camas city | \$106,513 | 22,615 | Ineligible | \$177.52 |
| Canterwood CDP | \$127,733 | 3,018 | Ineligible | \$212.89 |
| Canyon Creek CDP | \$81,810 | 3,520 | Ineligible | \$136.35 |
| Carbonado town | \$77,500 | 727 | Ineligible | \$129.17 |
| Carlsborg CDP | \$50,938 | 725 | Eligible | \$84.90 |
| Carnation city | \$79,688 | 1,767 | Ineligible | \$132.81 |
| Carson CDP | \$48,000 | 2,703 | Eligible | \$80.00 |
| Cascade Valley CDP | \$46,667 | 1,894 | Eligible | \$77.78 |
| Cashmere city | \$54,597 | 3,139 | Eligible | \$91.00 |
| Castle Rock city | \$45,313 | 2,968 | Eligible | \$75.52 |
| Cathcart CDP | \$115,000 | 2,665 | Ineligible | \$191.67 |
| Cathlamet town | \$39,896 | 747 | Eligible | \$66.49 |
| Cavalero CDP | \$104,647 | 5,320 | Ineligible | \$174.41 |
| Centerville CDP | \$34,375 | 90 | Eligible | \$57.29 |
| Central Park CDP | \$67,333 | 3,072 | Ineligible | \$112.22 |
| Centralia city | \$40,815 | 16,932 | Eligible | \$68.03 |
| Chain Lake CDP | \$109,375 | 4,942 | Ineligible | \$182.29 |
| Chehalis city | \$40,330 | 7,404 | Eligible | \$67.22 |
| Chelan city | \$56,900 | 4,070 | Ineligible | \$94.83 |
| Chelan County | \$56,135 | 75,757 | Ineligible | \$93.56 |
| Chelan Falls CDP | - | 30 | n/a | n/a |
| Cheney city | \$37,386 | 11,962 | Eligible | \$62.31 |
| Cherry Grove CDP | \$92,656 | 725 | Ineligible | \$154.43 |
| Chewelah city | \$34,280 | 2,620 | Eligible | \$57.13 |
| Chico CDP | \$104,435 | 2,840 | Ineligible | \$174.06 |
| Chinook CDP | \$56,279 | 289 | Ineligible | \$93.80 |
| Clallam Bay CDP | \$40,380 | 341 | Eligible | \$67.30 |
| Clallam County | \$49,913 | 74,487 | Ineligible | \$83.19 |
| Clark County | \$71,636 | 465,384 | Ineligible | \$119.39 |
| Clarkston city | \$36,854 | 7,360 | Eligible | \$61.42 |
| Clarkston Heights-Vineland CDP | \$70,000 | 6,403 | Ineligible | \$116.67 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|--------------------------------|------------|-------------------|--|--------------------------|
| Clayton CDP | - | 423 | n/a | n/a |
| Cle Elum city | \$48,693 | 2,834 | Eligible | \$81.16 |
| Clear Lake CDP (Pierce County) | \$76,563 | 940 | Ineligible | \$127.61 |
| Clear Lake CDP (Skagit County) | \$68,828 | 906 | Ineligible | \$114.71 |
| Clearview CDP | \$99,779 | 3,932 | Ineligible | \$166.30 |
| Cliffdell CDP | - | 121 | n/a | n/a |
| Clinton CDP | \$72,599 | 922 | Ineligible | \$121.00 |
| Clover Creek CDP | \$68,271 | 6,902 | Ineligible | \$113.79 |
| Clyde Hill city | \$212,396 | 3,295 | Ineligible | \$353.99 |
| Cohasset Beach CDP | \$48,007 | 772 | Eligible | \$80.01 |
| Colfax city | \$51,875 | 2,878 | Eligible | \$86.46 |
| College Place city | \$47,525 | 9,136 | Eligible | \$79.21 |
| Colton town | \$59,423 | 446 | Ineligible | \$99.04 |
| Columbia County | \$51,111 | 4,001 | Eligible | \$85.19 |
| Colville city | \$41,488 | 4,777 | Eligible | \$69.15 |
| Conconully town | \$37,639 | 203 | Eligible | \$62.73 |
| Concrete town | \$37,679 | 703 | Eligible | \$62.80 |
| Connell city | \$51,618 | 5,482 | Eligible | \$86.03 |
| Conway CDP | - | 0 | n/a | n/a |
| Copalis Beach CDP | \$38,125 | 546 | Eligible | \$63.54 |
| Cosmopolis city | \$54,516 | 1,493 | Eligible | \$90.86 |
| Cottage Lake CDP | \$148,049 | 23,955 | Ineligible | \$246.75 |
| Coulee City town | \$60,500 | 572 | Ineligible | \$100.83 |
| Coulee Dam town | \$53,269 | 1,230 | Eligible | \$88.78 |
| Country Homes CDP | \$47,159 | 6,054 | Eligible | \$78.60 |
| Coupeville town | \$48,177 | 1,766 | Eligible | \$80.30 |
| Covington city | \$98,687 | 20,447 | Ineligible | \$164.48 |
| Cowiche CDP | \$49,089 | 867 | Eligible | \$81.82 |
| Cowlitz County | \$51,752 | 105,112 | Ineligible | \$86.25 |
| Creston town | \$38,750 | 262 | Eligible | \$64.58 |
| Crocker CDP | \$102,143 | 1,180 | Ineligible | \$170.24 |
| Curlew CDP | \$28,000 | 112 | Eligible | \$46.67 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|---------------------------|------------|-------------------|--|--------------------------|
| Curlew Lake CDP | \$61,719 | 436 | Ineligible | \$102.87 |
| Cusick town | - | 78 | n/a | n/a |
| Custer CDP | \$53,529 | 140 | Eligible | \$89.22 |
| Dallesport CDP | \$66,964 | 1,602 | Ineligible | \$111.61 |
| Danville CDP | - | 56 | n/a | n/a |
| Darrington town | \$34,712 | 1,178 | Eligible | \$57.85 |
| Dash Point CDP | \$115,625 | 1,019 | Ineligible | \$192.71 |
| Davenport city | \$54,663 | 1,717 | Eligible | \$91.11 |
| Dayton city | \$44,524 | 2,682 | Eligible | \$74.21 |
| Deep River CDP | \$46,250 | 159 | Eligible | \$77.08 |
| Deer Park city | \$51,570 | 4,026 | Eligible | \$85.95 |
| Deming CDP | \$160,313 | 227 | Ineligible | \$267.19 |
| Des Moines city | \$63,875 | 31,518 | Ineligible | \$106.46 |
| Desert Aire CDP | \$63,579 | 2,964 | Ineligible | \$105.97 |
| Disautel CDP | - | 16 | n/a | n/a |
| Dixie CDP | \$59,375 | 211 | Ineligible | \$98.96 |
| Dollars Corner CDP | \$91,354 | 724 | Ineligible | \$152.26 |
| Donald CDP | - | 0 | n/a | n/a |
| Douglas County | \$60,452 | 41,371 | Ineligible | \$100.75 |
| Duluth CDP | \$90,042 | 1,563 | Ineligible | \$150.07 |
| DuPont city | \$83,158 | 9,379 | Ineligible | \$138.60 |
| Duvall city | \$156,205 | 7,811 | Ineligible | \$260.34 |
| East Cathlamet CDP | \$52,833 | 563 | Eligible | \$88.06 |
| East Port Orchard CDP | \$60,208 | 5,331 | Ineligible | \$100.35 |
| East Renton Highlands CDP | \$98,525 | 11,745 | Ineligible | \$164.21 |
| East Wenatchee city | \$52,691 | 13,817 | Eligible | \$87.82 |
| Eastmont CDP | \$107,725 | 21,686 | Ineligible | \$179.54 |
| Easton CDP | \$73,958 | 368 | Ineligible | \$123.26 |
| Eatonville town | \$64,821 | 2,945 | Ineligible | \$108.04 |
| Edgewood city | \$97,984 | 10,599 | Ineligible | \$163.31 |
| Edison CDP | \$165,257 | 123 | Ineligible | \$275.43 |
| Edmonds city | \$87,693 | 41,770 | Ineligible | \$146.16 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-------------------------------|------------|-------------------|--|--------------------------|
| Elbe CDP | - | 54 | n/a | n/a |
| Electric City | \$62,727 | 983 | Ineligible | \$104.55 |
| Elk Plain CDP | \$64,839 | 14,065 | Ineligible | \$108.07 |
| Ellensburg city | \$40,126 | 19,799 | Eligible | \$66.88 |
| Elma city | \$49,632 | 3,245 | Eligible | \$82.72 |
| Elmer City town | \$43,672 | 345 | Eligible | \$72.79 |
| Endicott town | \$32,500 | 308 | Eligible | \$54.17 |
| Enetai CDP | \$69,167 | 2,110 | Ineligible | \$115.28 |
| Entiat city | \$56,528 | 1,260 | Ineligible | \$94.21 |
| Enumclaw city | \$57,769 | 11,768 | Ineligible | \$96.28 |
| Ephrata city | \$56,429 | 8,050 | Ineligible | \$94.05 |
| Erlands Point-Kitsap Lake CDP | \$68,000 | 3,338 | Ineligible | \$113.33 |
| Eschbach CDP | \$88,750 | 385 | Ineligible | \$147.92 |
| Esperance CDP | \$85,264 | 4,213 | Ineligible | \$142.11 |
| Everett city | \$57,205 | 108,941 | Ineligible | \$95.34 |
| Everson city | \$54,564 | 2,641 | Eligible | \$90.94 |
| Fairchild AFB CDP | \$67,461 | 3,118 | Ineligible | \$112.44 |
| Fairfield town | \$43,125 | 554 | Eligible | \$71.88 |
| Fairwood CDP (King County) | \$93,605 | 19,428 | Ineligible | \$156.01 |
| Fairwood CDP (Spokane County) | \$62,870 | 8,554 | Ineligible | \$104.78 |
| Fall City CDP | \$92,292 | 2,313 | Ineligible | \$153.82 |
| Farmington town | \$46,071 | 115 | Eligible | \$76.79 |
| Federal Way city | \$66,011 | 96,110 | Ineligible | \$110.02 |
| Felida CDP | \$129,957 | 8,311 | Ineligible | \$216.60 |
| Fern Prairie CDP | \$88,403 | 2,140 | Ineligible | \$147.34 |
| Ferndale city | \$64,370 | 13,622 | Ineligible | \$107.28 |
| Ferry County | \$41,924 | 7,576 | Eligible | \$69.87 |
| Fife city | \$61,447 | 9,968 | Ineligible | \$102.41 |
| Fife Heights CDP | \$102,143 | 2,333 | Ineligible | \$170.24 |
| Finley CDP | \$73,438 | 5,984 | Ineligible | \$122.40 |
| Fircrest city | \$77,292 | 6,711 | Ineligible | \$128.82 |
| Five Corners CDP | \$70,541 | 18,559 | Ineligible | \$117.57 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|---------------------|-----------|------------|---|-------------------|
| Fobes Hill CDP | \$107,000 | 3,052 | Ineligible | \$178.33 |
| Fords Prairie CDP | \$64,601 | 2,352 | Ineligible | \$107.67 |
| Forks city | \$36,231 | 3,782 | Eligible | \$60.39 |
| Fort Lewis CDP | \$41,621 | 12,933 | Eligible | \$69.37 |
| Four Lakes CDP | \$54,904 | 482 | Eligible | \$91.51 |
| Fox Island CDP | \$95,761 | 3,692 | Ineligible | \$159.60 |
| Franklin County | \$62,002 | 90,660 | Ineligible | \$103.34 |
| Frederickson CDP | \$80,264 | 22,935 | Ineligible | \$133.77 |
| Freeland CDP | \$64,815 | 1,994 | Ineligible | \$108.03 |
| Friday Harbor town | \$49,323 | 2,554 | Eligible | \$82.21 |
| Garfield County | \$52,525 | 2,224 | Eligible | \$87.54 |
| Garfield town | \$53,958 | 551 | Eligible | \$89.93 |
| Garrett CDP | \$48,558 | 1,449 | Eligible | \$80.93 |
| Geneva CDP | \$68,990 | 2,655 | Ineligible | \$114.98 |
| George city | \$38,333 | 706 | Eligible | \$63.89 |
| Gig Harbor city | \$80,469 | 9,382 | Ineligible | \$134.12 |
| Glacier CDP | - | 105 | n/a | n/a |
| Gleed CDP | \$67,005 | 2,634 | Ineligible | \$111.68 |
| Glenwood CDP | \$43,125 | 226 | Eligible | \$71.88 |
| Gold Bar city | \$72,188 | 1,911 | Ineligible | \$120.31 |
| Goldendale city | \$47,500 | 3,446 | Eligible | \$79.17 |
| Gorst CDP | \$39,196 | 222 | Eligible | \$65.33 |
| Graham CDP | \$81,453 | 28,194 | Ineligible | \$135.76 |
| Grand Coulee city | \$41,319 | 1,046 | Eligible | \$68.87 |
| Grand Mound CDP | \$61,384 | 3,189 | Ineligible | \$102.31 |
| Grandview city | \$46,920 | 11,124 | Eligible | \$78.20 |
| Granger city | \$50,655 | 3,687 | Eligible | \$84.43 |
| Granite Falls city | \$60,259 | 3,575 | Ineligible | \$100.43 |
| Grant County | \$54,982 | 94,860 | Ineligible | \$91.64 |
| Grapeview CDP | \$72,026 | 906 | Ineligible | \$120.04 |
| Grayland CDP | \$41,333 | 609 | Eligible | \$68.89 |
| Grays Harbor County | \$47,770 | 71,967 | Ineligible | \$79.62 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-------------------|------------|-------------------|--|--------------------------|
| Grays River CDP | \$65,104 | 417 | Ineligible | \$108.51 |
| Green Bluff CDP | \$158,438 | 445 | Ineligible | \$264.06 |
| Greenwater CDP | - | 27 | n/a | n/a |
| Hamilton town | \$59,063 | 298 | Ineligible | \$98.44 |
| Hansville CDP | \$80,893 | 3,402 | Ineligible | \$134.82 |
| Harrah town | \$59,583 | 643 | Ineligible | \$99.31 |
| Harrington city | \$35,050 | 413 | Eligible | \$58.42 |
| Hartline town | \$56,250 | 172 | Ineligible | \$93.75 |
| Hat Island CDP | - | 56 | n/a | n/a |
| Hatton town | \$48,750 | 189 | Eligible | \$81.25 |
| Hazel Dell CDP | \$59,074 | 21,066 | Ineligible | \$98.46 |
| Herron Island CDP | - | 41 | n/a | n/a |
| High Bridge CDP | \$122,891 | 3,076 | Ineligible | \$204.82 |
| Hobart CDP | \$101,594 | 7,182 | Ineligible | \$169.32 |
| Hockinson CDP | \$101,786 | 5,001 | Ineligible | \$169.64 |
| Hogans Corner CDP | - | 56 | n/a | n/a |
| Home CDP | \$56,054 | 1,164 | Eligible | \$93.42 |
| Hoodsport CDP | \$61,250 | 242 | Ineligible | \$102.08 |
| Hoquiam city | \$42,250 | 8,454 | Eligible | \$70.42 |
| Humptulips CDP | \$21,689 | 153 | Eligible | \$36.15 |
| Hunts Point town | \$250,000 | 432 | Ineligible | \$416.67 |
| Ilwaco city | \$34,625 | 940 | Eligible | \$57.71 |
| Inchelium CDP | \$29,688 | 328 | Eligible | \$49.48 |
| Index town | \$62,750 | 192 | Ineligible | \$104.58 |
| Indianola CDP | \$74,688 | 3,536 | Ineligible | \$124.48 |
| lone town | \$47,500 | 406 | Eligible | \$79.17 |
| Island County | \$64,809 | 81,636 | Ineligible | \$108.02 |
| Issaquah city | \$101,508 | 36,938 | Ineligible | \$169.18 |
| Jamestown CDP | \$30,500 | 281 | Eligible | \$50.83 |
| Jefferson County | \$54,471 | 30,856 | Ineligible | \$90.79 |
| Junction City CDP | - | 0 | n/a | n/a |
| Kahlotus city | \$51,964 | 183 | Eligible | \$86.61 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-----------------------|------------|-------------------|--|--------------------------|
