



# **State Fiscal Year 2027 Funding Guidelines Water Quality Combined Funding Program**

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**Centennial Clean Water Program**

**Clean Water Act Section 319 Program**

**Clean Water State Revolving Fund**

**Stormwater Financial Assistance Program**

**Sewer Overflow and Stormwater Reuse Municipal Grants  
Program**

**Stormwater Community-Based Public-Private Partnership  
Program**

**Puget Sound Nutrient Reduction Grant Program**

**Water Quality Program**

Washington State Department of Ecology  
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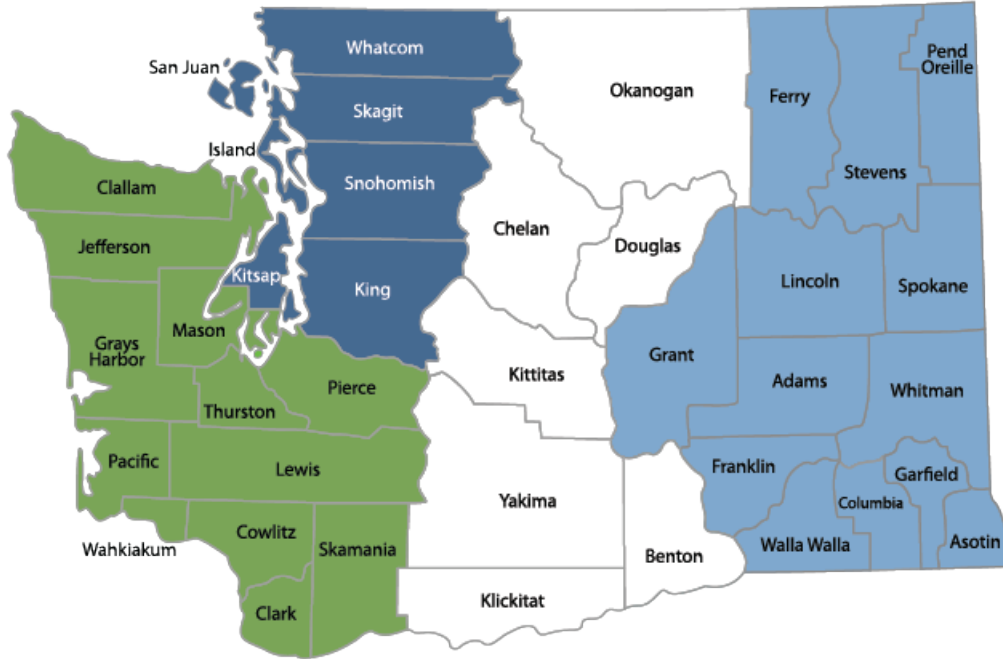
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# Department of Ecology's Regional Offices

## Map of Counties Served



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

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# How to Use This Document

These guidelines serve two main purposes:

- Help applicants prepare eligible projects and apply for funding.
- Help funding Recipients and Ecology project teams ensure requirements are met, and eligible costs are reimbursed in a timely manner.

We recommend that you review this guidance carefully prior to preparing your application and use it as 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 relevant to your project. Most guidance is specific to the project category: wastewater, stormwater, onsite sewage system, and nonpoint, though some eligibility and requirements are also dependent on the fund source.

## 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 (Tables 1 and 2).
- Critical deadlines.
- Project category descriptions.
- Ineligible project categories and components (Table 3).

**Next, go to Chapter 2 – Eligible Project Categories** and review the section(s) that is the best fit for your project. This chapter includes wastewater, stormwater, nonpoint, and OSS specifics including:

- Eligible/ineligible activities and expenses.
- Prerequisites to include with your application.
- Requirements to include in the scope of work/budget/schedule of your application.
- Standards for planning, designing, and implementing/constructing your project.
- 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, and scoring criteria/ guidance are available in **Appendix C – Applicant Prep Tool**; however, you **MUST** submit your application electronically via the [EAGL](#)<sup>4</sup> system.

If you have questions at any time during the application process, please contact Ecology. Current Ecology funding program staff contact information can be found in Appendix A – Ecology Contacts. Ecology also hosts online applicant workshops at the start of each Application period. See Figure 2 and Section 4.1 for information on the workshops for the current funding cycle. Sign up for the [Water Quality Grants and Loans email list](#)<sup>5</sup> to be notified when applicant workshops are offered and the application opens.

## Summary of Changes from State Fiscal Year 2026 (SFY26)

### General changes

- Due to an earlier SFY27 application period, prerequisite documents and landowner acknowledgements/agreements may be submitted after an EAGL application until October 10, 2025. The application period in EAGL closes on September 3, 2025. Wastewater applicants will email prerequisite documents to the applicant’s Ecology Wastewater Permit Manger. Stormwater and Nonpoint applicants will email documents to Karen Izumoto at [karen.izumoto@ecy.wa.gov](mailto:karen.izumoto@ecy.wa.gov).
- “Land acquisition for right-of-way expansion using eminent domain” is removed from Table 3: Ineligible Projects and Components for All Funding Sources. Added additional clarification on due diligence requirements for specific project categories.
- Changed references to the Financial Capability Assessment conducted by Ecology to be called Underwriting.

### Wastewater changes

- The Puget Sound Nutrient Reduction Grant Program (PSNR) was added as a new funding program for SFY27. See Section 3.7 for an overview. Revised Section 2.1 to describe eligible Nutrient Reduction work.

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<sup>4</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

<sup>5</sup> [https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic\\_id=WAECY\\_84](https://public.govdelivery.com/accounts/WAECY/subscriber/new?topic_id=WAECY_84)

- Updated Section 2.1.6 to reflect updates for the Small Community Project Priority list process.
- Added Section 2.1.10 to provide a summary of guidelines for wastewater projects which intend to use alternative project delivery methods such as Design Build, General Contractor/Construction Manager (Construction Manager at Risk) or any other alternative public works contracting procedures consistent with RCW 39.10.
- Updated Investment Grade Efficiency Audit (IGEA) requirement for Step 2, 3, and 4 projects receiving CWSRF loan and Centennial grant funding. If an IGEA was completed within the past 3 years, Recipients need only upload a copy of the previously-completed IGEA to EAGL—no additional work is required.

## **Stormwater changes**

- Added GIS requirements for Step 3 Construction prerequisite documents. See Section 2.3.3 Step 3 Construction.
- Moved GIS deliverable for contributing area submittal earlier to Design Report, instead of with the 90% Design Package. See Appendix L, Section 2.2 Design Report.
- Clarified Step 4 Design and Construction guidance. See Section 2.3.4.
- Added reference to relevant RCW for projects intending to use Alternative Delivery Methods. See Section 2.3.6 Stormwater Facility Eligibility Summary.
- Updated the language on Enhanced Maintenance for clarity. See Section 2.4.1 Enhanced Maintenance and Source Control and Appendix L, Section 3.0 Activity Projects.
- Updated Section 3.6 Community Based Public Private Partnership Grant Program (CBP3) to extend eligibility to implementation projects.
- Removed references to Municipal Stormwater Grants of Regional or Statewide Significance (GROSS) funding source. This funding source is only available for the first year of a biennium.

## **Nonpoint changes**

- Caps on Agricultural BMPs described in Appendix G, H, and I are increased as follows:
  - Conservation tillage custom application reimbursement rates are increased to \$44.69/acre, up to 250 acres, not to exceed \$11,172.50 per producer.
  - Livestock watering facility reimbursement is increased to \$16,750-\$55,750, depending on the distance of riparian exclusion (see Table 18).
  - Heavy use area protection reimbursement cap increased to \$30,000 per landowner.

- Livestock waste storage facility reimbursement cap is increased to \$45,000 per landowner.
- Quality Assurance Project Plans (QAPP) must be submitted for Ecology review within 1 year from the effective date of the agreement.
- As of SFY25, Restoration and Riparian Buffers:
  - Riparian buffer requirements must follow recommendations from Chapter 12 of the [Voluntary Clean Water Guidance for Agriculture: Riparian Areas & Surface Water Protection](#).<sup>6</sup> This change is reflected in Section 2.5.8 and Appendix J.
  - Agroforestry plantings that follow recommendations in Chapter 12 of the [Voluntary Clean Water Guidance for Agriculture](#)<sup>7</sup> are eligible. This change is reflected in Section 2.5.2.
  - Restoration sites that implement the preferred option riparian buffer are eligible for an additional 5 years of post-planting establishment and maintenance (this is in addition to the standard 5 years post-planting maintenance eligible for all restoration plantings). This change is reflected in Section 2.5.8.
  - Ecosystem Service Incentive payments are eligible for projects that implement a riparian buffer one site potential tree height in width. This change is reflected in Section 2.5.12.
- As of SFY25 Agricultural BMPs:
  - Culvert style livestock crossings that meet WDFW requirements for hydraulic project approval permits are eligible. This change is reflected in Appendix I.
  - Grazing Management Plans as described in chapter 10 of the [Voluntary Clean Water Guidance for Agriculture](#)<sup>8</sup> are eligible. This change is reflected in Section 2.5.1.
    - Silvopasture practices recommended in an approved grazing management plan are eligible. This change is reflected in Section 2.5.2.
    - Cross fencing recommended in an approved grazing management plan is eligible. This change is reflected in Section 2.5.2.

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<sup>6</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part6.pdf>

<sup>7</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part6.pdf>

<sup>8</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part4.pdf>

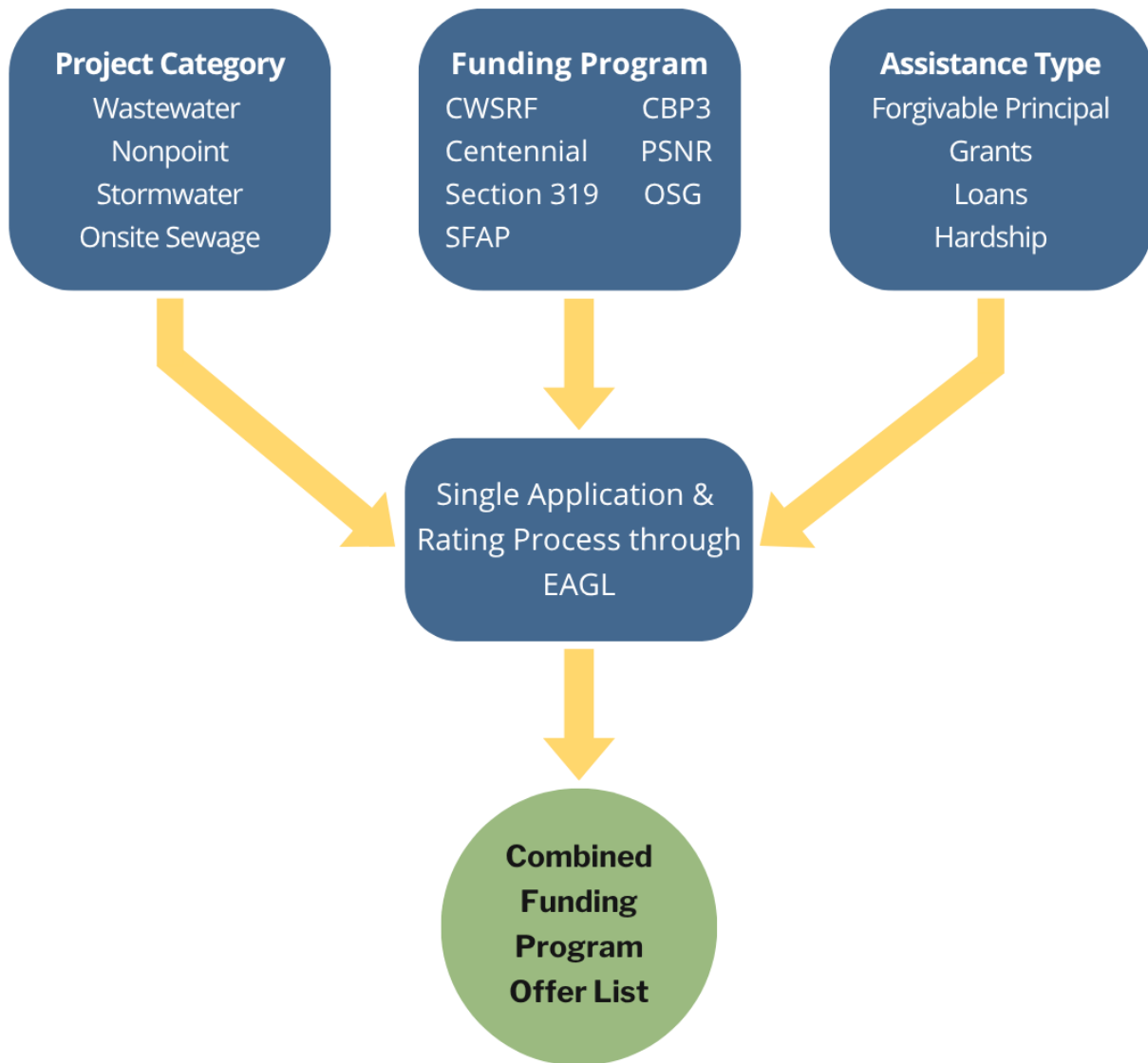
# Chapter 1: Program Overview

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 seven funding programs that make up the Water Quality Combined Funding Program (WQC) through an integrated annual funding cycle.

In State Fiscal Year 2027 (SFY27), WQC includes the following funding programs:

- The Washington State Water Pollution Control Revolving Fund Program; commonly referred to as the Clean Water State Revolving Fund (CWSRF).
  - This includes the Bipartisan Infrastructure Law (BIL) and Emerging Contaminants funding for SFY23-SFY27.
- The Centennial Clean Water Program (Centennial).
- The Clean Water Act Section 319 Nonpoint Source Grant Program (Section 319).
- Stormwater Financial Assistance Program (SFAP).
- Stormwater Community-Based Public-Private Partnership Program (CBP3).
- Puget Sound Nutrient Reduction Grant Program (PSNR).
- Sewer Overflow and Stormwater Reuse Municipal Grants Program (OSG).

Eligible applicants can 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 seven funding sources.



**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.
- State agencies. State agencies are only eligible for Puget Sound Nutrient Reduction Grant funding.

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

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

Applicant Type	CWSRF/ OSG	SFAP	Centennial	Section 319	CBP3	PSNR <sup>9</sup>
Conservation districts	X		X	X		
Counties, cities/towns	X	X	X	X	X	X
Federally recognized Tribes	X		X	X		
Institutions of higher education <sup>10</sup>	X		X	X		
Irrigation districts	X		X	X		
Local health jurisdictions	X		X	X		
Not-for-profit organizations <sup>11</sup>				X		
Port districts	X	X	X	X		
Quasi-municipal corporations	X		X	X		X
Sewer districts	X		X	X		X
State Agencies <sup>12</sup>						X

## Section 1.2 Eligible Project Categories

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

- Wastewater facility
  - Combined sewer overflow (CSO) abatement.

<sup>9</sup> Applicant must meet PSNR eligibility criteria.

<sup>10</sup> If the project is not included in the institution's statutory responsibilities.

<sup>11</sup> Must be recognized as tax-exempt by the Internal Revenue Service.

<sup>12</sup> Only Washington State Parks and Washington Department of Corrections are eligible to apply.

- Facilities for wastewater conveyance and treatment.
- Infiltration and inflow (I/I) correction.
- Planning, environmental, and cultural review, design, and construction.
- Reclaimed water and reuse, including reclaimed water distribution.
- Nutrient reduction.
- Onsite sewage system
  - Large onsite sewage systems/community systems (planning, design, and construction).
  - Local grant/loan repair/replacement program.
  - Planning, outreach, surveys.
- Stormwater<sup>13</sup> facility
  - Construction of facilities for stormwater treatment and flow control.
  - Low impact development, stormwater parks, or green retrofit projects.
  - Planning and design.
- Stormwater activity
  - Stormwater enhanced maintenance program plans.
  - Stormwater pollutant source control planning and implementation.
- Nonpoint source activity
  - Agricultural best management practices (BMPs).
  - Demonstration nonpoint BMP projects (with Ecology preapproval).
  - Groundwater, aquifer, wellhead planning and implementation.
  - Land acquisition.
  - Pollution Identification and Correction (PIC) Programs.
  - Public outreach and education.
  - Restoration planning and implementation.
  - Site planning (including compliance with applicable local, state, and federal requirements, including cultural resource reviews).
  - Water quality monitoring.
  - Watershed planning.

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<sup>13</sup> For the purposes of these guidelines, the term “stormwater” refers to water generated by urban surfaces such as buildings and roads; may be used interchangeably with the term urban runoff.

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

**Table 2: Project Category Eligibility by Funding Source**

Project Category	CWSRF	Centennial	Section 319	SFAP	CBP3	OSG	PSNR
Nonpoint activity	X	X	X	X (urban runoff only)			
Onsite sewage systems	X	X					
Stormwater activity	X	X		X	X	X	
Stormwater facility	X			X (retrofit only)	X	X	
Wastewater facility	X	X (hardship only)				X	X (nutrient reduction only)

## Section 1.3 Ineligible Projects and Components

In general, projects or project components that do not have a direct water quality benefit are ineligible for funding through WQC. Projects or project components prohibited by statute, federal appropriation, or administrative rules are also ineligible. Table 3 is 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
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 for private gain without significant public benefit driving the project
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, or for nonpoint projects where determined to be the most appropriate livestock stream crossing alternative to protect water quality.

Description
Facility and equipment operation and maintenance expenses, except approved activities under a stormwater Enhanced Maintenance Plan
Fees for failure to pay invoices on time, check overdrafts, etc.
Fines and penalties due to violations of or failures to comply with federal, state, or local laws
Giveaways and "SWAG" except for approved educational materials
Landscaping for aesthetic reasons
Lobbying or expenses associated with lobbying
Mitigation projects
Monitoring equipment used by an industry for sampling and analyses of industrial discharges to municipal water pollution control facilities
Operating expenses of local government, such as the salaries and expenses of a mayor, city council member, city attorney, etc.
Overtime differential, except when 100 percent of an employee's time is spent on tasks specific to the funded project and the overtime is necessary and justification is documented.
Pavement repair beyond the width of the roadway cut necessary for the water quality project
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 <sup>14</sup>
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 July. 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.

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<sup>14</sup> Except for Puget Sound Nutrient Reduction Grant Program. Washington State Parks and Washington Department of Corrections are the only state agencies eligible to apply to this fund source.

- Holds applicant workshops.
- Posts a summary list of applications received and funds requested on its website.
- 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.
- Initiates an Environmental Justice Assessment according to (Chapter 70.A.02 RCW) for potential offers worth \$12M or more.
- Conducts evaluator 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 Offer List).
- Sends the Draft Offer List to the Governor’s Office of Financial Management and the State Legislature for consideration during the funding appropriation process and adjusts 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 Offer List.
- Publishes the Final Water Quality Funding Offer List and Intended Use Plan (Final Offer List) that includes a summary of Ecology responses to comments received on the Draft Offer List.
- Develops agreements.
- Manages agreements.
- Closes-out agreements.



**Figure 2: The SFY27 Funding Cycle Estimated Timeline**

The agreement effective date must be within 10 months following the funding offer list publication, starting July 1, 2026, and no later than April 30, 2027. The agreement expiration date is a maximum of 3 years (activities) or 5 years (facilities) from effective date. Applicants should develop their project schedules based on the dates in Table 4.

**Table 4: Important SFY27 Funding Cycle Dates**

<b>Important SFY27 Funding Cycle Dates</b>
<b>Application and Funding Offer Dates</b>
July 22, 2025: Application opens
August 22, 23, 24: Applicant Workshops
September 3, 2025: EAGL applications due before 5:00 pm
January 31, 2026: Draft offer list published, start of funding program public comment period
February 12, 2026: Public meeting
March 3, 2026: Funding program public comment period closes
July 1, 2026: Final offer list published; project expenses may be eligible <sup>15</sup>
<b>Negotiation and Agreement Development</b>
Early July: Prepare for negotiation, update Recipient Contacts in EAGL, review comments from Evaluation Scorecards, compile any changes in scope/budget, schedule, staff etc.
July 2026: Recipient training workshops (webinar, dates TBD)
July 2026: Begin negotiation and agreement development.
July – August 2026 Ecology meets with Recipients and prepares draft agreements.
September– October 2026: Negotiate scope, schedule, and budget for final agreement.
November – December 2026 Ecology conducts final agreement reviews in EAGL.
January 31, 2027: All agreements are signed and activated in EAGL.
<b>Project Implementation and Closeout</b>
April 30, 2027: All projects have started work
June 30, 2029: Activity projects complete
June 30, 2031: Facility projects complete

## Section 1.5 Application Evaluation

All eligible funding applications are independently evaluated and scored in accordance with standard rating criteria. Proposals are evaluated based on responses provided in the application. A total of 1,000 points are available. Chapter 5 describes the evaluation process and how rating criteria are applied to the different project categories. Table 14 shows the scoring breakdown and the rating criteria, with guidance to help applicants and evaluators with consistent interpretation and scoring.

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<sup>15</sup> Costs incurred prior to agreement signature are at the Recipient’s risk. No reimbursement will be made until the agreement is signed by both the Recipient and Ecology.

## 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 facility projects can include planning, design, and construction of wastewater infrastructure, including treatment systems, collection systems, combined sewer overflow (CSO) abatement, infiltration and inflow (I/I) correction, and nutrient reduction. The technical prerequisites and approval process for facility projects can be extensive. Ecology encourages applicants to work closely with our staff to ensure all technical prerequisites are in place when planning facility projects.

Applicants that propose wastewater facility 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 is composed of four steps.

- **Step 1 (Planning)** involves preparing a site-specific plan, which identifies 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.
- **Step 4 (Design and Construction)** in certain cases Steps 2 and 3 can be combined into one application. To qualify for Step 4, the project must be \$7,000,000 or less, and applicants must demonstrate they can complete the design and obtain approval by Ecology within one year of the funding agreement.

#### Section 2.1.1 Prerequisites

Applicants must submit an approvable prerequisite document to Ecology for review & approval by **October 10, 2025**<sup>16</sup>. Applicants must submit Ecology's letter of approval for the site-specific engineering document for the project by December 15, 2025. The site-specific engineering document should include documentation that the project is the cost-effective approach to achieving the water quality benefit.

Step 1: No prerequisites required.

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<sup>16</sup> Due to an earlier SFY27 application period, prerequisite documents may be submitted after an EAGL application until October 10, 2025. The application period in EAGL closes on September 3, 2025. Email prerequisite documents to the applicant's Ecology Wastewater Permit Manger.

Step 2: Ecology-approved planning (Step 1) that meets [WAC 173-240](#)<sup>17</sup>.

Step 3: Ecology-approved plans & specifications (Step 2) that meets WAC 173-240.

Step 4: Ecology-approved planning (Step 1) that meets WAC 173-240.

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. In some circumstances, approved plans and specifications are not required for certain types of nutrient reduction and wastewater collection system construction projects. As indicated within [WAC 173-240-030](#),<sup>18</sup> if an applicant has received Ecology approval of a general sewer plan and standard design criteria, Ecology does not require plans and specifications for sewer line extensions, including pump stations, to be submitted for approval. For some nutrient reduction projects, a nutrient reduction evaluation (NRE) or nitrogen optimization plan (NOP) may be sufficient. See section 2.1.9 for more information.

### **Section 2.1.2 Step 1 Wastewater Planning**

The cost of preparing planning documents, including general sewer plans, engineering reports, environmental and cultural review, value engineering studies, feasibility studies and rate studies are eligible for funding.

Subsequent project steps for wastewater projects require Ecology approval of a planning document that meets [WAC 173-240](#)<sup>19</sup>. If Ecology approved a planning document more than two years prior to the submission of the funding application, the applicant should consult with Ecology to ensure that the previously approved document is still acceptable.

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

Small communities with a population of 10,000 or less may be eligible to submit a planning application outside of the annual funding cycle in accordance with Ecology's Off-Cycle Planning (OCP) process. Ecology considers OCP requests on a case-by-case basis. Small communities interested in using the OCP process must provide justification for why submitting a funding application during the annual funding cycle isn't feasible and/or identify schedule limitations related to critical infrastructure projects. Examples of situations where OCP might be warranted include post-recovery efforts following natural disasters or other emergency responses, or where funding offers, either from Ecology or another state or federal agency, is contingent on having an approved planning document by a certain date. OCP requests will be accepted between October and April. Applications accepted using the OCP process will be identified on

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<sup>17</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-240&full=true>

<sup>18</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-030>

<sup>19</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-240&full=true>

Ecology’s draft and/or final offer list for the most current funding cycle. Projects funded using the OCP process must submit subsequent funding applications for design (Step 2 or 4) through Ecology’s annual funding cycle. Please contact one of our Small Community Engineers if you believe your community might benefit from using the OCP process.

### **Section 2.1.3 Step 2 Design**

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

- An approved planning document.
- [WAC 173-240](#)<sup>20</sup>.
- Ecology’s [Criteria for Sewage Works Design](#)<sup>21</sup> (the “Orange Book”).
- Other applicable requirements.

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

### **Section 2.1.4 Step 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 Recipient must provide adequate and competent construction management and inspection. Professional engineering services may be required to ensure this requirement is satisfied. Construction of facilities is regulated by [WAC 173-240](#)<sup>22</sup>.

### **Section 2.1.5 Step 4 Design and Construction**

Applicants can apply for a combined facility design and construction project if the total cost for both phases is less than \$7,000,000. 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 2.1.6 Small Community Project Priority List**

Ecology established the Small Community Project Priority List (SCPPL) with the publication of the State Fiscal Year 2023 Water Quality Funding Offer List and Intended Use Plan. The goal of SCPPL is to create a simplified funding process to help meet the anticipated wastewater infrastructure needs for small financially disadvantaged communities with clear, discrete projects.

Starting in SFY23, each Funding Offer List and Intended Use Plan document contains Table 12: Small Community Project Priority List and Estimated Centennial Grant and CWSRF FP Loan Need

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<sup>20</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-240&full=true>

<sup>21</sup> <https://apps.ecology.wa.gov/publications/summarypages/9837.html>

<sup>22</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-240&full=true>

in the Next Biennium (Table 12). Table 12 is a list of small community projects with an active agreement and estimated project costs for current and future project phases. These projects represent priority need for funding subsidy in the form of Centennial grant, CWSRF FP loan, and CWSRF standard loan for wastewater facility design and construction in the next biennium. The wastewater projects for specific communities listed on Table 12 of the Offer List are based on projects Ecology has already rated, ranked, and provided funding for, or projects for which applications were submitted, rated, ranked, but not yet offered or awarded funding.

One of the goals of SCPPL is to reduce or minimize barriers small communities face in accessing and utilizing funds from Ecology's Water Quality Combined Funding Program. For projects funded using the SCPPL process, the Recipient does not have to submit a new application to fund the next project step. Instead, funds can be amended into an existing funding agreement after the current step (planning or design) is completed.

Projects are added to Table 12 during the annual funding cycle when Ecology screens and reviews planning and design applications submitted by small communities to determine projects that might be eligible for SCPPL. Projects are removed from Table 12 once the funding needs have been met, at request of the community, or at the discretion of Ecology if sufficient progress is not made. Projects removed from Table 12 are still eligible to apply for future funding through Ecology's annual funding cycle. Ecology will review and evaluate the list of projects included on Table 12 and make necessary updates with the publication of the draft and final offer lists.

SCPPL Recipients are expected to meet with their Ecology project team regularly. Recipients are invited to submit funding requests each fall (concurrent with the annual funding cycle) using Ecology's Fall Call for Funding Form for work anticipated to be started within the next 12 months. Ecology will work to prioritize the identified SCPPL project funding needs during the annual funding cycle and document these through the Draft Offer List. Funding requests submitted by the Recipient outside this fall invitation will be on a first-come, first-serve basis as funds are available.

When the demand for funding, including SCPPL projects and annual funding cycle applications, exceeds the available funding capacity, the following criteria will be used to assist in prioritizing which projects may be offered funds using the SCPPL process:

- Status of the existing active agreement with Ecology (funding agreements still in negotiation or yet to be fully signed may not be considered),
- Remaining need for existing construction projects requiring additional funding for completion,
- Percentage of previously awarded WQC funding spent to date for open wastewater agreement(s),
- Construction hardship eligibility,
- Estimated date(s) funds are needed, and

- Progress Report-Payment Request submittals, including timeliness of submission(s) and information provided related to project progress.

As one of newest processes within Ecology’s Water Quality Combined Funding Program, guidance has been developed for SCPPL but continues to evolve to better meet the needs of small communities, Ecology, and the changing funding environment. While this list may change in the future, the current guidance for SCPPL includes the following:

- Eligible Recipients must have a population of less than 25,000. Clear information should be available to support that the community is financially disadvantaged and/or likely to qualify for hardship assistance.
- SCPPL Recipients must have an active wastewater funding agreement.
- Communities with projects on Table 12 that are interested in using the SCPPL process will be expected to meet regularly with their Ecology project team.
- Inclusion on Table 12/SCPPL does not indicate eligibility or guarantee hardship subsidy (preconstruction or construction).
- SCPPL projects will be funded one step at a time in accordance with WAC 173-98-53023.
- SCPPL amendments will not be signed until prerequisite requirements are approved and issued by the respective regional offices.
- In order to remain on Table 12 and be eligible for the SCPPL process, planning and design projects should be completed within three years or less of signing the original funding agreement. Planning or design projects that need more than three years to be completed will be considered on a case-by-case basis.
- If the Recipient fails to submit a funding request in the fall, and/or funding is unavailable at the time the request is made, Ecology may close the existing agreement and require the community to reapply during the next available annual funding cycle. Ecology’s project team will work with the Recipient before closing an agreement to strategize timing and future funding needs.
- Only traditional design-bid-build projects are eligible for SCPPL. Projects that intend to use an alternative construction delivery method are eligible for the existing annual funding cycle process and should contact one of the Financial Assistance Engineers.
- Projects must have been rated and ranked to be placed on Table 12 and eligible for SCPPL.
- SCPPL is not intended for projects that primarily support industrial or commercial needs within small communities.

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<sup>23</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-98-530>

- Ecology may adjust funding offers based on other funding awards, including other loans or grants offered by federal, state, regional, or local agencies or partners, including federal or state direct appropriations. Recipients are responsible for updating their Ecology project team when such awards are announced.

Not all small community projects are suitable for SCPPL. Ecology reserves the right to require projects to go through the traditional annual funding cycle process if the project deviates significantly from approved planning documents, or if sufficient progress is not being made between projects steps. Exclusion from SCPPL does not disqualify a community or project from Ecology funding. Inclusion on Table 12 also does not obligate a community to use Ecology funding.

Projects that are good candidates for the SCPPL process have a clear, discrete scope of work through construction with the support and momentum from the community and project stakeholders. SCPPL is intended to help these clearly defined projects that are ready to progress move more quickly through the funding process. Large and/or complex projects, especially those transitioning from planning to design, may need additional support or technical assistance and may not be suitable candidates for using the SCPPL process. SCPPL is also not intended to include all projects on a communities Capital Improvements Project (CIP) list. Ecology will work with Recipients to identify and prioritize specific projects from their CIP list to move from planning to design.

Ecology encourages Recipients and potential Recipients to reach out to the Small Community Engineers or a regional wastewater funding team member to discuss project specifics with regards to SCPPL. Questions not answered in the funding guidelines can be directed to the Small Community Engineers.

### **Section 2.1.7 Reclaimed Water Facilities**

Reclaimed water facilities are eligible for funding and must comply with [RCW 90.46](#).<sup>24</sup>

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

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.

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<sup>24</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=90.46&full=true>

- 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 2.1.8 Land Acquisition**

Acquiring land to site a wastewater facility or as an integral part of the treatment process (e.g., land application) is conditionally eligible. The property must be permanently held for the project through a deed restriction, easement, or other approved mechanism.

For property owned by another public entity, a Memorandum of Understanding (MOU) is an acceptable alternative, as long as the document includes specific language to ensure the Recipient has permission to do all necessary construction and ongoing operations and maintenance for the design life of the facility.

Land acquisition before construction is at the community's risk. Land acquisition that occurs prior to construction is eligible for reimbursement under the CWSRF interim refinance provisions; see Section 3.1.4.

Due to the complex nature of projects that include land acquisition or easements, Ecology strongly recommends contacting the WQ Combined Planner or regional Project Manager prior to submitting an application. See Appendix A for contact information.

### **Section 2.1.9 Nutrient Reduction**

Puget Sound Nutrient Reduction projects are eligible for funding. To qualify, projects must be implemented for a wastewater treatment plants discharging to Washington Waters of the Salish Sea, excluding those located on federal and Tribal lands and waters. This focus ensures that funds support efforts with a direct impact on reducing nutrient pollution in the marine ecosystem. For an exact list of eligible entities, refer to Table 13 of this document. More information about project eligibility and this program can be found in Section 3.7.

### **Planning Document Requirements**

Depending on the proposed scope of work, some projects require formal planning documents to be submitted and approved in accordance with [WAC 173-240](#)<sup>25</sup>.

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<sup>25</sup> <https://app.leg.wa.gov/Wac/default.aspx?cite=173-240&full=true>

A **Nitrogen Optimization Plan (NOP)** or a **Nutrient Reduction Evaluation (NRE)** may be used to support smaller-scale or early-phase projects, such as:

- Initial optimization efforts
- Process tuning or operational adjustments
- Targeted equipment modifications that do not significantly alter treatment infrastructure

For more complex or capital-intensive projects, applicants must submit a **Facility Plan, General Sewer Plan, or Engineering Report** that meets the requirements of WAC 173-240. These types of planning documents are appropriate for:

- Major facility upgrades
- Treatment plant redesigns
- Projects involving significant infrastructure changes or capital construction

Applicants seeking **Clean Water State Revolving Fund (CWSRF)** loan funding in addition to **Puget Sound Nutrient Reduction (PSNR)** grant funding must ensure that their planning documentation meets SRF eligibility requirements. In most cases, this means submitting an **Engineering Report** that complies with both CWSRF guidance and WAC 173-240 standards.

### **Section 2.1.10 Alternative Project Delivery Methods**

Applicants intending to use an alternative project delivery method such as Design Build, General Contractor/Construction Manager (Construction Manager at Risk), or any other alternative public works contracting procedures consistent with [RCW 39.10](#)<sup>26</sup> must provide the following at the time of application:

- A legal opinion from an attorney of the Applicant indicating that the Applicant has sufficient legal authority to use an alternative procurement/contracting method for public works projects. This document is in addition to the Opinion of Legal Counsel pertinent to the loan agreement (see Section 6.2.14).
- A letter from the Capital Projects Advisory Review Board (CPARB) which authorizes the Applicant to use the approved alternative delivery method.
- An Ecology-approved engineering report.
- A report detailing the projected savings based on a cost and time-to-complete as compared to the traditional design-bid-construct process; This requirement can be included within the approved engineering report.

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<sup>26</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=39.10&full=true>

In addition to the project application information listed in [WAC 173-98-200](#)<sup>27</sup>, the project will be evaluated on the Applicant's level of administrative and technical expertise.

Before an agreement is signed, Ecology must receive the final service agreements and/or contracts, and the primary design elements must achieve an acceptable level of completeness as determined by Ecology’s regional facility engineer.

Costs associated with change orders for CWSRF projects using alternative delivery methods are not eligible for reimbursement. In addition to RCW 39.10, projects must be completed according to the timelines described in [WAC 173-98-800](#)<sup>28</sup> and [WAC 173-98-810](#)<sup>29</sup>.

## Section 2.1.11 Wastewater Eligibility Summary

Table 5 provides a summary of the funding eligibility of some wastewater facility projects and components.

**Table 5: Wastewater Facility Projects and Components Eligibility**

Description	Centennial Grant	CWSRF Loan	PSNR Grant
Combined sewer overflow abatement facilities	Yes**	Yes	No
Construction administration and inspection services	Yes**	Yes	Yes***
Cost and effectiveness analysis	Yes*	Yes*	Yes***
Cultural resources review	Yes*	Yes*	Yes***
Environmental review	Yes*	Yes*	Yes***
Equipment and/or tools pre-approved for a funded project	Yes**	Yes	Yes***
Facilities for the control, storage, treatment, disposal, or recycling of domestic wastewater	Yes**	Yes	Yes***
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	No	No	No
Development of an Asset Management Program	Yes**	Yes	Yes***
Indirect rate (up to 30% of salaries and benefits)	Yes**	Yes	Yes***
Investment grade efficiency audit	Yes*	Yes*	Yes***
Land acquisition to site a wastewater facility	No	Yes	No

<sup>27</sup> <https://app.leg.wa.gov/wac/default.aspx?cite=173-98-200>

<sup>28</sup> <https://app.leg.wa.gov/WAc/default.aspx?cite=173-98-800>

<sup>29</sup> <https://app.leg.wa.gov/WAc/default.aspx?cite=173-98-810>

Description	Centennial Grant	CWSRF Loan	PSNR Grant
Landscaping for erosion control directly related to a project	Yes**	Yes	No
Legal expenses associated with use of a bond counsel in developing a loan agreement	No	Yes	No
Light refreshments for meetings if pre-approved	Yes**	No	No
LOSS/community wastewater systems	Yes*	Yes*	No
Mitigation projects	No	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	Yes**	Yes	Yes***
Permits required for project implementation	Yes*	Yes*	Yes***
Planning, including feasibility studies, value engineering, rate studies, and general sewer plans and engineering reports	Yes*	Yes*	Yes***
Plans and specifications (facility design)	Yes*	Yes*	Yes***
Project Management Consultant	Yes**	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	No
Reclaimed water distribution infrastructure for transportation to reuse site.	Yes**	Yes	No
Refinancing: Interim for any project eligible for a CWSRF loan or Standard for water pollution control facilities begun after March 7, 1985	No	Yes	No
Side-sewer laterals, pump stations, and other appurtenances on private property for projects that address infiltration and inflow.	Yes**	Yes	No
Side-sewer laterals, pump stations, and other appurtenances on private property for projects that address documented nonpoint pollution issues	Yes**	Yes	No
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	No
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, or the project does not address infiltration and inflow	No	No	No
Side-sewer laterals, pump stations, and other appurtenances on public property	Yes**	Yes	No
ULID formation	No	Yes	No

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

\*\* For qualified construction hardship applicants.

\*\*\* Projects and project components must be directly related to nutrient reduction.

## 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 [WAC 246-272B](#)<sup>30</sup>. With the exception that planning and design documents are approved through DOH, these systems are considered facilities, and all the rules and requirements for facility projects apply.

### Section 2.2.2 Planning and Survey

OSS pollution identification and survey projects may be conducted throughout a watershed. Funded projects have included OSS data collection and management, system inspections and 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. Funding may also be used to support the development of Local Management Plans.

### Section 2.2.3 Local Loan Program

Ecology may provide loans and grants to local governments to establish and manage OSS repair and replacement 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.

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<sup>30</sup> <http://app.leg.wa.gov/WAC/default.aspx?cite=246-272B&full=true>

- 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 “treatment works 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. For more information on SERP, refer to the [Ecology Environmental & Cultural review process](#)<sup>31</sup> webpage and download the [SERP Environmental Information Document \(EID\)](#)<sup>32</sup>. Contact the Environmental Review Coordinator, Liz Ellis, at (360) 628-4410 or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov) if you have questions.

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. **Note that targeted OSS repair and replacement projects within a priority watershed are not required to provide match.**

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

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<sup>31</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/environmental-and-cultural-review>

<sup>32</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070421.html>

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.

## Section 2.2.4 Onsite Sewage System Regional Loan Program

The Regional Loan Program (RLP) is a statewide 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.

More information on joining the RLP can be found on [Ecology's OSS Projects webpage](#).<sup>33</sup>

**Note:** The well-established RLP serves all counties with flexible loan terms, including hardship considerations, for the repair and replacement of failing OSS. Ecology encourages maximizing use of this program rather than applying to start a separate program to meet these needs.

## Section 2.2.5 Composting Toilet Systems

Installation, repair, and replacement of composting toilet systems are eligible as Onsite Sewage System projects when there is a clear need or benefit based on water quality. Composting toilets may be funded through CWSRF loans and Centennial grant funds. Proprietary composting systems must be included on the Washington State Department of Health's (DOH) [List of Registered On-Site Treatment and Distribution Products](#)<sup>34</sup> (WAC-246-272A-0110). All other systems must meet the [recommended standards and guidance for composting toilets](#).<sup>35</sup> In addition, these projects must secure applicable permits and submit a maintenance plan.

## Section 2.2.6 OSS Eligibility Summary

Table 6 provides an eligibility summary for some common OSS 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 6: Onsite Sewage System Projects and Components Eligibility**

Description	Centennial Grant	Section 319 Grant	CWSRF Loan
Composting toilets	Yes	No	Yes
Cost and effectiveness analysis	No	No	Yes
Cultural resources review	Yes	Yes	Yes

<sup>33</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/on-site-sewage-projects>

<sup>34</sup> <https://www.doh.wa.gov/portals/1/Documents/Pubs/337-024.pdf>

<sup>35</sup> <https://www.doh.wa.gov/Portals/1/Documents/Pubs/337-016.pdf>

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

## Section 2.3 Stormwater Facility Projects

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

Applicants may receive grant and/or loan funding for:

- Step 1: Stormwater project planning and prioritization.
- Step 2: Design.
- Step 3: Construction.

- Step 4: Small project design/construct.

Eligible stormwater facility best management practices (BMPs) must be designed in accordance with any of the following:

- [Stormwater Management Manuals for Eastern or Western Washington](#)<sup>36</sup>
- Equivalent Ecology-approved manual as listed in Appendix 10 of the 2019 revision to the [Phase I Municipal NPDES Stormwater Permit](#)<sup>37</sup>
- Received a General Use Level Designation (GULD) through the [Technology Assessment Protocol – Ecology \(TAPE\) program](#)<sup>38</sup>
- Received a [Functionally Equivalent designation](#)<sup>39</sup> (to bioretention) from the Department of Ecology

Stormwater facility BMPs that provide treatment or flow control for stormwater generated by publicly owned industrial sites are conditionally eligible for grant and loan funding. Grant funding may be limited to BMPs that manage stormwater runoff generated by existing land use conditions. For proposals that are regulated under an Industrial Stormwater General Permit, an Ecology Engineer must accept the design. For BMP installations that are not regulated under an Industrial Stormwater General Permit, designs must be in accordance with an Ecology-approved Stormwater Management Manual (SWMM) or a General Use Level Designation (GULD) approval criterion. Additional BMPs to manage anticipated stormwater pollutants or run-off generated by proposed or future land uses may be loan eligible.

Applicants may also propose to design and install nonproprietary BMPs for [Technology Assessment Protocol – Ecology \(TAPE\)](#)<sup>40</sup> review. Applicants must include technical justification in their application that supports the need to develop additional BMPs and 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 applying for additional information including Quality Assurance Project Plan (QAPP) requirements.

Design and construction of decant facilities and other equipment necessary for the operation and maintenance of a municipal stormwater system is conditionally eligible for grant funding as part of an Enhanced Maintenance Plan. The analysis performed during the Enhanced Maintenance planning process is used by Ecology to determine facility and equipment funding

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<sup>36</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

<sup>37</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits/Municipal-Stormwater-Phase-I-Permit>

<sup>38</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies>

<sup>39</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies#equal>

<sup>40</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Emerging-stormwater-treatment-technologies>

eligibility. Additional information about Enhanced Maintenance Plans is included in Section 2.4 and in Appendix L of this document.

Grant funding for stormwater facility projects is limited to projects that manage runoff from existing urban infrastructure. New or redevelopment projects may be eligible for loan funding, see Tables 3 and 7.

Once a BMP is constructed, Ecology considers the Recipient liable for maintaining the BMP and ensuring the water quality benefits of the project are sustained for the lifetime of the BMP.

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

Costs associated with planning, prioritizing, and siting stormwater treatment and flow control infrastructure at a basin or watershed scale are eligible for grant and loan funding. This includes the cost of preparing documents, gathering data, mapping, public outreach, environmental and cultural review, stormwater utility rate studies, and water quality and cost benefit assessment and analysis. Planning for stormwater Community-Based Public-Private Partnerships (CBP3), performance-based contracts, and other forms of alternative procurement may be eligible costs for Step 1 Planning, see Section 3.6. The type of funding available is determined by the purpose of the planning and prioritization project.

Pre-planning steps, including the receiving water conditions assessment and prioritization process described in the [Stormwater Management Action Planning Guidance](#)<sup>41</sup> (SMAP) are also eligible for funding.

Although Ecology highly recommends that jurisdictions develop a transparent prioritization process for the selection of water quality project implementation, completion of Step 1 Planning is not a prerequisite to receiving Ecology funding for design and construction. Funding for projects in a stormwater quality capital improvement plan will depend on how well the projects score through Ecology's rating and ranking process described in Table 14, as well as the amount of funding available for all applicants.

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

### **Section 2.3.2 Step 2 Design**

Ecology is available for technical assistance and will review all funded stormwater projects to ensure compliance with Ecology design standards and Ecology-approved manuals. Stormwater project design includes preparing design documents, geotechnical work, engineering design reports, GIS data, environmental and cultural review, and value engineering studies. Appendix L of this document lists the elements that must be provided for Ecology review for the Design Report and 90 Percent Design Package. The Final Bid Package is typically considered part of Step 3 Construction.

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<sup>41</sup> <https://apps.ecology.wa.gov/publications/documents/1910010.pdf>

### Section 2.3.3 Step 3 Construction

Applicants must submit a complete Ecology Design Report and a complete 90 Percent Design Package, including GIS data, with the application<sup>42</sup>. These design documents and GIS data must follow the guidelines listed in Appendix L and meet all other Ecology requirements. Design documents require Ecology review prior to receiving construction funding. If Ecology has already accepted the design documents, please also submit your acceptance letters. If Ecology has not reviewed and accepted both design documents, we highly encourage meeting with Ecology before applying to discuss the review process and work required by the applicant during Ecology review. Please see the graphic below for Step 3 application requirements.

All design documents must be accepted by May 31st to be eligible for funding. An incomplete design documents that does not follow Ecology’s guidelines may result in an ineligible application.

To apply for Step 3 Construction Funding:

If the project:	Then the Application must include:
Has both the Design Report and the 90 Percent Design Package acceptance letters	A Design Report, 90 Percent Design Package, and acceptance letters.
Has a Design Report acceptance letter but does NOT have a 90 percent Design Package acceptance letter	A Design Report acceptance letter, and a complete 90 Percentage Design Package, for Ecology review.
Does NOT have a Design Report acceptance letter OR a 90 Percent Design Package acceptance letter	A complete Design Report and 90 Percent Design Package, for Ecology review.
Has acceptance letters issued more than two years prior to application deadline	Contact your Ecology Regional Project Manager, for Ecology re-review and additional required deliverables.

### Section 2.3.4 Step 4 Design and Construction

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

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<sup>42</sup> Due to an earlier SFY27 application period, prerequisite documents may be submitted after an EAGL application until October 10, 2025. The application period in EAGL closes on September 3, 2025. Email prerequisite documents to Karen Izumoto at karen.izumoto@ecy.wa.gov.

**Step 4 grant (SFAP) funded projects are limited to projects that have a total water quality cost (TEC) of \$300,000 or less. Step 4 loan (CWSRF) funded projects are limited to projects that have a total water quality cost of \$7,000,000 or less.** If an applicant chooses to submit a Step 4 application, Ecology reserves the right to set interim performance milestones or partially fund the project.

### **Section 2.3.5 Land/Easement Acquisition**

Acquiring land for installation of a stormwater facility BMP or to site a facility displaced by construction of a BMP is conditionally eligible for funding. Eligible land acquisitions for stormwater projects are limited to the BMP footprint and access. The property must be permanently held for the project through a deed restriction, easement, or other approved mechanism. The Recipient is responsible for performing the administrative services needed to comply with [RCW 8.26](#)<sup>43</sup>, as described in the terms and conditions, see Appendix F, Section 2-C.

For property owned by another public entity, a Memorandum of Understanding (MOU) is an acceptable alternative, if the document includes specific language to ensure the Recipient has permission to do all necessary construction and ongoing operations and maintenance for the design life of the BMP.

Land acquisition to prevent development is not an eligible expense as a stormwater facility, but may be eligible as a nonpoint project. 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 for contact information.

Eligible costs and due diligence requirements may include but are not limited to the following:

- Environmental review/audit
- Cultural resource review
- Appraisal and review of the appraisal
  - Ecology may require a survey and appraisal of the *eligible portion* of the property.
- Purchase agreement
- Preliminary title report and checklist
  - Ecology requires review of title report for unlawful covenants, which must be removed in the final recording.
- Land survey for property boundaries
- Easement or deed of right

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<sup>43</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=8.26&full=true>

- Purchase cost
  - Ecology reimburses up to the appraised value of the BMP footprint and access area necessary to maintain the BMP
- Closing fees
- Recording fees

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

### Required Documentation for Stormwater Land Acquisition

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

- A map showing the proposed parcel(s) under consideration.
- Documentation of who currently owns the land and the status of the acquisition process. Depending on the circumstance, information/documentation may include willing landowner participation (e.g. a signed Landowner Acknowledgment (LOA) form, see Appendix E).

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

- A map and the legal description of the parcel(s) and/or boundaries of the property or easement.
- Proof of due diligence showing the parcel(s) is suitable for building the stormwater BMP.
- Recent appraisal and appraisal review report (generally less than one-year old at time of purchase).
- Signed purchase and sale agreement for easement or property (fee-simple) purchase.

**Step 4 Design and Construct** projects do not allow land acquisition as an eligible expense.

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 Funding Provisions.

### Section 2.3.6 Stormwater Facility Eligibility Summary

Stormwater facility projects and project elements may be funded by CWSRF loan, SFAP grant, or CBP3 grant, however there are some critical eligibility differences between the funding sources. CBP3 is a new funding source, and specific eligibilities are still in development. Projects

intending to use alternative delivery methods shall refer to the alternative public works contracting procedures described in [RCW 39.10](#)<sup>44</sup> to be eligible for grant or loan funding.

SFAP grant funding, including funding for Step 1 Planning applications, is limited to projects that treat and/or manage flows from existing development. For more information about the funding sources, see Chapter 3.

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

- Stormwater BMPs installed as part of the 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](#)<sup>45</sup>
- Trees as a stormwater facility designed in accordance with BMPs T5.16 in the Stormwater Management Manual for Western Washington and F6.62 in the Stormwater Management Manual for Eastern Washington or an Ecology-approved equivalent manual are eligible for grant and loan funding. Tree BMPs must follow the step process and have an Ecology-accepted design before constructing. Costs to protect and preserve existing tree canopy during stormwater project construction to the greatest extent feasible and in accordance with the requirements of the local jurisdiction are also eligible.
- Multiple phases of the same project may be eligible. Phases must address stormwater from additional geographic areas and provide additional water quality benefits beyond those identified in earlier phases.
- Reimbursements for vegetation may be limited to the cost to install native or adapted plants for erosion control or to provide BMP functionality. Disproportional costs for ornamental plants, trees, permanent irrigation, or other items associated with the installation and maintenance of landscaping are not eligible.
- Stormwater runoff from private, public, or leased to private entity type property, unless the applicant has taken on ownership and maintenance responsibilities for the sited BMP via acquisition of the land, a lease agreement, and/or acquiring a deeded easement.

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<sup>44</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=39.10&full=true>

<sup>45</sup> [https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II\\_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf](https://app.leg.wa.gov/ReportsToTheLegislature/Home/GetPDF?fileName=Report-LGD-Stormwater-II_1b84a971-5351-4c74-b85e-0a9bcae01c5a.pdf)

Table 7 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 7: Stormwater Facility Projects and Components Eligibility**

Description	SFAP Grant	CWSRF Loan	CBP3 Grant
Stormwater BMPs for new or redevelopment	No	Yes	Yes
Cultural resources review	Yes	Yes*	Yes
BMPs located within high-value wetlands	No	Yes	No
BMP-specific outreach materials such as signage	Yes	Yes	Yes
Contaminated soils removal or remediation	No	No	No
Equipment purchases without preapproval from Ecology	No	No	No
Fiscal sustainability plans (a.k.a., asset management plans) required for facility construction projects	Yes	Yes	Yes
Indirect rate (up to 30% of salaries and benefits)	Yes	Yes	Yes
Individual residential stormwater infiltration treatment and collection systems, such as bioretention swales on private property	Yes**	No	Yes**
Installation of rip rap, boulders, and retaining walls to prevent sediment discharge into stormwater BMPs	Yes	Yes	Yes
In-stream work	No***	Yes***	TBD
Land acquisition for stormwater BMP siting	Yes	Yes	Yes
Landscaping for erosion control directly related to a project	Yes	Yes	Yes
Light refreshments for meetings if pre-approved	Yes	No	Yes
Maintenance, including maintenance with capital construction costs ≥ \$25,000	No	No	TBD
Mitigation projects	No	No	TBD
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	No	Yes	TBD
Monitoring for TAPE	Yes	Yes	Yes
Outreach to property owners/residents potentially affected by installation of a facility	Yes	Yes*	Yes
Paving projects	No	No	TBD
Permanent removal of impervious surfaces	Yes**	Yes	Yes
Permeable pavement replacing an existing pervious surface	No	Yes	Yes
Permeable pavement replacing an existing impervious surface	Yes	Yes	Yes
Permits required for project implementation	Yes	Yes	Yes

Description	SFAP Grant	CWSRF Loan	CBP3 Grant
Project alternatives and cost and effectiveness analysis	Yes	Yes*	Yes
Project Management Consultant	Yes	Yes	Yes
Publicly owned industrial stormwater BMPs	Yes	No	Yes
Restoration of riparian buffers	No***	Yes	TBD
Stormwater conveyance (excluding conveyance to BMPs)	No	Yes	TBD
Stormwater retrofit or low impact development retrofit projects	Yes	Yes	Yes
Stormwater utility rate studies	Yes	Yes	Yes
Treatment of process water or sewage	No	No	TBD
Treatment of runoff from undeveloped lands or agricultural areas. See Section 2.5	No	No	TBD
Trees installed as a BMP or functional component of a BMP per an Ecology-approved stormwater management manual	Yes	Yes	Yes
Utility Local Improvement District (ULID) formation	No	No	TBD

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

\*\* Approval on a case-by-case basis.

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

TBD – To be determined.

## Section 2.4 Stormwater Activity Projects

Stormwater activity projects that provide water quality benefits through behavior change and management actions may be funded by grant and/or loan funding. In the context of this document, pollution and runoff generated from development of urban surfaces such as homes, roads, and businesses are considered stormwater. Communities that document and enhance their current program to achieve greater water quality benefits may be eligible for grant funds regardless of Municipal NPDES permit compliance status.

The Stormwater Community Based Public-Private Partnership (CBP3) Program was added as a fund source starting in SFY26. Specific eligibilities are still in development. Due to the complex eligibility rules for stormwater activities, Ecology strongly recommends contacting appropriate regional or headquarters staff to discuss eligibility prior to applying. See Appendix A for the Contact List for Water Quality Grants and Loans.

### Section 2.4.1 Enhanced Maintenance and Source Control

In some cases, it may be necessary or more cost-effective to prevent pollution from reaching waterways by reducing or eliminating the source of pollution or changing the way existing stormwater infrastructure is maintained. Ecology refers to these activities as stormwater enhanced maintenance or source control activities.

## Enhanced Maintenance Plans

An Enhanced Maintenance Plan (EMP) is a tool to help local jurisdictions prioritize and implement asset management and maintenance practices to meet defined water quality goals and ensure that stormwater infrastructure continues to perform as designed. This section gives an overview of EMPs and the process for eligibility. For more detailed information on deliverables and an example scope of work, see Appendix L Section 3.0 Stormwater Activity Projects.

The development of an EMP involves several key steps:

- **Documentation of Current Program** – The jurisdiction will first document and assess their current maintenance programs, including resources required, prioritization methods, data collected, and the current water quality outcomes.
- **Goal Setting** – The jurisdiction will identify and define measurable water quality goals, such as reducing nutrient loading to a local water body by a specific number of pounds per year.
- **Enhanced Program Development** – The jurisdiction will then develop a plan that outlines a clear and actionable path to achieve the defined goals by enhancing existing maintenance practices. The plan will identify the resources required for implementation and include tracking methods to monitor progress and adapt practices as needed.

An EMP may be a sub-component of a larger stormwater planning effort, such as a Stormwater Management Action Plan (SMAP), or can be a stand-alone effort.

### Types of Enhanced Maintenance Plans

An EMP may be comprehensive or target specific aspects of maintenance. Clearly defining the type, scope, and scale of your EMP is essential to ensure that future implementers and funders of the plan have adequate context for proposed actions and expenses.

#### Comprehensive EMPs

Ecology strongly encourages local jurisdictions to develop a single, comprehensive EMP that evaluates all aspects of stormwater system asset management and maintenance. Taking a holistic approach enables jurisdictions to strategically plan, fully understand the cost of their maintenance programs, and better prepare for future financial needs. A comprehensive EMP also helps jurisdictions to identify inefficiencies and data gaps, prioritize actions, and allocate resources to maximize water quality benefits in the most cost-effective way.

Comprehensive EMPs can position jurisdictions for eligibility for a variety of implementation projects, including but not limited to:

- Large equipment purchases.
- Equipment and staff time for data collection and mapping, including line cleaning and camera work.

- Asset management or GIS software procurement, set up, and training.
- Improvements in staffing and training resources.

Implementation projects may be funded over multiple years, provided that the EMP is kept current through adaptive management practices.

### **Focused EMPs**

Alternatively, local jurisdictions may choose to develop a focused EMP that is narrower in scope and targets specific aspects of stormwater system asset management and maintenance. A focused EMP concentrates on achieving measurable water quality improvements by enhancing a particular maintenance activity or program area. The plan should define how targeted investments, such as acquiring specific equipment, collecting data, or upgrading technology, will improve the effectiveness of the maintenance program.

Although more limited in scope, a focused EMP still supports strategic decision-making and can position jurisdictions for implementation of the specific improvements outlined in the plan.

### **Decant Facility EMPs**

When developing an EMP to enhance asset management and maintenance activities, local jurisdictions should evaluate the full life cycle of maintenance operations, including the disposal of debris generated by those activities. This assessment should include the frequency of increased maintenance, the volume of resulting material loads, existing decant facility capacity, and whether additional capacity will be needed.

Enhanced maintenance planning and decant facility design may occur under the same grant; however, the EMP must be reviewed and accepted by Ecology before facility design can begin. Once Ecology has accepted the EMP and the facility design is complete, jurisdictions are eligible to apply for funding to construct the decant facility. See Section 2.3.3 Step 3 Construction and Appendix L Section 3.2.1 Decant Facilities for more requirements.

### **Enhanced Maintenance Program Implementation**

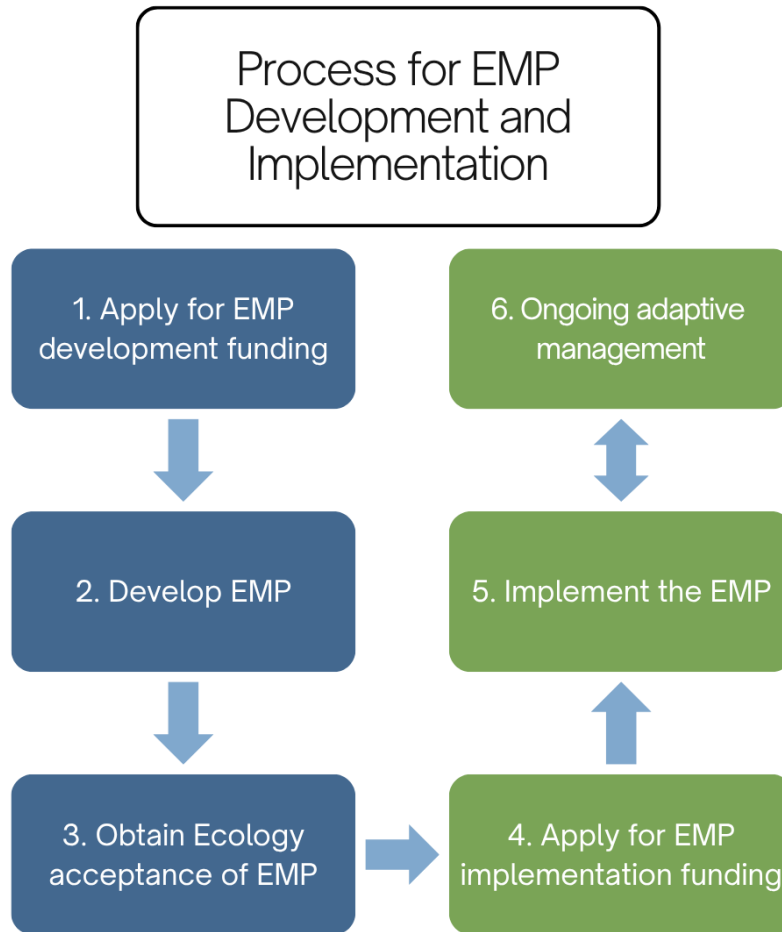
Completion of an EMP is a required prerequisite for grant funding for maintenance facilities and equipment. Grant funding is limited to activities that enhance existing programs and does not cover baseline maintenance work and equipment. To be eligible for grant implementation funds, the local jurisdiction must first have an Ecology-accepted EMP. The Ecology EMP approval letter will include a negotiated list of eligible items needed for implementation of the enhanced program. If the approval letter does not contain this list, is unclear, or if the jurisdiction's needs have changed since approval, please contact the regional Ecology Stormwater Project Manager for assistance. See Appendix A for the Contact List for Water Quality Grants and Loans.

Loan funding for maintenance equipment does not require an EMP and may be used to replace baseline maintenance equipment.

## Steps to Ensure Eligibility and Success

The Like stormwater facility projects, enhanced maintenance must follow distinct planning and implementation steps. EMP development funding and implementation funding must be applied for in separate funding cycles. Ecology is not able to review EMPs outside of an agreement.

1. **Apply for EMP Development Funding** – The application should include time and costs to document and assess the current program, set water quality goals, and develop a plan to achieve those goals.
2. **Develop the EMP** – Ecology will provide feedback throughout development and ensure the final EMP has all the required elements.
3. **Obtain Ecology Acceptance of EMP** – Ecology will review the final plan and identify program enhancements that are eligible for grant and loan funding. The Ecology EMP approval letter will include a list of eligible items.
4. **Apply for EMP Implementation Funding** – Applicants with an approved EMP may apply for implementation grants. A program change must be specifically included in your EMP to be eligible. Funding requests for items not listed in an Ecology-accepted EMP will be reviewed for loan eligibility.
5. **Implement the EMP** – Put the enhanced the program into action.
6. **Ongoing Adaptive Management** – Regularly assess program effectiveness and update practices and priorities as needed to ensure continued progress toward water quality goals.



**Figure 3: Process for Enhanced Maintenance Plan (EMP) Development and Implementation Source Control Programs**

The development of programs to prevent stormwater pollutants from entering stormwater collection systems or to remove contaminants from within the collection system are eligible for grant and loan funding. Funding may support targeted outreach materials, data management systems, staff training programs, or other items necessary to implement a new program. Source control programs may be integrated into an enhanced maintenance program or may be stand-alone programs.

Examples of projects include, but not limited to:

- Development of a new local business inspection program targeting pollution-generating activities.
- Establishment of a new privately-owned stormwater BMP inspection program.
- Tracking and removal of pollutants such as PCBs from stormwater systems.

## Section 2.4.2 Overlap with Nonpoint Projects

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

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

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

## Section 2.4.3 Stormwater Activity Eligibility Summary

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.

Stormwater activity projects and project elements may be funded by either CWSRF loan, SFAP grant, Centennial/Section 319 grants, or CBP3 grant. However, there are some critical eligibility differences between the funding sources and often depends on the applicant.

Table 8 provides an eligibility summary for some common stormwater activity projects and components. This list is not exhaustive, and eligibility is conditional upon meeting all project and funding source eligibility requirements. For more information about eligible and ineligible projects, see Section 1.3 and Chapter 3.

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

Description	Centennial 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

Description	Centennial or Section 319 Grant	SFAP Grant	CWSRF Loan
Flood control and stormwater conveyance planning	No	No	No
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
TAPE review process for proprietary treatment systems	No	No	No

## 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.

Nonpoint activities are funded by:

- Centennial grants
- Section 319 grants
- CWSRF loans

### Section 2.5.1 General Eligibility Requirements for all Nonpoint Projects

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

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

All proposed nonpoint source activity projects must implement an element of a state or local plan directed at addressing water quality issues, such as a watershed management plan,

nonpoint source pollution control plan, Salmon Recovery Plan, Orca Recovery Plan, Total Maximum Daily Loads (TMDL)/TMDL Advance Restoration Project/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 [Directory of Projects](#).<sup>46</sup>

To be eligible for Section 319 grants (and grants being used as Ecology's match for its EPA award), the plan being implemented must meet the criteria of the nine Key Elements for nonpoint source projects as outlined in [EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters](#).<sup>47</sup> Additionally, all Ecology funded nonpoint source activity projects must also align with the objectives in Table 8 of [Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution](#).<sup>48</sup>

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

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

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

**Phase 1 (planning)** involves outreach to landowners and preparing site-specific plans that identify eligible BMPs to address a water pollution problem. Planning activities and deliverables typically include:

- Landowner outreach.
- Cultural resources 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.
  - Grazing Management Plans that comply with requirements as described in

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<sup>46</sup> <https://fortress.wa.gov/ecy/ezshare/wq/WaterQualityImprovement/TMDL/projectdirectory.htm>

<sup>47</sup> <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>

<sup>48</sup> <https://apps.ecology.wa.gov/publications/documents/1510015.pdf>

the [Clean Water Guidance for Agriculture](#)<sup>49</sup> are eligible (pages 27d-30d).