| Kalama city | \$58,148 | 2,557 | Ineligible | \$96.91 |
| Kapowsin CDP | \$86,591 | 274 | Ineligible | \$144.32 |
| Kayak Point CDP | \$93,679 | 1,726 | Ineligible | \$156.13 |
| Keller CDP | \$30,313 | 199 | Eligible | \$50.52 |
| Kelso city | \$37,450 | 11,983 | Eligible | \$62.42 |
| Kendall CDP | - | 0 | n/a | n/a |
| Kenmore city | \$105,007 | 22,546 | Ineligible | \$175.01 |
| Kennewick city | \$56,132 | 80,204 | Ineligible | \$93.55 |
| Kent city | \$68,880 | 128,057 | Ineligible | \$114.80 |
| Ketron Island CDP | - | 0 | n/a | n/a |
| Kettle Falls city | \$39,107 | 1,616 | Eligible | \$65.18 |
| Key Center CDP | \$74,211 | 3,823 | Ineligible | \$123.69 |
| Keyport CDP | \$49,509 | 422 | Eligible | \$82.52 |
| King County | \$89,418 | 2,163,257 | Ineligible | \$149.03 |
| Kingston CDP | \$73,488 | 2,307 | Ineligible | \$122.48 |
| Kirkland city | \$109,715 | 88,079 | Ineligible | \$182.86 |
| Kitsap County | \$71,610 | 262,475 | Ineligible | \$119.35 |
| Kittitas city | \$45,550 | 1,548 | Eligible | \$75.92 |
| Kittitas County | \$55,193 | 44,825 | Ineligible | \$91.99 |
| Klickitat CDP | \$35,461 | 430 | Eligible | \$59.10 |
| Klickitat County | \$54,056 | 21,396 | Eligible | \$90.09 |
| Krupp town | - | 51 | n/a | n/a |
| La Center city | \$90,278 | 3,172 | Ineligible | \$150.46 |
| La Conner town | \$44,345 | 819 | Eligible | \$73.91 |
| La Grande CDP | \$85,455 | 130 | Ineligible | \$142.43 |
| Lacey city | \$66,675 | 47,852 | Ineligible | \$111.13 |
| LaCrosse town | \$45,156 | 371 | Eligible | \$75.26 |
| Lake Bosworth CDP | \$102,995 | 1,007 | Ineligible | \$171.66 |
| Lake Cassidy CDP | \$96,496 | 3,511 | Ineligible | \$160.83 |
| Lake Cavanaugh CDP | \$81,042 | 180 | Ineligible | \$135.07 |
| Lake Forest Park city | \$111,234 | 13,378 | Ineligible | \$185.39 |
| Lake Goodwin CDP | \$95,104 | 3,842 | Ineligible | \$158.51 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|----------------------------|------------|-------------------|--|--------------------------|
| Lake Holm CDP | \$115,195 | 3,254 | Ineligible | \$191.99 |
| Lake Ketchum CDP | \$77,250 | 916 | Ineligible | \$128.75 |
| Lake Marcel-Stillwater CDP | \$143,724 | 1,335 | Ineligible | \$239.54 |
| Lake McMurray CDP | \$89,583 | 143 | Ineligible | \$149.31 |
| Lake Morton-Berrydale CDP | \$99,076 | 11,295 | Ineligible | \$165.13 |
| Lake Roesiger CDP | \$69,661 | 609 | Ineligible | \$116.10 |
| Lake Shore CDP | \$85,244 | 7,909 | Ineligible | \$142.07 |
| Lake Stevens city | \$88,594 | 31,778 | Ineligible | \$147.66 |
| Lake Stickney CDP | \$82,191 | 10,584 | Ineligible | \$136.99 |
| Lake Tapps CDP | \$110,259 | 12,771 | Ineligible | \$183.77 |
| Lakeland North CDP | \$83,734 | 12,820 | Ineligible | \$139.56 |
| Lakeland South CDP | \$79,949 | 13,849 | Ineligible | \$133.25 |
| Lakeview CDP | \$48,583 | 909 | Eligible | \$80.97 |
| Lakewood city | \$50,175 | 59,606 | Ineligible | \$83.63 |
| Lamont town | \$46,250 | 64 | Eligible | \$77.08 |
| Langley city | \$58,667 | 1,186 | Ineligible | \$97.78 |
| Larch Way CDP | \$91,151 | 4,257 | Ineligible | \$151.92 |
| Latah town | \$45,625 | 126 | Eligible | \$76.04 |
| Laurier CDP | - | 0 | n/a | n/a |
| Leavenworth city | \$51,875 | 2,260 | Eligible | \$86.46 |
| Lebam CDP | - | 120 | n/a | n/a |
| Lewis County | \$50,216 | 76,947 | Ineligible | \$83.69 |
| Lewisville CDP | \$93,906 | 1,671 | Ineligible | \$156.51 |
| Liberty Lake city | \$70,658 | 9,382 | Ineligible | \$117.76 |
| Lincoln County | \$50,744 | 10,435 | Eligible | \$84.57 |
| Lind town | \$41,161 | 597 | Eligible | \$68.60 |
| Lochsloy CDP | \$85,977 | 2,664 | Ineligible | \$143.30 |
| Lofall CDP | \$83,113 | 2,025 | Ineligible | \$138.52 |
| Long Beach city | \$26,983 | 1,431 | Eligible | \$44.97 |
| Longbranch CDP | \$58,214 | 3,798 | Ineligible | \$97.02 |
| Longview city | \$41,470 | 37,092 | Ineligible | \$69.12 |
| Longview Heights CDP | \$63,887 | 3,619 | Ineligible | \$106.48 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-------------------------------|-----------|------------|---|-------------------|
| Loomis CDP | - | 125 | n/a | n/a |
| Loon Lake CDP | \$44,821 | 732 | Eligible | \$74.70 |
| Lower Elochoman CDP | \$103,929 | 363 | Ineligible | \$173.22 |
| Lyle CDP | \$42,063 | 455 | Eligible | \$70.11 |
| Lyman town | \$72,500 | 479 | Ineligible | \$120.83 |
| Lynden city | \$64,433 | 13,862 | Ineligible | \$107.39 |
| Lynnwood city | \$59,416 | 37,671 | Ineligible | \$99.03 |
| Mabton city | \$40,458 | 2,156 | Eligible | \$67.43 |
| Machias CDP | \$91,667 | 910 | Ineligible | \$152.78 |
| Malden town | \$37,500 | 265 | Eligible | \$62.50 |
| Malo CDP | - | 61 | n/a | n/a |
| Malone CDP | \$74,125 | 430 | Ineligible | \$123.54 |
| Malott CDP | \$26,400 | 808 | Eligible | \$44.00 |
| Maltby CDP | \$118,650 | 12,350 | Ineligible | \$197.75 |
| Manchester CDP | \$71,332 | 5,471 | Ineligible | \$118.89 |
| Mansfield town | \$51,250 | 337 | Eligible | \$85.42 |
| Manson CDP | \$47,109 | 1,374 | Eligible | \$78.52 |
| Maple Falls CDP | - | 159 | n/a | n/a |
| Maple Heights-Lake Desire CDP | \$103,511 | 3,682 | Ineligible | \$172.52 |
| Maple Valley city | \$107,299 | 25,953 | Ineligible | \$178.83 |
| Maplewood CDP | \$103,463 | 5,163 | Ineligible | \$172.44 |
| Marblemount CDP | - | 0 | n/a | n/a |
| Marcus town | \$30,938 | 142 | Eligible | \$51.56 |
| Marietta-Alderwood CDP | \$41,921 | 3,708 | Eligible | \$69.87 |
| Markham CDP | - | 118 | n/a | n/a |
| Marrowstone CDP | \$61,900 | 926 | Ineligible | \$103.17 |
| Martha Lake CDP | \$92,073 | 19,954 | Ineligible | \$153.46 |
| Maryhill CDP | - | 40 | n/a | n/a |
| Marysville city | \$76,372 | 67,567 | Ineligible | \$127.29 |
| Mason County | \$55,726 | 62,627 | Ineligible | \$92.88 |
| Mattawa city | \$53,750 | 4,567 | Eligible | \$89.58 |
| May Creek CDP | \$63,464 | 600 | Ineligible | \$105.77 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|----------------------|------------|-------------------|--|--------------------------|
| McChord AFB CDP | \$55,363 | 3,265 | Eligible | \$92.27 |
| McCleary city | \$49,688 | 2,075 | Eligible | \$82.81 |
| McKenna CDP | \$75,234 | 929 | Ineligible | \$125.39 |
| McMillin CDP | \$92,455 | 1,745 | Ineligible | \$154.09 |
| Mead CDP | \$59,961 | 6,870 | Ineligible | \$99.94 |
| Meadow Glade CDP | \$114,931 | 2,906 | Ineligible | \$191.55 |
| Meadowdale CDP | \$114,397 | 3,152 | Ineligible | \$190.66 |
| Medical Lake city | \$59,596 | 4,937 | Ineligible | \$99.33 |
| Medina city | \$192,120 | 3,260 | Ineligible | \$320.20 |
| Mercer Island city | \$142,413 | 25,492 | Ineligible | \$237.36 |
| Mesa city | \$50,000 | 485 | Eligible | \$83.33 |
| Metaline Falls town | \$25,156 | 187 | Eligible | \$41.93 |
| Metaline town | \$56,944 | 135 | Ineligible | \$94.91 |
| Methow CDP | \$126,875 | 81 | Ineligible | \$211.46 |
| Midland CDP | \$49,375 | 9,208 | Eligible | \$82.29 |
| Mill Creek city | \$101,239 | 20,164 | Ineligible | \$168.73 |
| Mill Creek East CDP | \$124,591 | 21,523 | Ineligible | \$207.65 |
| Millwood city | \$60,563 | 1,686 | Ineligible | \$100.94 |
| Milton city | \$76,352 | 7,543 | Ineligible | \$127.25 |
| Mineral CDP | \$17,882 | 219 | Eligible | \$29.80 |
| Minnehaha CDP | \$80,072 | 12,092 | Ineligible | \$133.45 |
| Mirrormont CDP | \$118,542 | 3,717 | Ineligible | \$197.57 |
| Moclips CDP | - | 0 | n/a | n/a |
| Monroe city | \$79,661 | 18,503 | Ineligible | \$132.77 |
| Monroe North CDP | \$115,321 | 1,744 | Ineligible | \$192.20 |
| Montesano city | \$66,250 | 3,927 | Ineligible | \$110.42 |
| Morton city | \$40,217 | 1,120 | Eligible | \$67.03 |
| Moses Lake city | \$51,800 | 22,663 | Eligible | \$86.33 |
| Moses Lake North CDP | \$33,333 | 4,124 | Eligible | \$55.56 |
| Mossyrock city | \$31,513 | 697 | Eligible | \$52.52 |
| Mount Vernon city | \$55,368 | 34,504 | Ineligible | \$92.28 |
| Mount Vista CDP | \$81,139 | 8,703 | Ineligible | \$135.23 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|--------------------------------|-----------|------------|---|-------------------|
| Mountlake Terrace city | \$72,765 | 21,106 | Ineligible | \$121.28 |
| Moxee city | \$53,024 | 3,958 | Eligible | \$88.37 |
| Mukilteo city | \$105,146 | 21,264 | Ineligible | \$175.24 |
| Naches town | \$60,529 | 705 | Ineligible | \$100.88 |
| Napavine city | \$53,412 | 1,720 | Eligible | \$89.02 |
| Naselle CDP | \$48,333 | 412 | Eligible | \$80.56 |
| Navy Yard City CDP | \$56,884 | 3,166 | Ineligible | \$94.81 |
| Neah Bay CDP | \$36,719 | 1,032 | Eligible | \$61.20 |
| Neilton CDP | \$59,375 | 309 | Ineligible | \$98.96 |
| Nespelem Community CDP | - | 244 | n/a | n/a |
| Nespelem town | \$37,500 | 193 | Eligible | \$62.50 |
| Newcastle city | \$119,125 | 11,559 | Ineligible | \$198.54 |
| Newport city | \$33,707 | 2,142 | Eligible | \$56.18 |
| Nile CDP | \$81,302 | 116 | Ineligible | \$135.50 |
| Nisqually Indian Community CDP | \$59,167 | 666 | Ineligible | \$98.61 |
| Nooksack city | \$62,938 | 1,678 | Ineligible | \$104.90 |
| Normandy Park city | \$94,693 | 6,678 | Ineligible | \$157.82 |
| North Bend city | \$106,135 | 6,830 | Ineligible | \$176.89 |
| North Bonneville city | \$65,385 | 1,155 | Ineligible | \$108.98 |
| North Fort Lewis CDP | \$62,083 | 5,701 | Ineligible | \$103.47 |
| North Lynnwood CDP | \$69,341 | 21,608 | Ineligible | \$115.57 |
| North Marysville CDP | \$87,500 | 176 | Ineligible | \$145.83 |
| North Omak CDP | \$38,301 | 618 | Eligible | \$63.84 |
| North Puyallup CDP | \$51,951 | 1,722 | Eligible | \$86.59 |
| North Sultan CDP | \$94,625 | 232 | Ineligible | \$157.71 |
| North Yelm CDP | \$54,265 | 3,201 | Eligible | \$90.44 |
| Northport town | \$27,125 | 318 | Eligible | \$45.21 |
| Northwest Stanwood CDP | - | 135 | n/a | n/a |
| Oak Harbor city | \$52,127 | 22,820 | Eligible | \$86.88 |
| Oakesdale town | \$57,500 | 447 | Ineligible | \$95.83 |
| Oakville city | \$46,563 | 738 | Eligible | \$77.61 |
| Ocean City CDP | - | 224 | n/a | n/a |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|------------------------------|----------|------------|---|-------------------|
| Ocean Park CDP | \$26,895 | 1,695 | Eligible | \$44.83 |
| Ocean Shores city | \$43,641 | 5,814 | Eligible | \$72.74 |
| Odessa town | \$50,556 | 946 | Eligible | \$84.26 |
| Okanogan city | \$42,500 | 2,570 | Eligible | \$70.83 |
| Okanogan County | \$45,808 | 41,638 | Ineligible | \$76.35 |
| Olympia city | \$58,606 | 50,836 | Ineligible | \$97.68 |
| Omak city | \$44,943 | 4,794 | Eligible | \$74.91 |
| Onalaska CDP | \$45,481 | 807 | Eligible | \$75.80 |
| Orchards CDP | \$71,376 | 23,020 | Ineligible | \$118.96 |
| Orient CDP | \$18,125 | 135 | Eligible | \$30.21 |
| Oroville city | \$33,156 | 1,968 | Eligible | \$55.26 |
| Orting city | \$80,497 | 7,732 | Ineligible | \$134.16 |
| Oso CDP | \$52,426 | 277 | Eligible | \$87.38 |
| Othello city | \$51,071 | 7,980 | Eligible | \$85.12 |
| Otis Orchards-East Farms CDP | \$76,875 | 6,514 | Ineligible | \$128.13 |
| Outlook CDP | - | 363 | n/a | n/a |
| Oyehut CDP | - | 0 | n/a | n/a |
| Pacific Beach CDP | - | 472 | n/a | n/a |
| Pacific city | \$61,157 | 7,177 | Ineligible | \$101.93 |
| Pacific County | \$44,846 | 21,281 | Eligible | \$74.74 |
| Packwood CDP | \$38,750 | 315 | Eligible | \$64.58 |
| Palouse city | \$62,083 | 955 | Ineligible | \$103.47 |
| Parker CDP | - | 88 | n/a | n/a |
| Parkland CDP | \$51,415 | 37,185 | Ineligible | \$85.69 |
| Parkwood CDP | \$50,060 | 6,700 | Eligible | \$83.43 |
| Pasco city | \$61,662 | 71,858 | Ineligible | \$102.77 |
| Pateros city | \$49,375 | 601 | Eligible | \$82.29 |
| Pe Ell town | \$60,547 | 531 | Ineligible | \$100.91 |
| Peaceful Valley CDP | \$35,063 | 4,032 | Eligible | \$58.44 |
| Pend Oreille County | \$48,583 | 13,219 | Eligible | \$80.97 |
| Picnic Point CDP | \$99,901 | 8,976 | Ineligible | \$166.50 |
| Pierce County | \$67,868 | 859,840 | Ineligible | \$113.11 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|----------------------------------|------------|-------------------|--|--------------------------|