- 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 is included in the scope of work. Some exceptions may be allowable for large-scale projects on lakes or public lands, with Ecology approval. Examples include:

- Stream restoration involving channel reconstruction, large woody debris, and some bank stabilization strategies.
- Lake restoration including riparian shorelines, inflows outflows, and conservation of native vegetation.
  - Design - Applicants must submit the following prerequisites for a lake restoration design project before implementation:
    - Ecology's letter accepting the site-specific planning for the project. The site-specific planning document should include documentation that the project is the cost-effective approach to achieving the water quality benefit.
  - Construction - Applicants must submit the following prerequisites for a lake restoration construction project before implementation:
    - Ecology's letter accepting the site-specific planning for the project. The site-specific planning document should include documentation that the project is the cost-effective approach to achieving the water quality benefit.
    - Ecology approval of the plans and specifications for the project.
- Some activities can go straight from planning to implementation.

**Phase 3 (restoration/BMP monitoring and maintenance)** includes follow-up site maintenance to ensure plant survival and invasive species control at restoration sites, and to ensure continued BMP function. Most implementation requires a 10-year maintenance plan or agreement. Ecology funding can cover up to 5 years-post-planting maintenance for specific restoration sites. Restoration sites that implement riparian planting of the entire Riparian Management Zone are eligible for an additional 5 years of post-planting maintenance. Activities typically include:

- Plant survival inventory and re-planting, as necessary.
- Invasive species control.

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<sup>49</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part4.pdf>

## 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 9). 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 requirements webpage](#)<sup>50</sup>.

### BMP Funding Eligibility

To be eligible, BMPs must:

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

### Implementation Requirements

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

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<sup>50</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/nonpoint-funding-requirements>

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 the reimbursement for that activity.

- A BMP Approval Form template is available upon request.
- **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, Appendix O, and Appendix F: Section 3). All projects are required to update the EAGL Mapping Tool at closeout.
- **Specific Criteria and Standards:** Plans, designs, and implementation must comply with the activity specific criteria described in these Funding Guidelines.

### Property Ownership Limitations

Planning and implementation for water quality improvements on private property, public property, public easements, or public rights-of-way through private property are eligible for grant and loan funding, with some restrictions. Funding is only provided to public entities, Tribes, 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, federal, and Tribal lands.
- Activities on public lands owned by an entity other than the Recipient should include a Memorandum of Understanding (MOU), interlocal or similar landowner agreement.

### Private Property

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

## Landowner Agreements and Maintenance Plans

The Recipient must obtain and submit a signed landowner agreement or conservation easement to the Ecology Project Manager before time-intensive planning, cultural resource review, and all BMP designs and implementation. Technical assistance and initial conservation planning is allowed before the agreement is signed; however, the Recipient must ensure the landowner is aware of the expectations. Maintenance plans may also be required for projects on property owned by the Recipient, or other entity.

- The Recipient may use the landowner agreement template provided by Ecology, or equivalent document.
- The landowner agreement must include, but not be limited to:
  - A minimum 10-year maintenance agreement that is transferred with the ownership, rental, and leasing of the land.
  - Allowance of inspection of the project area by the Recipient and by Ecology staff with prior notification.
  - A commitment to not intentionally damage or remove the BMP.
  - An approved site 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, irrigation, 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 \(FOTG\)](#)<sup>51</sup> construction specifications or equivalent construction standards for Washington State **and** be recommended in Ecology's [Voluntary Clean Water Guidance for Agriculture](#)<sup>52</sup> (Clean Water Guidance). If NRCS specifications are not available, the structural design of the proposed BMP must be designed by a licensed engineer. Appendices G, H, I, and J discuss more specific BMP provisions.

### Above Ground Storage Tanks (Manure Storage)

Above ground storage tanks for liquid manure storage that are consistent with Ecology's Voluntary Clean Water Guidance for Agriculture guidance are eligible for WQC financial assistance (loan only). Refer to Appendix I of this document and chapter 11 (pages 18-21) of the Clean Water Guidance for design and installation requirements.

### Agroforestry

Low intensity agroforestry practices as described in the Clean Water Guidance are eligible. The proper implementation of agroforestry plantings promotes soil and vegetation community health and avoids the use of synthetic fertilizers and pesticides. When properly implemented, agroforestry practices have a low potential for pollutant generation and transport. Additionally, the native trees integrated into this type of agriculture can provide a supplementary source of stream shading and organic material inputs to streams.

### Conservation-Based Tillage Systems

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

Conservation-based tillage system practices are eligible for three types of funding:

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

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

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<sup>51</sup> <https://efotg.sc.egov.usda.gov/#/state/WA/documents>

<sup>52</sup> <https://apps.ecology.wa.gov/publications/summarypages/2010008.html>

## **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 help protect surface waters from pollutants such as pathogens, sediment, and nutrients, and provides physical protection so riparian areas may be restored. Grass filter strips alone are not sufficient to meet this requirement.

Cross fencing is eligible for WQC financial assistance when the following criteria are met:

- The practice is prescribed in an approved Grazing Management Plan.
- Livestock exclusion fencing is installed at a minimum setback from the ordinary high watermark (OHWM) consistent with the riparian restoration guidance found in Appendix J.
- A riparian forest buffer consistent with the riparian restoration guidance found in Appendix J is implemented.

## **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 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 management zone.

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

### **Silvopasture**

Silvopasture practices, such as light intensity rotational grazing within the riparian management zone in accordance with a Grazing Management Plan, as described in the Clean Water Guidance, are eligible. The proper implementation of silvopasture plantings promotes soil and vegetation community health and avoids the use of synthetic fertilizers and pesticides. When properly implemented, silvopasture practices have a low potential for pollutant generation and transport. Additionally, the native trees integrated into this type of agriculture can provide a supplementary source of stream shading and organic material inputs to streams.

### **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](#).<sup>53</sup>

## Section 2.5.5 Land Acquisition

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

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

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

- Landowner acknowledgment.
- Environmental review.
  - Including an attestation that no hazardous substances were found on the site, or 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.”
- Cultural resource review.
- Appraisal and review of the appraisal.
- Baseline inventory (see the following section).
- Purchase agreement.
- Preliminary title report.
  - Review of title report for unlawful covenants, which must be removed in the final recording.
- Water quality deed of right (see the following section).
- Deed.
- Stewardship plan.

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<sup>53</sup> <https://doh.wa.gov/data-statistical-reports/environmental-health/drinking-water-system-data>

## 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.

## Water Quality Deed of Right

A Water Quality Deed of Right is required to be recorded with the local government where the property is being acquired. The purpose of this document is to guarantee protection of water quality on the property in perpetuity. Prior to being recorded, a draft of the Water Quality Deed of Right must be reviewed and approved by Ecology and the Attorney General’s Office and the final must have notarized signatures from Ecology and the Recipient. Ecology staff will coordinate with the Attorney General’s Office to conduct the review of the Water Quality Deed of Right. A template of this document can be provided upon request.

Requirements for acquisition projects generally align with RCO’s [Acquisition Manual 3](#)<sup>54</sup>. The funding assistance limits, and all other nonpoint conditions of these funding guidelines still apply.

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

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

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<sup>54</sup> <https://rco.wa.gov/wp-content/uploads/2019/07/Manual3.pdf>

distinct from any current or past PIC program agreements. Eligible PIC program activities often include:

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

### **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. Materials developed with public funds must meet accessibility and language requirements (more information in Appendix K).

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

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

Appendix K provides guidance for community engagement, including education and outreach.

## 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. Restoration sites that implement riparian planting of the entire Riparian Management Zone are eligible for an additional 5 years of post-planting maintenance, for a total of 10 years. 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. The following documents provide guidance and standards:

- [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#)<sup>55</sup>
- [Riparian Ecosystems, Volume 2: Management Recommendations](#)<sup>56</sup>
- [Ecology’s Restoring Wetlands in Washington: A Guidebook for Wetland Restoration, Planning & Implementation](#)<sup>57</sup>
- [Voluntary Clean Water Guidance for Agriculture.](#)<sup>58</sup>

### Stream Restoration and Bank Stabilization

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

All stream restoration and bank stabilization projects must meet the riparian buffer and other standards established in Appendix J of this document and the [Washington State Aquatic Guideline Program’s Stream Habitat Restoration Guidelines](#)<sup>59</sup>. Streambank protection designs must be consistent with the Aquatic Habitat Guidelines Program’s, [Integrated Streambank Protection Guidelines](#)<sup>60</sup>.

### Lake Restoration

Lake restoration planning and implementation projects on lakes with public access are eligible for loans or grants. Lakes with no public access are not eligible for funding. The “Phase Process” (Section 2.5.1) is required for all lake restoration projects. Phase 1 is planning. Phase 1 involves the identification of problems and evaluation of cost-effective alternatives. Phase 2 is the

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<sup>55</sup> <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>

<sup>56</sup> <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>

<sup>57</sup> <https://apps.ecology.wa.gov/publications/documents/93017.pdf>

<sup>58</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/2010008.html>

<sup>59</sup> <http://wdfw.wa.gov/publications/01374>

<sup>60</sup> <https://wdfw.wa.gov/publications/00046>

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, including Grazing Management Plans, that directly pertain to water quality are eligible, however general farm planning is not eligible. In-depth planning or engineered designs on private property require a landowner agreement prior to significant investment. Any plan for riparian buffer protections, streambank stabilization, and/or stream restoration must include recommendations that meet or exceed the buffer width guidance found in Appendix J.

## **Section 2.5.10 Water Quality Monitoring**

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

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

Prior to initiating water quality or soil monitoring activities, the Recipient must prepare a Quality Assurance Project Plan (QAPP). The QAPP must follow Ecology's [Guidelines and Specifications for Preparing Quality Assurance Project Plans for Environmental Studies](#).<sup>61</sup> [QAPP Standard Operating Procedures for field sampling and testing activities](#)<sup>62</sup> associated with monitoring QAPP development are also available. The QAPP template is also available by request from the Fund Coordinator, or regional Ecology Project Manager; see Appendix A for contact information.

Recipients may also reference Ecology's [Technical Guidance for Assessing the Quality of Aquatic Environments](#)<sup>63</sup> in developing the QAPP.

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<sup>61</sup> <https://apps.ecology.wa.gov/publications/documents/0403030.pdf>

<sup>62</sup> <https://ecology.wa.gov/about-us/who-we-are/our-programs/environmental-assessment/scientific-services/quality-assurance/quality-assurance-for-grantees>

<sup>63</sup> <https://apps.ecology.wa.gov/publications/summarypages/9178.html>

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.
- Be submitted in draft form for Ecology review within 1 year of the effective date of the agreement. Late submission may lead to removal of monitoring activities from the agreement scope of work.

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

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

The Recipient must use an environmental laboratory accredited by Ecology to analyze water samples for all parameters that require bench testing. Information on currently accredited laboratories and the accreditation process is provided on [Ecology's Lab Search webpage](#).<sup>64</sup>

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

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

Recipients that collect environmental monitoring data must submit all water quality data to Ecology using the Environmental Information Management System (EIM). Data must be loaded into EIM following instructions on [Ecology’s EIM webpage](#)<sup>65</sup> and be approved by Ecology’s Project Manager. Final payment requests will be withheld until data has been approved in EIM.

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<sup>64</sup> <https://apps.ecology.wa.gov/laboratorysearch/>

<sup>65</sup> <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.

Environmental monitoring data that cannot be uploaded to EIM must be submitted to an appropriate alternative database identified by the Recipient.

Recipients must follow Ecology data standards when Geographic Information System (GIS) data are collected and processed as documented on [Ecology's GIS Standards webpage](#).<sup>66</sup> Recipients must submit copies of all final GIS data layers, imagery, related tables, raw data collection files, map products, metadata, and project documentation to Ecology.

### **Section 2.5.11 Watershed Planning**

Watershed planning projects are eligible for loans or grants. If the project is in the Puget Sound Watershed, it must comply with planning criteria contained in [WAC 400](#).<sup>67</sup> Ecology provides guidance for other jurisdictions.

All watershed plans must comply with the SEPA and must be submitted to Ecology for review and approval. Watershed-wide planning projects must also meet the nine Key Elements for Watershed Plans in [EPA's Handbook for Developing Watershed Plans to Restore and Protect Our Waters](#)<sup>68</sup> and the [Watershed Planning training module](#).<sup>69</sup>

### **Section 2.5.12 Ecosystem Service Incentives**

Ecosystem service incentive payment programs that implement riparian planting of the core zone, as defined by the Clean Water Guidance, are conditionally eligible for Recipients with established incentive programs.

Projects that implement a riparian buffer one site potential tree height in width are eligible for a lump-sum ecosystem payment of \$2,000 per acre.

The ecosystem service incentive payments described above may be paired together, or with incentive payments provided by non-Ecology entities, or other funding programs within Ecology.

All ecosystem service payments will require Ecology pre-approval, and a Washington State Ecosystem Service Contract that includes, but is not limited to the landowner agreement requirements outlined in Section 2.5.1.

Applicants proposing to offer ecosystem service payments should include an estimate in their application budget.

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<sup>66</sup> <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>

<sup>67</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=400>

<sup>68</sup> <https://www.epa.gov/nps/handbook-developing-watershed-plans-restore-and-protect-our-waters>

<sup>69</sup> [https://cfpub.epa.gov/watertrain/moduleFrame.cfm?parent\\_object\\_id=2868](https://cfpub.epa.gov/watertrain/moduleFrame.cfm?parent_object_id=2868)

## Section 2.5.13 Nonpoint Eligibility Summary

Table 9 is provided for convenience; see above sections and related appendices 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 9: Nonpoint Source Activity Projects and Components Eligibility**

Description	Section 319 or Centennial Grant	CWSRF Loan
<b>Agricultural BMPs</b>		
Above Ground Storage Tanks (Manure Storage)	No	Yes
Acquisition/installation of livestock exclusion fencing along stream	Yes	Yes
Agricultural BMP implementation on private property at concentrated animal feeding operations (CAFOs) (only CAFOs in areas covered by federally designated National Estuaries are eligible for CWSRF loans)	No	Yes
Agroforestry plantings	Yes	Yes
Alternative/innovative technology with Ecology preapproval	Yes	Yes
Bridges for livestock crossing– up to 6 feet wide that meet WDFW's requirements for fish passage	Yes	Yes
Cover crop establishment with conservation-based tillage.	Yes	Yes
Cross fencing	Yes	Yes
Culverts for livestock crossing – up to 6 feet wide that meet WDFW's requirements for fish passage	Yes	Yes
Direct seed custom application fee reimbursement	Yes	Yes
Direct seed equipment purchases by public body for rental purposes	Yes	Yes
Direct seed equipment purchases for private landowner use	No	Yes
Direct seed equipment rental by private landowner - reimbursement	Yes	Yes
Grass filter strips	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

<b>Description</b>	<b>Section 319 or Centennial Grant</b>	<b>CWSRF Loan</b>
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
Silvopasture	Yes	Yes
Spring development	Yes	Yes
Technical assistance	Yes	Yes
Waste storage facilities for livestock (lagoons only eligible for loan)	Yes	Yes
Well decommissioning	No	Yes
Wellhead protection	Yes	Yes
Wind breaks to discourage livestock from congregating near surface waters	Yes	Yes
<b>Land Acquisition</b>		
Conservation easement administration and legal costs associated with establishing conservation easements	Yes	Yes
Land acquisition for: wetland habitat preservation and protection; riparian area and watershed preservation; drinking water source protection	Yes	Yes
Planting trees for future harvesting	No	Yes
<b>Outreach and Education</b>		
Education and stewardship programs related to water quality	Yes	Yes
Educational and funding recognition signage	Yes	Yes
Pledge programs	Yes	Yes
School programs (water quality related)	Yes	Yes
<b>Planning</b>		
Comprehensive planning for basin, watershed, and area-wide water quality	Yes	Yes
Conservation plans (site-specific) targeted to water quality BMP implementation, including grazing management plans	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
Wellhead, groundwater, and source water protection plan development	Yes	Yes

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

<b>Description</b>	<b>Section 319 or Centennial Grant</b>	<b>CWSRF Loan</b>
Monitoring equipment used for water quality monitoring	Yes	Yes
Water quality monitoring and data management	Yes	Yes
<b>Miscellaneous and Administration</b>		
Activities required by NPDES municipal stormwater permits	No	Yes
BMPs on public property (excluding most federal and state-owned land)	Yes	Yes
Computer equipment, software, etc. specific to a funded project	Yes	Yes
Cost and effectiveness analysis to encourage implementation of eligible BMPs	No	Yes
Cultural resources review	Yes	Yes
Equipment and/or tools pre-approved for a funded project (not to exceed 2.5% of TEC, except for conservation tillage equipment identified in Appendix G)	Yes	Yes
Indirect rate (up to 30% of salaries and benefits for Centennial and CWSRF and up to the EPA/Ecology negotiated rate for Section 319)	Yes	Yes
Legal expenses associated with development of local ordinances for water quality protection	Yes	Yes
Light refreshments for volunteer events, workshops, field days, or meetings if pre-approved	Yes	No
Mitigation projects	No	No
Mitigation to comply with requirements in SEPA/NEPA or other environmental review directly related to a project	Yes	Yes
Model ordinances to prevent or reduce pollution from nonpoint sources (development and dissemination)	Yes	Yes
Permits required for project implementation	Yes	Yes
Project Management Consultant	Yes	Yes
Sediment control basins	No	Yes
Training for Recipient staff that is necessary to complete project implementation (not to exceed 1% of TEC)	Yes	Yes
Use of sediment settlers (e.g., Polyacrylamide)	No	Yes

## Chapter 3: Funding Programs

This chapter provides a basic overview of each of the seven 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 seven 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 seven 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 Clean Water State Revolving Fund (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. Most of the fund consists of repaid principal and interest.

On November 15, 2021, the Infrastructure Investment and Jobs Act, also known as the Bipartisan Infrastructure Law (BIL) was signed. It authorized nearly \$200 million in funding over five years to Washington’s Clean Water. Additionally, BIL authorized up to another \$20 million to address emerging contaminants (CW BIL EC). The BIL authorizes a new Capitalization Grant to provide further funding for CWSRF.

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:

- [WAC 173-98](#)<sup>70</sup>
- [RCW 70A.135](#)<sup>71</sup>
- [RCW 90.50A](#)<sup>72</sup>

### **Section 3.1.2 Eligible Applicants**

Applicants eligible for CWSRF funding include:

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

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

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

- Preconstruction including:
  - Planning.

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<sup>70</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-98&full=true>

<sup>71</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.135&full=true>

<sup>72</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=90.50A&full=true>

- Planning for resilience against emergencies and failure of aging infrastructure.
- Value planning.
- Design.
- Rate studies.
- Ordinance development.
- Value engineering.
- Construction.

See Sections 2.1 and 2.3 for details.

### **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.

See Section 2.2 for details.

### **Nonpoint and Stormwater Activities**

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

See Sections 2.4 and 2.5 for details.

## **Section 3.1.4 Funding Provisions**

### **Build America, Buy America**

Congress passed BABA in 2021 concurrently with the BIL. For SRF Recipients, BABA expands existing American Iron and Steel (AIS) domestic preference requirements to include construction materials and manufactured products. However, the BABA requirements only apply to projects selected to receive federal funding as designated equivalency, which allows the Department to meet this new requirement. The Department recognizes this is a new and complex provision, and we will work closely with funding Recipients and provide appropriate guidance, technical assistance, and training. See Section 6.2.14 and Appendix F, Section 4 for additional information.

### **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) less than 80 percent of the state MHI, are eligible for preconstruction hardship subsidy funding under the preconstruction category (see Appendix M). Applicants who

do not meet the population and MHI criteria for this category can still receive standard loan 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 20-year Index rate from the period 30-180 days prior to the beginning of a new funding cycle. The average 11-Bond GO Index during January to March 2025 was 4.11 percent. Ecology sets its annual interest rate at 80 percent (30-year term), 60 percent (20-year term), or 30 percent (5-year term) of that average for most projects. Interest rates for nonpoint source activity and Onsite Sewage System projects are set at the rate equivalent to the rates for “moderate” hardship projects found in Table 11.

**Table 10: SFY27 Interest Rates for Standard CWSRF Loans**

Loan Term	Interest Rate for Most Projects	Interest Rate for OSS and Nonpoint Source Activity Projects
5 Years	1.2%	0.8%
20 Years	2.5%	1.6%
30 Years	3.3%	2.5%

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 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 (see Appendix M).

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 CWSRF. In other words, a project that has a reduced match requirement under SFAP hardship will not receive preconstruction hardship subsidy under CWSRF. Appendix M provides information on community MHI and preconstruction hardship eligibility.

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

Wastewater facility construction projects funded through CWSRF are eligible for construction hardship consideration and funding subsidy if the project meets the following affordability 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 with standard CWSRF loan would cause residential sewer rates to be two percent or more of the MHI for the service area (see Appendix M).

The hardship calculation takes into consideration additional affordability data, including annual operation and maintenance costs, existing debt service, portion of the project addressing residential need versus commercial/industrial users, and current versus expected future populations served. This information is collected as part of the funding application process in EAGL and assessed by Ecology as part of the project eligibility review.

Ecology relies on annual sewer account expenditures and debt information reported to the Washington State Auditors Office (SAO) as part of the hardship assessment calculations. Failure to submit annual reports to SAO impedes Ecology's ability to determine if a project qualifies for construction hardship subsidy. Applicants requesting construction hardship subsidy should ensure that they are current on their annual reporting to SAO in order to avoid delays or denial of assessing construction hardship eligibility. Tribes seeking construction hardship subsidy are exempt from the SAO reporting requirements. Ecology will work directly with Tribes to collect the appropriate affordability data.

If Ecology determines that construction hardship exists, it may structure a funding offer that includes further subsidized loan terms, Centennial grant, and/or forgivable principal loan.

**Table 11: SFY27 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:	1.2%	0.8%	0.4%	0.0%
20 years term:	2.5%	1.6%	0.8%	0.0%
30 years term:	3.3%	2.5%	1.6%	0.8%
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 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.

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 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.

**Table 12: SFY27 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:	0.8%	0.6%	0.0%
20 years term:	1.6%	1.2%	0.6%
30 years term:	2.5%	1.6%	0.8%

**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 are 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.

Additional information and guidance for GPR projects can be found at [EPA's GPR webpage](#)<sup>73</sup> or within [EPA's GPR guidance document](#).<sup>74</sup>

### Set-asides and Limits

The following are set-asides and limits on CWSRF.

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

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<sup>73</sup> <https://www.epa.gov/cwsrf/green-project-reserve-guidance-clean-water-state-revolving-fund-cwsrf>

<sup>74</sup> [https://www.epa.gov/sites/production/files/2015-04/documents/green\\_project\\_reserve\\_eligibility\\_guidance.pdf](https://www.epa.gov/sites/production/files/2015-04/documents/green_project_reserve_eligibility_guidance.pdf)

state MHI, the community may qualify for up to 50 percent FP loan and/or Centennial grant.

- No more than 20 percent of the amount in this category may be allocated to any applicant.
- Ecology may adjust the maximum award under any of the categories up or down based on demand.

For more information about project eligibility see Chapter 2.

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

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

#### **Construction Bid Overruns**

Ecology may amend a Recipient's facility construction loan agreement to be consistent with the low, responsive, responsible bid. If the low, responsive, responsible bid exceeds the original engineer's estimate of construction costs, Ecology may approve a funding increase for up to 10 percent of the engineer's cost estimate as supplied with the bid documents. If funding is available, Ecology will fund bid overruns on a first-come, first-served basis. If bids come in over 10 percent of the engineers estimate, Ecology will evaluate the bid information and determine if funds are available from supplemental sources to meet the bid amount, with priority given to hardship eligible projects.

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 to make any surplus funds available to other public bodies.

#### **Construction Change Orders**

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

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

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

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

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

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

### **Refinancing Existing Debt**

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

#### **Interim Refinance**

Interim refinancing is available for projects that will begin work prior to the time Ecology issues the Final Water Quality Funding Offer List and Intended Use Plan (Final Offer 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 Offer List are proceeding at their own risk. As with any other project, an applicant must meet all applicable requirements for that project type.

## **Standard Refinance**

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

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

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

## **Section 3.2 Stormwater Financial Assistance Program (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 National Pollutant Discharge Elimination System (NPDES) municipal structural stormwater or source control programs that meet all other SFAP eligibility requirements are eligible for SFAP funding.

#### **Stormwater Facility Projects**

Stormwater facility projects must provide stormwater treatment and/or flow control for stormwater generated from existing hard surfaces. Projects that trigger new or re-development

requirements in the appropriate [Stormwater Management Manuals for Eastern and Western Washington](#)<sup>75</sup> are not eligible for SFAP funding.

Examples of SFAP-eligible stormwater facility projects include:

- Developing a plan to site and prioritize the construction of stormwater BMPs 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 enhance existing stormwater programs and 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 15 percent (5 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.

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<sup>75</sup> <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Stormwater-permittee-guidance-resources/Stormwater-manuals>

- Ecology considers loan money provided through CWSRF as cash match.

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 2.3.5.
- The Recipient may not receive reimbursement that is more than 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 bioretention 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 Median Household Income (MHI) for the city or county is less than 80 percent of the state MHI.

Appendix M provides information on community MHI and preconstruction hardship eligibility. SFAP hardship projects will have a reduced match requirement of 5 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, towns, counties, and ports for planning and implementing stormwater-related projects.

- The maximum total SFAP grant award is \$10,000,000 per funding cycle, per city, county, town, or port. If sufficient funding is available, Ecology may increase this limit to fund projects that are identified as high priority projects by Ecology project evaluators during the rating and ranking process.

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

### **Construction Bid Overruns**

Ecology may amend a Recipient's facility construction grant agreement to be consistent with the low, responsive, responsible bid. If the low, responsive, responsible bid exceeds the original engineer's estimate of construction costs, Ecology may approve a funding increase for up to 10 percent of the original engineer's cost estimate as supplied with the bid documents. If funding is available, Ecology will fund bid overruns on a first-come, first-served basis. If bids come in over 10 percent of the engineers estimate, Ecology will evaluate the bid information and determine if funds are available to meet the bid amount, with priority given to hardship eligible projects.

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 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 for reimbursement eligibility. Significant changes that reflect a deviation from the accepted planning or design document require preapproval. Variations typically include changes in scope of work, contract price, construction methods, times to complete the work, and major design or process changes (such as changes in location, size, or capacity).

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

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

- What reasonable steps the engineer took to try to identify the condition.

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

Ecology will consider information provided in determining the eligibility of additional funding for such change orders.

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

## Section 3.3 Centennial Clean Water Program (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 [RCW 70A.135](#)<sup>76</sup> and [WAC 173-95A](#)<sup>77</sup>.

### Section 3.3.1 Eligible Applicants

Applicants eligible for Centennial funding include:

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

### Section 3.3.2 Eligible Project Categories

#### Wastewater and Onsite Sewage System Facilities

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

<sup>76</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.135&full=true>

<sup>77</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true>

- Onsite sewage system repair and replacement.

See Sections 2.1 and 2.2.

### Stormwater Activities

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

See Section 2.4.

### Nonpoint Activities

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

## Section 3.3.3 Funding Provisions

Although it is rarely done, Ecology may also make loans using funds from Centennial.

### 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 wastewater facility construction project.
- One-third for nonpoint source pollution control activities projects.
- The maximum total grant amount for a Nonpoint project is \$500,000.
- The remaining funding is available competitively to fund either wastewater facility construction hardship or nonpoint source projects based on ranked priority.

### Match Requirements

- **As of SFY24, no match is required for nonpoint source pollution control activity projects.**
- Match for Centennial grants that fund OSS repair and replacement local loan programs is 100 percent. **All other OSS activities no longer require match.**
- No match is required for wastewater facility construction hardship grants.

## Section 3.4 Clean Water Act Section 319 Program (Section 319)

Congress established the Clean Water Act Section 319 Program (Section 319) as part of the CWA amendments of 1987 to help address nonpoint sources of water pollution. EPA offers an annual grant to Washington to implement the [Washington's Water Quality Management Plan to Control Nonpoint Sources of Pollution](#).<sup>78</sup> The grant from EPA requires a 40 percent state match, and Ecology provides this match through Centennial grants for nonpoint source pollution control projects.

There are no specific state laws or rules for Section 319, but Ecology uses federal laws, rules, and guidelines and Centennial laws and rules to steer the program.

### Section 3.4.1 Eligible Applicants

Applicants eligible for Section 319 include:

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

### Section 3.4.2 Eligible Project Categories

#### Nonpoint Activities

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

- Watershed planning.
- Implementation of BMPs.
- Water quality monitoring.

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<sup>78</sup> <https://ecology.wa.gov/regulations-permits/plans-policies/plan-to-control-nonpoint-sources-of-pollution>

- 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**

#### **Match Requirements**

- **As of SFY24, there is no match required for nonpoint source pollution control activity projects.**
- Match for Centennial grants that fund OSS repair and replacement local loan programs is 100 percent. **All other OSS activities no longer require match.**
- There is no match required for wastewater facility construction hardship grants.

## **Section 3.5 Sewer Overflow and Stormwater Reuse Municipal Grants Program (OSG)**

America’s Water Infrastructure Act (AWIA) of 2018 amended section 221 of the Clean Water Act, which reauthorized the Sewer Overflow and Stormwater Reuse Municipal Grants (OSG) program. These amendments expanded project eligibilities to include stormwater management projects and authorized appropriations for the program. Grants will be awarded to states, which will then provide sub-awards to eligible entities for projects that address infrastructure needs for combined sewer overflows (CSO), sanitary sewer overflows (SSO), and stormwater management.

### **Section 3.5.1 Eligible Applicants**

All applicants that are eligible for CWSRF are also eligible for OSG. See Section 3.1.2

### **Section 3.5.2 Eligible Project Categories**

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

- Combined Sewer Overflow
- Stormwater best management practices as described in Section 2.3

### **Section 3.5.4 Funding Provisions**

States are required to prioritize funding projects for communities that are financially distressed, have a long-term municipal CSO or SSO control plan. To the extent that eligible projects are available, at least 20 percent of a state’s allocation must be used for green infrastructure, water and energy efficiency improvements, and other environmentally innovative activities. Projects funded by OSG will follow the same requirements as the CWSRF (See Section 3.1 above) under the Water Quality Combined Funding Program.

## Section 3.6 Stormwater Community-Based Public-Private Partnership Program (CBP3)

### Section 3.6.1 Program Purpose and Guidance

The Stormwater Community-Based Public-Private Partnership (CBP3) Program funds the development of CBP3s, performance-based contracts, and other forms of alternative procurement to accelerate stormwater project delivery through the assessment and process described in the [Washington State CBP3 Guidebook for Municipal Stormwater Managers](#).<sup>79</sup> This Program aims to build local government capacity to develop and manage CBP3s, based on recommendations from the [Washington State Stormwater Community-Based Public-Private Partnership Feasibility Assessment](#).<sup>80</sup>

The Stormwater CBP3 Program was developed with the feedback provided by the CBP3 Technical Assistance Learning Network group. This group represents part of a broader technical assistance project developed by Ecology and consulting partners and aims to make stormwater CBP3 more accessible to local governments across Washington State.

### Section 3.6.2 Eligible Applicants

Applicants eligible for Stormwater CBP3 grants include:

- Counties.
- Cities/towns.

### Section 3.6.3 Eligible Project Categories

#### Stormwater Facility and Activities

CBP3 is a strategy for implementing stormwater projects. Stormwater CBP3 grants provides funding for the development, pre-planning, planning, and implementation of stormwater facilities and activities that will be conducted through a CBP3 or alternative procurement. Projects proposed for inclusion in future National Pollutant Discharge Elimination System (NPDES) municipal structural stormwater or source control programs are eligible.

Stormwater facility projects must provide treatment and/or flow control for stormwater generated from urban surfaces. Retrofit, new, or redevelopment projects are eligible for Stormwater CBP3 grant funding.

Applicants are encouraged to collaborate with Ecology to ensure that CBP3s and performance-based programs align with regulatory objectives.

Examples of CBP3 eligible projects:

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<sup>79</sup> <http://www.commerce.wa.gov/wp-content/uploads/2019/11/Report-LGD-Stormwater-II.pdf>

<sup>80</sup> <https://www.commerce.wa.gov/wp-content/uploads/2019/03/Commerce-Environmental-Incentives-CBP3-feasibility-OPT.pdf>

- Developing tools for CBP3 and performance contracting, including payment terms, performance metrics, verification processes, and community benefits.
- Developing performance-based contracts for bioretention cell maintenance programs.
- Establishing a regional crediting system where homeowners pay for stormwater treatment at a regional facility as part of their permitting for accessory dwelling units (ADUs) and other impermeable surface developments.
- Designing cost accounting programs for developers to participate in regional stormwater systems as part of redevelopment plans.
- Designing a CBP3 to engage private developers during downtown redevelopment, incentivizing investment in a regional system to address aging and insufficient stormwater infrastructure.
- Construction costs for shared regional stormwater facilities.
- CBP3 Pilot Program project implementation costs.

For additional information about stormwater facility and activity projects, see Sections 2.3 and 2.4. For more information about CBP3s, visit our [Stormwater Community-Based Public-Private Partnership Funding Program](#)<sup>81</sup> webpage. CBP3 learning resources, such as our Learning Network documents, case studies, and guidance on how to develop your scope of work can be found at the [CBP3 Collaboration website](#)<sup>82</sup>.