| Pine Grove CDP | - | 122 | n/a | n/a |
| Point Roberts CDP | \$46,964 | 1,191 | Eligible | \$78.27 |
| Pomeroy city | \$45,300 | 1,289 | Eligible | \$75.50 |
| Port Angeles city | \$42,967 | 19,615 | Eligible | \$71.61 |
| Port Angeles East CDP | \$49,000 | 3,328 | Eligible | \$81.67 |
| Port Gamble Tribal Community CDP | \$59,167 | 931 | Ineligible | \$98.61 |
| Port Hadlock-Irondale CDP | \$54,257 | 3,574 | Eligible | \$90.43 |
| Port Ludlow CDP | \$63,837 | 2,771 | Ineligible | \$106.40 |
| Port Orchard city | \$70,598 | 13,788 | Ineligible | \$117.66 |
| Port Townsend city | \$52,000 | 9,428 | Eligible | \$86.67 |
| Porter CDP | \$48,500 | 229 | Eligible | \$80.83 |
| Poulsbo city | \$67,813 | 10,301 | Ineligible | \$113.02 |
| Prairie Heights CDP | \$97,565 | 4,256 | Ineligible | \$162.61 |
| Prairie Ridge CDP | \$84,202 | 12,550 | Ineligible | \$140.34 |
| Prescott city | \$35,625 | 308 | Eligible | \$59.38 |
| Prosser city | \$53,902 | 6,076 | Eligible | \$89.84 |
| Puget Island CDP | \$56,827 | 836 | Ineligible | \$94.71 |
| Pullman city | \$30,205 | 33,050 | Ineligible | \$50.34 |
| Purdy CDP | \$65,833 | 1,682 | Ineligible | \$109.72 |
| Puyallup city | \$70,711 | 40,305 | Ineligible | \$117.85 |
| Queets CDP | \$44,063 | 238 | Eligible | \$73.44 |
| Quilcene CDP | \$47,368 | 480 | Eligible | \$78.95 |
| Qui-nai-elt Village CDP | - | 59 | n/a | n/a |
| Quincy city | \$56,921 | 7,531 | Ineligible | \$94.87 |
| Raft Island CDP | \$132,969 | 430 | Ineligible | \$221.62 |
| Rainier city | \$69,417 | 2,346 | Ineligible | \$115.70 |
| Ravensdale CDP | \$88,419 | 1,873 | Ineligible | \$147.37 |
| Raymond city | \$46,168 | 2,882 | Eligible | \$76.95 |
| Reardan town | \$40,685 | 584 | Eligible | \$67.81 |
| Redmond city | \$123,449 | 63,197 | Ineligible | \$205.75 |
| Renton city | \$74,756 | 101,054 | Ineligible | \$124.59 |
| Republic city | \$32,917 | 1,340 | Eligible | \$54.86 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|--------------------|------------|-------------------|--|--------------------------|
| Richland city | \$74,405 | 55,043 | Ineligible | \$124.01 |
| Ridgefield city | \$95,859 | 7,178 | Ineligible | \$159.77 |
| Ritzville city | \$39,868 | 1,628 | Eligible | \$66.45 |
| River Road CDP | - | 894 | n/a | n/a |
| Riverbend CDP | \$98,233 | 2,302 | Ineligible | \$163.72 |
| Riverside town | \$36,250 | 309 | Eligible | \$60.42 |
| Rochester CDP | \$76,703 | 3,232 | Ineligible | \$127.84 |
| Rock Island city | \$48,438 | 1,195 | Eligible | \$80.73 |
| Rockford town | \$56,875 | 437 | Ineligible | \$94.79 |
| Rockport CDP | \$9,102 | 49 | Eligible | \$15.17 |
| Rocky Point CDP | \$58,973 | 1,579 | Ineligible | \$98.29 |
| Ronald CDP | \$121,436 | 164 | Ineligible | \$202.39 |
| Roosevelt CDP | \$61,250 | 161 | Ineligible | \$102.08 |
| Rosalia town | \$37,344 | 568 | Eligible | \$62.24 |
| Rosburg CDP | \$49,000 | 323 | Eligible | \$81.67 |
| Rosedale CDP | \$96,736 | 4,512 | Ineligible | \$161.23 |
| Roslyn city | \$53,333 | 644 | Eligible | \$88.89 |
| Roy city | \$57,500 | 692 | Ineligible | \$95.83 |
| Royal City | \$33,854 | 1,517 | Eligible | \$56.42 |
| Ruston town | \$90,250 | 1,233 | Ineligible | \$150.42 |
| Ryderwood CDP | \$37,179 | 454 | Eligible | \$61.97 |
| Salmon Creek CDP | \$79,292 | 21,299 | Ineligible | \$132.15 |
| Sammamish city | \$165,318 | 64,049 | Ineligible | \$275.53 |
| San Juan County | \$60,711 | 16,473 | Ineligible | \$101.19 |
| Santiago CDP | \$20,625 | 30 | Eligible | \$34.38 |
| Satsop CDP | \$56,528 | 624 | Ineligible | \$94.21 |
| Seabeck CDP | \$68,542 | 1,060 | Ineligible | \$114.24 |
| SeaTac city | \$58,995 | 28,925 | Ineligible | \$98.33 |
| Seattle city | \$85,562 | 708,823 | Ineligible | \$142.60 |
| Sedro-Woolley city | \$54,887 | 11,579 | Eligible | \$91.48 |
| Sekiu CDP | - | 62 | n/a | n/a |
| Selah city | \$53,383 | 7,766 | Eligible | \$88.97 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|----------------------|-----------|------------|---|-------------------|
| Sequim city | \$37,901 | 7,100 | Eligible | \$63.17 |
| Shadow Lake CDP | \$110,200 | 2,286 | Ineligible | \$183.67 |
| Shelton city | \$40,141 | 9,996 | Eligible | \$66.90 |
| Shoreline city | \$80,489 | 56,020 | Ineligible | \$134.15 |
| Silvana CDP | - | 13 | n/a | n/a |
| Silver Firs CDP | \$121,154 | 22,052 | Ineligible | \$201.92 |
| Silverdale CDP | \$71,310 | 21,071 | Ineligible | \$118.85 |
| Sisco Heights CDP | \$101,382 | 2,518 | Ineligible | \$168.97 |
| Skagit County | \$62,865 | 123,907 | Ineligible | \$104.78 |
| Skamania County | \$58,598 | 11,620 | Ineligible | \$97.66 |
| Skamokawa Valley CDP | - | 304 | n/a | n/a |
| Skokomish CDP | \$41,667 | 655 | Eligible | \$69.45 |
| Skykomish town | \$36,875 | 114 | Eligible | \$61.46 |
| Snohomish city | \$66,209 | 9,875 | Ineligible | \$110.35 |
| Snohomish County | \$82,751 | 786,620 | Ineligible | \$137.92 |
| Snoqualmie city | \$144,148 | 13,317 | Ineligible | \$240.25 |
| Snoqualmie Pass CDP | \$111,250 | 316 | Ineligible | \$185.42 |
| Soap Lake city | \$33,542 | 1,445 | Eligible | \$55.90 |
| South Bend city | \$36,944 | 1,592 | Eligible | \$61.57 |
| South Cle Elum town | \$60,278 | 582 | Ineligible | \$100.46 |
| South Creek CDP | \$60,181 | 2,716 | Ineligible | \$100.30 |
| South Hill CDP | \$83,359 | 58,164 | Ineligible | \$138.93 |
| South Prairie town | \$83,333 | 280 | Ineligible | \$138.89 |
| South Wenatchee CDP | \$43,938 | 2,011 | Eligible | \$73.23 |
| Southworth CDP | \$76,914 | 2,073 | Ineligible | \$128.19 |
| Spanaway CDP | \$68,667 | 32,150 | Ineligible | \$114.45 |
| Spangle city | \$58,393 | 189 | Ineligible | \$97.32 |
| Spokane city | \$47,822 | 214,804 | Ineligible | \$79.70 |
| Spokane County | \$54,852 | 497,875 | Ineligible | \$91.42 |
| Spokane Valley city | \$49,510 | 96,070 | Ineligible | \$82.52 |
| Sprague city | \$32,813 | 452 | Eligible | \$54.69 |
| Springdale town | \$38,875 | 395 | Eligible | \$64.79 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|---------------------|-----------|------------|---|-------------------|
| St. John town | \$49,091 | 567 | Eligible | \$81.82 |
| Stansberry Lake CDP | \$83,750 | 2,768 | Ineligible | \$139.58 |
| Stanwood city | \$61,756 | 6,973 | Ineligible | \$102.93 |
| Starbuck town | \$33,750 | 111 | Eligible | \$56.25 |
| Startup CDP | \$49,583 | 663 | Eligible | \$82.64 |
| Steilacoom town | \$76,912 | 6,270 | Ineligible | \$128.19 |
| Steptoe CDP | \$67,083 | 177 | Ineligible | \$111.81 |
| Stevens County | \$49,200 | 44,214 | Ineligible | \$82.00 |
| Stevenson city | \$40,833 | 1,503 | Eligible | \$68.06 |
| Sudden Valley CDP | \$79,375 | 7,999 | Ineligible | \$132.29 |
| Sultan city | \$78,688 | 5,040 | Ineligible | \$131.15 |
| Sumas city | \$53,250 | 1,757 | Eligible | \$88.75 |
| Summit CDP | \$72,222 | 8,435 | Ineligible | \$120.37 |
| Summit View CDP | \$69,545 | 7,621 | Ineligible | \$115.91 |
| Summitview CDP | \$72,472 | 1,047 | Ineligible | \$120.79 |
| Sumner city | \$59,846 | 9,898 | Ineligible | \$99.74 |
| Sunday Lake CDP | \$92,132 | 655 | Ineligible | \$153.55 |
| Sunnyside city | \$39,903 | 16,442 | Eligible | \$66.51 |
| Sunnyslope CDP | \$98,179 | 3,815 | Ineligible | \$163.63 |
| Suquamish CDP | \$62,782 | 4,310 | Ineligible | \$104.64 |
| Swede Heaven CDP | \$64,583 | 952 | Ineligible | \$107.64 |
| Tacoma city | \$58,617 | 210,103 | Ineligible | \$97.70 |
| Taholah CDP | \$36,250 | 665 | Eligible | \$60.42 |
| Tampico CDP | \$68,603 | 250 | Ineligible | \$114.34 |
| Tanglewilde CDP | \$62,585 | 6,581 | Ineligible | \$104.31 |
| Tanner CDP | \$155,278 | 885 | Ineligible | \$258.80 |
| Tekoa city | \$55,000 | 742 | Eligible | \$91.67 |
| Tenino city | \$55,774 | 1,695 | Eligible | \$92.96 |
| Terrace Heights CDP | \$57,138 | 8,273 | Ineligible | \$95.23 |
| Thorp CDP | \$44,773 | 246 | Eligible | \$74.62 |
| Three Lakes CDP | \$117,462 | 3,560 | Ineligible | \$195.77 |
| Thurston County | \$69,592 | 274,684 | Ineligible | \$115.99 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-----------------------------|-----------|------------|---|-------------------|
| Tieton city | \$46,438 | 1,541 | Eligible | \$77.40 |
| Tokeland CDP | - | 291 | n/a | n/a |
| Toledo city | \$56,161 | 602 | Ineligible | \$93.60 |
| Tonasket city | \$27,375 | 1,057 | Eligible | \$45.63 |
| Toppenish city | \$43,823 | 8,906 | Eligible | \$73.04 |
| Torboy CDP | - | 48 | n/a | n/a |
| Touchet CDP | \$78,571 | 509 | Ineligible | \$130.95 |
| Town and Country CDP | \$64,796 | 4,728 | Ineligible | \$107.99 |
| Tracyton CDP | \$71,225 | 5,933 | Ineligible | \$118.71 |
| Trout Lake CDP | \$61,458 | 632 | Ineligible | \$102.43 |
| Tukwila city | \$57,215 | 20,198 | Ineligible | \$95.36 |
| Tumwater city | \$65,167 | 22,500 | Ineligible | \$108.61 |
| Twin Lakes CDP | \$19,792 | 71 | Eligible | \$32.99 |
| Twisp town | \$44,180 | 1,153 | Eligible | \$73.63 |
| Union CDP | \$66,875 | 412 | Ineligible | \$111.46 |
| Union Gap city | \$38,957 | 6,142 | Eligible | \$64.93 |
| Union Hill-Novelty Hill CDP | \$139,009 | 22,034 | Ineligible | \$231.68 |
| Uniontown town | \$69,653 | 382 | Ineligible | \$116.09 |
| University Place city | \$70,796 | 32,907 | Ineligible | \$117.99 |
| Upper Elochoman CDP | - | 100 | n/a | n/a |
| Vader city | \$44,545 | 923 | Eligible | \$74.24 |
| Valley CDP | - | 164 | n/a | n/a |
| Vancouver city | \$58,865 | 178,413 | Ineligible | \$98.11 |
| Vantage CDP | - | 23 | n/a | n/a |
| Vashon CDP | \$80,144 | 10,036 | Ineligible | \$133.57 |
| Vaughn CDP | - | 552 | n/a | n/a |
| Venersborg CDP | \$110,066 | 4,349 | Ineligible | \$183.44 |
| Verlot CDP | \$101,250 | 475 | Ineligible | \$168.75 |
| Wahkiakum County | \$54,085 | 4,189 | Eligible | \$90.14 |
| Waitsburg city | \$50,192 | 1,188 | Eligible | \$83.65 |
| Walla Walla city | \$48,678 | 32,731 | Ineligible | \$81.13 |
| Walla Walla County | \$56,533 | 60,236 | Ineligible | \$94.22 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-----------------------------|------------|-------------------|--|--------------------------|
| Walla Walla East CDP | \$101,625 | 1,929 | Ineligible | \$169.38 |
| Waller CDP | \$77,586 | 7,894 | Ineligible | \$129.31 |
| Wallula CDP | - | 361 | n/a | n/a |
| Wapato city | \$38,208 | 5,041 | Eligible | \$63.68 |
| Warden city | \$39,394 | 2,744 | Eligible | \$65.66 |
| Warm Beach CDP | \$83,125 | 2,699 | Ineligible | \$138.54 |
| Washougal city | \$87,283 | 15,484 | Ineligible | \$145.47 |
| Washtucna town | \$46,667 | 241 | Eligible | \$77.78 |
| Waterville town | \$50,880 | 1,415 | Eligible | \$84.80 |
| Wauna CDP | \$82,201 | 4,323 | Ineligible | \$137.00 |
| Waverly town | \$41,250 | 94 | Eligible | \$68.75 |
| Wenatchee city | \$51,561 | 34,094 | Ineligible | \$85.94 |
| West Clarkston-Highland CDP | \$46,966 | 6,081 | Eligible | \$78.28 |
| West Pasco CDP | \$104,398 | 1,478 | Ineligible | \$174.00 |
| West Richland city | \$92,952 | 14,187 | Ineligible | \$154.92 |
| West Side Highway CDP | \$68,358 | 5,877 | Ineligible | \$113.93 |
| Westport city | \$40,663 | 2,091 | Eligible | \$67.77 |
| Whatcom County | \$59,285 | 216,812 | Ineligible | \$98.81 |
| Whidbey Island Station CDP | \$35,250 | 1,930 | Eligible | \$58.75 |
| White Center CDP | \$51,898 | 15,852 | Eligible | \$86.50 |
| White Salmon city | \$55,677 | 2,485 | Eligible | \$92.80 |
| White Swan CDP | \$47,885 | 996 | Eligible | \$79.81 |
| Whitman County | \$42,163 | 48,593 | Ineligible | \$70.27 |
| Wilbur town | \$47,823 | 807 | Eligible | \$79.71 |
| Wilderness Rim CDP | \$109,727 | 1,457 | Ineligible | \$182.88 |
| Wilkeson town | \$65,250 | 440 | Ineligible | \$108.75 |
| Willapa CDP | \$53,359 | 182 | Eligible | \$88.93 |
| Wilson Creek town | \$37,750 | 215 | Eligible | \$62.92 |
| Winlock city | \$49,145 | 1,725 | Eligible | \$81.91 |
| Winthrop town | \$46,875 | 407 | Eligible | \$78.13 |
| Wishram CDP | \$31,818 | 499 | Eligible | \$53.03 |
| Wollochet CDP | \$95,337 | 6,390 | Ineligible | \$158.90 |

| Place | MHI | Population | Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship | 2% of Monthly MHI |
|-------------------|------------|-------------------|--|--------------------------|
| Woodinville city | \$100,306 | 12,026 | Ineligible | \$167.18 |
| Woodland city | \$61,818 | 5,912 | Ineligible | \$103.03 |
| Woods Creek CDP | \$104,261 | 5,907 | Ineligible | \$173.77 |
| Woodway city | \$190,521 | 1,189 | Ineligible | \$317.54 |
| Yacolt town | \$63,542 | 1,575 | Ineligible | \$105.90 |
| Yakima city | \$44,266 | 93,416 | Ineligible | \$73.78 |
| Yakima County | \$49,871 | 249,325 | Ineligible | \$83.12 |
| Yarrow Point town | \$223,750 | 1,168 | Ineligible | \$372.92 |
| Yelm city | \$65,377 | 8,772 | Ineligible | \$108.96 |
| Zillah city | \$64,037 | 3,118 | Ineligible | \$106.73 |

Appendix N: Environmental and Cultural Resources Review Guidance

1.0 Introduction

This appendix replaces Ecology publication 16-10-003.

This guidance is for Washington Department of Ecology (Ecology) Water Quality Program grant and loan recipients. This guidance describes environmental and cultural requirements and regulations in place for the Water Quality Program grant or loan opportunities. This guidance does not address requirements or regulations outside of this scope, such as the American Iron and Steel Act or the Davis Bacon Wage Act.

Ecology recognizes three steps or phases of project implementation, planning, design, and construction, and a fourth step for combined design and construction of smaller projects. This three step process is required for wastewater projects. Other project types, such as non-point and stormwater may use only one or two of these steps/phases. Often Ecology awards loans or grants to fund a specific step, for example – funding the design phase only.

- 1) Step One – Plan the project.
- 2) Step Two – Develop a design ready for Ecology to review and approve.
- 3) Step Three – Go out to bid, construct based upon approved design.
- 4) Step Four – Combined Step 2 and 3 – Design and then construct.

Funding recipients must complete all environmental and cultural requirements before construction begins. When selecting a project site, funding recipients should address regulations that can alter location, such as cultural resources review, early in the planning process stage. Addressing potential site issues and restrictions early on in the planning process can save time and money on project implementation.

2.0 Environmental Justice & Title VI (Civil Rights) Review

2.1 Background Information

This chapter is applicable to all sources of funding within the Water Quality Combined Funding Program.

2.1.1 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."

2.1.2 What is Title VI of the Civil Rights Act?

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](#)¹²².

For Ecology's programs and activities this means:

- Identifying the population characteristics of the people affected by the activity (such as tribes, minority populations, low-income populations, and non-English speaking populations).
- Assessing disproportionately high and adverse human health or environmental effects on minority populations and low-income populations.
- Planning for and facilitating the meaningful involvement of affected communities in the proposed activity process. Ensuring that potentially affected populations have appropriate opportunity to learn about, participate in, and influence Ecology's decisions and actions.

Consider this process to determine possible environmental justice and Title VI considerations related to the activity.

- 1) Discuss the population demographics potentially affected by your activity and any relevant environmental justice context, including:
 - a) Potentially impacted minority populations, low-income populations, or tribes in your project area. Data sources might include [EJSCREEN](#)¹²³, [Washington Tracking Network](#)¹²⁴, program staff, and local agencies and organizations.
 - b) Demographic characteristics of the audience and potentially affected population that might hinder meaningful involvement (e.g., geographic isolation, educational attainment, literacy, age).
 - c) Non-English speaking or limited English proficiency populations in your intended audience or in the population potentially impacted by the activity.
 - d) Prior environmental justice and/or Title VI Civil Rights concerns or complaints related to your activity.
 - e) Media coverage and public interest related to environmental justice, Title VI Civil Rights, or environmental health.
- 2) If the discussion above identifies populations with environmental justice and Title VI

¹²² <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

¹²³ <https://www.epa.gov/ejscreen/what-ejscreen>

¹²⁴ <https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth>

considerations, evaluate known or potential environmental and health impacts, including:

- a) Potentially adverse effects on, or benefits to, the identified populations.
 - b) Concerns expressed by the potentially impacted populations.
 - c) Alternatives or mitigation that would address potentially disproportionate adverse impacts.
- 3) If appropriate, plan a transparent participation process that ensures meaningful involvement and includes:
- a) Addressing barriers to participation.
 - b) Engaging external organizations, groups, or individuals who are involved or are interested in being included in your outreach.
 - c) Appropriate tribal consultation.
 - d) Discussing the timing, frequency, and format of public engagement opportunities to ensure they are open and accessible to all interested groups.
 - e) Involving communications staff, as appropriate, to ensure meaningful opportunities for public input and effective outreach.