### **Section 3.6.4 Funding Provisions**

Funding priority will be given to projects that aim to engage overburdened communities or vulnerable populations in the planning process and provide community benefits. No match is required for planning and implementation projects that propose community benefits. Implementation projects that do not propose to deliver community benefits must provide a 15 percent cash match.

## **Section 3.7 Puget Sound Nutrient Reduction Grant Program (PSNR)**

### **Section 3.7.1 Program Purpose and Guidance**

The Puget Sound Nutrient Reduction Grant Program provides financial assistance to support publicly owned treatment works (POTWs) managing discharges of domestic wastewater containing inorganic nitrogen within Washington’s waters of the Salish Sea, excluding facilities located on federal or Tribal lands and waters. Excess nutrient loading from wastewater

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<sup>81</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/community-based-public-private-partnership-program>

<sup>82</sup> <https://sites.google.com/view/cbp3learningnetwork/home>

discharge contributes to the degradation of Puget Sound’s health by reducing the availability of dissolved oxygen (DO), which disrupts the marine food web and threatens species such as salmon and orca.

This funding supports wastewater nutrient reduction planning and optimization projects that are critical to addressing existing DO impairments in the greater Puget Sound region. Ecology recognizes that the infrastructure upgrades and treatment improvements needed to meet nutrient reduction goals represent a significant financial burden for municipalities. This program is designed to help offset those costs and support long-term planning for more sustainable and equitable nutrient management across the region.

*Applicants are strongly encouraged to indicate in the “Short Description” field of the application that the proposal is specific to nutrient reduction. Including the term “NUTRIENTS” or “PSNR” in this field helps ensure the application is appropriately considered for Puget Sound Nutrient Reduction grant funding.*

### **Section 3.7.2 Eligible Applicants**

Applicant eligibility is limited to entities responsible for operating publicly-owned domestic wastewater treatment plants (WWTP) that were previously covered under the Puget Sound Nutrient General Permit (PSNGP). Each of these municipalities and agencies, listed in Table 13, are eligible to receive funds.

**Table 13: Eligible applicants for PSNR funding**

<b>Eligible Applicants</b>
Alderwood Sewer and Water District
City of Anacortes
City of Bainbridge Island
City of Bellingham
Birch Bay Water and Sewer District
City of Blaine
City of Bremerton
Clallam County
Town of Coupeville
Eastsound Sewer and Water District
City of Edmonds
City of Everett
Fisherman Bay Sewer District
Town of Friday Harbor
City of Gig Harbor

<b>Eligible Applicants</b>
Hartstene Pointe Water Sewer District
King County
Kitsap County
Kitsap County Sewer District #7
Town of La Conner
Lake Stevens Sewer District
Lakehaven Water and Sewer District
City of Langley
LOTT Clean Water Alliance
City of Lynnwood
City of Marysville
Mason County
Midway Sewer District
City of Mount Vernon
Mukilteo Water and Wastewater District
City of Oak Harbor
Penn Cove Water and Sewer District
Pierce County
City of Port Angeles
City of Port Orchard
City of Port Townsend
City of Sequim
City of Shelton
Skagit County Sewer District No. 2
City of Snohomish
Southwest Suburban Sewer District
City of Stanwood
City of Tacoma
Thurston County
Washington State Department of Corrections
Washington State Parks and Recreation Commission

### **Section 3.7.3 Eligible Project Categories**

#### **Wastewater Facilities**

This funding program supports projects that reduce nutrient discharges to Puget Sound, with a focus on planning, infrastructure improvements, and monitoring. Nutrient reduction remains a regional and statewide priority. Projects must demonstrate a clear link to nutrient reduction and should support optimization and long-term strategies to manage nutrient loads and improve water quality.

**Note:** Depending on the proposed scope of work, some projects may require formal planning documents to be submitted and approved in accordance with [WAC 173-240](#)<sup>83</sup>. For questions, please contact Bri Castilleja at [bri.castilleja@ecy.wa.gov](mailto:bri.castilleja@ecy.wa.gov) or (564) 233-9994.

### **Planning and Preconstruction Activities**

Support for nutrient-focused planning that informs future infrastructure decisions and operational strategies.

- **Initial Optimization Assessments**  
Evaluation of existing systems to identify near-term, low-cost operational changes that improve nutrient removal.
- **General Sewer Plan, Engineering Report Development and Facility Plans**  
Preparation of planning documents that include a significant focus on nutrient reduction strategies.
- **Supporting Assessments and Evaluations**
  - **AKART Analyses** (All Known, Available, and Reasonable Treatment methods of prevention/control)
  - **Nutrient Reduction Evaluations (NRE) and Nutrient Optimization Plans (NOP)** as strategic, higher-level planning tools.
  - **Financial Capability Assessments** to support affordability planning and rate structure development.

### **Treatment System Improvements**

Projects may include physical improvements identified through planning or technical evaluations that clearly support nutrient reduction.

- **Targeted Facility or Equipment Upgrades**  
Replacement or modification of infrastructure that enhances nutrient control.
- **Nutrient-Specific Enhancements and Retrofits**  
Modifications or additions designed to reduce nitrogen and/or phosphorus discharges.
- **System Design and Implementation**  
Design and implementation of systems, processes, or components focused on nutrient removal.

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<sup>83</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-240&full=true>

- **Process Optimization and Replacement**  
Upgrades to control systems, aeration, or other core processes that improve biological nutrient removal.

### **Monitoring and Laboratory Improvements**

Monitoring and lab investments that support planning, implementation, or nutrient-related performance tracking.

- **Monitoring and Data Systems for Nutrient Management**  
Sampling, data collection and monitoring systems for tracking nitrogen and phosphorous to support preconstruction planning, system performance assessments, treatment adjustments and local decision making.
- **Laboratory Equipment and Process Enhancements**  
Infrastructure upgrades that support nutrient analysis and enable process control based on real-time or near-real-time nutrient data.

### **Section 3.7.4 Funding Provisions**

- The maximum initial funding award for this program is \$350,000 per facility.
- There is no minimum grant award.
- No match is required.

The legislature provided a funding appropriation for this program in the State’s Capital Budget for the 2025-2027 biennium. The appropriation provides the criteria listed below to prioritize eligible jurisdictions for PSNR grant funding, which will be used in addition to the guidelines outlined in Section 5.1:

- Location of wastewater treatment facility, prioritizing facilities that are not located within a city with a population of 760,000 or more, as reported by the office of financial management pursuant to RCW 43.62.030.
- Age of wastewater treatment facility, prioritizing the oldest eligible facilities.
- Immediacy of need for grant funding to avoid system failure and higher magnitude of contamination.

# Chapter 4: Preparing and Submitting Your Application

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

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 online workshops each year in mid/late August to assist applicants. Workshop dates and materials (presentation, applicant prep tool, contact list, etc.) are available under the “Applicant workshop resources” header on [Ecology’s Water Quality Combined Funding Program webpage](#)<sup>84</sup>. Materials on the website are typically updated from the previous year within a week after the workshop.

SFY27 Workshop Dates:

- 07/22/25 Stormwater Projects
- 07/23/25 Nonpoint/Onsite Projects
- 07/24/25 Wastewater Projects

## Section 4.2 Filling out the Application (July – September)

### Section 4.2.1 Accessing the Application

Applicants submit applications for funding through the Ecology Administration of Grants and Loans (EAGL) electronic system.

To access this system, you will need to establish a Secure Access Washington Account, register your organization, and add EAGL as a service. This process can take several days if you are a new user. Detailed instructions are available on [Ecology’s Grants and Loans webpage](#)<sup>85</sup>.

Once in the EAGL system, applicants can initiate a “Water Quality Combined Financial Assistance: 2027” application after finding it listed on the “Available Funding Opportunities” section on the homepage. The [EAGL Users’ Manual](#)<sup>86</sup> provides instructions on accessing and using the system and can be found in EAGL under “Training Materials.”

Applicants can initiate and submit applications beginning July 22, 2025. All applications must be submitted before 5:00pm on September 3, 2025.

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<sup>84</sup> <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/water-quality-combined>

<sup>85</sup> <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans>

<sup>86</sup> <https://apps.ecology.wa.gov/publications/documents/1701015.pdf>

## 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 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 generic 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. See Appendix K for details about what to include with your application, regarding community engagement.

## 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 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 the information needed to evaluate it (except for 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.
  - Another example, if you upload a reach assessment that identifies that this type of project will reduce sediment in that reach, but you do not state that your project will reduce sediment in any of your responses to the application questions, the reviewer may miss this important aspect of your proposal.
  - 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 and may not be familiar with that specific watershed. Make sure 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 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 Note:** All global errors must be cleared, and the map must 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 (September – 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. 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: Application Rating Criteria and Guidance**

<b>Application Rating Criteria and Guidance</b>
<p><b>Funding Request</b></p> <p><b>Scoring</b> Worth up to <b>15 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-15 points:</b> Applicant has identified adequate matching funds. (Full points if no match is required.)</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• To receive full points, the match plus funding request must equal the total eligible cost.</li> <li>• Applicants that will accept loan dollars will receive full points.</li> <li>• Match may exceed the minimum amount required.</li> <li>• Nonpoint source activity projects do not require match.</li> </ul>
<p><b>Scope of Work – For Application</b></p> <p><b>Scoring</b> Worth up to <b>75 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-75 points:</b> The scope of work represents a complete and concise description of the project tasks and outcomes, including deliverables. To receive full points, scope of work must align with the schedule and detailed budget.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Scope must demonstrate an understanding of all elements necessary to implement and complete the project.</li> <li>• Maps, plans, and detailed drawings of proposed BMPs and their locations, and other documents that show the feasibility of the project should be uploaded on the “Uploads” form.</li> <li>• Deliverables should provide evidence that the task has been successfully completed. Examples include reports, maps, pictures, educational materials, meeting agendas and notes, construction documents, copies of agreements, lists and quantities of BMPs, etc.</li> </ul>
<p><b>Task Costs and Budget</b></p> <p><b>Scoring</b> Worth up to <b>135 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-50 points:</b> The application demonstrates how the applicant arrived at the cost estimate for each task. The process used by the applicant to develop this estimate is based on real-world data.</li> <li>• <b>0-85 points:</b> The cost to complete the scope of work is reasonable when compared to similar projects in the region.</li> </ul>

## Application Rating Criteria and Guidance

### Guidance

- 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

#### Scoring

Worth up to **65 total points** as follows:

- **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.

#### Guidance

- 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

#### Scoring

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

- **0-40 points:** Applicant used a complete and well-defined set of criteria to determine the value and feasibility of the proposed project and included the useful life and long-term maintenance costs in their evaluation of the project and project alternatives.
- **0-20 points:** Applicant has provided documentation showing that key stakeholders have been identified and how they will support the project.

## Application Rating Criteria and Guidance

- **0-25 points:** The project schedule includes all tasks including pre-project administrative elements such as permitting, MOUs, landowner agreements, etc., and provides sufficient time to complete all elements.
- **0-75 points:** The applicant is ready to start on the proposed scope of work within 10 months of publication of the Final Offer List (a.k.a., readiness to proceed).

### Guidance

- Project criteria should include all factors that were considered by the applicant when determining the value and selecting a project to implement.
- Criteria should reflect both the feasibility of the project and the benefits. Examples include, but are not limited to:
  - useful life
  - installation cost
  - site suitability
  - resiliency to climate change (plans and designs consider future sea level rise, increased wildfire risk, etc.) **Note:** Some climate tools can be found on the University of Washington's, Climate impacts Group's [Analysis Tools](#)<sup>87</sup> webpage.
  - Project impacts to overburdened communities or vulnerable populations and analysis of alternatives to mitigate negative impacts. (see Appendix K: 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/ city/county meetings, or letters of support from Tribes, other local governments, non-governmental organization, homeowners' associations, community groups 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.
- Strong applications will note any environmental justice concerns in the project area and demonstrate in depth knowledge of and coordination with vulnerable populations that will benefit or be impacted by this project.
- 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.

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<sup>87</sup> <https://cig.uw.edu/resources/analysis-tools/>

## Application Rating Criteria and Guidance

- 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.
- For CWSRF construction projects, demonstration of completed environmental and cultural requirements is encouraged so as not to delay approval of the funding agreement. We suggest inviting the environmental review coordinator to a pre-application meeting.

## Water Quality and Public Health Improvements

### Scoring

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

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

### Guidance

- Responses to the questions must be supported by the tasks delineated in the scope of work.
- If the project is required by the state or a federal agency, applicants should provide references or documentation, including permit conditions, Ecology orders, Court orders, or other correspondence.
- Applicants must reference and describe all local or regional water quality planning or regulatory documents that apply to the water body targeted for improvement including local watershed plans, TMDLS, and permits.

## Application Rating Criteria and Guidance

- 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. For example, measures for climate resilience and environmental justice.
- Goals should have clear numeric commitments (e.g., volumes or area treated, quantity installed, people contacted, feet restored, etc.). Goals that do not have a strong connection to improvement in water quality will not receive full points.
- Plans to sustain water quality benefits must include an estimate of project life cycle maintenance costs and identify how those costs will be met. Projects in the Puget Sound watershed must be consistent with the Puget Sound Action Agenda, and applicants for stormwater projects in the watershed must have considered project connection to [Governor's Executive Order on Southern Resident Killer Whale recovery](#)<sup>88</sup>.
- Evaluators award full points for the greenhouse gas emission reductions question if both the applicant and the project address the issue. Partial points will be awarded if either the applicant or the project addresses the issue. No points will be awarded if neither the applicant nor the project addresses the issue.

## Financial Hardship

### Scoring

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

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

### Guidance

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

<sup>88</sup> [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_18-02\\_1.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf)

## Section 5.1.1 Other Scoring Considerations

### Puget Sound Action Agenda

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

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

Water quality projects located in the Puget Sound basin in conflict with the [Puget Sound Action Agenda](#)<sup>89</sup> are not eligible for WQC funding. The Puget Sound basin is defined as Water Resource Inventory Areas (WRIAs) 1 through 19. Projects in the Puget Sound basin that address specific actions outlined in the Puget Sound Partnership Action Agenda will receive preference over projects in the Puget Sound basin that do not.

### Greenhouse Gas Emission Reductions

In 2009, the State Legislature passed ESSB 5560 adding policies related to greenhouse gas (GHG) emissions to state funding for infrastructure. These policies are codified in [RCW 70A.45.070](#)<sup>90</sup>.

Requirements of RCW 70A.45.070 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 70A.45.070.

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.
- 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.

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<sup>89</sup> [https://www.psp.wa.gov/action\\_agenda\\_center.php](https://www.psp.wa.gov/action_agenda_center.php)

<sup>90</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=70A.45.070>

- 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 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 concerns when selecting projects and project alternatives and provide meaningful outreach to people who are affected by the project may receive higher scores for project planning. See Appendix K for more information.

## **Tie-breaking**

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

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

### **Section 5.2.1 Draft Offer List**

Once all projects have been reviewed and ranked, Ecology publishes a Draft Water Quality Funding Offer List and Intended Use Plan (Draft Offer List). The Draft Offer List is typically published at the end of January. The Draft Offer List is published prior to the enactment of a state budget and is based on funding estimates. Once the Draft Offer 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 Offer 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 Offer 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 Offer 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 Water Quality Funding Offer List and Intended Use Plan (Final Offer List).

### **Section 5.2.3 Final Offer List**

Ecology publishes a Final Offer 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 email. 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.

**NOTE: Ecology is putting emphasis on completing agreement development in a timely fashion. All agreements awarded funds on the Final Offer List will need to have the funding agreement signed by the end of January or risk the loss of the funding offer.**

### Section 6.1.1 Project Management Team

Ecology makes formal funding offers at the time of the Final Offer 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. Negotiation meetings should include Technical Advisor(s) and the Environmental Review Coordinator, if applicable to the project. 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 Financial Manager sends the agreement to the applicant and then the Water Quality Program Manager (or the authorized designee) for electronic signatures using DocuSign and uploads the signed agreement to EAGL.

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

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

A complete listing of the administrative requirements for all grants and loans administered by Ecology is contained in [Administrative Requirements for Recipients of Ecology Grants and Loans \(Yellow Book\)](#)<sup>91</sup>.

### Section 6.2.1 Budgets

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

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

### Section 6.2.2 Contract Clauses and Specification Inserts

Agreements for projects funded through Centennial, CWSRF, 319 and SFAP may contain several contract clauses and specification inserts.

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<sup>91</sup> <https://apps.ecology.wa.gov/publications/documents/2301002.pdf>

The contract clauses and specification inserts for CWSRF-funded projects can be found on [Ecology's CWSRF Funding Requirements webpage](#).<sup>92</sup>

The specification clauses and bid inserts for SFAP-funded projects can be found on [Ecology's Stormwater Funding Requirements webpage](#).<sup>93</sup>

The bid specification inserts for Centennial and Section 319 funded projects can be found on [Ecology's Nonpoint Funding Requirements webpage](#).<sup>94</sup>

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

In accordance with [WAC 173-98-710](#)<sup>95</sup> and [WAC 173-95A-610](#)<sup>96</sup>, any county, city, or town required or choosing to fully plan under [RCW 36.70A.040](#)<sup>97</sup> of the Growth Management Act (GMA) that is proposing a **wastewater or stormwater facility** project **must be in compliance with the applicable GMA requirements at the time a loan or grant agreement is signed** unless exceptional situations exist.

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

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

### **Section 6.2.4 Historic and Cultural Resources Requirements**

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

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<sup>92</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements>

<sup>93</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/stormwater-funding-resources>

<sup>94</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/nonpoint-funding-requirements>

<sup>95</sup> <https://app.leg.wa.gov/WAC/default.aspx?cite=173-98-710>

<sup>96</sup> <https://apps.leg.wa.gov/wac/default.aspx?cite=173-95A&full=true#173-95A-610>

<sup>97</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.040>

## Section 6.2.5 Indirect Rate

The Recipient can charge an indirect rate of up to 30 percent of salaries and benefits for Centennial, SFAP, CBP3, PSNR, 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. Ecology may request the recipient to provide supporting documentation for the indirect rate calculation for review.

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

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

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

Recipients of CWSRF funding identified as Designated Equivalency Projects (DEPs) and Section 319 funding must also complete and submit the [Federal Funding Accountability and Transparency Act \(FFATA\) form](#)<sup>98</sup> to Ecology during agreement negotiations. Ecology cannot sign a funding agreement until the form is completed.

## Section 6.2.7 Investment Grade Efficiency Audit (IGEA)

An investment Grade Energy Audit (IGEA) is a requirement of the State infrastructure funding and is required for step 2, 3 and 4 projects receiving Clean Water State Revolving Fund (CWSRF) and/or Centennial funds. It is an eligible expense. Revised Code of Washington (RCW) 43-19.670 (1) defines the energy audit as a determination of the energy consumption characteristics of a facility which consists of the following elements:

- An energy consumption survey which identifies the type, amount, and rate of energy consumption of the facility and its major energy systems. This survey shall be made by the agency responsible for the facility.
- A walk-through survey which determines appropriate energy conservation maintenance and operating procedures and indicates the need, if any, for the acquisition and installation of energy conservation measures and energy management systems. This survey shall be made by the agency responsible for the facility if it has technically qualified personnel available. The director of enterprise services shall provide technically qualified personnel to the responsible agency if necessary.

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<sup>98</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070395.html>

- An investment grade audit, which is an intensive engineering analysis of energy conservation and management measures for the facility, net energy savings, and a cost effectiveness determination.

The requirement for an IGEA applies if:

- The project received funding after July 1, 2011.
- The project involves repair, replacement, or improvement of a wastewater treatment plant or other public work facilities; AND
- An Investment Grade Energy Audit is obtainable.

The IGEA can be just for the funded project or the entire system, although the latter is preferred. The IGEA can also be paid for with Centennial grant or CWSRF loan funds.

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 within the past 3 years, Recipients need only upload a copy of the previously-completed IGEA to EAGL—no additional work is required.

### **Section 6.2.8 Permits**

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

### **Section 6.2.9 Progress Reports**

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

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

### **Section 6.2.10 Project Management Consultant**

In some cases, it may be beneficial or necessary for Recipients to hire a “Project Management Consultant” (PMC). The PMC should be well-versed in preparing and managing contracts. The PMC would represent the Recipient and be completely independent of the Recipient’s consulting engineer and all other contractors. Smaller communities would be most likely to benefit from having a PMC. Ecology maintains the option to require a PMC in accordance with its “Grant and Loan Project Monitoring and Oversight” policy. Applicants who are considering

hiring a PMC should consider the costs when submitting their project budget. PMC costs are eligible for funding.

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

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

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

### **Section 6.2.12 Public Awareness**

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

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

Additional guidance for meeting the public awareness requirements is provided on Ecology's [CWSRF Funding Requirements](https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements#sign)<sup>99</sup> webpage. Recipients are encouraged to contact their Ecology project team to ensure they meet Public Awareness requirements.

### **Section 6.2.13 Risk Assessment**

The Ecology Project Management Team applies Water Quality Program Policy 3-17 to all funding agreements. The policy was established to implement project monitoring and oversight of grant and loan Recipients (this includes sub Recipients defined as Recipients who receive

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<sup>99</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements#sign>

federal monies and/or federal matching monies from Ecology). See Appendix Q for additional information.

## **Section 6.2.14 Special Agreement Conditions for CWSRF Loans**

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

### **American Iron and Steel (AIS)**

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

For additional guidance visit [EPA's AIS webpage](#).<sup>100</sup>

### **Architectural and Engineering (A/E) Services Procurement (DEP only)**

Recipients of CWSRF loans for Step 3 or Step 4 wastewater facility projects identified by Ecology as Designated Equivalency Projects (DEPs) are required to procure architectural and engineering (A/E) services in accordance with the federal requirements found in [40 U.S.C. Chapter 11](#)<sup>101</sup>. The federal requirements differ from the state requirements found in [RCW 39.80](#).<sup>102</sup>

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

### **Authorizing Ordinance or Resolution**

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

### **Build America, Buy America Act (DEP, OSG, and Emerging Contaminants)**

Recipients of CWSRF loans identified by Ecology as DEPs and other federal grants for infrastructure projects are required to comply with the Build America, Buy America Act (BABA). Requirements include, but are not limited to, all iron and steel, manufactured products, and construction materials used in the project are produced in the United States unless:

- The Recipient has requested and obtained a project-specific waiver from the Federal Agency contributing the greatest amount of federal funds for the project; or
- The project is otherwise covered by a general applicability waiver; or

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<sup>100</sup> <https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement>

<sup>101</sup> <https://uscode.house.gov/view.xhtml?path=/prelim@title40/subtitle1/chapter11&edition=prelim>

<sup>102</sup> <https://app.leg.wa.gov/rcw/default.aspx?cite=39.80&full=true>

- All contributing Agencies have otherwise advised the Recipient in writing that the Build America, Buy America Requirements are not applicable to the project.

Recipients can contact Ecology with questions about BABA and how the requirements apply to their project.

### **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 considering:

- 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](#)<sup>103</sup> wage requirements.

### **Equivalency Requirements and Designated Equivalency Projects (DEPs)**

“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 include:

- Architectural and engineering (A/E) services procurement.
- A report on compliance with specific federal environmental assurances, often referred to by EPA as cross cutters.
- Build America, Buy America Act (BABA).
- Disadvantaged Business Enterprises (DBE).
- Funding Accountability and Transparency Act (FFATA).

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<sup>103</sup> <https://www.dol.gov/agencies/whd/laws-and-regulations/laws/dbra>

- Signage.
- Single Audit Act (SAA).
- Suspension and debarment.
- Uniform Relocation and Real Property Acquisition Policies Act.

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

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

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

### **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 [RCW 39.04](#)<sup>104</sup>, [RCW 35.22.620](#)<sup>105</sup>, and [RCW 35.23.352](#).<sup>106</sup>
- The Recipient demonstrates that they have the legal authority and the technical capability to perform the work.
- The Recipient demonstrates that other essential functions will not be affected by performing the work.
- The work is accomplished more economically than if procured competitively.
- The Recipient submits a written request to fund the force account work that includes a dollar amount and a general description of the force account work. The request must be approved by the Ecology Regional Section Manager.
- The work to be performed using Recipient forces is included as a separate budget line item in the financial assistance agreement.

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

### **Insurance**

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

### **Interest Accrual**

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

### **Operation and Maintenance of Utility**

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

### **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 the [CWSRF Funding Requirements](#)<sup>107</sup> webpage.

<sup>104</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=39.04>

<sup>105</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=35.22.620>

<sup>106</sup> <http://app.leg.wa.gov/RCW/default.aspx?cite=35.23.352>

<sup>107</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements>

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

If revenue from a Utility Local Improvement District (ULID) is used to secure a loan, the Recipient must irrevocably pledge to pay the net revenue of the ULID to cover the principal and interest.

## **Repayments**

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

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

Recipients of CWSRF treatment works funding must complete the minimum requirements (Section A) of the [SERP Environmental Review Document \(EID\)](#)<sup>108</sup>. More information on SERP can be found on Ecology's [Environmental and Cultural review process](#)<sup>109</sup> webpage. Contact the Environmental Review Coordinator, Liz Ellis, at (360) 628-4410 or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov) if you have questions.

## **Underwriting (formerly Financial Capability Assessment)**

Ecology is required to complete an underwriting process before signing any SRF loan agreements. Recipients must be in compliance with the State Auditor's Office; all financial reports must be up to date. Among other things, underwriting is used to assess the ability of applicants to repay the CWSRF loan and 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 Tribal Government Enterprise where an obligation is secured through a Tribal source. For example, when a Recipient uses a Tribal enterprise fund.

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<sup>108</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1610003.html>

<sup>109</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/environmental-and-cultural-review>

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

### Administration

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

### Reporting

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

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

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

## Section 6.2.16 Summary

**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.
Build America, Buy America Act	Wastewater facility loans identified as CWSRF DEPs.	Throughout project.
Cost and Effectiveness Analysis Certification	Projects that receive CWSRF funds.	Before loan signing.
Federal Architectural and Engineering Services Procurement	Wastewater facility loans identified as CWSRF DEPs.	Throughout project.
Federal Environmental Assurances (Cross Cutters)	Wastewater facility loans identified as CWSRF DEPs.	Throughout project.

Requirement	What projects does it apply to?	When does it apply?
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 DEPs or Section 319 funds.	Before loan or grant signing.
Final List of Local Loans Report	OSS local loan programs.	At project completion.
Underwriting	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.
Minority- and Women-Owned Business Enterprises and Disadvantaged Business Enterprises	All projects.	Throughout project.
Single Audit Act	Recipients of CWSRF DEPs or Section 319 funds that expend \$750,000 or more in federal funds in the calendar year.	Throughout project.
State Environmental Review Process	Wastewater and stormwater facility projects that receive CWSRF funds.	Each loan agreement.

## Section 6.3 Agreement Management

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

Recipients may not allow any contractors or consultants to hold the Authorized Official role in EAGL. 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. See Appendix D for more information.

## 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).

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 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 Offer 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 Offer List. Generally, this means January 31 of the year following the publication of the Final Offer List. **Actual work on the project should begin no later than 10 months after the publication date of the Final Offer List, generally by April 30 of the year following the publication of the Final Offer 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 Offer 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 Offer 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 Offer 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: Contact List for Water Quality Grants and Loan

## Headquarters

Contact	Phone	Email
<b>Nonpoint Projects</b>		
Casey, Travis	(564) 999-1142	<a href="mailto:travis.casey@ecy.wa.gov">travis.casey@ecy.wa.gov</a>
Cowles, Tamara - Onsite Sewage Planner	(564) 669-3005	<a href="mailto:tamara.cowles@ecy.wa.gov">tamara.cowles@ecy.wa.gov</a>
Moscoso, Carson - Nonpoint Planner	(564) 999-1269	<a href="mailto:carson.moscoso@ecy.wa.gov">carson.moscoso@ecy.wa.gov</a>
Racette, Paulina	(360) 628-3701	<a href="mailto:paulina.racette@ecy.wa.gov">paulina.racette@ecy.wa.gov</a>
Webster, Laurie	(360) 628-1989	<a href="mailto:laurie.webster@ecy.wa.gov">laurie.webster@ecy.wa.gov</a>
<b>Stormwater Projects</b>		
Christensen, Jessica	(360) 742-1180	<a href="mailto:jessica.christensen@ecy.wa.gov">jessica.christensen@ecy.wa.gov</a>
Conger, Melissa	(360) 706-4202	<a href="mailto:melissa.conger@ecy.wa.gov">melissa.conger@ecy.wa.gov</a>
Gilbert, Xavier	(564) 669-1942	<a href="mailto:xavier.gilbert@ecy.wa.gov">xavier.gilbert@ecy.wa.gov</a>
Graunke, Kyle	(360) 628-3890	<a href="mailto:kyle.graunke@ecy.wa.gov">kyle.graunke@ecy.wa.gov</a>
Herbst, Stephanie	(360) 628-1911	<a href="mailto:stephanie.herbst@ecy.wa.gov">stephanie.herbst@ecy.wa.gov</a>
Kinerk, Joe	(360) 742-2875	<a href="mailto:joe.kinerk@ecy.wa.gov">joe.kinerk@ecy.wa.gov</a>
Ponte, Sarah - CBP3 Planner	(564) 669-4701	<a href="mailto:sarah.ponte@ecy.wa.gov">sarah.ponte@ecy.wa.gov</a>
Sullivan, Victoria	(360) 522-3276	<a href="mailto:victoria.sullivan@ecy.wa.gov">victoria.sullivan@ecy.wa.gov</a>
Zehner, Sarah - SFAP Planner	(360) 628-4791	<a href="mailto:sarah.zehner@ecy.wa.gov">sarah.zehner@ecy.wa.gov</a>
<b>Wastewater Projects</b>		
Allen, Stephanie - Small Community Engineer (Westside)	(425) 295-5760	<a href="mailto:stephanie.allen@ecy.wa.gov">stephanie.allen@ecy.wa.gov</a>
Hernandez, Peter - CWSRF Engineer	(360) 890-0969	<a href="mailto:peter.hernandez@ecy.wa.gov">peter.hernandez@ecy.wa.gov</a>
McClure, Tammie	(360) 628-4315	<a href="mailto:tammie.mcclure@ecy.wa.gov">tammie.mcclure@ecy.wa.gov</a>
McMurry, Shelly - CWSRF Planner	(564) 999-1649	<a href="mailto:shelly.mcmurry@ecy.wa.gov">shelly.mcmurry@ecy.wa.gov</a>
Mellon, Sean	(360) 628-7318	<a href="mailto:sean.mellon@ecy.wa.gov">sean.mellon@ecy.wa.gov</a>
Prisock, Kim - Small Community Engineer (Eastside)	(509) 435-1691	<a href="mailto:kimberly.prisock@ecy.wa.gov">kimberly.prisock@ecy.wa.gov</a>
Ridner, Jeanna	(360) 628-4918	<a href="mailto:jeanna.ridner@ecy.wa.gov">jeanna.ridner@ecy.wa.gov</a>

Contact	Phone	Email
<b>National Estuary Program (NEP) Strategic Stormwater Initiative</b>		
Brummel, Owen	(564) 669-3685	<a href="mailto:owen.brummel@ecy.wa.gov">owen.brummel@ecy.wa.gov</a>
Myers, Michelle	(360) 628-4067	<a href="mailto:michelle.myers@ecy.wa.gov">michelle.myers@ecy.wa.gov</a>
Redmond, Laura	(360) 995-3482	<a href="mailto:laura.redmond@ecy.wa.gov">laura.redmond@ecy.wa.gov</a>
<b>Freshwater Aquatic Invasives and Algae</b>		
Teresi, Joey	(360) 628-7516	<a href="mailto:joseph.teresi@ecy.wa.gov">joseph.teresi@ecy.wa.gov</a>
<b>Puget Sound Nutrient Reduction</b>		
Castilleja, Bri	(564) 233-9994	<a href="mailto:bri.castilleja@ecy.wa.gov">bri.castilleja@ecy.wa.gov</a>
<b>Environmental Review and Cultural Resources Review</b>		
Conger, Melissa Stormwater Projects Cultural Resource Contact	(360) 706-4202	<a href="mailto:melissa.conger@ecy.wa.gov">melissa.conger@ecy.wa.gov</a>
Cowles, Tamara Nonpoint Projects Cultural Resource Contact	(564) 669-3005	<a href="mailto:tamara.cowles@ecy.wa.gov">tamara.cowles@ecy.wa.gov</a>
Ellis, Liz Environmental and Cultural Resource Coordinator	(360) 628-4410	<a href="mailto:liz.ellis@ecy.wa.gov">liz.ellis@ecy.wa.gov</a>
Myers, Michelle NEP Projects Cultural Resource Contact	(360) 628-4067	<a href="mailto:michelle.myers@ecy.wa.gov">michelle.myers@ecy.wa.gov</a>
<b>Stormwater Engineers</b>		
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## Appendix B: Some Acronyms and Abbreviations Used in This Document

Acronym	Definition
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; also called Clean Water State Revolving Fund
DAHP	Washington State Department of Archaeology and Historic Preservation.
DBE	Disadvantaged Business Enterprises
DEPs	Designated Equivalency Projects
DNS	Determination of Nonsignificance, regarding the State Environmental Policy Act (SEPA)
DOH	Washington State Department of Health
Draft Offer 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
EID	State Environmental Policy Act (SEPA) Environmental Information Document

<b>Acronym</b>	<b>Definition</b>
EIM	Ecology Information Management System
EIS	Environmental Impact Statement
EJ	Environmental Justice
EPA	Environmental Protection Agency
ESA	Endangered Species Act, 16 USC 1531
FEMA	Federal Emergency Management Agency
FFATA	Federal Financial Accountability and Transparency Act
FFY	Federal Fiscal Year
Final Offer List	Final Water Quality Funding Offer List and Intended Use Plan
FIP	Financial Institution Partner
FIRM	Flood Insurance Rate Map
FMP	Fisheries Management Plans
FOTG	Field Office Technical Guide
FP	Forgivable Principal
FPPA	Farmland Protection Policy Act
FSP	Fiscal Sustainability Plan
GAAP	Generally Accepted Accounting Principles
GASB	Governmental Accounting Standards Board
GC/CM	General Contractor/Construction Manager
GEO	Governor's Executive Order
GHG	Greenhouse Gases
GMA	Washington State's Growth Management Act
GPR	Green Project Reserve
GULD	General Use Level Designation
HUAP	Heavy use area protection
I/I	Infiltration and Inflow
IACC	Infrastructure Assistance Coordinating Council
IDP	Inadvertent Discovery Plan
IGEA	Investment Grade Efficiency Audit
LEP	Limited English Proficiency
LID	Low Impact Development
LOSS	Large Onsite Sewage System

Appendix B: Some Acronyms and Abbreviations Used in This Document

<b>Acronym</b>	<b>Definition</b>
MBE/WBE	Minority- and Woman-Owned Business Enterprises
MOU	Memorandum of Understanding
MR/CE	Minimum Requirement/Core Element Analysis
MS4	Municipal Separate Storm Sewer System
N/A	Not applicable
NEPA	National Environmental Policy Act
NMFS	National Marine Fisheries Service
NPDES	National Pollutant Discharge Elimination System
NRCS	Natural Resource Conservation Service
OHWM	Ordinary High Water Mark
ORIA	Governor's Office for Regulatory Innovation and Assistance
ORMA	Ocean Resource Management Act
OSS	Onsite Sewage System
PMC	Project Management Consultant
POTW	Publicly Owned Treatment Works
PSNR	Puget Sound Nutrient Reduction Grant Program
PWD	Persons With Disabilities
QAPP	Quality Assurance Project Plan
RCO	Washington Recreation and Conservation Office's
RCW	Revised Code of Washington
RLP	Regional Loan Program
SAA	Federal Single Audit Act
SCPPL	Small Community Project Priority List
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, RCW 43.21C
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

<b>Acronym</b>	<b>Definition</b>
STEPL	Spreadsheet Tool for Estimating Pollutant Loads for nitrogen, phosphorus, sediment, biological oxygen demand (BOD)
SWMMEW	Ecology's 2024 Stormwater Management Manual for Eastern Washington
SWMMWW	Ecology's 2024 Stormwater Management Manual for Western Washington
TAPE	Technology Assessment Protocol – Ecology
TDA	Threshold Discharge Area
TEPA	Tribal Environmental Policy Act
TMDL	Total Maximum Daily Loads
UIC	Underground Injection Control
ULID	Utility Local Improvement District
USACE	United States Army Corps of Engineers
USDA	United States Department of Agriculture
USFWS	United States Fish and Wildlife Service
WAC	Washington State Administrative Code
WIFA	Water Infrastructure Finance and Innovation Act
WISAARD	Washington Information System for Architectural and Archaeological Records Data
WQC	Water Quality Combined Funding Program
WTN	Washington Tracking Network

# Appendix C: SFY27 Applicant Prep Tool and Scoring Criteria/Guidance

## Applicant Prep Tool

The purpose of this document is to help wastewater, nonpoint, and OSS applicants organize their answers to the questions to application questions. There is a separate, customized Stormwater Applicant Prep Tool available on the [Water Quality Combined Funding Program](#)<sup>110</sup> applicant webpage.