For additional information, see Appendix O.

Questions on This Topic

- Millie Piazza, PhD, Environmental Justice Coordinator, WA State Department of Ecology; millie.piazza@ecy.wa.gov, (360) 407-6177, or (360) 489-2416.

3.0 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.

3.1 Important Regulations that Apply to State Funded Projects

3.1.1 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 uses SEPA as the basis for that review (see Federal Grants and Loans).

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](#)¹²⁵ 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.

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 the 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 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.

¹²⁵ <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>

A Note on SEPA Exemptions

If applying for **federal** funding, SEPA exemptions may not apply¹²⁶. 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 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](#)¹²⁷ for project applicants provides detailed guidance on the process.

A [basic overview of SEPA](#)¹²⁸ is available online for your convenience.

Information on SEPA

- [General Information on Washington’s State Environmental Policy Act](#)¹²⁹.
- [Electronic versions of SEPA forms](#)¹³⁰.
- [SEPA Register](#)¹³¹.
- [SEPA rule](#)¹³², 197-11 WAC.
- [SEPA statute](#)¹³³, Chapter 43.21C RCW.

Questions on This Topic

- For SEPA-related questions: sepahelp@ecy.wa.gov or 360-407-6922.
- For SERP-related questions: Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.

3.1.2 Executive Order 05-05: Archaeological and Cultural Resources

All state funded projects must follow Executive Order 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. Recipients must follow approved

¹²⁶ For CWSRF loans, CWSRF federal environmental review guidance and EPA SERP approval requirements supersede Chapter 197-11 and RCW 43.21C.

¹²⁷ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Guide-for-project-applicants>

¹²⁸ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Basic-overview>

¹²⁹ <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>

¹³⁰ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-document-templates>

¹³¹ <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-Register>

¹³² <https://apps.leg.wa.gov/WAC/default.aspx?cite=197-11>

¹³³ <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21C>

protocol if they have an unanticipated discovery of pre-historic, historic resources or human remains during construction.

In an effort to encourage better agency/tribal communication during the pre-planning process and ensure projects not subject to consultation under Section 106 of the National Historic Preservation Act (NHPA) of 1966, as amended, or other cultural regulations are reviewed for possible impacts, Governor Gregoire ordered state agencies with capital improvement projects to integrate the Department of Archaeology and Historic Preservation (DAHP) and tribes into the capital project planning process. The simple idea behind Executive Order 05-05 (the fifth order signed in 2005, thus 05-05) is that the State take the lead in protecting Washington’s rich history for future generations to enjoy, particularly when spending tax payer money (source: [DAHP website](#)¹³⁴).

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 as “Historic and pre-historic places, artifacts, buildings, structures, objects, sites and districts” by the DAHP.

Executive Order 05-05 (GEO 05-05) requires all state agencies to review all capital improvement and land acquisition projects to determine potential impacts to cultural resources. This review is completed with DAHP and tribes, as early as possible in the planning process. If a known or potentially significant site is in the area of a project, the state agency will:

- Take reasonable action to avoid, minimize or mitigate adverse effects to the resource.
- Consult with affected Tribes, DAHP, and the Governor’s Office of Indian Affairs (GOIA) in a face-to-face meeting, to discuss the design before it is finalized.
- Work with DAHP and affected Tribes on appropriate archaeological survey and mitigation strategies.
- Train appropriate staff in cultural resource consultation.

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).

¹³⁴ <https://dahp.wa.gov/project-review/governors-executive-order-05-05>

- 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 7.0 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); call (360) 407-6429 if unsure who.
- Holly Borth. Department of Archaeology and Historic Preservation (DAHP), Preservation Design Reviewer; (360) 586-3533 or Holly.Borth@dahp.wa.gov.

4.0 Water Quality Grant and Loan’s Cultural Review Process

This section explains in detail pre-construction compliance with WQC’s cultural resource review procedures, and what to do in the event of a post-construction discovery. This section applies to both state and federally funded projects.

4.1 Explore Before You Restore

Explore Before You Restore reminds us to review the area for these sensitive resources and consider the impact of the project. This pre-planning often includes consulting regional tribes, the DAHP, and knowledgeable stakeholders.

For state and federally funded projects, unless designated otherwise, the Ecology Water Quality Grant and Loan Program is the lead agency for this process (see Section G of the Administrative Requirements of Ecology Grants and Loans (Yellow Book) (Publication No. 17-01-004, August 2017). Clearly stated in Section (2) of Executive Order 05-05 Archaeological and Cultural Resources (GEO 05-05), our Program falls under this section:

- “Consult with DAHP and affected Tribes during project design and prior to construction on

projects not undergoing Section 106 review, as a condition to receiving state grants or loans for the purposes of a capital construction project.... State agencies shall take steps to insure that this type of review is incorporated into their grant and loan management process.”

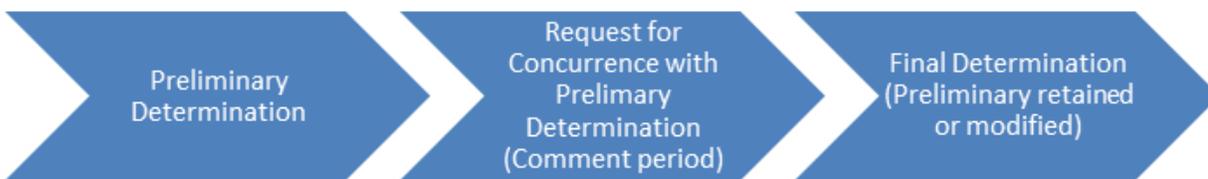


Figure 3: General Sequence for Cultural Resources Review¹³⁵

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 leads consultation, the Cultural Resource Contact (CRC) will work with DAHP and affected tribes on appropriate mitigation strategies for identified culturally significant sites. This includes coordinating face-to-face meetings with the recipient and tribes as needed. Ecology has the obligation to respect the input from both DAHP and the tribes. DAHP is the legally recognized environmental agency with special expertise in cultural resources (WAC 197-11.920); the tribes possess special expertise often not shared with outside agencies. Ecology is always the lead agency for Executive Order 05-05, which only applies to state funds and agencies; recipients and consultants may not act on behalf of Ecology.

For CWSRF treatment works projects, Clean Water Section 319, and Clean Water Section 320 projects, the Water Quality Program has EPA-delegated non-federal authority and is the lead agency for Section 106 consultation unless we defer.

Section 106 discussion and early planning can start in the pre-construction phases, but formal consultation with area tribes or with DAHP often waits until a funding mechanism is in place. See 36 CFR Part 800.1(c), Timing, or contact DAHP for further information.

4.2 Tribal Consultation Best Practices

If, during a comment period, a tribal representative asks for a meeting, Ecology does our best to accommodate. Face-to-face meetings are preferable but may not be practical at all times. It is our agency policy not to send consultants or recipients to meetings to represent Ecology’s interest or the project, as decisions may be made that could be binding.

4.3 Cultural Review Process

The recipient will complete and submit an Ecology 05-05/106 Cultural Resources Review Form to the Ecology Project Manager. Once received, a CRC reviews the form for completeness. The

¹³⁵ May be subject to change dependent upon the project.

CRC will return incomplete forms. The basic process of review and consultation is completed in the following steps – please note that for certain federally funded projects, an extra step involving concurrence on the Area of Potential Effect (APE) precedes the Preliminary Determination.

- 1) **Preliminary Determination:** An Ecology CRC will use the 05-05/106 Cultural Resources Review form, the [Washington Information System for Architectural & Archeological Records Data](#)¹³⁶ (WISAARD) database and any other documentation to make a reasonable and good faith effort on whether pre-contact, historic resources or structures, or burial sites exist within or directly adjacent to the Area of Impact/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.
- 2) **Request for Concurrence with Preliminary Determination:** The CRC initiates formal consultation by sending out the preliminary determination, with a request for concurrence, to DAHP, consulting tribes, and any other identified consulting parties. This correspondence includes a detailed project description, map and Ecology’s 05-05/106 Cultural Resources Review form with a cover letter or email. The comment period is typically 30 days, but Ecology may extend it.
- 3) **Final Determination:** The Final Determination is the agency’s decision on what to do next, also known as the “Agency Findings.” The Final Determination is a letter, or digital correspondence, that considers any comments, new information, discussions that have occurred during the comment period, and re-visits the preliminary determination statement. The CRC will make a decision on whether to retain or modify the preliminary determination.
- 4) **Surveys:** In cases of an adverse effect, or the potential for an adverse effect, the CRC may not issue a final determination, but instead require further stipulations, such as a survey, before consultation is complete.

This was a simplistic description of the Ecology WQC 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).

4.3.1 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. 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.

¹³⁶ <https://fortress.wa.gov/dahp/wisaardp3/>

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.

Adoption of Another Review

Ecology's 05-05/106 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 the review was completed within ten years, we may adopt the findings from that review. 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?

Did you forget to include in planning and design cultural resources consultation? Did you break ground without initiating consultation? Ecology definitely prefers that you avoid forgetting this important step before starting your project (see your Agency Terms and Conditions). If this does happen, you must stop your project and complete an "After Action" consultation.

If an archaeological site or human remains were present, and any damage occurred during your work, you may be subject to further mitigation requirements, a treatment plan and other penalties based upon the decisions made with DAHP and the affected tribes. Ecology will not reimburse for any deliverables associated with an After Action/Post Project consultation where the recipient knowingly and willingly proceeded with work without compliance, resulting in damage assessments, surveys, monitoring, mitigation, or other requirements.

Useful References

- [Ecology's Executive Order 05-05/Section 106 Project Review form](#)¹³⁷ (ECY 05-05/106 Form).
- [National Historic Preservation Act](#)¹³⁸, 16 USC 470 (see page 47).
- [Protection of Historic Properties](#)¹³⁹, 36 CFR 800.

¹³⁷ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070537.html>

¹³⁸ <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

¹³⁹ https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl

- [Archaeological and Historic Preservation Act](#)¹⁴⁰, 16 USC 469a-1, as amended in 2014 (U.S. Code Title 54) – see page 40.
- [Advisory Council for Historic Preservation](#)¹⁴¹.
- [National Register of Historic Places](#)¹⁴².
- [Washington State Department of Archaeology and Historic Preservation](#)¹⁴³ (DAHP).
- [Washington Information System for Architectural and Archaeological Records Data](#)¹⁴⁴ (WISAARD).
- [Tribal cultural resources contact information](#)¹⁴⁵.
- [Governor’s Office of Indian Affairs](#)¹⁴⁶ (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.

Questions on This Topic

- The assigned Ecology CRC; call (360) 407-6429 if unsure who.
- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.
- The Department of Archaeology and Historic Preservation (DAHP) – General office; (360) 586-3065.

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 section provides information on compliance with environmental review and permitting obligations Clean Water State Revolving Fund program. This program provides loans for treatment and non-treatment works water quality improvement projects. Funding authority for treatment works comes from Section 212 of the Clean Water Act (CWA), and are often referred to as 212 projects.

Two other project types that are also part of the CWSRF program – non-point projects, managed under the authority of Section 319 of the Clean Water Act, and the National Estuary Program, managed under the authority of Section 320 of the Clean Water Act.

¹⁴⁰ <https://www.law.cornell.edu/uscode/text/16/469a-1>

¹⁴¹ <https://www.achp.gov/>

¹⁴² <https://www.nps.gov/subjects/nationalregister/index.htm>

¹⁴³ <https://dahp.wa.gov/>

¹⁴⁴ <https://dahp.wa.gov/project-review/wisaard-system>

¹⁴⁵ <https://goia.wa.gov/tribal-directory/tribal-chair-contact-information>

¹⁴⁶ <https://goia.wa.gov/>

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)). Ecology may use the National Environmental Policy Act (NEPA) or they may provide a state equivalent review for approval by the EPA. Either way, this review is referred to as the State Environmental Review Process or SERP.

Important to note - The specific federal requirements for SERP are found in 40 CFR 35.3140 and the EPA formally approved the Water Quality Program’s SERP in 2016. For Ecology, reviewing the local government review completed as part of the Washington State Environmental Policy Act (SEPA¹⁴⁷) helps to fulfill many of the SERP requirements. The guidance presented here helps loan recipients ensure Ecology receives the information necessary to make a SERP determination for CWSRF loans.

Questions on This Topic

- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.

5.1.2 What is a treatment works project?

Treatment works projects include wastewater and stormwater collection, storage, and treatment systems. In Washington, such systems can be loosely termed “facilities.” Other treatment works project examples include reclaimed water, combined sewer, and large on-site system sewage (LOSS) projects.

Non-treatment works projects eligible for CWSRF funding include repair and replacement of individually owned on-site sewage systems, education and outreach efforts, and other water quality activities and projects. These examples are not treatment works projects and are not subject to SERP.

5.2 When to Think About Starting Environmental Review

The timing of when the review changed for the following phases of funding to allow for flexibility (below).

Table 20: SERP Timing

| Loan Type/Phase | SERP Deadline |
|-----------------|---|
| Planning Phase | Include as a deliverable in the agreement |
| Design Phase | Include as a deliverable in the agreement |

¹⁴⁷ 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.

| Loan Type/Phase | SERP Deadline |
|--------------------------|--------------------------------------|
| Design & Construct Phase | Before starting construction |
| Construction Only Phase | Before signing the funding agreement |

The components of environmental review (facility plan, reasonable alternatives, SEPA, permitting, mitigation, public outreach) provide the necessary items for Ecology to make a SERP determination. These components make up what is often referred to as a SERP package.

Ecology reviews the loans internally every time funds are issued. Whether the time is ripe for a SERP package is between the Environmental Review Coordinator, Ecology Project Manager, and the recipient. Some projects may have a SERP package ready during planning, others may need to wait until nearer construction.

There are some timelines placed upon when the SERP documentation is due, and they are flexible. Completing SERP 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 must complete SERP before the funding agreement is signed. This means a complete SERP package and Ecology’s SERP determination are filed with the Ecology Project Manager and the Environmental Review Coordinator. For combined design/construction projects, the SERP package and Ecology’s SERP determination must be completed before construction begins (above).

If the project is identified as a DEP, contact the Environmental Review Coordinator immediately to discuss a strategy for review that works with your deadlines.

5.2.1 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 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.

5.2.2 Ecology Procedures for SERP

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 it 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.

5.2.3 SERP Builds on SEPA Review

Ecology is responsible for SERP. Per 40 CFR 35.3140, Ecology will conduct an environmental review of all treatment works projects financed through Washington State’s CWSRF program, and this review consists of a NEPA-like SERP that utilities the SEPA process with additional authorized elements that meet EPA’s requirements (WA SERP Policy, 2016).

The following elements are added to complete SERP requirements.

- 1) Documentation of the completed SEPA¹⁴⁸ review process.
- 2) Additional public participation opportunity, even for exempt projects.
- 3) Review, approval, and final SERP determination by Ecology.

Roles and Responsibilities

The local government is the SEPA lead agency responsible for identifying and evaluating the potential adverse environmental impacts of a proposal and for preparing, circulating, and considering threshold determinations. Potential impacts may be identified during any phase of the project – planning, design or construction.

Ecology is responsible for reviewing the proposal at each step, discussing strategies for consultation, helping identify permits, coordinating environmental review throughout the life of the project, and working directly with other regulatory agencies. Ecology is responsible for the SERP determination on each loan, 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.

¹⁴⁸ Ecology recognizes tribal governments may have alternative environmental review procedures.

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.

5.2.4 SERP Packet Submission

A SERP 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, Liz Ellis.

When ready, the recipient will submit the SERP packet to Ecology's Project Manager and the Environmental Review Coordinator.

A complete SERP packet submission must include the following information and documentation.

- 1) A completed SERP coversheet ([Ecology publication ECY 070-421](https://fortress.wa.gov/ecy/publications/summarypages/ECY070421.html)¹⁴⁹).
 - a) Have an approved planning document or a treatment plan submitted for approval.
 - b) Completed SEPA checklist, with a properly defined scope, reasonable alternatives, comparison of impacts, and an identified preferred alternative.
 - c) Signed SEPA Threshold Determination or proposed SEPA exemption memo.
 - d) Documentation of public participation and outreach (see below).
 - e) Any comments received during the SEPA comment period.
- 2) SERP public participation documentation.
 - a) Documentation of the meeting advertisement and that it was open to the public.
 - b) Documentation of alternatives considered, the potential environmental impacts, project costs, and ratepayer impacts were on agenda.
 - c) Any comments received and how they were addressed, or statement of no comments received.

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 or an Ecology Project Manager, Ecology Financial Manager, Ecology Funding Program Administrator, or Ecology Technical Advisor uploads the package to the Environmental and Cultural Review form in the EAGL system.

When completing the SEPA environmental checklist (WAC 197-11; RCW 43C.20) the recipient will properly define the proposal and identify if the project is project or non-project (WAC 197-

¹⁴⁹ <https://fortress.wa.gov/ecy/publications/summarypages/ECY070421.html>

11-704). The recipient will identify if Phased Review is applied. The recipient will ensure their review includes the content as outlined under WAC 197-11-060, Content of Environmental Review.

Ecology staff use the 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. For large, complex projects we recommend a pre-construction meeting with the Environmental Review Coordinator.

5.2.5 Public Participation

For all projects, public participation and review are essential to the SEPA and SERP processes. An earnest public participation program can improve the planning process and reduce the chance of delays due to public controversy. 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.

Note: See the list below for specific elements that must be explained at the meeting and the public must be given an opportunity to comment upon.

These opportunities can take almost any form as long as they are advertised, open to the public, and provide an opportunity for the public to comment on the project (such as council meetings, public hearings, a public meeting, and town hall meetings.). The format of the meeting should be appropriate to the community and the scope of the project. 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 submittal. The documentation must include:

- Public advertisement of the meeting.
- History of what occurred at the meeting (record, transcripts, agenda, minutes).
- Documentation showing all alternatives were discussed and explained.
- Documentation showing that the potential environmental, social and economic impacts of

all alternatives were discussed and explained.

- Documentation that public meeting covered the ratepayer (when applicable) impacts of the project.
- Documentation that the public had an opportunity to comment on the proposal.
- The applicant must also document and submit any comments received during or after the public meeting.
- The applicant must address all public comments and include the Environmental Review Coordinator on this SERP Correspondence.

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.

5.3 Other Guidance

5.3.1 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. Ecology does not adopt another agency's exemption or Categorical Exclusion.

5.3.2 Tribal Governments and SEPA/SERP Equivalent

For tribal governments that obtain a CWSRF loan, Ecology may accept a tribal equivalent to SEPA and/or SERP provided the loan recipient meets all the components listed in the SERP checklist. Contact the Environmental Review Coordinator if there are questions.

5.3.3 Reaffirmation of a SERP Determination

Ecology may re-affirm SERP determinations, provided they are less than five years old and no substantive changes have been made. To re-affirm, the original SEPA threshold determination or exemption also must be reaffirmed or reissued by the applicant. When reevaluating a SEPA threshold determination or exemption, Ecology directs applicants to follow 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. Following completion of a reevaluation of a SERP determination or exemption, Ecology will make its 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.
- 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.
- 40 CFR Part 35, Subpart K, Appendix A to Subpart of Part 35-Criteria for evaluating a State's proposed NEPA-Like process.
- State Environmental Policy Act Handbook. Washington State Department of Ecology. Pub. #98-114. (Updated 2003).

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 \(for use by recipients\)](#)¹⁵⁰.
- [SERP Checklist \(for use by Ecology Staff\)](#)¹⁵¹.
- [Cross cutter Checklist \(for use by Ecology staff\)](#)¹⁵².
- [Environmental Review Adoption Checklist \(for use by Ecology staff\)](#)¹⁵³.
- [Ecology's Executive Order 05-05/Section 106 Project Review form \(for use by recipients\)](#)¹⁵⁴.
- [Ecology's Inadvertent Discovery Plan](#)¹⁵⁵.

The latest forms and Ecology Determinations may be located on [Ecology's Water Quality Grants and Loans Environmental Review Webpage](#)¹⁵⁶.

Questions on This Topic

- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.

¹⁵⁰ <https://fortress.wa.gov/ecy/publications/summarypages/ecy070421.html>

¹⁵¹ <https://fortress.wa.gov/ecy/publications/summarypages/ecy070419.html>

¹⁵² <https://fortress.wa.gov/ecy/publications/summarypages/ecy070420.html>

¹⁵³ <https://fortress.wa.gov/ecy/publications/summarypages/ecy070422.html>

¹⁵⁴ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070537.html>

¹⁵⁵ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070560.html>

¹⁵⁶ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Environmental-review>

6.0 State Revolving Fund Federal Authority Review

6.1 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 associated with a CWSRF loan, and the terminology preferable to environmental review.

6.2 When do I need to be concerned about federal requirements associated with my CWSRF loan?

Only projects receiving federal funds through a federal capitalization grant are required to turn in to Ecology a report on their compliance with a list of specific federal laws and authorities. You will be notified if your loan is one of these “designated” projects. The full term is “designated equivalency project” or Designated Equivalency Project (DEP). Such projects are clearly identified in the CWSRF Funding Offer List and Intended Use Plan (IUP).

6.2.1 Why is this report necessary?

It is a requirement associated with the federal loan. However, it is important to point out these laws are often in place whether federal funding exists or not. Compliance with the Clean Air Act, floodplain protections, and ensuring no take of endangered species are clear examples. Turning in a report is a formality for auditing. Under SERP, Ecology can review the potential impact to any resources protected by applicable local, state, or federal laws.

Completing this requirement involves reviewing the list of federal authorities and reporting to Ecology on how you complied with them if they were applicable. Does the project design raise any flags? 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/)¹⁵⁷, 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.

¹⁵⁷ <https://waterandhealth.org/safe-drinking-water/drinking-water/safe-drinking-water-act-blueprint-protecting-nations-drinking-water/>

After your review, include any resulting mitigation or other requirements that affect a project’s design or schedule 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.

6.3 Further Resources

If your project is a DEP, begin your review of federal compliance early. Review the following list of required federal laws and authorities, see which may apply to your project, and follow the directions on compliance. Full compliance must occur prior to signing of a construction loan agreement.

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 project modifications resulting from this review will also 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 05-05 applies.

Table 21: 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) |

| | |
|--|-------------------------------------|
| Clean Air Act | National Historic Preservation Act |
| Environmental Justice | Wetland Protection Executive Orders |
| Farmland Protection Policy Act | Wild and Scenic Rivers Act |
| Floodplain Management Executive Orders | |

6.3.1 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](#)¹⁵⁸.
- [Air Quality](#)¹⁵⁹.
- [EPA’s website](#)¹⁶⁰ on air quality and general conformity.

6.3.2 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](#)¹⁶¹: 16 USC 1451 - Coastal Zone Management Act.
- [Coastal Zone Management Program Regulations](#)¹⁶²: 15 CFR Part 923.
- [Subpart D: Federal Consistency with Approved Coastal Zone Management Programs](#)¹⁶³. United States Department of Commerce: 15 CFR Part 930.50.
- [Ecology’s Coastal Zone Management Program](#)¹⁶⁴.
- [WA Coastal Zone Management Program evaluation](#)¹⁶⁵.

¹⁵⁸ <https://ecology.wa.gov/Air-Climate/Air-quality/Air-quality-targets/Air-quality-standards>

¹⁵⁹ <https://ecology.wa.gov/Air-Climate/Air-quality>

¹⁶⁰ <https://www.epa.gov/environmental-topics/air-topics>

¹⁶¹ <https://coast.noaa.gov/czm/act/>

¹⁶² <https://www.ecfr.gov/cgi-bin/text-idx?SID=7557d8f3105fd75f2a8b3461cbc69d04&mc=true&node=pt15.3.923&rgn=div5>

¹⁶³ <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Programs-policies/Federal-consistency>

¹⁶⁴ <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management>

¹⁶⁵ <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Coastal-zone-management/Program-evaluation>

6.3.3 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”¹⁶⁶ any threatened or endangered species or modify designated critical habitat. Compliance requires a review of the project design, online 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](#)¹⁶⁷.
- [Endangered Species Consultation Handbook](#)¹⁶⁸.
- U.S. Fish & Wildlife Service: [Section 7 Consultation Guidance on Preparing a Biological Assessment](#)¹⁶⁹.
- NMFS Alaska Region, November, 2009, [General Format for Section 7 Biological Assessments](#)¹⁷⁰.
- USFWS & USGS [Information, Planning and Conservation System](#)¹⁷¹ (IPaC).
- [USFWS’s Pacific Region](#)¹⁷².
- [NOAA Fisheries West Coast Region](#)¹⁷³.
- [USFWS Critical Habitat Portal](#)¹⁷⁴.
- Endangered Species Act: [A History of the Endangered Species Act of 1973](#)¹⁷⁵.
- [NOAA Fisheries, West Coast Region Critical habitat, Maps & GIS Data](#)¹⁷⁶.
- WA Department of Fish and Wildlife [priority habitats and species](#)¹⁷⁷ (PHS).

¹⁶⁶ 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>.

¹⁶⁷ <https://www.fws.gov/le/USStatutes/ESA.pdf>

¹⁶⁸ https://www.fws.gov/ecological-services/es-library/pdfs/esa_section7_handbook.pdf

¹⁶⁹ https://www.fws.gov/midwest/endangered/section7/ba_guide.html

¹⁷⁰ <https://www.fisheries.noaa.gov/region/alaska>

¹⁷¹ <https://ecos.fws.gov/ipac/>

¹⁷² <https://www.fws.gov/pacific/>

¹⁷³ <https://www.fisheries.noaa.gov/region/west-coast>

¹⁷⁴ <https://ecos.fws.gov/ecp/>

¹⁷⁵ <https://www.fws.gov/endangered/laws-policies/esa-history.html>

¹⁷⁶

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

¹⁷⁷ <https://wdfw.wa.gov/species-habitats/at-risk/phs>

- [Fish data for the Northwest](#)¹⁷⁸.
- [WSDOT Biological Assessment Manual and Templates](#)¹⁷⁹.