This is not an application. This document may be used in preparation of on-line submittal through Ecology's Administration of Grants and Loans ([EAGL](#)<sup>111</sup>). Items marked with an \* are required.

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

The current Water Quality Combined Funding Guidelines can be found on the [Water Quality Combined Funding Program](#)<sup>112</sup> webpage. The Funding Guidelines provide a comprehensive view of what is expected for each project type and are referred to throughout this document.

## General Tips

- EAGL has strict character limits for each question. When working in this Word document, you can highlight your draft text, then select "Review" and "Word Count" to see the number of characters with spaces to ensure you are meeting EAGL character limits.
- EAGL will remove all formatting from pasted text. It is best to prepare your answers in this document with unformatted text without bullets. Once you have completed your answers, save as "Plain Text" and review before cutting and pasting into EAGL.
- Thoroughly review your application before submitting it in EAGL. Use EAGL's global error check by selecting the CHECK GLOBAL ERRORS button. If any errors are found on your forms, the form name and error message will display on the page. You can select any of the underlined form names to return to that form. Another option is to check each individual form as you complete it by selecting CHECK GLOBAL ERRORS near the top right of the screen. Give yourself ample time to review any global errors before submitting.

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<sup>110</sup> <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/water-quality-combined>

<sup>111</sup> <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans>

<sup>112</sup> <https://ecology.wa.gov/about-us/payments-contracts-grants/grants-loans/find-a-grant-or-loan/water-quality-combined>

## General Information Form

\*Project Title: (char 75)

\*Project Short Description: (char 500)

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

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

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

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

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

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

- Nonpoint Source Activity
- On-site Sewage System
- Stormwater Activity (Use Stormwater Applicant Prep Tool)
- Stormwater Facility (Use Stormwater Applicant Prep Tool)
- 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 agreement:

## Mapping Information Form

\*Follow instructions on form. [Detailed instructions](#)<sup>113</sup> are available in EAGL. Applicants are required to provide a location for the project, draw a boundary, or upload a shape file.

**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

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

Match Required: (auto filled; Stormwater, 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: textbox 75 characters	dropdown list	textbox money
Interlocal contributions: textbox 75 characters	dropdown list	textbox money
Local agency: textbox 75 characters	dropdown list	textbox money
In-kind contributions: textbox 75 characters	dropdown list	textbox money
Other textbox 75 characters	dropdown list	textbox 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, 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.

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<sup>113</sup> [https://ecyeagl/IntelliGrants\\_BASE/Documentation/WAECOL/Map\\_Instructions\\_Recipient.pdf](https://ecyeagl/IntelliGrants_BASE/Documentation/WAECOL/Map_Instructions_Recipient.pdf)

\*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) (characters 1,000)

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

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

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

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

\*Check only one of the four options below that represents the present proposal. Identify all prerequisite planning documents. Include attachments, as necessary.

**Important note:** For SFY 2027 only, prerequisite documents may be submitted after an EAGL application until October 10th, 2025, to be reviewed by Ecology. Wastewater applicants will email prerequisite information to the Ecology Regional Permit Manager. Ecology approval of the Wastewater prerequisite documents is due by mid-December of the year of application. Refer to the funding guidelines for exact due date.

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

- Design and construction (Step 4): Ecology’s letter approving the site-specific planning for the project. If possible, please also upload a copy of the approved planning document.

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

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

Task Title: (auto filled)

\*Task Cost:

Task Description: (auto filled)

Task Goal Statement: (auto filled)

Task Expected Outcomes: (auto filled)

Recipient Task Coordinator: (char 100)

Deliverables:

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

## 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. (characters 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
(textbox 200 characters)	(textbox date)	(textbox number)

## 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. (characters 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. (characters 3,000)

\*Upload a detailed budget for the project and any supporting documentation, including engineers' estimates, cost analysis, etc.

Nonpoint project applicants are required to provide a detailed budget. The Align Grant Coordinator Workgroup developed a [Project Budget Template](#)<sup>114</sup> for "conservation projects" and 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?
(textbox 50 characters)	(textbox 50 characters)	(textbox 50 characters)	(textbox 50 characters)	(textbox number)	(textbox 100 characters)

\*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. (characters 2,500)

## Project Planning and Schedule Form

Project Start Date:

<sup>114</sup> [https://salishsearestoration.org/wiki/Conservation\\_Project\\_Budget\\_Standards](https://salishsearestoration.org/wiki/Conservation_Project_Budget_Standards)

\*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.) (characters 7,500)

\*Briefly describe all project alternatives considered (including the preferred alternative) 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: (textbox 1000 characters)	*(textbox 5000 characters)

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

\*Describe the steps you have taken to be ready to start the project by May 1, 2024. 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. (characters 5,000)

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

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

\*Have you reviewed the area of potential effect (APE) in the [Washington Information System for Architectural and Archeological Records Data](https://dahp.wa.gov/project-review/wisaard-washington-information-system-for-architectural-and-archeological-records-data)<sup>115</sup> database (WISAARD)? This is for informational purposes; no points are associated with this question.

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

Upload any other supporting documentation.

## Water Quality and Public Health Improvements Form

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

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

- Planning

<sup>115</sup> <https://dahp.wa.gov/project-review/wisaard-washington-information-system-for-architectural-and-archeological-records-data>

- 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
- 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."

Fill out the Action Table for Design and Construction/Implementation projects. 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
(textbox 200 characters)	(textbox 1000 characters)

\*Did you discuss this project with Ecology staff? If yes, provide the name of the staff and the approximate last date of contact. (characters 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.) (characters 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.) (characters 5,000)

\*Using the method described above, estimate the water quality and public health benefits that will be achieved by the project. (characters 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? (characters 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? (characters 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? (characters 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 Review Documentation & Requirements EAGL Form**

**All Ecology Water Quality Program-funded projects, regardless of fund source or project category, must consider potential environmental and cultural impacts. This form does not need to be completed at the time of application. This form is intended to track the completion and submission of the required environmental and cultural resources review documents to your Regional Project Manager and/or Environmental/Cultural Resources Contact for the proposed project.**

- ***Many projects may not have started the environmental and cultural review process at the time of application. Cultural and environmental review is included as a task in many agreements.***
- ***If you have completed these documents with a previous Ecology-funded agreement, check off the documents you are prepared to submit with your application.***

**EAGL is not a location for sensitive documentation such as the Ecology Cultural Resources Review Form, cultural resource surveys, monitoring reports, etc. Those will be removed if you upload them. Please send these documents directly to your Regional Project Manager or Cultural Resources Contact and put “Confidential” in the email subject line.**

### **Public Disclosure Notice**

Information you provide through use of this site is public information and subject to inspection

and copying by members of the public.

In the State of Washington, laws exist to ensure that the public has a right to access appropriate records and information possessed by state government. As a public agency, all our information is governed by laws such as Washington's Public Records Act, [RCW 42.56](#)<sup>116</sup>. The Public Records Act states that each agency, in accordance with published rules, shall make available for public inspection and copying all public records unless the record falls within specific exemptions under state or federal law.

**Cultural Resources and Compliance – Upload non-sensitive documents below.**

**For all Water Quality Funding Program projects, regardless of funding source or project category:**

Date of Final Determination:

- Received a DAHP Letter of Concurrence.
- Completed an 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.

**Environmental Review – Upload documents below, for CWSRF as directed by the Environmental Review Coordinator.**

- SERP Environmental Information Document (EID)
- NEPA Categorical Exclusion Form
- SEPA Categorical Exemption Form
- SERP Determination
- Other supporting environmental documentation as requested

**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

**If you have a nonpoint activity, a CWSRF agreement, an onsite sewage system, or a stormwater activity project, regardless of the funding source, you must upload the following documents.**

- Cultural Review Final Determination (No sensitive information allowed)
- DAHP Letter of Concurrence

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<sup>116</sup> <https://app.leg.wa.gov/RCW/default.aspx?cite=42.56>

- ❑ 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

Upload Documents. **Any documents marked sensitive or do not disclose will be removed from EAGL by Technical Reviewers. If you received such a document, such as a cultural resource survey or monitoring report, send it directly to your Project Manager or Cultural Resource Contact.**

## Green Project Reserve (GPR) Form

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

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

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

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

Upload applicable documentation to support your GPR claim.

## Financial Hardship Form

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

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

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

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

Current population of the area served by the project:

Design population of the area served by the project:

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

The information provided in the table is for the ratepayers responsible for paying for the project. Usually this will be the ratepayers of the entire facility. However, some projects are only for a specified area, and only ratepayers in the specified area will be responsible for the paying for the project. An example is a project supported through local improvement districts assessment for similar rate district. For such projects, included only information for the affected ratepayers. Generally, one single family residential sewer account is one equivalent residential unit (ERU). Calculating ERUs for non-single-family residences can be done in many ways, including by costs. For example, multi-family residences, local public facilities, commercial customers, and industrial customers may pay more for sewer service than a typical residential ratepayer. In such cases, you can calculate the number of ERUs based on the typical sewer bill. For example, an industrial customer who pays 5 times the sewer bill of a typical residential ratepayer would be reported as 5 ERUs. "Residential" includes Single Family Residences; Multi-family Residences; Local Public Facilities such as schools, fire stations, community centers, police stations, and city halls; and Small Commercial Customers with a wastewater flow of <3,500 gallons/day.

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

Attach additional documentation or explanation, as necessary.

Ecology provides a simple [Excel tool to calculate ERUs](#)<sup>117</sup> 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?

<sup>117</sup> [https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Grants-and-Loans/Facility-Resources/Equivalent-Residential-Units-\(ERU\)-calculation-wor](https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Grants-and-Loans/Facility-Resources/Equivalent-Residential-Units-(ERU)-calculation-wor)

\*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 for all construction that occurred on or after June 10, 2014? (Check "Yes" if all construction occurred before June 10, 2014.)

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

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

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

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

If YES, STOP HERE. Your project is not eligible to compete for funding. Do not submit this application.

\*How was the project financed (check all that apply):

- General obligation bonds
- Revenue bond
- Bank
- Public Works Assistance Account

- US Department of Agriculture/Rule Development
- Inter-local fund transfer
- Other (specify)

Provide additional information on the existing loan and the project.

## Scoring Criteria/Guidance

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

<b>Application Rating Criteria and Guidance</b>
<b>Funding Request</b>
<p><b>Scoring</b></p> <p>Worth up to <b>15 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-15 points:</b> Applicant has identified adequate matching funds. (Full points if no match is required.)</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• To receive full points, the match plus funding request must equal the total eligible cost.</li> <li>• Applicants that will accept loan dollars will receive full points.</li> <li>• Match may exceed the minimum amount required.</li> <li>• Nonpoint source activity projects do not require match.</li> </ul>
<b>Scope of Work – For Application</b>
<p><b>Scoring</b></p> <p>Worth up to <b>75 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-75 points:</b> The scope of work represents a complete and concise description of the project tasks and outcomes, including deliverables. To receive full points, scope of work must align with the schedule and detailed budget.</li> </ul> <p><b>Guidance</b></p> <ul style="list-style-type: none"> <li>• Scope must demonstrate an understanding of all elements necessary to implement and complete the project.</li> <li>• Maps, plans, and detailed drawings of proposed BMPs and their locations, and other documents that show the feasibility of the project should be uploaded on the “Uploads” form.</li> <li>• Deliverables should provide evidence that the task has been successfully completed. Examples include reports, maps, pictures, educational materials, meeting agendas and notes, construction documents, copies of agreements, lists and quantities of BMPs, etc.</li> </ul>
<b>Task Costs and Budget</b>
<p><b>Scoring</b></p> <p>Worth up to <b>135 total points</b> as follows:</p> <ul style="list-style-type: none"> <li>• <b>0-50 points:</b> The application demonstrates how the applicant arrived at the cost estimate for each task. The process used by the applicant to develop this estimate is based on real-world data.</li> <li>• <b>0-85 points:</b> The cost to complete the scope of work is reasonable when compared to similar projects in the region.</li> </ul>

## Application Rating Criteria and Guidance

### Guidance

- 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

#### Scoring

Worth up to **65 total points** as follows:

- **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.

#### Guidance

- 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

#### Scoring

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

- **0-40 points:** Applicant used a complete and well-defined set of criteria to determine the value and feasibility of the proposed project and included the useful life and long-term maintenance costs in their evaluation of the project and project alternatives.
- **0-20 points:** Applicant has provided documentation showing that key stakeholders have been identified and how they will support the project.

## Application Rating Criteria and Guidance

- **0-25 points:** The project schedule includes all tasks including pre-project administrative elements such as permitting, MOUs, landowner agreements, etc., and provides sufficient time to complete all elements.
- **0-75 points:** The applicant is ready to start on the proposed scope of work within 10 months of publication of the Final Offer List (a.k.a., readiness to proceed).

### Guidance

- Project criteria should include all factors that were considered by the applicant when determining the value and selecting a project to implement.
- Criteria should reflect both the feasibility of the project and the benefits. Examples include, but are not limited to:
  - useful life
  - installation cost
  - site suitability
  - resiliency to climate change (plans and designs consider future sea level rise, increased wildfire risk, etc.) **Note:** Some climate tools can be found on the University of Washington's, Climate impacts Group's [Analysis Tools](#)<sup>118</sup> webpage.
  - Project impacts to overburdened communities or vulnerable populations and analysis of alternatives to mitigate negative impacts. (see Appendix K: 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/ city/county meetings, or letters of support from Tribes, other local governments, non-governmental organization, homeowners' associations, community groups 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.
- Strong applications will note any environmental justice concerns in the project area and demonstrate in depth knowledge of and coordination with vulnerable populations that will benefit or be impacted by this project.
- 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.

<sup>118</sup> <https://cig.uw.edu/resources/analysis-tools/>

### Application Rating Criteria and Guidance

- 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.
- For CWSRF construction projects, demonstration of completed environmental and cultural requirements is encouraged so as not to delay approval of the funding agreement. We suggest inviting the environmental review coordinator to a pre-application meeting.

### Water Quality and Public Health Improvements

#### Scoring

- Worth up to **500 total points** as follows:
- **0-135 points:** Project proposes to reduce or prevent pollution in a waterbody that has been identified as a priority by a local, state or federal agency through the development of a federal, state or local water quality plan.
- **0-150 points:** The proposed project area is directly connected to the water body identified for improvement and applicant has provided sufficient technical justification to show the proposed project will reduce the pollutants of concern in the water body identified for improvement.
- **0-50 points:** Applicant has identified how the project will be evaluated in order to determine success, noted if the measure is quantitative or qualitative, and defined a goal.
- **0-100 points:** The water quality and public health improvements that will be achieved represent a good value.
- **0-50 points:** Applicant has a plan and commitments in place to fund long-term maintenance and sustain the water quality benefits of this project.
- **0-15 points:** How well does the applicant and the project address greenhouse gas emission reductions in accordance with RCW 70.235.070?

#### Guidance

- Responses to the questions must be supported by the tasks delineated in the scope of work.
- If the project is required by the state or a federal agency, applicants should provide references or documentation, including permit conditions, Ecology orders, Court orders, or other correspondence.
- Applicants must reference and describe all local or regional water quality planning or regulatory documents that apply to the water body targeted for improvement including local watershed plans, TMDLS, and permits.

## Application Rating Criteria and Guidance

- 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. For example, measures for climate resilience and environmental justice.
- Goals should have clear numeric commitments (e.g., volumes or area treated, quantity installed, people contacted, feet restored, etc.). Goals that do not have a strong connection to improvement in water quality will not receive full points.
- Plans to sustain water quality benefits must include an estimate of project life cycle maintenance costs and identify how those costs will be met.
- Projects in the Puget Sound watershed must be consistent with the Puget Sound Action Agenda, and applicants for stormwater projects in the watershed must have considered project connection to [Governor's Executive Order on Southern Resident Killer Whale recovery](#)<sup>119</sup>.
- Evaluators award full points for the greenhouse gas emission reductions question if both the applicant and the project address the issue. Partial points will be awarded if either the applicant or the project addresses the issue. No points will be awarded if neither the applicant nor the project addresses the issue.

## Financial Hardship

### Scoring

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

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

### Guidance

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

<sup>119</sup> [https://www.governor.wa.gov/sites/default/files/exe\\_order/eo\\_18-02\\_1.pdf](https://www.governor.wa.gov/sites/default/files/exe_order/eo_18-02_1.pdf)

# Appendix D: EAGL Role Management

## Terminology

**Unassigned** – A user that does not have a checkmark next to their name in the system. Unassigned users may not view documents or perform any actions on them.

**Assigned** – A user that does have a checkmark next to their name on a document’s Add/Edit People Screen. Assigned users may perform the actions of their role unless an inactive date is entered. Once the inactive date is reached, the user may no longer perform the actions of their role of the document.

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.

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	<a href="#">Washington Test Org</a>	Recipient Financial Officer	Payment Request/Progress Report Submitted	N/A - N/A 01/01/1900 5:00PM PST

Sub documents include Payment Request/Progress Reports, Recipient Close Out Reports, Site Visit Reports, Ecology Close Out Reports, and Equipment Purchase Reports.

## Frequently Asked Questions

What are organization level roles and what do they do?

Organization level roles determine who may initiate new applications (parent documents) and also serve as the default role assignments on newly initiated applications (parent documents). Authorized Officials at the organization level may also update your organization’s profile.

What are document level roles and what do they do?

Document level roles control the level of access on a specific document. They determine who may edit a document, change the status, and initiate sub documents. The document level roles do not need to match the organization level roles.

What happens when a sub document is initiated?

All assigned users will have their role assignments from the parent document copied to the sub document. In other words, the sub document (child) will inherit the roles from the parent document. [What should I do when a new user is added to our organization?](#)

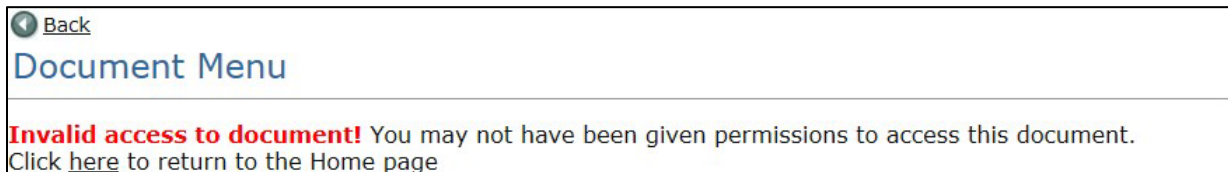
When a new application (parent document) is initiated, all existing organization members are automatically assigned to the parent document with the same role they have at the organization level. **If a user is added to an organization after a parent document has been initiated, an Authorized Official on the parent document must manually assign the user to the document.** The new user must also be manually assigned on existing sub documents if you wish to grant them access.

Does updating a user's role on the parent document change that user's role on sub documents? No, changes to parent document roles are not automatically applied to sub documents. You must manually update that user's role on each sub document.

What happens if a user is unassigned on a document?

The user may not access the document. The document will not appear in search results but will be listed with the other organization documents. An error message will be displayed if the user attempts to access the document.

Example of error message:



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 un-assign 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 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 Sheets

**Table 16: Role Levels Cheat Sheet**

Action	Organization Level Role	Document Level Role	Ecology Role
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
Initiate and Submit a Recipient Closeout Report	N/A	Authorized Official Recipient Project Manager	None

**Table 17: Document Roles Cheat Sheet**

Action	Authorized Official	Contractor	Recipient Project Manager	Recipient Financial Officer	Writer	Reader
<b>Applications &amp; Amendments (Parent Documents)</b>						
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					
<b>Payment Requests &amp; Progress Reports (Subdocuments)</b>						
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		
<b>Equipment Purchase Reports &amp; Closeout Reports (Sub-documents)</b>						
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

## 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 the 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 funding 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 funding Recipient, the Landowner will recuse itself from decisions made by the 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:

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: Terms and Conditions

## Water Quality Program Special Terms and Conditions (Updated June 2023)

### 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.

**“Accrued Interest”** means the interest incurred as loan funds are disbursed.

**“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.

**“Build American Buy American (BABA)”** means a portion of the Infrastructure Investment and Jobs Act and establishes a domestic content procurement preference for all Federal financial assistance obligated for infrastructure projects after May 14, 2022.

**“Bipartisan Infrastructure Law (BIL)”** means funding to improve drinking water, wastewater and stormwater infrastructure.

**“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.

**“Construction Materials”** means an article, material, or supply (other than an item of primarily iron or steel; a manufactured product; cement and cementitious materials; aggregates such as stone, sand, or gravel; aggregate binding agents or additives; or non-permanent products) that

is or consists primarily of, non-ferrous metals, plastic and polymer-based products (including polyvinylchloride, composite building materials, and polymers used in fiber optic cables), (including optic glass), lumber, and drywall.

**“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.

**“Davis Bacon Prevailing Wage Act”** means the federal law mandating on-site workers on public works projects be paid certain wages, benefits, and overtime (also known as “prevailing wage” on all government-funded construction, alteration, and repair projects.

**“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 and the estimated schedule for completion of the project.

**“Equivalency”** means the amount of State Revolving Fund (SRF) funding each funding cycle equivalent to the EPA grant to Ecology.

**“Equivalency Project”** means State Revolving Fund (SRF) funded project(s) designated by ECOLOGY to receive federal funding and 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 accrued 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 and the initiation of operation or completion date, whichever comes first.

**“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 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 facility financed with proceeds of the loan begins to operate for its intended purpose. (For loans only)

**“Iron and Steel Products”** means products made primarily of iron or steel including but may not be limited to: 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.

**“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.

**“Manufactured Products”** means, items and construction materials composed in whole or in part of non-ferrous metals such as aluminum plastics and polymer-based products such as polyvinyl chloride pipe; aggregates such as concrete; glass, including optical fiber; and lumber.

**“Produced in the United States”** means for iron and steel products, that all manufacturing processes, from the initial melting state through the application of coatings, occurred in the United States.

**“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.

**“Prevailing Wage”** means hourly wage, usual benefits, and overtime paid in the largest city in each county, to the majority of workers, laborers, and mechanics performing the same work. The rate is established separately for each county.

**“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 and is the last day eligible costs can be incurred. 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.

**“Unique Entity Identity Identifier (UEI)”** means a 12-character alphanumeric ID assigned by SAM.gov. to an entity doing business with or receiving funds from the federal government. This number replaces the DUNS number.

**“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: 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. 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. 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.

C. 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.

D. 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.

E. Electronic Fund Transfers: Payment will be issued through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process or electronic fund transfers, you can contact Statewide Payee Help Desk at (360) 407-8180 or email [PayeeRegistration@ofm.wa.gov](mailto:PayeeRegistration@ofm.wa.gov).

F. Equipment Purchase: Equipment purchases over \$5,000 and not included in the scope of work or the Ecology approved construction plans and specifications, must be pre-approved by ECOLOGY's project manager before purchase. All equipment purchases over \$5,000 and not included in a contract for work being completed on the funded project, must also be reported on the Equipment Purchase Report in EAGL.

G. Funding Recognition: The RECIPIENT must inform the public about any ECOLOGY or EPA 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. Contact your Ecology Project Team to determine the appropriate recognition for your project.

H. 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.

I. 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.

J. Lobbying and Litigation: Costs incurred for the purposes of lobbying or litigation are not eligible for funding under this agreement.

K. 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.

L. Project Status Evaluation: ECOLOGY may evaluate the status at any time. ECOLOGY's Project Manager and Financial Manager will meet with the RECIPIENT to review spending trends, completion of outcome measures, and overall project administration and performance. If the RECIPIENT fails to make satisfactory progress toward achieving project outcomes, ECOLOGY may change the scope of work, reduce grant funds, or increase oversight measures.

M. 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: CONDITIONS APPLY TO SECTION 319 AND CENTENNIAL CLEAN WATER FUNDED PROJECTS BEING USED TO MATCH SECTION 319 FUNDS.**

The RECIPIENT must submit the following documents to ECOLOGY before this agreement is signed by ECOLOGY:

1. Federal Funding Accountability and Transparency Act (FFATA) Form is available on the Water Quality Program website and must be completed and submitted to Ecology. (This form is used for Section 319 (federal) funds only)

2. "Section 319 Initial Data Reporting" form must be completed in EAGL.

A. Data Reporting: The RECIPIENT must complete the "Section 319 Initial Data Reporting" form in EAGL before this agreement can be signed by Ecology. This form is used to gather general information about the project for EPA.

B. Funding Recognition and Outreach: In addition to Section 2.F. of these Special Terms and Conditions, the RECIPIENT shall provide signage that informs the public that the project is funded by EPA. The signage shall contain the EPA logo and follow usage requirements available at <http://www2.epa.gov/stylebook/using-epa-seal-and-logo>. To obtain the appropriate EPA logo or seal graphic file, the RECIPIENT may send a request to their Ecology Financial Manager.

To increase public awareness of projects serving communities where English is not the predominant language, RECIPIENTS are encouraged to provide their outreach strategies communication in non-English languages. Translation costs for this purpose are allowable,

provided the costs are reasonable. (Applies to both the Section 319 funded projects and the Centennial match projects)

The RECIPIENT shall use the following paragraph in all reports, documents, and signage developed under this agreement: (Applies to Section 319 funded projects only)

“This project has been funded wholly or in part by the United States Environmental Protection Agency under an assistance agreement to the Washington State Department of Ecology. The contents of this document do not necessarily reflect the views and policies of the Environmental Protection Agency, nor does the mention of trade names or commercial products constitute endorsement or recommendation for use.”

C. Load Reduction Reporting: The RECIPIENT shall complete the “Section 319 Annual Load Reduction Reporting” form in EAGL by January 15 of each year and at project close-out. ECOLOGY may hold reimbursements until the RECIPIENT has completed the form. This form is used to gather information on best management practices (BMPs) installed and associated pollutant load reductions that were funded as a part of this project.

D. Time Extension: The RECIPIENT may request a one-time extension for up to 12 months. However, the time extension cannot exceed the time limitation established in EPA’s assistance agreement. In the event a time extension is requested and approved by ECOLOGY, the RECIPIENT must complete all eligible work performed under this agreement by the expiration date. (For Section 319 funded projects only)

#### **SECTION 4: CONDITIONS APPLY TO ALL FEDERAL FUNDING AGREEMENTS, INCLUDING SECTION 319, State Revolving Fund (SRF) Equivalency Projects, and SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANT (OSG)**

A. Acquisitions: 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.

B. Audit Requirements: In accordance with 2 CFR 200.501(a), the RECIPIENT agrees to obtain a single audit from an independent auditor, if their organization expends \$750,000 or more in total Federal funds in their fiscal year. The RECIPIENT must submit the form SF-SAC and a Single Audit Report Package within 9 months of the end of the fiscal year or 30 days after receiving the report from an independent auditor. The SF-SAC and a Single Audit Report Package MUST be submitted using the Federal Audit Clearinghouse’s Internet Data Entry System available at: <https://facweb.census.gov/>.

C. Archaeological Resources and Historic Properties (Section 106): This requires completion of the Ecology Cultural Resources Review Form, coordination with Ecology Cultural Resources staff, and receipt of the Ecology Final Determination prior to any property acquisition and above and below ground disturbing activities.

D. Architectural and Engineering Services Procurement: The RECIPIENT must procure architectural and engineering services in accordance with the federal requirements in Chapter 11 of Title 40, U.S.C. (see <https://uscode.house.gov/view.xhtml?path=/prelim@title40/subtitle1/chapter11&edition=prelim>).

E Build America, Buy America (BABA – Pub. L. No. 117-58, 70901-52) (Federally funded SRF Equivalency projects only): The RECIPIENT identified by ECOLOGY as receiving federal equivalency funding agrees to comply with all federal requirements applicable to the assistance received (including those imposed by the Infrastructure Investment and Jobs Act (“IIJA”/BIL), Public Law No. 117-58) which the RECIPIENT understands includes, but is not limited to, the following requirements: that all the iron and steel, manufactured products, and construction materials used in the Project are to be produced in the United States (“Build America, Buy America Requirements”) unless (i) the RECIPIENT has requested and obtained a waiver from the cognizant Agency pertaining to the Project or the Project is otherwise covered by a general applicability waiver; or (ii) all of the contributing Agencies have otherwise advised the RECIPIENT in writing that the Build America, Buy America Requirements are not applicable to the project.

RECIPIENT shall comply with all record keeping and reporting requirements under all applicable legal authorities, including any reports required by the funding authority (such as EPA and/or a state), such as performance indicators of program deliverables, information on costs and project progress. The RECIPIENT identified by ECOLOGY as receiving federal equivalency funding, understands that (i) each contract and subcontract related to the project is subject to audit by appropriate federal and state entities and (ii) failure to comply with the applicable legal requirements and this Agreement may result in a default hereunder that results in a repayment of the assistance agreement in advance of termination and/or repayment of assistance, and/or other remedial actions.