6.3.4 Environmental Justice

Environmental Justice (EJ) seeks to protect minority, low-income, and tribal populations in a community that may experience disproportionate environmental or human health impacts caused by project activities. See the Environmental Justice & Civil Rights section of this document.

- [Executive Order 12898](#)¹⁸⁰.
- [EPA’s Environmental Justice website](#)¹⁸¹.
- [2017 Fact Sheet on Environmental Justice](#)¹⁸².
- [Title VI and Environmental Justice](#)¹⁸³.
- Executive Order on Federal Actions to Address Environmental Justice in Populations and Low-Income Populations – [Presidential Memorandum](#)¹⁸⁴.
- EPA’s Environmental Justice mapping tool ([EJ Screen](#)¹⁸⁵).
- [Washington Tracking Network](#)¹⁸⁶: Environmental Public Health Data.
- [Centers for Disease Control National Environmental Public Health Tracking Network](#)¹⁸⁷.

6.3.5 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.

- [FPPA statute](#)¹⁸⁸.

¹⁷⁸ <https://www.streamnet.org/>

¹⁷⁹ <https://wsdot.com/environment/environment-technical/environment-disciplines/fish-wildlife/BA-preparation-manual>

¹⁸⁰ <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

¹⁸¹ <https://www.epa.gov/environmentaljustice>

¹⁸² https://www.epa.gov/sites/production/files/2017-09/documents/epa_office_of_environmental_justice_factsheet.pdf

¹⁸³ <https://www.epa.gov/environmentaljustice/title-vi-and-environmental-justice>

¹⁸⁴ https://www.epa.gov/sites/production/files/2015-02/documents/clinton_memo_12898.pdf

¹⁸⁵ <https://www.epa.gov/ejscreen>

¹⁸⁶ <https://fortress.wa.gov/doh/wtn/WTNIBL/>

¹⁸⁷ <https://ephtracking.cdc.gov/>

¹⁸⁸ https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1042432.pdf

- [USDA FPPA informational website](#)¹⁸⁹.
- [NRCS Web Soil Survey](#)¹⁹⁰.
- [Conversion Impact Rating form \(AD-1006\)](#)¹⁹¹.

6.3.6 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 \(Ecology\)](#)¹⁹².
- [Executive Order 11988](#)¹⁹³, Floodplain Management (as amended, 2015).
- [Federal Emergency Management Agency \(FEMA\) Floodplain Management](#)¹⁹⁴.
- [Washington Flood Hazard Maps](#)¹⁹⁵.
- [FEMA Region X](#)¹⁹⁶.

6.3.7 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 05-05 consultation.

- Ecology's [Executive Order 05-05/Section 106 Project Review form](#)¹⁹⁷ (ECY 05-05/106 Form).
- [National Historic Preservation Act](#)¹⁹⁸, 16 USC 470 (see page 47).
- [Protection of Historic Properties](#)¹⁹⁹, 36 CFR 800.
- [Archaeological and Historic Preservation Act](#)²⁰⁰, 16 USC 469a-1, as amended in 2014 (U.S. Code Title 54) – see page 40.
- [Advisory Council for Historic Preservation](#)²⁰¹.

¹⁸⁹ https://www.nrcs.usda.gov/wps/portal/nrcs/detail/?cid=nrcs143_008275

¹⁹⁰ <https://websoilsurvey.sc.egov.usda.gov/App/HomePage.htm>

¹⁹¹ https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/stelprdb1045394.pdf

¹⁹² <https://ecology.wa.gov/Water-Shorelines/Shoreline-coastal-management/Hazards/Floods-floodplain-planning>

¹⁹³ <https://www.fema.gov/executive-order-11988-floodplain-management>

¹⁹⁴ <https://www.fema.gov/floodplain-management>

¹⁹⁵ <https://fortress.wa.gov/ecy/coastalatlus/tools/Flood.aspx>

¹⁹⁶ <http://www.fema.gov/region-x-ak-id-or-wa>

¹⁹⁷ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070537.html>

¹⁹⁸ <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

¹⁹⁹ https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl

²⁰⁰ <https://www.thecre.com/fedlaw/legal13/archpreserv.htm>

²⁰¹ <https://www.achp.gov/>

- [National Register of Historic Places](#)²⁰².
- Washington State [Department of Archaeology and Historic Preservation](#)²⁰³ (DAHP).
- Washington Information System for Architectural and Archaeological Records Data ([WISAARD](#)²⁰⁴).
- [Tribal cultural resources contact information](#)²⁰⁵.
- [Governor’s Office of Indian Affairs](#)²⁰⁶ (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.

6.3.8 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 compliance²⁰⁷. 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](#)²⁰⁸ (SSA).
- [Interactive map of the SSA](#)²⁰⁹.

6.3.9 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 Office.

- [Magnuson-Stevens Fishery Conservation and Management Act](#)²¹⁰.

²⁰² <https://www.nps.gov/subjects/nationalregister/index.htm>

²⁰³ <https://dahp.wa.gov/>

²⁰⁴ <https://dahp.wa.gov/project-review/wisaard-system>

²⁰⁵ <https://goia.wa.gov/tribal-directory/tribal-chair-contact-information>

²⁰⁶ <https://goia.wa.gov/>

²⁰⁷ 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.hlwl1-1710.

²⁰⁸ <https://www.epa.gov/dwssa>

²⁰⁹ <https://epa.maps.arcgis.com/apps/webappviewer/index.html?id=9ebb047ba3ec41ada1877155fe31356b>

²¹⁰ <https://www.fisheries.noaa.gov/resource/document/magnuson-stevens-fishery-conservation-and-management-act>

- [NOAA Northwest Regional Office Essential Fish Habitat](#)²¹¹.
- [NOAA Essential Fish Habitat Consultation Guidance](#)²¹².
- [Essential Fish Habitat Mapper](#)²¹³.
- [Essential Fish Habitat Maps and Data](#)²¹⁴.

6.3.10 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](#)²¹⁵.
- [Protection of Wet Lands Executive Order 11990](#)²¹⁶.
- [Statement of Procedures on Floodplain Management and Wetlands Protection](#)²¹⁷.
- [Ecology Wetlands contact by subject and region](#)²¹⁸.
- Mitigation and Protection:
 - [Department of Ecology Wetland Protection](#)²¹⁹.
 - [EPA Compensatory Mitigation Clean Water Act Section 404](#)²²⁰.
 - [Ecology Wetland Mitigation Guidance](#)²²¹.
- Identifying Wetlands Nearby:
 - 2011 [Modeled Wetland Inventory for Western Washington](#)²²².

²¹¹ <https://archive.fisheries.noaa.gov/wcr/permits/index.html>

²¹² <https://www.fisheries.noaa.gov/national/habitat-conservation/consultations-essential-fish-habitat>

²¹³ <https://www.fisheries.noaa.gov/resource/map/essential-fish-habitat-mapper>

²¹⁴ <https://www.fisheries.noaa.gov/west-coast/habitat-conservation/essential-fish-habitat-west-coast>

²¹⁵ https://www.epermitting.wa.gov/site/alias__resourcecenter/9978/default.aspx

²¹⁶ <https://www.epa.gov/cwa-404/protection-wetlands-executive-order-11990>

²¹⁷ <https://www.epa.gov/nepa/floodplain-management-and-wetland-guidance-national-environmental-policy-act-reviews>

²¹⁸ <https://ecology.wa.gov/Water-Shorelines/Wetlands/Tools-resources/Contacts-by-subject-region>

²¹⁹ <https://ecology.wa.gov/Water-Shorelines/Wetlands/Wetlands-overview>

²²⁰ <https://www.epa.gov/cwa-404/background-about-compensatory-mitigation-requirements-under-cwa-section-404#recent>

²²¹ <https://ecology.wa.gov/Water-Shorelines/Wetlands/Mitigation>

²²²

<http://waecy.maps.arcgis.com/apps/OnePane/basicviewer/index.html?appid=22edd2e4e7874badbef2a907a3cd4de6>

- [National Wetlands Inventory](#)²²³ (Wetlands Mapped).

6.3.11 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](#)²²⁴.
- [Wild and Scenic Rivers Act](#)²²⁵.
- [Wild & Scenic Rivers Act: Section 7](#)²²⁶.
- [Flow Chart for evaluation standards under Section 7 of the Wild and Scenic Rivers Act](#)²²⁷.

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.

Where to Obtain Help

For DEP Projects, you may find it helpful to engage the Environmental Review Coordinator during the SERP review or near the end to assist with reviewing any environmental laws you have questions on. The role of the Environmental Review Coordinator is as follows:

- 1) Coordinates Section 106 NHPA Consultation.
- 2) Coordinates Section 7 (a)(2) ESA Consultation.
- 3) Assist Ecology CRCs with Executive Order 05-05 consultation.
- 4) Reviews SERP documentation for statewide consistency.
- 5) Reviews required federal compliance, signals when complete, and sends a Determination letter.

Construction may not begin until a DEP project has received an approval letter (5, above) on any required federal compliance from outside agencies.

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 environmental review and approval is not eligible for reimbursement. Communities that want to apply for funds for projects already under construction should contact their Ecology Project Manager as early as possible to

²²³ <https://www.fws.gov/wetlands/>

²²⁴ <https://www.rivers.gov/washington.php>

²²⁵ <https://www.nps.gov/rigr/learn/management/upload/wsr-act.pdf>

²²⁶ <https://www.rivers.gov/documents/section-7.pdf>

²²⁷ <http://www.rivers.gov/documents/section7/process-flowchart.pdf>

coordinate environmental review. This approach will ensure the eligibility of as many activities as possible if Ecology awards CWSRF funding to the applicant.

Questions on This Topic

- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.

7.0 Inadvertent Discovery Plan

Washington State has a standard inadvertent discovery protocol for the discovery of either artifacts or potential human remains on public or private lands. 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.

An Inadvertent Discovery Plan (IDP) describes the next steps to take if something is found that may be a historic or archaeological artifact or potential human remains. 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.

Ecology has developed an [IDP template](#)²²⁸ that can be customized for most projects. The IDP should be reviewed with all field personnel and should be readily available at all times during site activities. The Ecology IDP follows the State Inadvertent Discovery Laws (RCW 27.44 and RCW 27.53) and has been peer reviewed by the Department of Archaeology and Historic Preservation (DAHP).

Inadvertent discovery requirements are separate from cultural review consultation. Consultation regulations generally kick in before a project has begun; discovery requirements obviously occur after the project has started and broken ground.

Ecology has incorporated the following language into the agency's General Terms and Conditions for all grants and loans (as of 1-22-2018):

Section 3. Archaeological and Cultural Resources

- b) If required by the ECOLOGY Program, submit an Inadvertent Discovery Plan (IDP) to ECOLOGY prior to implementing any project that involves ground disturbing activities. ECOLOGY will provide the IDP form.

RECIPIENT shall:

²²⁸ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070560.html>

- ✓ Keep the IDP at the project site.
 - ✓ Make the IDP readily available to anyone working at the project site.
 - ✓ Discuss the IDP with staff 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 archeological or historic resources are found while conducting work under this Agreement:
- ✓ Immediately stop work and notify the ECOLOGY Program, the Department of Archaeology and Historic Preservation at (360) 586-3064, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement:
- ✓ Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner’s Office, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44.055, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting cultural resources and human remains.

The Water Quality Program requires an inadvertent discovery plan (IDP) for all funded projects. The recipient will submit a project-specific IDP if one is not in place already. Ecology has developed an agency template to complete, approved by DAHP, which provides the required sections for an IDP. The recipient must use this form or provide the same information in a different template.

7.1 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](#)²²⁹.

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.

Specific components of records on archaeological sites, cemeteries, cultural resources, and historic properties may be exempt from public disclosure (RCW 42.56.300), and the recipient

²²⁹ <https://fortress.wa.gov/ecy/publications/SummaryPages/ECY070560.html>

and Ecology will maintain confidentiality.

Questions on This Topic

- The assigned Ecology CRC.
- Liz Ellis, Environmental Review Coordinator; (360) 407-6429 or liz.ellis@ecy.wa.gov.

8.0 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](#)²³⁰. Some specific information on environmental and cultural resources requirements follow.

8.1 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.

8.1.1 Fulfilling Executive Order 05-05 Cultural Resource Obligations

Applicants will submit an Ecology 05-05/106 Cultural Resource 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 the applicant. 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.