EPA has granted an adjustment period waiver of the requirements of Section 70914(a) of the BIL, pursuant to Section 70914(b)(1) (public interest waiver), for eligible projects financed by SRF projects that have initiated project design planning prior to May 14, 2022, the statutory effective date of the BABA requirements. This action permits the use of non-domestic manufactured products and construction materials in such projects funded by a Clean Water or Drinking Water SRF that may otherwise be prohibited under the BABA requirements of Section 70914. This action permits the use of non-domestic manufactured products and construction materials in such projects funded by a Clean Water or Drinking Water SRF that may otherwise be prohibited under the BABA requirements of Section 70914. Sections 70917(a) and (b) of BIL provide a savings provision for existing statutory requirements that meet or exceed BABA

requirements. The statutory American Iron and Steel (AIS) requirements of Clean Water Act (CWA) Section 608 and Safe Drinking Water Act (SDWA) Section 1452(a)(4) has previously applied to SRF projects and will continue to do so as part of BABA requirements.

Where manufactured products used in the project are required to be produced in the United States, manufactured product shall mean manufactured in the United States, and the cost of the components of the manufactured product that are mined, produced, or manufactured in the United States is greater than 55 percent of the total cost of all components of the manufactured product, unless another standard for determining the minimum amount of domestic content of the manufactured product has been established under applicable law or regulation. The manufactured products included cover the majority of potential water infrastructure products, including complex products made up of a variety of material types and components. For water infrastructure projects, commonly manufactured products would include, but not be limited to, pumps, motors, blowers, aerators, generators, instrumentation and control systems, gauges, meters, measurement equipment, treatment equipment, dewatering equipment, actuators, and many other mechanical and electrical items.

F. Disadvantaged Business Enterprise (DBE): General Compliance, 40 CFR, Part 33. The RECIPIENT agrees to comply with the requirements of the Environmental Protection Agency's Program for Utilization of Small, Minority, and Women's Business Enterprises (MBE/WBE) 40CFR, Part 33 in procurement under this agreement.

Six Good Faith Efforts, 40 CFR, Part 33, Subpart C. The RECIPIENT agrees to make the following good faith efforts whenever procuring construction, equipment, services, and supplies under this agreement. Records documenting compliance with the following six good faith efforts shall be retained:

- 1) Ensure Disadvantaged Business Enterprises are made aware of contracting opportunities to the fullest extent practicable through outreach and recruitment activities. For Indian Tribal, State and Local and Government RECIPIENTS, this shall include placing Disadvantaged Business Enterprises on solicitation lists and soliciting them whenever they are potential sources.
- 2) Make information on forthcoming opportunities available to Disadvantaged Business Enterprises and arrange time frames for contracts and establish delivery schedules, where the requirements permit, in a way that encourages and facilitates participation by Disadvantaged Business Enterprises in the competitive process. This includes, whenever possible, posting solicitations for bids or proposals for a minimum of thirty (30) calendar days before the bid or proposal closing date.
- 3) Consider, in the contracting process, whether firms competing for large contracts could subcontract with Disadvantaged Business Enterprises. For Indian Tribal, State, and Local Government RECIPIENTS, this shall include dividing total requirements when economically feasible into smaller tasks or quantities to permit maximum participation by Disadvantaged Business Enterprises in the competitive process.

4) Encourage contracting with a consortium of Disadvantaged Business Enterprises when a contract is too large for one of these firms to handle individually.

5) Use services and assistance of the Small Business Administration and the Minority Business Development Agency of the Department of Commerce.

6) If the prime contractor awards subcontracts, require the prime contractor to take the five good faith efforts steps in paragraphs 1 through 5 above.

The RECIPIENT agrees to submit ECOLOGY's Contractor Participation Report Form D with each payment request.

Contract Administration Provisions, 40 CFR, Section 33.302. The RECIPIENT agrees to comply with the contract administration provisions of 40 CFR, Section 33.302.

Non-discrimination Provision. The RECIPIENT shall not discriminate on the basis of race, color, national origin, or sex in the performance of this agreement. The RECIPIENT shall carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under EPA financial assistance agreements. Failure by the RECIPIENT to carry out these requirements is a material breach of this agreement which may result in the termination of this contract or other legally available remedies.

This does not preclude the RECIPIENT from enacting broader nondiscrimination protections.

The RECIPIENT shall comply with all federal and state nondiscrimination laws, including but not limited to, Title VI and VII of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, Title IX of the Education Amendments of 1972, the Age Discrimination Act of 1975, and Chapter 49.60 RCW, Washington's Law Against Discrimination, and 42 U.S.C. 12101 et seq, the Americans with Disabilities Act (ADA).

In the event of the RECIPIENT's noncompliance or refusal to comply with any applicable nondiscrimination law, regulation, or policy, this agreement may be rescinded, canceled, or terminated in whole or in part and the RECIPIENT may be declared ineligible for further funding from ECOLOGY. The RECIPIENT shall, however, be given a reasonable time in which to cure this noncompliance.

The RECIPIENT shall include the following terms and conditions in contracts with all contractors, subcontractors, engineers, vendors, and any other entity for work or services pertaining to this agreement.

"The Contractor will not discriminate on the basis of race, color, national origin, or sex in the performance of this Contract. The Contractor will carry out applicable requirements of 40 CFR Part 33 in the award and administration of contracts awarded under Environmental Protection Agency financial agreements. Failure by the Contractor to carry out these requirements is a material breach of this Contract which may result in termination of this Contract or other legally available remedies."

Bidder List, 40 CFR, Section 33.501(b) and (c). The RECIPIENT agrees to create and maintain a bidders list. The bidders list shall include the following information for all firms that bid or quote on prime contracts, or bid or quote subcontracts, including both MBE/WBEs and non-MBE/WBEs.

1. Entity's name with point of contact
2. Entity's mailing address, telephone number, and e-mail address
3. The procurement on which the entity bid or quoted, and when
4. Entity's status as an MBE/WBE or non-MBE/WBE

G. Electronic and information Technology (EIT) Accessibility: RECIPIENTS shall ensure that loan funds provided under this agreement for costs in the development or purchase of EIT systems or products provide individuals with disabilities reasonable accommodations and an equal and effective opportunity to benefit from or participate in a program, including those offered through electronic and information technology as per Section 504 of the Rehabilitation Act, codified in 40 CFR Part 7. Systems or products funded under this agreement must be designed to meet the diverse needs of users without barriers or diminished function or quality. Systems shall include usability features or functions that accommodate the needs of persons with disabilities, including those who use assistive technology.

H. Federal Funding Accountability and Transparency Act (FFATA) Form, available on the Water Quality Program website.

I. Hotel-Motel Fire Safety Act: The RECIPIENT shall ensure that all space for conferences, meetings, conventions, or training seminars funded in whole or in part with federal funds complies with the protection and control guidelines of the Hotel and Motel Fire Safety Act (15 USC 2225a, PL 101-391, as amended). Recipients may search the Hotel-Motel National Master List at <http://www.usfa.dhs.gov/applications/hotel/> to see if a property is in compliance, or to find other information about the Act. Pursuant to 15 USC 2225a.

J. 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 subcontracts more than \$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. Wage determinations and instructions for their use can be found at <https://sam.gov/>.

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. Where conflicts arise between the State prevailing wage rates and Davis-Bacon Act prevailing wage requirements the more stringent requirement shall govern. Washington State prevailing wage rates can be found at <https://www.lni.wa.gov/licensing-permits/public-works-projects/prevailing-wage-rates/>

K. Trafficking in Persons: The RECIPIENT and RECIPIENT employees that are private entities shall not engage in forms of trafficking in persons. 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.

L. Unique Entity Identity Identifier (UEI): The RECIPIENT agrees to register with and make their registration public in the System for Award Management (SAM.gov). The RECIPIENT will be assigned a UEI and agree to include their UEI Number under their organization’s information in EAGL. The UEI number must be entered into EAGL before a funding agreement is signed.

## **SECTION 5: 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 (upon request)
2. Opinion of RECIPIENT’s Legal Council – Form available on the Ecology website must be completed and uploaded to the General Uploads form in EAGL.
3. Authorizing Ordinance or Resolution – Must be uploaded to the General Uploads form in EAGL.
4. Federal Funding Accountability and Transparency Act (FFATA) Form (Required for all federally funded SRF Equivalency projects – Form available on the Ecology website must be completed and uploaded to the General Uploads form in EAGL.

5. CWSRF Federal Reporting Information form – Must be completed in EAGL.
6. Fiscal Sustainability Plan (Asset Management) Certification Form (Only required if the project includes construction of a wastewater or stormwater facility construction) – Must be completed in EAGL.
7. Cost and Effectiveness Analysis Certification Form (Required for all projects receiving SRF Loan funding) – Must be completed in EAGL.
8. State Environmental Review Process (SERP) Documentation (Required for treatment works projects only) – Must be uploaded to the Environmental and Cultural Review form in EAGL.

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 – P.L 113-76, Consolidated Appropriations Act 2014, Section 436): This loan provision applies to projects for the construction, alteration, maintenance, or repair of a “treatment works” as defined in the Federal Water Pollution Control Act (33 USC 1381 et seq.) The RECIPIENT shall ensure that all iron and steel products used in the project are produced in the United States. Iron and Steel products means the following products made primarily of iron or steel: lined or unlined pipes and fittings, manhole covers and other municipal castings, hydrants, tanks, flanges, pipe clamps and restraints, valves, structural steel, reinforced precast concrete, and construction materials. The RECIPIENT may request waiver from this requirement from the Administrator of the Environmental Protection Agency. The RECIPIENT must coordinate all waiver requests through ECOLOGY. This provision does not apply if the engineering plans and specifications for the project were approved by ECOLOGY prior to January 17, 2014. ECOLOGY reserves the right to request documentation of RECIPIENT’S compliance with this provision.

C. Authority of RECIPIENT: This agreement is authorized by the Constitution and laws of the state of Washington, including the RECIPIENT’S authority, and by the RECIPIENT pursuant to the authorizing ordinance or resolution. The RECIPIENT shall submit a copy of the authorizing ordinance or resolution to the ECOLOGY Financial Manager before this agreement shall be signed by ECOLOGY.

D. Equivalency Projects: ECOLOGY designated equivalency project and alternative designated equivalency project RECIPIENTs agree to accept federal funds and the federal requirements that accompany the funds. This includes all the requirements in Section 4 and this Section.

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: The RECIPIENT agrees to comply with the EPA SRF Signage Guidance to enhance public awareness of EPA assistance agreements nationwide. Signage guidance can be found at: <https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources>.

G. Insurance: The RECIPIENT shall at all times carry fire and extended insurance coverage, public liability, and property damage, and such other forms of insurance with responsible insurers and policies payable to the RECIPIENT on such of the buildings, equipment, works, plants, facilities, and properties of the Utility as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, and against such claims for damages as are ordinarily carried by municipal or privately-owned utilities engaged in the operation of like systems, or it shall self-insure or participate in an insurance pool or pools with reserves adequate, in the reasonable judgment of the RECIPIENT, to protect it against loss.

H. Litigation Authority: No litigation is now pending, or to the RECIPIENT's knowledge, threatened, seeking to restrain, or enjoin:

- (i) the execution of this agreement; or
- (ii) the fixing or collection of the revenues, rates, and charges or the formation of the ULID and the levy and collection of ULID Assessments therein pledged to pay the principal of and interest on the loan (for revenue secured lien obligations); or
- (iii) the levy and collection of the taxes pledged to pay the principal of and interest on the loan (for general obligation-secured loans and general obligation payable from special-assessment-secured loans); or
- (iv) in any manner questioning the proceedings and authority under which the agreement, the loan, or the project are authorized. Neither the corporate existence, or boundaries of the RECIPIENT nor the title of its present officers to their respective offices is being contested. No authority or proceeding for the execution of this agreement has been repealed, revoked, or rescinded.

I. Loan Interest Rate and Terms: This loan agreement shall remain in effect until the date of final repayment of the loan, unless terminated earlier according to the provisions herein.

When the Project Completion Date has occurred, ECOLOGY and the RECIPIENT shall execute an amendment to this loan agreement which details the final loan amount (Final Loan Amount), and ECOLOGY shall prepare a final loan repayment schedule. The Final Loan Amount shall be the combined total of actual disbursements made on the loan and all accrued interest to the computation date.

The Estimated Loan Amount and the Final Loan Amount (in either case, as applicable, a “Loan Amount”) shall bear interest based on the interest rate identified in this agreement as the “Effective Interest Rate,” per annum, calculated on the basis of a 365-day year. Interest on the Estimated Loan Amount shall accrue from and be compounded monthly based on the date that each payment is mailed to the RECIPIENT. The Final Loan Amount shall be repaid in equal installments, semiannually, over the term of this loan “Loan Term” as outlined in this agreement.

#### J. Loan Repayment:

##### Sources of Loan Repayment

1. Nature of RECIPIENT's Obligation. The obligation of the RECIPIENT to repay the loan from the sources identified below and to perform and observe all other agreements and obligations on its part, contained herein, shall be absolute and unconditional, and shall not be subject to diminution by setoff, counterclaim, or abatement of any kind. To secure the repayment of the loan from ECOLOGY, the RECIPIENT agrees to comply with all 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 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 subcontracts more than \$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 verified 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, prevailing wage requirements, certified weekly payroll, etc.
- The Disadvantaged Business Enterprise (DBE), 40 CFR, Part 33
- The American Iron and Steel Act (Buy American)
- The Build America Buy America Act (BABA) (equivalency projects only)”

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 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 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 (07/01/2023 Version)

### 1. ADMINISTRATIVE REQUIREMENTS

- a) RECIPIENT shall follow the "Administrative Requirements for Recipients of Ecology Grants and Loans – EAGL Edition." (<https://apps.ecology.wa.gov/publications/SummaryPages/2301002.html>)
- b) RECIPIENT shall complete all activities funded by this Agreement and be fully responsible for the proper management of all funds and resources made available under this Agreement.
- c) RECIPIENT agrees to take complete responsibility for all actions taken under this Agreement, including ensuring all subgrantees and contractors comply with the terms and conditions of this Agreement. ECOLOGY reserves the right to request proof of compliance by subgrantees and contractors.
- d) RECIPIENT's activities under this Agreement shall be subject to the review and approval by ECOLOGY for the extent and character of all work and services.

### 2. AMENDMENTS AND MODIFICATIONS

This Agreement may be altered, amended, or waived only by a written amendment executed by both parties. No subsequent modification(s) or amendment(s) of this Agreement will be of any force or effect unless in writing and signed by authorized representatives of both parties.

ECOLOGY and the RECIPIENT may change their respective staff contacts and administrative information without the concurrence of either party.

### **3. ACCESSIBILITY REQUIREMENTS FOR COVERED TECHNOLOGY**

The RECIPIENT must comply with the Washington State Office of the Chief Information Officer, OCIO Policy no. 188, Accessibility (<https://ocio.wa.gov/policy/accessibility>) as it relates to “covered technology.” This requirement applies to all products supplied under the Agreement, providing equal access to information technology by individuals with disabilities, including and not limited to web sites/pages, web-based applications, software systems, video and audio content, and electronic documents intended for publishing on Ecology’s public web site.

### **4. ARCHAEOLOGICAL AND CULTURAL RESOURCES**

RECIPIENT shall take all reasonable action to avoid, minimize, or mitigate adverse effects to archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, hereby referred to as Cultural Resources.

The RECIPIENT must agree to hold harmless ECOLOGY in relation to any claim related to Cultural Resources discovered, disturbed, or damaged due to the RECIPIENT’s project funded under this Agreement.

RECIPIENT shall:

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

- Cultural Resource Consultation and Review should be initiated early in the project planning process and must be completed prior to expenditure of Agreement funds as required by applicable State and Federal requirements.

\* For state funded construction, demolition, or land acquisitions, comply with Governor Executive Order 21-02, Archaeological and Cultural Resources.

- For projects with any federal involvement, comply with the National Historic Preservation Act of 1966 (Section 106).

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

RECIPIENT shall:

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

- Discuss the IDP with staff, volunteers, and contractors working at the project site.
  - Implement the IDP when Cultural Resources or human remains are found at the project site.
- c) If any Cultural Resources are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the ECOLOGY Program, who will notify the Department of Archaeology and Historic Preservation at (360) 586-3065, any affected Tribe, and the local government.
- d) If any human remains are found while conducting work under this Agreement, follow the protocol outlined in the project IDP.
- Immediately stop work and notify the local Law Enforcement Agency or Medical Examiner/Coroner's Office, the Department of Archaeology and Historic Preservation at (360) 790-1633, and then the ECOLOGY Program.
- e) Comply with RCW 27.53, RCW 27.44, and RCW 68.50.645, and all other applicable local, state, and federal laws protecting Cultural Resources and human remains.

## **5. ASSIGNMENT**

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

## **6. COMMUNICATION**

RECIPIENT shall make every effort to maintain effective communications with the RECIPIENT's designees, ECOLOGY, all affected local, state, or federal jurisdictions, and any interested individuals or groups.

## **7. COMPENSATION**

- a) Any work performed prior to effective date of this Agreement will be at the sole expense and risk of the RECIPIENT. ECOLOGY must sign the Agreement before any payment requests can be submitted.
- b) Payments will be made on a reimbursable basis for approved and completed work as specified in this Agreement.
- c) RECIPIENT is responsible to determine if costs are eligible. Any questions regarding eligibility should be clarified with ECOLOGY prior to incurring costs. Costs that are conditionally eligible require approval by ECOLOGY prior to expenditure.
- d) RECIPIENT shall not invoice more than once per month unless agreed on by ECOLOGY.

- e) ECOLOGY will not process payment requests without the proper reimbursement forms, Progress Report and supporting documentation. ECOLOGY will provide instructions for submitting payment requests.
- f) ECOLOGY will pay the RECIPIENT thirty (30) days after receipt of a properly completed request for payment.
- g) RECIPIENT will receive payment through Washington State's Office of Financial Management's Statewide Payee Desk. To receive payment you must register as a statewide vendor by submitting a statewide vendor registration form and an IRS W-9 form at website, <https://ofm.wa.gov/it-systems/statewide-vendorpayee-services>. If you have questions about the vendor registration process, you can contact Statewide Payee Help Desk at (360) 407-8180 or email [PayeeRegistration@ofm.wa.gov](mailto:PayeeRegistration@ofm.wa.gov).
- h) ECOLOGY may, at its sole discretion, withhold payments claimed by the RECIPIENT if the RECIPIENT fails to satisfactorily comply with any term or condition of this Agreement.
- i) Monies withheld by ECOLOGY may be paid to the RECIPIENT when the work described herein, or a portion thereof, has been completed if, at ECOLOGY's sole discretion, such payment is reasonable and approved according to this Agreement, as appropriate, or upon completion of an audit as specified herein.
- j) RECIPIENT must submit within thirty (30) days after the expiration date of this Agreement, all financial, performance, and other reports required by this Agreement. Failure to comply may result in delayed reimbursement.

## **8. COMPLIANCE WITH ALL LAWS**

RECIPIENT agrees to comply fully with all applicable federal, state and local laws, orders, regulations, and permits related to this Agreement, including but not limited to:

- a) RECIPIENT agrees to comply with all applicable laws, regulations, and policies of the United States and the State of Washington which affect wages and job safety.
- b) RECIPIENT agrees to be bound by all applicable federal and state laws, regulations, and policies against discrimination.
- c) RECIPIENT certifies full compliance with all applicable state industrial insurance requirements.
- d) RECIPIENT agrees to secure and provide assurance to ECOLOGY that all the necessary approvals and permits required by authorities having jurisdiction over the project are obtained. RECIPIENT must include time in their project timeline for the permit and approval processes.

ECOLOGY shall have the right to immediately terminate for cause this Agreement as provided herein if the RECIPIENT fails to comply with above requirements.

If any provision of this Agreement violates any statute or rule of law of the state of Washington, it is considered modified to conform to that statute or rule of law.

## **9. CONFLICT OF INTEREST**

RECIPIENT and ECOLOGY agree that any officer, member, agent, or employee, who exercises any function or responsibility in the review, approval, or carrying out of this Agreement, shall not have any personal or financial interest, direct or indirect, nor affect the interest of any corporation, partnership, or association in which he/she is a part, in this Agreement or the proceeds thereof.

## **10. CONTRACTING FOR GOODS AND SERVICES**

RECIPIENT may contract to buy goods or services related to its performance under this Agreement. RECIPIENT shall award all contracts for construction, purchase of goods, equipment, services, and professional architectural and engineering services through a competitive process, if required by State law. RECIPIENT is required to follow procurement procedures that ensure legal, fair, and open competition.

RECIPIENT must have a standard procurement process or follow current state procurement procedures. RECIPIENT may be required to provide written certification that they have followed their standard procurement procedures and applicable state law in awarding contracts under this Agreement.

ECOLOGY reserves the right to inspect and request copies of all procurement documentation, and review procurement practices related to this Agreement. Any costs incurred as a result of procurement practices not in compliance with state procurement law or the RECIPIENT's normal procedures may be disallowed at ECOLOGY's sole discretion.

## **11. DISPUTES**

When there is a dispute with regard to the extent and character of the work, or any other matter related to this Agreement the determination of ECOLOGY will govern, although the RECIPIENT shall have the right to appeal decisions as provided for below:

- a) RECIPIENT notifies the funding program of an appeal request.
- b) Appeal request must be in writing and state the disputed issue(s).
- c) RECIPIENT has the opportunity to be heard and offer evidence in support of its appeal.
- d) ECOLOGY reviews the RECIPIENT's appeal.
- e) ECOLOGY sends a written answer within ten (10) business days, unless more time is needed, after concluding the review.

The decision of ECOLOGY from an appeal will be final and conclusive, unless within thirty (30) days from the date of such decision, the RECIPIENT furnishes to the Director of ECOLOGY a written appeal. The decision of the Director or duly authorized representative will be final and conclusive.

The parties agree that this dispute process will precede any action in a judicial or quasi-judicial tribunal.

Appeals of the Director's decision will be brought in the Superior Court of Thurston County. Review of the Director's decision will not be taken to Environmental and Land Use Hearings Office.

Pending final decision of a dispute, the RECIPIENT agrees to proceed diligently with the performance of this Agreement and in accordance with the decision rendered.

Nothing in this Agreement will be construed to limit the parties' choice of another mutually acceptable method, in addition to the dispute resolution procedure outlined above.

## **12. ENVIRONMENTAL DATA STANDARDS**

a) RECIPIENT shall prepare a Quality Assurance Project Plan (QAPP) for a project that collects or uses environmental measurement data. RECIPIENTS unsure about whether a QAPP is required for their project shall contact the ECOLOGY Program issuing the grant or loan. If a QAPP is required, the RECIPIENT shall:

- Use ECOLOGY's QAPP Template/Checklist provided by the ECOLOGY, unless ECOLOGY Quality Assurance (QA) officer or the Program QA coordinator instructs otherwise.
- Follow ECOLOGY's Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies, July 2004 (Ecology Publication No. 04-03-030).
- Submit the QAPP to ECOLOGY for review and approval before the start of the work.

b) RECIPIENT shall submit environmental data that was collected on a project to ECOLOGY using the Environmental Information Management system (EIM) unless the ECOLOGY Program instructs otherwise. The RECIPIENT must confirm with ECOLOGY that complete and correct data was successfully loaded into EIM, find instructions at: <http://www.ecy.wa.gov/eim>.

c) RECIPIENT shall follow ECOLOGY's data standards when Geographic Information System (GIS) data is collected and processed. Guidelines for Creating and Accessing GIS Data are available at: <https://ecology.wa.gov/Research-Data/Data-resources/Geographic-Information-Systems-GIS/Standards>. RECIPIENT, when requested by ECOLOGY, shall provide copies to ECOLOGY of all final GIS data layers, imagery, related tables, raw data collection files, map products, and all metadata and project documentation.

## **13. GOVERNING LAW**

This Agreement will be governed by the laws of the State of Washington, and the venue of any action brought hereunder will be in the Superior Court of Thurston County.

#### **14. INDEMNIFICATION**

ECOLOGY will in no way be held responsible for payment of salaries, consultant's fees, and other costs related to the project described herein, except as provided in the Scope of Work.

To the extent that the Constitution and laws of the State of Washington permit, each party will indemnify and hold the other harmless from and against any liability for any or all injuries to persons or property arising from the negligent act or omission of that party or that party's agents or employees arising out of this Agreement.

#### **15. INDEPENDENT STATUS**

The employees, volunteers, or agents of each party who are engaged in the performance of this Agreement will continue to be employees, volunteers, or agents of that party and will not for any purpose be employees, volunteers, or agents of the other party.

#### **16. KICKBACKS**

RECIPIENT is prohibited from inducing by any means any person employed or otherwise involved in this Agreement to give up any part of the compensation to which he/she is otherwise entitled to or receive any fee, commission, or gift in return for award of a subcontract hereunder.

#### **17. MINORITY AND WOMEN'S BUSINESS ENTERPRISES (MWBE)**

RECIPIENT is encouraged to solicit and recruit, to the extent possible, certified minority-owned (MBE) and women-owned (WBE) businesses in purchases and contracts initiated under this Agreement.

Contract awards or rejections cannot be made based on MWBE participation; however, the RECIPIENT is encouraged to take the following actions, when possible, in any procurement under this Agreement:

- a) Include qualified minority and women's businesses on solicitation lists whenever they are potential sources of goods or services.
- b) Divide the total requirements, when economically feasible, into smaller tasks or quantities, to permit maximum participation by qualified minority and women's businesses.
- c) Establish delivery schedules, where work requirements permit, which will encourage participation of qualified minority and women's businesses.

d) Use the services and assistance of the Washington State Office of Minority and Women's Business Enterprises (OMWBE) (866-208-1064) and the Office of Minority Business Enterprises of the U.S. Department of Commerce, as appropriate.

## **18. ORDER OF PRECEDENCE**

In the event of inconsistency in this Agreement, unless otherwise provided herein, the inconsistency shall be resolved by giving precedence in the following order: (a) applicable federal and state statutes and regulations; (b) The Agreement; (c) Scope of Work; (d) Special Terms and Conditions; (e) Any provisions or terms incorporated herein by reference, including the "Administrative Requirements for Recipients of Ecology Grants and Loans"; (f) Ecology Funding Program Guidelines; and (g) General Terms and Conditions.

## **19. PRESENTATION AND PROMOTIONAL MATERIALS**

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

- a) If requested, RECIPIENT shall provide a draft copy to ECOLOGY for review and approval ten (10) business days prior to production and distribution.
- b) RECIPIENT shall include time for ECOLOGY's review and approval process in their project timeline.
- c) If requested, RECIPIENT shall provide ECOLOGY two (2) final copies and an electronic copy of any tangible products developed.

Copies include any printed materials, and all tangible products developed such as brochures, manuals, pamphlets, videos, audio tapes, CDs, curriculum, posters, media announcements, or gadgets with a message, such as a refrigerator magnet, and any online communications, such as web pages, blogs, and twitter campaigns. If it is not practical to provide a copy, then the RECIPIENT shall provide a description (photographs, drawings, printouts, etc.) that best represents the item.

Any communications intended for public distribution that uses ECOLOGY's logo shall comply with ECOLOGY's graphic requirements and any additional requirements specified in this Agreement. Before the use of ECOLOGY's logo contact ECOLOGY for guidelines.

RECIPIENT shall acknowledge in the communications that funding was provided by ECOLOGY.

## **20. PROGRESS REPORTING**

- a) RECIPIENT must satisfactorily demonstrate the timely use of funds by submitting payment requests and progress reports to ECOLOGY. ECOLOGY reserves the right to amend or terminate this Agreement if the RECIPIENT does not document timely use of funds.

b) RECIPIENT must submit a progress report with each payment request. Payment requests will not be processed without a progress report. ECOLOGY will define the elements and frequency of progress reports.

c) RECIPIENT shall use ECOLOGY's provided progress report format.

d) Quarterly progress reports will cover the periods from January 1 through March 31, April 1 through June 30, July 1 through September 30, and October 1 through December 31. Reports shall be submitted within thirty (30) days after the end of the quarter being reported.

e) RECIPIENT must submit within thirty (30) days of the expiration date of the project, unless an extension has been approved by ECOLOGY, all financial, performance, and other reports required by the Agreement and funding program guidelines. RECIPIENT shall use the ECOLOGY provided closeout report format.

## **21. PROPERTY RIGHTS**

a) Copyrights and Patents. When the RECIPIENT creates any copyrightable materials or invents any patentable property under this Agreement, the RECIPIENT may copyright or patent the same but ECOLOGY retains a royalty free, nonexclusive, and irrevocable license to reproduce, publish, recover, or otherwise use the material(s) or property, and to authorize others to use the same for federal, state, or local government purposes.

b) Publications. When the RECIPIENT or persons employed by the RECIPIENT use or publish ECOLOGY information; present papers, lectures, or seminars involving information supplied by ECOLOGY; or use logos, reports, maps, or other data in printed reports, signs, brochures, pamphlets, etc., appropriate credit shall be given to ECOLOGY.

c) Presentation and Promotional Materials. ECOLOGY shall have the right to use or reproduce any printed or graphic materials produced in fulfillment of this Agreement, in any manner ECOLOGY deems appropriate. ECOLOGY shall acknowledge the RECIPIENT as the sole copyright owner in every use or reproduction of the materials.

d) Tangible Property Rights. ECOLOGY's current edition of "Administrative Requirements for Recipients of Ecology Grants and Loans," shall control the use and disposition of all real and personal property purchased wholly or in part with funds furnished by ECOLOGY in the absence of state and federal statutes, regulations, or policies to the contrary, or upon specific instructions with respect thereto in this Agreement.

e) Personal Property Furnished by ECOLOGY. When ECOLOGY provides personal property directly to the RECIPIENT for use in performance of the project, it shall be returned to ECOLOGY prior to final payment by ECOLOGY. If said property is lost, stolen, or damaged while in the RECIPIENT's possession, then ECOLOGY shall be reimbursed in cash or by setoff by the RECIPIENT for the fair market value of such property.

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

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

2. RECIPIENT shall provide satisfactory evidence of title or ability to acquire title for each parcel prior to disbursement of funds provided by this Agreement. Such evidence may include title insurance policies, Torrens certificates, or abstracts, and attorney's opinions establishing that the land is free from any impediment, lien, or claim which would impair the uses intended by this Agreement.

g) Conversions. Regardless of the Agreement expiration date, the RECIPIENT shall not at any time convert any equipment, property, or facility acquired or developed under this Agreement to uses other than those for which assistance was originally approved without prior written approval of ECOLOGY. Such approval may be conditioned upon payment to ECOLOGY of that portion of the proceeds of the sale, lease, or other conversion or encumbrance which monies granted pursuant to this Agreement bear to the total acquisition, purchase, or construction costs of such property.

## **22. RECORDS, AUDITS, AND INSPECTIONS**

RECIPIENT shall maintain complete program and financial records relating to this Agreement, including any engineering documentation and field inspection reports of all construction work accomplished.

All records shall:

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

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

c) Clearly indicate total receipts and expenditures related to this Agreement.

d) Be open for audit or inspection by ECOLOGY, or by any duly authorized audit representative of the State of Washington, for a period of at least three (3) years after the final grant payment or loan repayment, or any dispute resolution hereunder.

RECIPIENT shall provide clarification and make necessary adjustments if any audits or inspections identify discrepancies in the records.

ECOLOGY reserves the right to audit, or have a designated third party audit, applicable records to ensure that the state has been properly invoiced. Any remedies and penalties allowed by law to recover monies determined owed will be enforced. Repetitive instances of incorrect invoicing or inadequate records may be considered cause for termination.

All work performed under this Agreement and any property and equipment purchased shall be made available to ECOLOGY and to any authorized state, federal or local representative for inspection at any time during the course of this Agreement and for at least three (3) years following grant or loan termination or dispute resolution hereunder.

RECIPIENT shall provide right of access to ECOLOGY, or any other authorized representative, at all reasonable times, in order to monitor and evaluate performance, compliance, and any other conditions under this Agreement.

### **23. RECOVERY OF FUNDS**

The right of the RECIPIENT to retain monies received as reimbursement payments is contingent upon satisfactory performance of this Agreement and completion of the work described in the Scope of Work.

All payments to the RECIPIENT are subject to approval and audit by ECOLOGY, and any unauthorized expenditure(s) or unallowable cost charged to this Agreement shall be refunded to ECOLOGY by the RECIPIENT.

RECIPIENT shall refund to ECOLOGY the full amount of any erroneous payment or overpayment under this Agreement.

RECIPIENT shall refund by check payable to ECOLOGY the amount of any such reduction of payments or repayments within thirty (30) days of a written notice. Interest will accrue at the rate of twelve percent (12%) per year from the time ECOLOGY demands repayment of funds.

Any property acquired under this Agreement, at the option of ECOLOGY, may become ECOLOGY's property and the RECIPIENT's liability to repay monies will be reduced by an amount reflecting the fair value of such property.

### **24. SEVERABILITY**

If any provision of this Agreement or any provision of any document incorporated by reference shall be held invalid, such invalidity shall not affect the other provisions of this Agreement which can be given effect without the invalid provision, and to this end the provisions of this Agreement are declared to be severable.

### **25. STATE ENVIRONMENTAL POLICY ACT (SEPA)**

RECIPIENT must demonstrate to ECOLOGY's satisfaction that compliance with the requirements of the State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC) have been or will be met. Any reimbursements are subject to this provision.

### **26. SUSPENSION**

When in the best interest of ECOLOGY, ECOLOGY may at any time, and without cause, suspend this Agreement or any portion thereof for a temporary period by written notice from ECOLOGY

to the RECIPIENT. RECIPIENT shall resume performance on the next business day following the suspension period unless another day is specified by ECOLOGY.

## **27. SUSTAINABLE PRACTICES**

In order to sustain Washington's natural resources and ecosystems, the RECIPIENT is fully encouraged to implement sustainable practices and to purchase environmentally preferable products under this Agreement.

a) Sustainable practices may include such activities as: use of clean energy, use of double-sided printing, hosting low impact meetings, and setting up recycling and composting programs.

b) Purchasing may include such items as: sustainably produced products and services, EPEAT registered computers and imaging equipment, independently certified green cleaning products, remanufactured toner cartridges, products with reduced packaging, office products that are refillable, rechargeable, and recyclable, 100% post-consumer recycled paper, and toxic free products.

For more suggestions visit ECOLOGY's web page, Green Purchasing, <https://ecology.wa.gov/Regulations-Permits/Guidance-technical-assistance/Sustainable-purchasing>.

## **28. TERMINATION**

a) For Cause

ECOLOGY may terminate for cause this Agreement with a seven (7) calendar days prior written notification to the RECIPIENT, at the sole discretion of ECOLOGY, for failing to perform an Agreement requirement or for a material breach of any term or condition. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Failure to Commence Work. ECOLOGY reserves the right to terminate this Agreement if RECIPIENT fails to commence work on the project funded within four (4) months after the effective date of this Agreement, or by any date mutually agreed upon in writing for commencement of work, or the time period defined within the Scope of Work.

Non-Performance. The obligation of ECOLOGY to the RECIPIENT is contingent upon satisfactory performance by the RECIPIENT of all of its obligations under this Agreement. In the event the RECIPIENT unjustifiably fails, in the opinion of ECOLOGY, to perform any obligation required of it by this Agreement, ECOLOGY may refuse to pay any further funds, terminate in whole or in part this Agreement, and exercise any other rights under this Agreement.

Despite the above, the RECIPIENT shall not be relieved of any liability to ECOLOGY for damages sustained by ECOLOGY and the State of Washington because of any breach of this Agreement

by the RECIPIENT. ECOLOGY may withhold payments for the purpose of setoff until such time as the exact amount of damages due ECOLOGY from the RECIPIENT is determined.

b) For Convenience

ECOLOGY may terminate for convenience this Agreement, in whole or in part, for any reason when it is the best interest of ECOLOGY, with a thirty (30) calendar days prior written notification to the RECIPIENT, except as noted below. If this Agreement is so terminated, the parties shall be liable only for performance rendered or costs incurred in accordance with the terms of this Agreement prior to the effective date of termination.

Non-Allocation of Funds. ECOLOGY's ability to make payments is contingent on availability of funding. In the event funding from state, federal or other sources is withdrawn, reduced, or limited in any way after the effective date and prior to the completion or expiration date of this Agreement, ECOLOGY, at its sole discretion, may elect to terminate the Agreement, in whole or part, or renegotiate the Agreement, subject to new funding limitations or conditions. ECOLOGY may also elect to suspend performance of the Agreement until ECOLOGY determines the funding insufficiency is resolved. ECOLOGY may exercise any of these options with no notification or restrictions, although ECOLOGY will make a reasonable attempt to provide notice.

In the event of termination or suspension, ECOLOGY will reimburse eligible costs incurred by the RECIPIENT through the effective date of termination or suspension. Reimbursed costs must be agreed to by ECOLOGY and the RECIPIENT. In no event shall ECOLOGY's reimbursement exceed ECOLOGY's total responsibility under the Agreement and any amendments.

If payments have been discontinued by ECOLOGY due to unavailable funds, the RECIPIENT shall not be obligated to repay monies which had been paid to the RECIPIENT prior to such termination.

RECIPIENT's obligation to continue or complete the work described in this Agreement shall be contingent upon availability of funds by the RECIPIENT's governing body.

c) By Mutual Agreement

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

d) In Event of Termination

All finished or unfinished documents, data studies, surveys, drawings, maps, models, photographs, reports or other materials prepared by the RECIPIENT under this Agreement, at the option of ECOLOGY, will become property of ECOLOGY and the RECIPIENT shall be entitled to receive just and equitable compensation for any satisfactory work completed on such documents and other materials.

Nothing contained herein shall preclude ECOLOGY from demanding repayment of all funds paid to the RECIPIENT in accordance with Recovery of Funds, identified herein.

### **29. THIRD PARTY BENEFICIARY**

RECIPIENT shall ensure that in all subcontracts entered into by the RECIPIENT pursuant to this Agreement, the state of Washington is named as an express third party beneficiary of such subcontracts with full rights as such.

### **30. WAIVER**

Waiver of a default or breach of any provision of this Agreement is not a waiver of any subsequent default or breach, and will not be construed as a modification of the terms of this Agreement unless stated as such in writing by the authorized representative of ECOLOGY.

## **General Federal Conditions (As Of 04/01/2022)**

If a portion or all of the funds for this agreement are provided through federal funding sources or this agreement is used to match a federal grant award, the following terms and conditions apply to you.

### **A. CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION:**

1. The RECIPIENT/CONTRACTOR, by signing this agreement, certifies that it is not suspended, debarred, proposed for debarment, declared ineligible or otherwise excluded from contracting with the federal government, or from receiving contracts paid for with federal funds. If the RECIPIENT/CONTRACTOR is unable to certify to the statements contained in the certification, they must provide an explanation as to why they cannot.
2. The RECIPIENT/CONTRACTOR shall provide immediate written notice to ECOLOGY if at any time the RECIPIENT/CONTRACTOR learns that its certification was erroneous when submitted or had become erroneous by reason of changed circumstances.
3. The terms covered transaction, debarred, suspended, ineligible, lower tier covered transaction, participant, person, primary covered transaction, principal, proposal, and voluntarily excluded, as used in this clause, have the meaning set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact ECOLOGY for assistance in obtaining a copy of those regulations.
4. The RECIPIENT/CONTRACTOR agrees it shall not knowingly enter into any lower tier covered transaction with a person who is proposed for debarment under the applicable Code of Federal Regulations, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.

5. The RECIPIENT/CONTRACTOR further agrees by signing this agreement, that it will include this clause titled "CERTIFICATION REGARDING SUSPENSION, DEBARMENT, INELIGIBILITY OR VOLUNTARY EXCLUSION" without modification in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

6. Pursuant to 2CFR180.330, the RECIPIENT/CONTRACTOR is responsible for ensuring that any lower tier covered transaction complies with certification of suspension and debarment requirements.

7. RECIPIENT/CONTRACTOR acknowledges that failing to disclose the information required in the Code of Federal Regulations may result in the delay or negation of this funding agreement, or pursuance of legal remedies, including suspension and debarment.

8. RECIPIENT/CONTRACTOR agrees to keep proof in its agreement file, that it, and all lower tier Recipients or contractors, are not suspended or debarred, and will make this proof available to ECOLOGY before requests for reimbursements will be approved for payment.

RECIPIENT/CONTRACTOR must run a search in <<http://www.sam.gov>> and print a copy of completed searches to document proof of compliance.

#### **B. FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA) REPORTING REQUIREMENTS:**

CONTRACTOR/RECIPIENT must complete the FFATA Data Collection Form (ECY 070-395) and return it with the signed agreement to ECOLOGY.

Any CONTRACTOR/RECIPIENT that meets each of the criteria below must report compensation for its five top executives using the FFATA Data Collection Form.

- Receives more than \$30,000 in federal funds under this award.
- Receives more than 80 percent of its annual gross revenues from federal funds.
- Receives more than \$25,000,000 in annual federal funds.

Ecology will not pay any invoices until it has received a completed and signed FFATA Data Collection Form. Ecology is required to report the FFATA information for federally funded agreements, including the required Unique Entity Identifier in [www.SAM.gov](http://www.SAM.gov) within 30 days of agreement signature. The FFATA information will be available to the public at [www.usaspending.gov](http://www.usaspending.gov) <<http://www.usaspending.gov/>>.

For more details on FFATA requirements, see [www.fsr.gov](http://www.fsr.gov) <<http://www.fsr.gov/>>.

#### **C. FEDERAL FUNDING PROHIBITION ON CERTAIN TELECOMMUNICATIONS OR VIDEO SURVEILLANCE SERVICES OR EQUIPMENT:**

As required by 2 CFR 200.216, federal grant or loan Recipients and subRecipients are prohibited from obligating or expending loan or grant funds to:

Procure or obtain;

Extend or renew a contract to procure or obtain; or

Enter into a contract (or extend or renew a contract) to procure or obtain equipment, services, or systems that use covered telecommunications equipment, video surveillance services or services as a substantial or essential component of any system, or as critical technology as part of any system. As described in [Public Law 115-232](#), section 889, covered telecommunications equipment is telecommunications equipment produced by Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities).

Recipients, subRecipients, and borrowers also may not use federal funds to purchase certain prohibited equipment, systems, or services, including equipment, systems, or services produced or provided by entities identified in section 889, are recorded in the [System for Award Management \(SAM\)](#) exclusion list.

## Appendix G: Conservation-Based Tillage Systems

Conservation-based tillage systems that are consistent with [Chapter 1 of Ecology's Voluntary Clean Water Guidance for Agriculture](#)<sup>120</sup> are eligible for Water Quality Program financial assistance. Conservation-based tillage systems eliminate full width tillage for seedbed preparation.

Implements used in conservation-based tillage systems minimize surface soil disturbance to the maximum extent while maintaining protective surface and subsurface crop residue from the previous crop. Conservation-based tillage systems significantly reduce erosion, improve soil quality, reduce fuel consumption, and are a viable alternative to traditional full tillage systems.

### Eligibility Conditions for All Activities

- Rental and custom application cost reimbursement will be provided only to those producers or landowners that have not previously implemented a single pass, direct seeding system.
- A landowner or producer that owns a single pass, low disturbance direct seed drill is not eligible for rental or custom application cost reimbursement.
- The landowner and producer must use a conservation based tillage system or plan for three full years.
- A conservation based tillage system must be used for all planting.
- Crop residue cannot be burned.
- Grant Recipients must offer educational opportunities in conjunction with conservation based tillage system programs. This must include information on the importance of riparian buffers and can also include information on other supporting practices like cover crops and crop rotation. Examples of such opportunities include a mentoring program, workshops, or referrals to direct seed organizations. Grant Recipients may coordinate with other conservation districts, organizations, or associations to fill this need.
- Cropland acres with any post-harvest or pre-planting tillage are not eligible. This includes the use of inversion tillage equipment such as moldboard plows, chisel plows, rod 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.

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<sup>120</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part2.pdf>

- The funding Recipient must report on the following information (additional requirements may be added as part of any grant contract):
  - Number of acres enrolled in program.
  - Number of landowners/producers enrolled.
  - Location of acres enrolled including information such as county, farm number, tract number, and field number. GIS layers and other relevant spatial reference information may also be required.

## Eligible Conservation-Based Tillage Activities

### Equipment Rental and Custom Application Fee Cost Reimbursement

- Producers may be reimbursed for a portion of the cost of hiring a custom applicator to plant or renting equipment necessary to implement a conservation-based tillage system up to three plantings.
  - Cropland acres currently planted with a single pass, low disturbance direct seed are not eligible.
  - A three-year commitment to conservation-based tillage is required on the enrolled acreage (no conventional tillage allowed). This commitment may include any number of rotations of production crop, pasture seeding, or cover crop as appropriate for the site, however, the reimbursement criteria apply. Reimbursement for the three years of implementation may utilize multiple funding agreements received by the Recipient as needed due to agreement end dates.
  - Cost share is available for only a first-time, full three-year conservation-tillage rotation (see above). Reimbursement payments will be made for eligible expenses during the initial three-year rotation only.
  - Only land currently in conventional tillage production is eligible for conservation tillage cost-share reimbursement. Other land uses, such as non-crop production or CRP, are not eligible.
  - 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 \$44.69 dollar per acre, up to 250 acres, per producer. Total eligible cost shall not exceed \$11,172.50 per producer, per rotation for up to three rotations.
  - The funding Recipient must verify the number of acres planted before reimbursement is provided.

## **Conservation-Based Tillage System Equipment Purchase**

- Public entities are eligible to receive a one-time grant to purchase equipment necessary to implement conservation-based tillage system for the purpose of providing regional access to conservation-based tillage equipment and facilitating education, outreach, and technical assistance to promote the benefits of conservation-based tillage systems.
  - Funding Recipients must sign a 10-year maintenance agreement to keep the equipment in its best condition.
  - The cost share for equipment shall not exceed \$187,000 per grantee.
  - Producers may not receive rental reimbursement or custom application reimbursement payments from an Ecology-funded program when using the equipment purchased with an Ecology grant.
  - Funding Recipients may charge a fee for the use of the Ecology-funded equipment to cover the cost of maintenance and storage. However, the fees should be set to encourage broad participation and must not be set to gain a profit.
  - Recipients must provide staff with knowledge of direct seed systems or equivalent experience.
- Public entities may be eligible for CWSRF loans to provide low-interest loans to individual producers for purchasing equipment necessary to implement a conservation-based tillage system.
  - Public entities are eligible for a one-time grant to establish an equipment-purchase loan program. Grant funds may not be provided as loans to producers/landowners.

## **Additional Sediment and Pollution Control Practices**

- Cover crops, filter strips, and riparian buffers are also eligible as part of conservation-based tillage system implementation project. Ecology recommends combining conservation tillage with riparian buffers consistent with the requirements described in Appendix J.
- If riparian buffers, as described in Appendix J, are implemented or in place, Ecology can extend cost-share to 500 acres.

## Appendix H: Livestock Exclusion Fencing and Off-stream Watering Facilities

Off-stream watering provides an alternative source of watering where fencing excludes livestock from streams 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. At a minimum, off-stream watering locations must be placed outside the core zone and include heavy use area protection to stabilize the adjacent area. Placing off-stream watering stations outside Riparian Management Zones is preferred. 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. Additional guidance for the placement of off-stream water can be found in [Chapter 10 of Ecology's Clean Water Guidance for Agriculture](#).<sup>121</sup>
- 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 previously installed a livestock exclusion fence that met the National Marine Fisheries Service (NMFS) buffer recommendations, Ecology may consider the livestock watering facility eligible without meeting the width requirements in Appendix J.

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<sup>121</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part4.pdf>

- 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).
  - 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 \$55,750 per landowner/cooperator). See Table 18 for limits.
  - Recipients must locate off-stream water developments in locations and at distances from surface waters that will prevent water quality impacts. See Chapter 10 of the Clean Water Guidance for additional information about locating off-stream watering stations.
  - Projects funded by a loan can cover up to 100 percent of eligible project cost.
  - Pumps, pipes, water troughs, and wells, as needed, are eligible.
  - All components of solar powered pumps are eligible. Electrical or mechanical power provisions are only eligible if existing infrastructure is available that can be utilized at a minimal cost.
  - Heavy use area protection (HUAP) at watering facilities is eligible as needed. Both the final cost of the off-stream watering facility and the funding limitations (see Table 18) include the cost of heavy use area protection. See Appendix I for additional details on HUAP eligibility.
  - Cross fencing is eligible if recommended in a Grazing Management Plan and a riparian forest buffer consistent with the riparian restoration guidance found in Appendix J is implemented.
    - Length of cross fencing eligible for reimbursement will be equal to the length of exclusion fencing along the buffer, up to a maximum cost of \$20,000 per landowner.
    - Exclusion fencing may be installed with Ecology funding, other funding sources, or be pre-existing.

- All fencing must be designed and constructed according to NRCS standards.

**Table 18: Miles of Livestock Riparian Exclusion and Financial Assistance Limits**

<b>Miles of Livestock Riparian Exclusion</b>	<b>Financial Assistance Limit on Watering Facilities (per landowner/cooperator)</b>
< 1 mile	Up to \$16,750
> 1 mile and < 2 miles	Up to \$33,500
> 2 miles and < 2.5 miles	Up to \$44,500
> 2.5 miles	Up to \$55,750

Exceeding these limits may be eligible on a case-by-case basis. Exemptions to the funding caps require approval from the Ecology project manager prior to construction.

## 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 and must be implemented consistent with [Ecology's Voluntary Clean Water Guidance for Agriculture](#)<sup>122</sup>. 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) are not eligible for grant 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. At a minimum, feeding/sacrifice areas must be located outside Riparian Management Zones (215 feet westside, 150 feet eastside) whenever possible. 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. Ecology may allow a conditional exemption from the minimum buffer width requirements where the presence of a structure, property line, parcel size, 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.
- 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 previously installed a livestock exclusion fence that met the National Marine Fisheries Service

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<sup>122</sup> <https://apps.ecology.wa.gov/publications/summarypages/2010008.html>

(NMFS) buffer recommendations, the livestock feeding facility may be eligible without meeting the width requirements in Appendix J.

- The Recipient must plant appropriate native riparian 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 are 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 \$30,000 per landowner (except for HUAPs associated with watering facilities, which are subject to the caps identified in Appendix H).
- Fencing that creates temporary animal confinement to support relocation of livestock feeding areas that threaten water quality or to prevent the use of pasture/rangeland in winter months is eligible. Fencing to create permanent confinement areas is not eligible. Fencing must be limited to areas directly surrounding feeding stations and may include a connected pasture area. This type of fencing is eligible up to a maximum of \$30,000 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 \$45,000 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 may be suitable for shallow, low velocity watercourses with a gentle sloped streambank and a firm streambed, and are eligible when access is controlled by gates.
- Culverts in design or construction are eligible if designs will meet WDFW's requirements for fish passage. Culverts up to 6 feet wide are reimbursable. If a landowner wants to construct a wider crossing for motorized vehicle access in addition to livestock, the eligible cost of the culvert can be pro-rated based on the 6-foot width. For example, the total cost of a 10-foot-wide culvert would be 60 percent eligible for grant reimbursement.
- 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.

## **Silvopasture**

- Silvopasture practices as described in the Clean Water Guidance. Light intensity rotational grazing within the inner (middle) zone must be recommended in an approved grazing management plan.
- Native and non-native trees and shrubs may be planted in the inner (middle) zone if a silvopasture practice is implemented. Only native plant material is eligible for reimbursement from Ecology.

## **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 \$2,000 per landowner.

# Appendix J: Restoration and Planting

## Riparian Buffers – Clean Water Guidance for Agriculture

Ecology has established minimum requirements for three riparian buffers options that can be implemented to protect and restore Washington State waters and facilitate the achievement of 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.

### Option 1: Fully Forested Riparian Management Zone

For streams with riparian forest potential, Ecology recommends restoring the riparian management zone to a fully forested environment that is one site potential tree height at 200 years in width. This option is intended for sites where the goal is to maintain or establish fully forested riparian zones. The width recommendations apply to all stream types.

- In western Washington, the default total width of the RMZ in locations having riparian forest potential is 215ft.
- In eastern Washington, the default total width of the RMZ in locations having riparian forest potential is 150ft.
- Streams without riparian forest potential due to adjacent wetlands should follow Ecology’s [Wetlands in Washington State Vol. 2](#).<sup>123</sup> When wetlands are present in the RMZ, reestablishment of forested conditions is encouraged whenever feasible. Streams without riparian forest potential should have RMZs similar in design to those with forested potential but with modifications to account for the lack of trees to contribute shade, large wood, etc.
- RMZs that are fully forested should be composed of a “minimally managed, site potential plant community.” Details about minimally managed site potential plant communities are provided below.
  - A site potential (SP) plant community is composed of native vegetation species and has a plant density that would occur in a minimally managed condition on a site, e.g., a Douglas fir forest community, Black cottonwood forest community, Sandbar willow community, etc.
  - “Minimally managed” riparian vegetation should be established and maintained with the intent of achieving a native species mixture and plant densities that are within the range of natural variability for the site’s native vegetation community potential. “Minimally managed” includes activities such as:

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<sup>123</sup> <https://apps.ecology.wa.gov/publications/documents/0506008.pdf>

- Establishment or supplemental planting of native vegetation
  - Minimal thinning that is only intended to increase growth of remaining plants (e.g., where growth of the desired dominant native tree species is suppressed in a densely crowded stand). Thin from below and remove only the smaller trees.
  - Minimal harvest of mature trees for personal use. Do not harvest the largest/tallest trees.
  - Control of invasive/noxious plant species, preferably through non-chemical means. Chemical weed/pest management should be limited to prescriptions identified within a RMZ management plan as being necessary to support ecological functions; use of pesticides included in the National List of substances allowed under the National Organic Program (7 CFR 205) is highly encouraged.
  - It does not include harvesting of trees, removal of fallen trees, growing crops, or livestock grazing.
- In Eastern Washington, sites without riparian forest potential should refer to the Clean Water Guidance for buffer width recommendations.

### Three-Zone Riparian Management Zone Design

Where it is not feasible to fully restore riparian management zones (i.e., not practicable to have a fully forested RMZ due to natural or anthropogenic factors), Recipients may implement a three-zone RMZ alternative configuration that allows for either: 1) light intensity agricultural use of the inner (middle) zone, or 2) agricultural use of the outer zone that implements a suite of additional BMPs that will effectively control the generation and transport of pollutants.

Farmers and implementers are expected to follow a stepwise process when determining feasibility. Fully consider whether the preferred option can be implemented at the site. Consider our grant programs and other incentives that could help cover implementation costs and offset losses in potential income. If the entire RMZ cannot be fully restored, determine the maximum extent of the RMZ that can feasibly be restored. It is not acceptable to default straight to the minimum core widths found in the other options. We expect to see documentation of how the maximum feasible option was selected if it is not the preferred option. Examples of situations where it may not be feasible to implement Ecology's preferred recommendation to restore the RMZ to a fully forested state include but are not limited to the presence of structures and infrastructure (e.g., roads, railways, pipelines, powerlines, and other utilities), property lines, topography constraints, economic hardship, and small parcels. This is a non-exhaustive list

For the three-zone alternative options, the total RMZ width will include a core, inner and outer zone. The default RMZ width is 215ft and 150ft for western and eastern Washington, respectively.

The following is a description of the three zones. These descriptions apply to Options 2 and 3 outlined below. See the following sections to determine the minimum core, inner (Middle) and outer zone widths.

- RMZ Core Zone: the portion of the RMZ which is closest to the streambank, and in which agricultural uses may not occur.
  - The width of the core zone will vary based on stream hydrology, stream bankfull and location (east or west side of the state).
  - No portion of the core zone or inner (middle) zone widths should be less than what is indicated in the applicable tables and descriptions, except where property boundaries or infrastructure (e.g., roads, railways, bridges, pipelines, power lines, buildings, etc.) prohibit the applicable widths.
  - The core zone should be composed of native species, with species mixtures and plant densities that are consistent with native riparian forest communities in the region.
  - Streams without riparian forest potential should have core zones similar in design to those with forested potential but with modifications to account for the lack of trees to contribute shade, large wood, etc.
  - When wetlands are present, reestablishment of forested conditions is encouraged whenever feasible.
- RMZ Inner (Middle) Zone: the portion of the RMZ located between the core zone and the outer zone. The general purpose of this zone is to maximize infiltration of surface runoff into soils. This zone is intended to capture, retain, and/or transform most pollutants before surface and subsurface flow enters the core zone. Vegetative treatment options such as filter strips are commonly used in the inner (middle) zone. See the Clean Water Guidance for Agriculture for filter strip guidelines.
- RMZ Outer Zone: this portion of the RMZ is located between the inner (middle) zone and agricultural lands outside of the RMZ. The purpose of the outer zone is to control the generation and transport of pollutants within close proximity of streams. Vegetative treatment options such as filter strips may be needed in the outer zone. See the Clean Water Guidance for Agriculture for filter strip guidelines.

Ecology recommends that the following more intensive agricultural infrastructure and activities should not be in the RMZ. If permanent infrastructure is already located in the RMZ, we recommend moving it outside the RMZ if feasible. If it cannot be moved, additional BMPs may need to be implemented to prevent pollution from being discharged.

- Roads
- Animal waste storage
- Animal confinement areas

- Winter feeding areas for livestock
- Off-stream water facilities
- Barns and other buildings

## **Option 2: Three-Zone Riparian Management Zone with Agroforestry**

Agroforestry is a land use management system in which crops, or pastureland are integrated among stands of trees or shrubs. As an option, parts of the riparian management zone (inner/outer zones) can be managed to produce harvestable crops along with conservation benefits.

For this option, no agricultural activities may occur in the core zone and the inner (middle) zone must be carefully managed through low intensity agroforestry and silvopasture approaches. The core zone must be comprised of native species, with species mixtures and plant densities that are consistent with native riparian forest communities in the region. For core zones without forest potential, riparian vegetation must consist of self-sustaining, native, perennial vegetation communities.

For agroforestry/silvopasture within an inner (middle) zone, compatible activities include the following. See pages 22b-23b of [Chapter 12 of the Voluntary Clean Water Guidance for Agriculture](#)<sup>124</sup> for further guidance.

- Organic agroforestry/silvopasture that establishes and retains native tree species.
- Establishment of perennial forage, i.e., sod-forming grasses and/or perennial legumes.
- Soil disturbance that is restricted to that required to establish perennial plants.
- Periodic mowing of herbaceous vegetation to remove nutrients and promote vigor.
- Light intensity rotational grazing (e.g., rest-rotation) by livestock, excluding horses. Grazing should follow a management plan that meets the minimum elements outlined in the [Chapter 10 of the Clean Water Guidance](#)<sup>125</sup>. Trees must be protected from damage by grazing livestock.
- Fruit/nut/fungus/ornamental/medicinal plant production.
- Precision applications of low-solubility organic fertilizers.
- Spot application of pesticides following all applicable BMPs; use of pesticides included in the National List of substances allowed under the National Organic Program (7 CFR 205) is highly encouraged.

<sup>124</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part6.pdf>

<sup>125</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part4.pdf>

## **Western Washington Agroforestry Option – Perennial & Intermittent Streams**

The minimum riparian management zone widths (on each side of the stream).

- Core zone: ≥80ft minimally managed site potential (SP) forest
- Inner (middle) zone: 110-135ft agroforestry/silvopasture within native forest
- Outer zone: 0-25ft filter strip, depending on topography, soils, and upland land use
- Total RMZ width: ≥215ft

## **Western Washington Agroforestry Option – Ephemeral Streams**

The minimum riparian management zone widths (on each side of the stream).

- Core zone: ≥35ft minimally managed SP forest
- Inner (middle) zone: 155-180ft agroforestry/silvopasture within native forest
- Outer zone: 0-25ft filter strip, depending on topography, soils, land use
- Total RMZ width: ≥215ft

## **Eastern Washington Agroforestry Option – Perennial & Intermittent Streams**

The minimum riparian management zone widths (on each side of the stream).

- Core zone: ≥60ft minimally managed SP forest
- Inner (middle) zone: 70-90ft agroforestry/silvopasture within native forest
- Outer zone: 0-20ft filter strip, depending on topography, soils, land use
- Total RMZ width: ≥150ft

## **Eastern Washington Agroforestry Option – Ephemeral Streams**

The minimum riparian management zone widths (on each side of the stream).

- Core zone: ≥35ft minimally managed SP forest
- Inner (middle) zone: 95-115ft agroforestry/silvopasture within native forest
- Outer zone: 0-20ft filter strip, depending on topography, soils, land use
- Total RMZ width: ≥150ft

## **Option 3: Three-Zone Riparian Management Zone**

Where more intensive agricultural activities will occur in the outer zone of the RMZ, a three-zone option may be implemented if the core and inner (middle) zone width requirements are met. All applicable agricultural BMPs in accordance with Ecology's Voluntary Clean Water Guidance for Agriculture should be implemented as well.

For this option, the minimum core zone widths (on each side of the stream) must be consistent with Tables 18 and 19 and the following additional guidance provided below. Ecology developed Tables 18 and 19 from information provided by VCWGA. See the Clean Water Guidance for Agriculture for inner (middle) zone filter strip guidelines.

Core zone widths are based on stream hydrology, bankfull width and location in the state (east/west sides). Buffer widths must be measured starting from the ordinary high water mark.

**Table 19: Three-Zone Widths for Western Washington**

Stream Category	Ephemeral	Intermittent & Perennial			
Bankfull Width	All widths	<5 ft	5-30 ft	30-150 ft	>150 ft
Core Zone Width	35 ft	65 ft	80 ft	100 ft	125 ft
Inner (Middle) Zone Width	0-25 ft	0-25 ft	0-25 ft	0-25 ft	0-25 ft
Outer Zone Width	155-180ft	125-150 ft	110-135 ft	90-115 ft	65 – 90 ft
Total RMZ Width	215 ft	215 ft	215 ft	215 ft	215 ft

**Table 20: Three Zone Widths for Eastern Washington**

Stream Category	Ephemeral	Intermittent & Perennial			
Bankfull Width	All widths	<5 ft	5-30 ft	30-150 ft	>150 ft
Core Zone Width	35 ft	50 ft	60 ft	75 ft	100 ft
Inner (Middle) Zone Width	0-20 ft	0-20 ft	0-20 ft	0-20 ft	0-20 ft
Outer Zone Width	95-115 ft	80-100 ft	70-90 ft	55-75 ft	30-50 ft
Total RMZ Width	150 ft	150 ft	150 ft	150 ft	150 ft

## Eastern Washington: Riparian Management Zones for Streams without Riparian Forest Potential

In some situations, climatic and hydrologic conditions may limit the establishment and persistence of trees representative of a forested riparian ecosystem. For locations that may lack the potential for a forested riparian ecosystem, a site-specific evaluation must be made to determine the appropriate vegetative community. If the absence of riparian forest potential is due to stream adjacent wetlands, it is recommended that landowners follow Ecology’s guidance for protecting and managing wetlands. For more wetland information please see: Granger, T., T. Hruby, A. McMillan, D. Peters, J. Rubey, D. Sheldon, S. Stanley, E. Stockdale. April 2005. Wetlands in Washington State - Volume 2: Guidance for Protecting and Managing Wetlands. Washington State Department of Ecology. Publication #05-06-008. Olympia, WA.

When determining the potential for a forested riparian ecosystem, it is important to note that the presence or abundance of riparian plants communities may fluctuate greatly because of differences in microenvironment, weather conditions, or human actions. Using existing plant communities to determine riparian forest potential can be misleading. Site level determinations must be based on plant communities native to the area along with a consideration of additional factoring such as soils, aspect, topography, hydrology, and climate. The Riparian Areas Chapter (Chapter 12) of Ecology’s Clean Water Guidance should be considered as part of determining the potential for a forested riparian ecosystem.

The following table outlines the riparian zone widths for streams without riparian forest potential in eastern Washington (on each side of the stream). These apply to all channel widths.

**Table 21: Three Zone Widths for Eastern Washington without Riparian Forest Potential**

Stream Category	Ephemeral	Intermittent	Perennial
Core Zone Width	25 ft	35 ft	50 ft
Inner Zone Width	0-20 ft	0-20 ft	0-20 ft
Outer Zone Width	55-75 ft	45-65 ft	30-50 ft
Total RMZ Width	100 ft	100 ft	100 ft

For additional information regarding all three Riparian Management Zone buffer options, please refer to Chapter 12 of the [Voluntary Clean Water Guidance for Agriculture](#)<sup>126</sup>.

The following documents provide guidance in developing a project proposal for all buffer options.

- [Riparian Ecosystems, Volume 1: Science Synthesis and Management Implications](#)<sup>127</sup>.
- [Riparian Ecosystems, Volume 2: Management Recommendations](#)<sup>128</sup>.
- [Ecology’s Restoring Wetlands in Washington: A Guidebook for Wetland Restoration, Planning & Implementation](#)<sup>129</sup>.

## Conditions of the Funding Agreement

All restoration activities must also be consistent with the [Stream Habitat Restoration Guidelines](#)<sup>130</sup> and the requirements below.

<sup>126</sup> <https://apps.ecology.wa.gov/publications/parts/2010008part6.pdf>

<sup>127</sup> <https://wdfw.wa.gov/sites/default/files/publications/01987/wdfw01987.pdf>

<sup>128</sup> <https://wdfw.wa.gov/sites/default/files/publications/01988/wdfw01988.pdf>

<sup>129</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/93017.html>

<sup>130</sup> <https://wdfw.wa.gov/publications/01374>

## Additional Guidance

- To determine which buffer category applies to a water body, EPA and Ecology developed a [mapping tool](#)<sup>131</sup>.
  - If surface water is present on a property but not shown on the map, grant Recipients should determine the bankfull width and whether the waterbody is ephemeral, intermittent, or perennial to determine the appropriate buffer width.
  - The minimum buffer width for constructed ditches is 35 feet.
  - Tables 18 & 19 establish minimum buffer 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 Recipients implement riparian buffers that are 1 site potential tree height in width as recommended by Washington Department of Fish and Wildlife.
- 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.