²³⁰ <https://fortress.wa.gov/ecy/publications/summarypages/2010005>

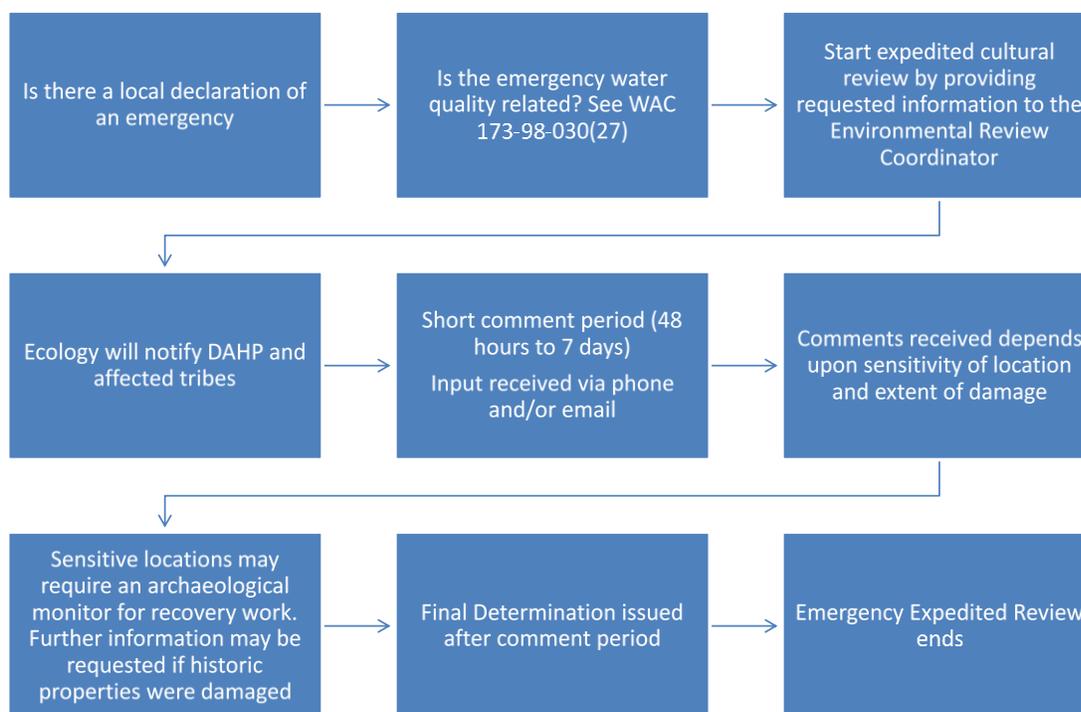


Figure 4: Expedited Cultural Resources Review Process for Local Emergencies

8.1.2 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) environmental review developed by a federal agency working on the emergency – for example, the Federal Emergency Management Agency (FEMA).

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.

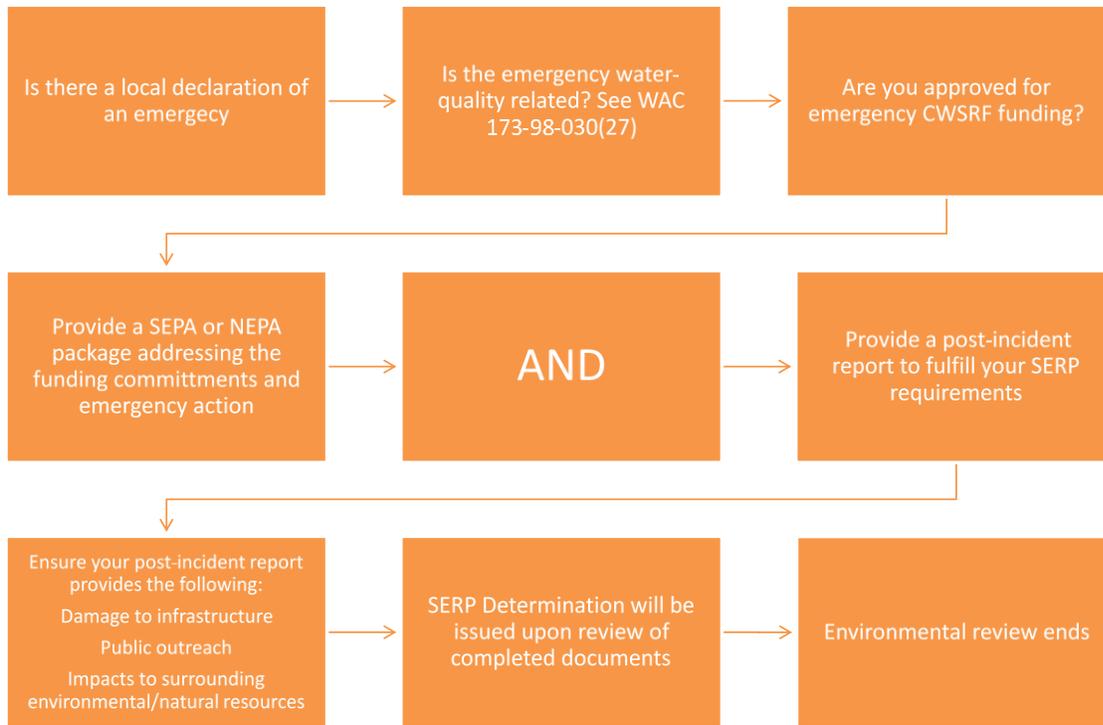


Figure 5: Expedited Environmental Review Process for Local Emergencies

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.
- Liz Ellis, Environmental Review Coordinator, (360) 407-6429.

Appendix O: Water Quality Program Environmental Justice Policy

This appendix contains the text from the Water Quality Program’s Environmental Justice Policy (WQ Policy 1-29).

Purpose

To ensure nondiscrimination under state and federal civil rights requirements, the Water Quality Program upholds Ecology’s commitment to environmental justice (EJ).

Application

This policy applies to all Ecology Water Quality employees, represented and non-represented. Represented employees refer to the Collective Bargaining Agreement provisions that may supersede any portion of this policy.

1. Overview

In line with our goals to protect the environment for the benefit of all residents and to protect all residents from environmental and health hazards, the program commits to ongoing strategic EJ and civil rights actions that include:

- Evaluating and implementing equity in our programs and decision-making, assessing and mitigating impacts to historically overburdened populations, and creating accountability measures to eliminate environmental and health disparities.
- Being mindful of inclusivity and access, planning for and facilitating meaningful public involvement, and ensuring potentially affected populations have an opportunity to learn about, participate in, and influence the program’s decisions and actions.

The Water Quality Program Management Team, in coordination with the program’s Environmental Justice Lead, will ensure alignment with Ecology’s EJ and civil rights compliance best practices, and agency priorities and guidance set by Ecology’s Environmental Justice & Title VI Senior Advisor and the Civil Rights Compliance Team. This includes considering the Environmental Justice & Civil Rights Review as one step in evaluating EJ and civil rights in program activities. The Water Quality Program Manager, Deputy Program Manager, and Program Management Team will oversee and ensure that EJ best practices, service equity, and Title VI compliance are integrated throughout program activities and in the program’s Strategic and Business Plans.

2. What is Environmental Justice?

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.” The EPA describes the core concepts as:

- “Fair treatment” means that no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental and commercial operations or programs and policies.
- “Meaningful involvement” means that the affected community must have the opportunity to participate in decisions that affect their environment and/or health, access to information in plain language, and the ability to influence the outcome.

3. What are nondiscrimination requirements?

Ecology is responsible for complying with “...several civil rights laws which, together, prohibit discrimination on the basis of: race, color, or national origin (including on the basis of limited-English proficiency); sex; disability; and age by applicants for and recipients of federal financial assistance from EPA. (Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, respectively).”

In addition, the agency must comply with “Section 13 of the Federal Water Pollution Control Act Amendments of 1972 which prohibits discrimination based on sex under programs or activities receiving financial assistance under the Clean Water Act.”

Title VI Civil Rights obligations extend to all programs and activities of the agency regardless of the activity’s funding source, and allows the public to file administrative complaints alleging discrimination by recipients of federal funds.

4. Environmental Justice and Civil Rights Review

This Review is a starting place for Water Quality Program staff to identify potential environmental justice, civil rights, and non-discrimination considerations for a project or activity that involves or affects the public. For support with completing this review, contact Ecology’s Environmental Justice & Title VI Senior Advisor, Water Quality Program Environmental Justice Lead, or Language Access Coordinator.

- 1) Examine the population demographics and background of the intended audience and people potentially affected by the project:
 - Evaluate the population (including Tribes and tribal communities, communities of color, and low-income populations).
 - Sources of information might include [EJSCREEN](#)²³¹, [Washington Tracking](#)

²³¹ <https://ejscreen.epa.gov/mapper/>

[Network](#)²³², U.S. Census, program staff, local agencies, and community service organizations.

- Identify populations with limited English proficiency.
 - Guidance on finding language data and determining when to provide language services is available on Ecology’s Translation Services [Language Data SharePoint site](#)²³³.
 - Review any known environmental justice history and concerns, or Civil Rights complaints related to the area or the potentially affected community.
- 2) If the discussion above identifies populations with environmental justice and Title VI considerations, evaluate known or potential environmental and health impacts, including:
- Potentially adverse effects on, or benefits to, the identified populations.
 - Concerns expressed by the potentially impacted populations.
 - Alternatives or mitigation that could address potentially disproportionate adverse impacts.
- 3) When planning to engage and communicate with the public, create a transparent participation process that meaningfully involves as many members of the affected population as possible and is available to all people (regardless of race, color, national origin, disability, age, or sex). This includes (as appropriate):
- Consultation with tribal governments, following agency protocol in coordination with Ecology’s Senior Advisor for Tribal Affairs.
 - Notification and services providing access for people with limited English proficiency, and people with disabilities.
 - Strategies that address barriers to participation (such as geographic isolation, educational attainment, cultural differences, literacy, and broadband/technology access).
 - Attention to the timing, frequency, and format of public engagement opportunities to make them open and accessible to as many people as possible.
 - Early and ongoing communication with local organizations, groups, or individuals who are involved or interested in the activity and opportunities for public engagement.
 - Coordination with communications and public involvement staff to ensure meaningful opportunities for public input and effective outreach.

²³²

<https://www.doh.wa.gov/DataandStatisticalReports/EnvironmentalHealth/WashingtonTrackingNetworkWTN/InformationbyLocation/WashingtonEnvironmentalHealthDisparitiesMap>

²³³ <http://teams/sites/EXEC/mitt/SitePages/Language%20Data.aspx>

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)²³⁴. The report must include specific

²³⁴ <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 22: Metrics to Report for Wastewater Projects at Project Close-out

| |
|---|
| Did the funded project help your utility maintain or achieve permit compliance? |
| <ul style="list-style-type: none"> Report each permit requirement targeted before and after the funded project. Use the standard reporting unit for each parameter. |
| Did the funded project maintain or increase the capacity of the treatment plant? |
| <ul style="list-style-type: none"> Report the million gallons per day capacity before and after the funded project. |
| Did the funded project involve parts of the sewer collection system? |
| <ul style="list-style-type: none"> Report the number of linear feet of collection system pipeline repaired, rehabilitated, or replaced by the funded project. |
| <ul style="list-style-type: none"> Report the number of manholes repaired, rehabilitated, or replaced by the funded project. |
| <ul style="list-style-type: none"> Report the annual gallons of infiltration/inflow eliminated by the funded project. |
| <ul style="list-style-type: none"> Report the number of onsite sewage systems eliminated by the funded project. |
| <ul style="list-style-type: none"> For any sewage lift stations, report the gallons per minute of pumping capacity before and after the funded project. |
| Did the funded project address combined sewer overflows? |
| <ul style="list-style-type: none"> Report the average number of combined sewer overflows before and after the funded project. (Use your CSO annual report.) |
| <ul style="list-style-type: none"> Report the annual gallons of combined sewer overflows discharged before and after the funded project. (Use your CSO annual report.) |
| Did the funded project create opportunities for the use of reclaimed water? |
| <ul style="list-style-type: none"> Report the number of linear feet of reclaimed water distribution line installed by the funded project. |
| <ul style="list-style-type: none"> Report the number of any appurtenances installed by the funded project. |
| <ul style="list-style-type: none"> Report the annual gallons diverted from discharge to beneficial use by the funded project. |
| <ul style="list-style-type: none"> Report the annual gallons of drinking water conserved by the funded project. |
| Did the funded project reduce nutrient discharge to the Puget Sound? |
| <ul style="list-style-type: none"> Report the annual pounds of nitrogen removed from your discharge by the funded project. |

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](#)²³⁵. 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 23: 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"> • Report the number of OSS repaired or replaced <ul style="list-style-type: none"> ○ List the address or latitude/longitude of the repair or replacements ○ Indicate whether the homeowner meets hardship criteria ○ List the number of gallons of wastewater properly treated by the repair/replacement |
| Did the funded project include education or outreach activities? |
| <ul style="list-style-type: none"> • Report the number of education/outreach events held <ul style="list-style-type: none"> ○ Indicate the number of attendees for each event or meeting • Report the approximate number of outreach publications disseminated as part of the project |

²³⁵ <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/General-resources>

Stormwater Projects

See Appendix L for guidance on stormwater project metrics.

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 24: Metrics to Report for Nonpoint Implementation Projects

| BMP/Activity | Implementation Unit to Report | Metric Description |
|-------------------|-------------------------------|--------------------|
| Agricultural BMPs | | |

| BMP/Activity | Implementation Unit to Report | Metric Description |
|---|--------------------------------------|--|
| 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 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. |

| BMP/Activity | Implementation Unit to Report | Metric Description |
|--|--------------------------------------|---|
| 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. |
| Land Acquisition | | |
| 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. |
| Outreach and Education | | |
| 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. |
| 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 | individual units | Number of conservation plans |

| BMP/Activity | Implementation Unit to Report | Metric Description |
|---|--------------------------------------|---|
| - 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. |
| Restoration | | |
| 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 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. |

| BMP/Activity | Implementation Unit to Report | Metric Description |
|----------------------|--------------------------------------|---|
| 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.