## Agroforestry Plantings

- When designing a 3-zone restoration site plan including an agroforestry planting, the Recipient must develop site-specific plans for all agroforestry plantings within the inner (middle) zone. The plans must meet the specifications described in Chapter 12 of the Clean Water Guidance.

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<sup>131</sup> <https://waecy.maps.arcgis.com/apps/webappviewer/index.html?id=a099d5b1cd404306896c153661abeea5>

- Native and non-native trees and shrubs may be planted in the inner (middle) zone if an agroforestry practice is implemented. Only native plant material is eligible for reimbursement from Ecology.

## 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.

## Streambank Protection

- Streambank protection projects must not stand alone, but be part of a larger riparian buffer or stream restoration project. The project must meet the buffer and planting requirements listed above whether fully or partially funded by the grant. Streambank protection projects primarily intended for structure or property protection are not eligible.
- Rock or concrete may not be used to fully armor a bank against the erosive forces of a stream, river, or marine waters. In any situation where rock is to be used, the Recipient must submit the design to Ecology's Project Manager for an evaluation.
- Streambank protection designs must be consistent with the Aquatic Habitat Guidelines Program's, [Integrated Streambank Protection Guidelines](#)<sup>132</sup>.

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<sup>132</sup> <http://wdfw.wa.gov/publications/00046/>

## Appendix K: Community Engagement and Environmental Justice

All Water Quality Combined Program funding eligible projects provide some water quality, and often human health, benefits in Washington. Ecology seeks to equitably distribute these benefits and strategically mitigate any harms or other impacts to people in the state, specifically people who are already burdened with environmental pollution, disease, and other socio-economic stressors.

This appendix describes pertinent regulations and guidance on community engagement and environmental justice for projects seeking Water Quality Combined Program funding.

All applicants and Recipients are encouraged to identify communities who may be impacted by the project and have an open dialogue with them about the project.

Use the data tools throughout this appendix to start your inquiry into pertinent environmental justice concerns and vulnerable populations in your area. These sources are often an essential starting point to understand the communities impacted by a particular project and the cumulative environmental and health burdens those communities may experience. But online data has limitations.

Your next steps should include talking to local officials and agencies, community based organizations, and other groups and individuals to fine tune your analysis and prepare for communications. Direct engagement and familiarity with the community will yield rich results from the engagement process such as in-person door-to-door canvassing and other person-to-person outreach.

### Meeting Environmental Justice Regulations

#### All WQC Funded Projects

##### Civil Rights Compliance

It is incumbent on the funding Recipient to ensure that all programs, activities, and materials are accessible to all people without discrimination based on any condition including race, nationality, language preferences, or disabilities<sup>133</sup>. All communications with staff and the public should be easily accessible and understandable by all persons to promote inclusive access to your funded project. Access means getting people the information and services they need in a form and language that works for them.

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<sup>133</sup> Source: EPA Office of General Council website, June 8, 2021, at <https://www.epa.gov/ogc/facts-title-vi-civil-rights-act-1964>.

## Language Access

Language access involves the translation of written materials and interpretation of spoken words in communications pertaining to Ecology funded projects.

Provide these services in the following situations:

- After receiving a direct request.
- When it makes sense for the goals of your communication.
- When a four factor analysis indicates the need.
- When 5% of your audience (or 1,000 people) speak a language other than English.

Examining language needs from multiple factors can help you decide what language services are appropriate. This analysis will help ensure your work is effectively reaching its audience and meeting the basic federal standards of language access.

### **Factor 1: The number or proportion of people with limited English proficiency in the eligible service population.**

Check demographic data to find how many people with limited English proficiency are impacted by your project and identify what language(s) they speak. This is your audience. Check the language access data tools below or contact your grant manager as needed for assistance using demographic data tools.

Language Access data tools:

- [Washington Military Department's Limited English Proficiency Mapping tool](https://geo.wa.gov/maps/waseocgis::limited-english-proficiency-v2-map/explore?location=47.075620%2c-121.305405%2c7.74)<sup>134</sup>
- [United States Census People that Speak English less than Very Well](https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html)<sup>135</sup>

### **Factor 2: The frequency with which people with limited English proficiency come into contact with the project.**

Frequency can be how often you will be communicating with the audience, or it may be how often the public may want to contact you about the project. If you don't get a response to your outreach, it might be a signal to try a different type of outreach.

### **Factor 3: The resources available to you**

Remember to look for methods to provide access that suit the project's resources. If you decide to provide language services, those services may take many forms. When cost substantially exceeds benefit, documents don't need to be translated in their entirety. A summary and contact information for follow up could work as well.

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<sup>134</sup> <https://geo.wa.gov/maps/waseocgis::limited-english-proficiency-v2-map/explore?location=47.075620%2c-121.305405%2c7.74>

<sup>135</sup> <https://www.census.gov/library/visualizations/interactive/people-that-speak-english-less-than-very-well.html>

#### **Factor 4: The importance of the service provided to the public.**

The bigger the potential for impact that an activity, service, or program has on a group, the more important it is to provide language assistance. This decision is always context specific. Consider what impacts the information you're providing could have on the populations in question. When delivering information that could have a critical impact on the well-being of a person or their community, it is important to ensure language access.

#### **Accessibility for persons with disabilities**

People with disabilities should have the same opportunities as others to enjoy employment opportunities, purchase goods and services, and participate in state and local government programs. Specific actions you can take include:

- Provide digitally accessible written communications about your funded project so everyone, including people who are sight impaired, receive your messages.
- Provide accommodations to people with low or no hearing so they can understand your verbal communications about your funded project.
- Digital accessibility data tools:
  - [Create accessible PowerPoint presentations](#)<sup>136</sup>
  - [Create accessible Word documents](#)<sup>137</sup>
  - [Accessibility Check in Adobe Pro](#)<sup>138</sup>
  - [PDF Accessibility Overview](#)<sup>139</sup>

### **Clean Water State Revolving Fund Projects**

Please see the [Environmental Information Document Guidance](#) for requirements of a CWSRF agreement.

### **Funding Offers over \$12 million**

Under Washington's Healthy Environment for All (HEAL) Act ([RCW 70A.02](#)), Ecology will complete an [Environmental Justice Assessment](#) when considering significant agency actions, including funding offers of more than \$12 million. Assessments are intended to assist the agency with the equitable distribution of environmental benefits, reducing environmental harms, and addressing environmental and health disparities.

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<sup>136</sup> <https://support.microsoft.com/en-us/office/video-create-slides-with-an-accessible-reading-order-794fc5da-f686-464d-8c29-1c6ab8515465?ui=en-us&rs=en-us&ad=us>

<sup>137</sup> <https://support.microsoft.com/en-us/office/video-check-the-accessibility-of-your-document-9d660cba-1fcd-45ad-a9d1-c4f4b5eb5b7d>

<sup>138</sup> <https://www.youtube.com/watch?v=eGuJ1pBlix8>

<sup>139</sup> <https://www.adobe.com/accessibility/pdf/pdf-accessibility-overview.html>

## Environmental Justice Assessments (EJA)

Ecology is responsible for completing an assessment for projects requesting/offered \$12 million or more, based on the application. The applicant is responsible for providing information in the application. Ecology will:

1. Notify the Office of Financial Management, who will post a brief project summary on their [agency's dashboard](#)<sup>140</sup>.
2. Identify affected Tribes, prepare and offer consultation and engagement.
3. Identify overburdened communities and vulnerable populations and offer community engagement. The applicant should contribute by providing this information on the Project Planning form in the application. See Part 2 under “Environmental Justice Analysis and Public Participation” below.
4. Assess potential environmental benefits, impacts, and harms of funding the project. The applicant should contribute by addressing this on the Water Quality and Public Health Improvements form.
5. Identify how to equitably amplify benefits and eliminate, reduce or mitigate harms based on learnings from technical data, community engagement, and Tribal consultation.
6. Publish the EJA on Ecology's [Office of Equity and Environmental Justice webpage](#)<sup>141</sup>.

Ecology will communicate with applicants throughout this process and may rely on the applicant to inform components of the Environmental Justice Assessment.

## Key Terms and Definitions

**Environmental Justice:** 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, rules, and policies. Environmental justice includes addressing disproportionate environmental health impacts in all laws, rules, and policies with environmental impacts by prioritizing vulnerable populations and overburdened communities, the equitable distribution of resources and benefits, and eliminating harm. (Chapter 70A.02 RCW)

**Overburdened Community:** A geographic area where vulnerable populations face combined, multiple environmental harms and health impacts, and includes, but is not limited to, highly impacted communities as defined in RCW 19.405.020. The term also encompasses communities

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<sup>140</sup> <https://ofm.wa.gov/budget/budget-related-information/agency-activities/environmental-justice-assessment-notices>

<sup>141</sup> <https://ecology.wa.gov/about-us/who-we-are/our-programs/equity-environmental-justice>

located in census tracts that are fully or partially on "Indian country" as defined in 18 U.S.C. Sec. 1151. (RCW 70A.02)

**Vulnerable Populations:** Population groups that are more likely to be at higher risk for poor health outcomes in response to environmental harms, due to adverse socioeconomic factors, such as unemployment, high housing and transportation costs relative to income, limited access to nutritious food and adequate health care, linguistic isolation, and other factors that negatively affect health outcomes and increase vulnerability to the effects of environmental harms; and sensitivity factors, such as low birth weight and higher rates of hospitalization. (Chapter 70A.02 RCW)

"Vulnerable populations" includes, but is not limited to:

- Racial or ethnic minorities.
- Low-income populations.
- Populations disproportionately impacted by environmental harms; and
- Populations of workers experiencing environmental harms.

**Underserved populations:** Populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality. (adapted from Executive Order 13985)

## Environmental Justice Analysis and Community Participation Planning

### Identify the current conditions, potentially impacted populations, and community partners for the project

Learn about the geographic area your project will reach and the community who lives, works, and recreates there. What is the geographic area that will be affected by your project? What characteristics describe the community who lives, works, and recreates in the area affected by your project?

Using the data analysis and screening tools below, research who will be affected by your project. Identify specifically:

- People whose participation you rely on to be successful such as adjacent landowners or volunteer groups.
- Any underserved, overburdened, or vulnerable populations (defined above) within the area.

- Leaders in community groups and local businesses, decision makers, and other government offices that have aligned interests to your project and the desired outcomes. Include traditional and non-traditional leadership (e.g., churches, elders, community leaders).
- Individuals who will be highly impacted or have life experience they want to share about your project.
- Tribes with Treaty protected rights and interests in the area.

#### Environmental Justice data analysis and screening tools

- [Washington's Environmental Health Disparities Map](#)<sup>142</sup>

#### Water Quality tools

- [EPA How's my waterway?](#)<sup>143</sup>
- [Ecology Water Quality Atlas](#)<sup>144</sup>
- [Department of Health Shellfish Safety Information](#)<sup>145</sup>

#### Additional tools

- [GOIA | Governor's Office of Indian Affairs \(GOIA\)](#)<sup>146</sup>
- [University of Washington Climate Mapping Tool](#)<sup>147</sup>
- [Ecology What's in My Neighborhood](#)<sup>148</sup>
- [U.S. Census](#)<sup>149</sup>
- [EPA Enforcement and Compliance data](#)<sup>150</sup>
- [Centers for Disease Control National Environmental Public Health Tracking Network](#)<sup>151</sup>

## Identify the anticipated outcomes (goals) of your project

Outcomes include behavior change, results, and impact. They are the measurable effect that will occur from implementing your project. Outcomes are environmental, health, and community centered including ecosystem benefits such as water quality improvements and

<sup>142</sup> <https://www.doh.wa.gov/DataandStatisticalReports/WashingtonTrackingNetworkWTN/InformationbyLocation>

<sup>143</sup> <https://mywaterway.epa.gov/>

<sup>144</sup> <https://apps.ecology.wa.gov/waterqualityatlas/wqa/map>

<sup>145</sup> <https://fortress.wa.gov/doh/biotoxin/biotoxin.html>

<sup>146</sup> <https://goia.wa.gov/>

<sup>147</sup> <https://cig.uw.edu/resources/analysis-tools/climate-mapping-for-a-resilient-washington/>

<sup>148</sup> <https://apps.ecology.wa.gov/neighborhood/>

<sup>149</sup> <https://censuscounts.org/whats-at-stake/census-factsheet/>

<sup>150</sup> <https://echo.epa.gov/facilities/facility-search>

<sup>151</sup> <https://ephtracking.cdc.gov/>

climate mitigation; community benefits such as indicators of community resilience; and human health improvements such as disease reduction.

- Be careful to use just a few primary outcomes and be realistic about what is achievable during the grant period.
- What knowledge, attitude, and skills do you desire in the focus population?
- If a desired outcome is to educate or change behaviors of a focus population, these campaigns may be a task proposed in the scope of work of the funding application.

## **Identify and implement methods for community involvement**

Create mechanisms for the public to participate in meaningful ways to inform the design, implementation, and assessment of your project. Public engagement for the project itself should be part of the planning and application preparation. You should include documentation of that type of engagement with your funding application.

Consider the appropriate level of engagement. Depending on your project and the flexibility to incorporate community feedback, you can inform, involve, collaborate, co-create, or deferred decision-making to communities. Provide a written justification of your engagement levels with the application.

Project planners who differentiate their outreach mechanisms and create a variety of pathways for engagement in response to the unique needs of different groups yield durable and productive project results.

Additional considerations:

- Ensure you understand the history of community concerns.
- Value and respect the expertise, perspective, and priorities of the communities potentially impacted by the action.
- Identify conflicting needs and interests in the project with non-judgement
- 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 you plan to remove these barriers.
- Notify the community early and solicit input - do not wait for community members to ask questions.
- Plan to pilot and field test your materials or activities with a small segment of your intended audience before “going big” and final.
- Determine resources you will use, including training materials, facilities, media, and a corresponding distribution strategy. Consider both printed and virtual tools, such as StoryMaps, mobile apps, project visualizations, DIY Videos, crowdsourcing tools, virtual town halls, ArcGIS. Conduct a regional search for existing materials before producing any new ones.

- Will you use volunteers and if so, how? How will you recruit and retain them?

## **Equitably Distribute Benefits and Mitigate Impacts or Harms**

Community involvement, Tribal consultation, and population-wide analysis of the proposed project's ecosystem, community, and health impacts will provide diverse ways to understand your project, the desired outcomes, and the needs you are working to address.

Use this information to improve your projects planning and create greater environmental justice. Distributing harms across a broader geographic area, people group, or over time can alleviate burdens for communities who have historically and continue to be most exposed to environmental pollution. Amplify the project's benefits by reaching communities who may not be engaged through current public processes and prioritizing investments in areas with historic environmental justice concerns.

Consult with your Ecology Grant Manager, other peer organizations, and Ecology's Environmental Justice staff should you need additional support easing your project's environmental justice concerns.

## **Monitoring, Adapting, and Post-project Evaluation**

- Plan for your project's evaluation tools, design, and methodologies from the beginning.
  - Examples include community feedback surveys (telephone tends to work better), interviews, focus groups, observations, and, before and at least after six months, "records" that can infer change.
- Make sure that your plan can be adjusted during the project to incorporate the lessons you learn.
- How will you measure the participant's knowledge, skill, attitudes, and actions?
- Does the evaluation strategy indicate success towards your stated goals and outcomes?
- If behavior change is desired from the focus audience, how will you measure your project's impact on the audience's behavior change?

## **Further References and Resources**

### **Regulatory Guidance**

- [Ecology Environmental Justice webpage](https://ecology.wa.gov/About-us/Accountability-transparency/Environmental-Justice)<sup>152</sup>
- [Ecology Healthy Environment for All \(HEAL\) Act webpage](https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL)<sup>153</sup>

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<sup>152</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Environmental-Justice>

<sup>153</sup> <https://ecology.wa.gov/About-us/Who-we-are/Environmental-Justice/HEAL>

- [Ecology Non-Discrimination Policy](#)<sup>154</sup>
- [Ecology Language Services](#)<sup>155</sup>
- [Promising Practices for EJ Methodologies in NEPA Reviews](#)<sup>156</sup>
- [Title VI of the Civil Rights Act of 1964](#)<sup>157</sup>
- [Title IX of the Education Amendments of 1972](#)<sup>158</sup>
- [Section 504 of the Rehabilitation Act of 1973](#)<sup>159</sup>
- [Age Discrimination Act of 1975](#)<sup>160</sup>

## Education and Communications Resources

- [Social Marketing: Planning for population-based behavior change](#)<sup>161</sup>
- [Public Participation Best Practices](#)<sup>162</sup>
- [Community Engagement Guide](#)<sup>163</sup>
- “Fostering Sustainable Behavior” by Doug McKenzie-Mohr and William Smith
- “Targeting Outcomes of Programs” by Claude Bennett and Kay Rockwell
- [Visual Tools for Watershed Education](#)<sup>164</sup>

## Questions on This Topic

- Environmental Justice Contacts:
  - Stephanie Herbst: (360) 628-1911 or [stephanie.herbst@ecy.wa.gov](mailto:stephanie.herbst@ecy.wa.gov)
  - Bri Castilleja: (564) 233-9994 or [bri.castilleja@ecy.wa.gov](mailto:bri.castilleja@ecy.wa.gov)
  - Faith Wimberley, Water Quality Environmental Justice Planner: [faith.wimberley@ecy.wa.gov](mailto:faith.wimberley@ecy.wa.gov)

<sup>154</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Non-discrimination>

<sup>155</sup> <https://ecology.wa.gov/About-us/Accountability-transparency/Language-services>

<sup>156</sup> [https://www.epa.gov/sites/production/files/2016-08/documents/nepa\\_promising\\_practices\\_document\\_2016.pdf](https://www.epa.gov/sites/production/files/2016-08/documents/nepa_promising_practices_document_2016.pdf)

<sup>157</sup> <https://www.epa.gov/ogc/facts-title-vi-civil-rights-act-1964>

<sup>158</sup> <https://www.epa.gov/ocr/title-ix-education-amendments-act-1972>

<sup>159</sup> <https://www.hhs.gov/sites/default/files/ocr/civilrights/resources/factsheets/504.pdf>

<sup>160</sup> <https://www.dol.gov/general/topic/discrimination/agedisc#:~:text=The%20Age%20Discrimination%20Act%20of%201967,that%20meet%20the%20Act's%20requirements.>

<sup>161</sup> <https://www.pnsma.org/>

<sup>162</sup> <https://www.iap2.org/>

<sup>163</sup>

[https://sustainablect.org/fileadmin/Random\\_PDF\\_Files/Equity\\_Action\\_PDFs/CommunityEngagementPlanningGuide.pdf](https://sustainablect.org/fileadmin/Random_PDF_Files/Equity_Action_PDFs/CommunityEngagementPlanningGuide.pdf)

<sup>164</sup> <https://p2infohouse.org/ref/17/16590.pdf>

- Ecology's [Office of Equity and Environmental Justice](https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Equity-Environmental-Justice)<sup>165</sup>

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<sup>165</sup> <https://ecology.wa.gov/About-us/Who-we-are/Our-Programs/Equity-Environmental-Justice>

# Appendix L: Stormwater Deliverables Guidance

This document provides additional details about typical deliverables for Ecology-funded stormwater projects.

## 1.0 All Stormwater Projects

### 1.1 Project Deliverables Schedule

Ecology requires all applicants to submit a detailed project schedule with their application. Funding Recipients are responsible for ensuring that Ecology has an up-to-date project schedule throughout the grant period. At a minimum, updates should be included with each quarterly report. If the schedule remains unchanged, state that in the quarterly report.

The project schedule should include the deliverables associated with each task. The table below lists provides some general guidance about standard Ecology review times for common project deliverables. All information in this table may be subject to change based on project complexity, Recipient response, funding type, and staff availability.

**Table 22: Stormwater Grant Project Deliverables Summary**

Deliverable	Ecology Initial Review Period (calendar days)	Step 2 Design	Step 3 Construction	All Other Grant Types	Location in Guidelines	Section
Cultural Resources Review (CRR) – CRR Form and IDP	45-65	x	x	x	Appx N	<a href="#">Website</a> <sup>166</sup>
SEPA	TBD*	x	x		Appx N	2.1
SERP (for CWSRF loan-funded projects)	TBD*				<a href="#">Website</a> <sup>167</sup>	n/a
Design Report	45	x	x		Appx L	2.2
90 Percent Design Package	45	x	x		Appx L	2.3
Final Bid Package	15	x	x		Appx L	2.4
CQAP	15		x		Appx L	2.5
Change Orders	10		x		Appx L	2.6

<sup>166</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/environmental-and-cultural-review>

<sup>167</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/environmental-and-cultural-review>

Deliverable	Ecology Initial Review Period (calendar days)	Step 2 Design	Step 3 Construction	All Other Grant Types	Location in Guidelines	Section
Facility O&M Plan	15		x		Appx L	6.0
QAPP (monitoring)	TBD*				Chapter 2	2.3, 2.5.10
GIS Data – Preliminary	15	x			Appx L	8.0
GIS Data – Complete	TBD*		x		Appx L	8.0
Enhanced Maintenance Plan (EMP)	45			x	Chapter 2 Appx L	2.4.1 10.0
Stormwater Management Action Plan (SMAP) / Step 1 Stormwater Facility Planning	45**			x	Chapter 2	2.3.1
Close Out Deliverables	TBD*	x	x	x	Chapter 6	6.3.3

\* Consult with Ecology Project Manager (PM).

\*\* Step 1 Facility Planning may consist of multiple parts, each needing a discrete review. Consult with Ecology PM.

Additional resources, including a [Design Deliverables Checklist](#)<sup>168</sup> are available on the [Stormwater Funding Requirements](#)<sup>169</sup> webpage.

## 1.2 Quarterly Progress Reports and Payment Requests (PRPRs)

All funded projects are required to submit progress reports each quarter, even if no reimbursements are requested. 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.

PRPRs are due within 30 days after the end of the quarter being reported. Ecology reserves the right to amend or terminate a funding agreement if the Recipient does not document timely use of funds by submitting PRPRs.

## 1.3 Environmental and Cultural Resources Review

All Ecology-funded projects, including planning projects and activities must consider potential environmental and cultural impacts. Ecology’s cultural resource requirements must be completed before any geotechnical work, acquisition, site prep work, or construction takes place. The Recipient must submit an Ecology Cultural Resources Review Form and Inadvertent Discovery Plan to the Ecology Project Manager to initiate review.

<sup>168</sup> <https://ecology.wa.gov/getattachment/bf99f44e-e1c2-4b19-b513-1f527c89db41/SWDelivChecklist032218.pdf>

<sup>169</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/stormwater-funding-resources>

In addition to cultural resources review, most state-funded stormwater projects require State Environmental Policy Act (SEPA). The Recipient, as the lead agency, will complete the SEPA Checklist and issue the SEPA Determination. Notify the Ecology Project Manager when the official comment period begins and upload the SEPA Checklist and Final SEPA Determination to EAGL.

Appendix N of these Guidelines outlines the steps needed to meet these requirements.

## 1.4 Procurement, Purchasing, and Contracts

State procurement requirements apply to all projects. You can find further information in the [Yellow Book](#)<sup>170</sup> (Part 5).

Contract clauses and specifications inserts for state funded projects:

- Professional Services Contracts
  - [Standard Contract Clauses](#)<sup>171</sup>
- Construction Contracts
  - See Section 2.3 90 Percent Design Package
- [CWSRF Loan](#)<sup>172</sup> projects have additional requirements.

## 1.4 Project Close Out

The project close out process must occur prior to the expiration of the funding agreement. Recipient project managers should begin preparing for agreement close out at least 90 days before the agreement expiration date.

Recipients may submit final deliverables and invoices up to 30 days after the expiration of the funding agreement; however, any work done after the expiration date will not be eligible for reimbursement.

Closing a stormwater project typically includes:

- Providing any missing deliverables.
- Completing a Recipient Close Out Report (RCOR) form in EAGL.
- Completing a draft and final Outcomes Summary.
- Preparing and submitting the final PRPR.

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<sup>170</sup> <https://apps.ecology.wa.gov/publications/documents/2301002.pdf>

<sup>171</sup> [https://fortress.wa.gov/ecy/ezshare/wq/funding/Contract\\_Insert.docx](https://fortress.wa.gov/ecy/ezshare/wq/funding/Contract_Insert.docx)

<sup>172</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements>

Templates and additional guidance for the RCOR and Outcomes Summary are available under “Forms” on the [Stormwater Funding Requirements](#)<sup>173</sup> webpage.

## 2.0 Stormwater Facility Projects

### 2.1 Stormwater Planning, Stormwater Management Action Planning (SMAP)

In 2019 Ecology published [Stormwater Management Action Planning \(SMAP\) Guidance](#)<sup>174</sup> for Phase I and Phase II Western Washington MS4 permits. SMAP planning is not required for all communities, however, many important stormwater management planning principles called out in the guidance are applicable to all stormwater planning efforts. If your jurisdiction has completed a SMAP, then this plan’s assessment, prioritizations, and proposed actions should be referenced in any new planning, activity, or facility projects. Discuss how any proposed project complements or follow the SMAP.

Stormwater facility planning projects may encompass a wide range of program goals. Deliverables for stormwater planning projects will be negotiated for each individual project, however all should contain the following elements:

- A statement that describes the scope, purpose, and goal of the plan.
- A description of existing conditions within the planning area.
- Project GIS data, including the planning area, relevant stormwater features, and illustration of action plans<sup>175</sup>. The preferred format is a web map application with public-facing feature services. GIS map packages are acceptable, however, the map package should not include raster layers. See GIS Section 2.9.
- Metrics that will define the success of the implemented plan.
- A description of stakeholder engagement efforts throughout the planning process.
- Development of robust alternatives, including cost and water quality benefit estimates. (See Section 5.0 Quantifying the Water Quality Benefit).
- Ownership of the proposed project areas, including whether acquisition/easements will be needed.
- Drinking water sources potentially affected by your project, including proximity (distance) of your project to these sources.

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<sup>173</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/stormwater-funding-resources>

<sup>174</sup> <https://apps.ecology.wa.gov/publications/documents/1910010.pdf>

<sup>175</sup> Action plan illustration might include, in addition to installation of stormwater features, features such as maintenance routes.

- Location of wetlands within the basin and discussion if the project has the potential to impact these wetlands.
- The criteria used to rate and rank alternatives.
- Project implementation and maintenance cost estimates.
- Documentation showing that the preferred alternatives represent a cost effective approach to achieving the water quality benefit.
- A process to adaptively manage the plan over time.

## 2.2 Design Report

This section intends to help stormwater grant and/or loan Recipients identify the necessary information to include in the Ecology Design Report. Ecology does not require that reports follow this outline, but including the information listed below expedites the review process. The information required varies by project. Some projects may require additional information, and others may not need as much. All figures provided in this submittal must be capable of legible viewing at 11x17 inches in size. Allow for 45 calendar days for Ecology’s initial review. Ecology expects only digital copies of this submittal. Upload the submittal to EAGL and email the Ecology Project Manager that you have completed this task.

The intent of the Design Report is to demonstrate that the project:

- Has not changed from the project described in the original application.
- Includes retrofit runoff treatment and/or flow control BMP(s).
- Uses the applicable design guidance for the proposed BMP(s).
- Provides a quantifiable Flow Control and/or Runoff Treatment benefit.

Design Reports for Ecology review should include the following:

### 2.2.1 Introduction

Provide a brief description of the project, including elements such as project location and goals. Include figures as appropriate to show the location and layout of the project. Include any issues identified during the CRR process.

### 2.2.2 Basin Description

Describe the basin that the project lies within under historic, existing, and proposed conditions. Provide figures that show topography and flow direction. Provide information such as current and future land use (i.e., residential, commercial, industrial), soils, area, water bodies, etc.

Address whether there are wetlands within the basin and discuss if the project has the potential to impact these wetlands. If there are wetlands, please determine if they are a receiving water for the proposed project and discuss if the project has the potential to impact the wetland hydroperiod. If a project has the potential to impact a wetland, additional analysis,

including a hydroperiod analysis, may be necessary. Ecology will review the Design Report to confirm if the evaluation is adequate or ask for additional information and analysis.

It is important to determine if there is a nexus between the project and drinking water sources. To do this please:

- Check the [Washington State Source Water Assessment Program \(SWAP\)](#)<sup>176</sup> online mapping tool to determine the proximity of your project to drinking water sources.
- List all drinking water sources potentially affected by your project and include the proximity (distance) of your project to these sources in the Site Description section (2.2.3) of the Design Report.
- Describe any potential risks or benefits of your project to these drinking water sources in the Site Description section (2.2.3) of the Design Report.

Department of Health recommends contacting your local drinking water utilities/purveyors (as indicated in the above SWAP map search) to familiarize yourself with their 10-year Water System Plan<sup>177</sup>, especially Chapter 5 – Source Water Protection. Please coordinate on any potential risks/benefits of your project to their drinking water sources.

### 2.2.3 Site Description

Provide detailed information in text, tables, and figures about the project site including, but not limited to:

- Project Limits.
- Threshold Discharge Area (TDA) boundaries if there is more than one TDA in the project.
- Current land use, including any structures on the project site such as buildings, wells, drain fields, culverts, user trails, adjoining uses, land ownership/easements etc.
- Existing stormwater features.
- Proposed stormwater features.
- Total area broken down by existing, replaced, and new impervious surfaces and pervious surfaces (pollution-generating or non-pollution-generating).
- Vegetation, including trees.
- Wetlands.
- Existing soils:
  - Infiltration rate.
  - Cation exchange capacity.

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<sup>176</sup> <https://doh.wa.gov/community-and-environment/drinking-water/source-water/gis-mapping-tool>

<sup>177</sup> <https://doh.wa.gov/sites/default/files/2022-02/331-068.pdf>

- Percent organics.
- Other properties listed in under Soil Suitability Criteria (SSC).
- Access locations for construction and post-construction activities.
- Ownerships of the proposed project area.
  - If the Recipient does not own the project area, how do you plan to obtain rights to the project site?
- Drinking water sources potentially affected by your project, including the proximity (distance) of your project to these sources. Include a description of any potential risks or benefits of your project to these drinking water sources.
- Other information relevant to the project design, construction, or maintenance.
- Area of CRR concerns (protection), if appropriate.
- Environmental Justice (EJ) populations/concerns identified.

## 2.2.4 Minimum Requirement/Core Element Analysis

Ecology requires the following project level analysis for all projects, even if the proposed project is a retrofit. Ecology will use the Minimum Requirement/Core Element Analysis (MRCE) to verify:

- Project eligibility, per the applicable funding guidelines.
- Project compliance with the [NPDES Municipal Stormwater Permit](#)<sup>178</sup>, if the project is within a permitted jurisdiction.

The following are the main steps in this analysis:

- 1) Identify the stormwater manual currently adopted by the grant and/or loan Recipient and, if using an equivalent manual, to which Ecology manual it is equivalent.
- 2) Identify and tally the pollution generating and non-pollution generating surfaces pertinent to the MRCE thresholds. Keep each area separate. Examples of areas you may need to identify are:
  - New hard (impervious) surfaces.
  - Replaced hard (impervious) surfaces.
  - Existing hard (impervious) surfaces.
  - Effective impervious surfaces.
  - Effective hard (impervious) surfaces.
  - Lawn/landscaped areas.

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<sup>178</sup> <https://ecology.wa.gov/Regulations-Permits/Permits-certifications/Stormwater-general-permits/Municipal-stormwater-general-permits>

- Pasture areas.
  - Total land disturbed.
- 3) For the purposes of grant funding only, use the following modifications to the definition of replaced impervious surfaces:
- Impervious surfaces removed and replaced during the installation of the stormwater BMPs paid for by the grant or loan are not included in the project level threshold calculation for the new and replaced impervious surface threshold.
  - Include new or replaced impervious surfaces outside the area that Ecology could reasonably identify as part of the new stormwater BMP in the project level threshold calculation as either new or replaced impervious surface.
  - Do not include permeable pavement installed to replace existing impervious surfaces in the project level threshold calculation.
- 4) Include an analysis to determine the MRCEs applicable to the grant or loan at the project level (Figures I-3.1 and I-3.2 in Ecology’s 2019 [Stormwater Management Manual for Western Washington](#)<sup>179</sup> (SWMMWW), Figures 2.1 and 2.2 in Ecology’s 2019 [Stormwater Management Manual for Eastern Washington](#)<sup>180</sup> (SWMMEW)). State which MRCEs apply at the project level threshold determination. Identify which surfaces within the project limits that the MRCEs apply.
- 5) For projects in Western Washington that require Minimum Requirements (MR) 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 MRCEs for Runoff Treatment and/or Flow Control, provide an analysis of the proposed BMP(s) that provide Runoff Treatment and/or Flow Control for new, replaced, or existing surfaces. Identify those BMPs that provide Runoff Treatment and/or Flow Control for existing surfaces above and beyond those required by the MRCEs. Ecology considers the BMPs outside of those used to satisfy the MRCEs 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, Ecology may consider the permeable pavement to be eligible even if the project exceeds the new and redevelopment thresholds and installation of permeable pavement is required under MR 5.

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<sup>179</sup> <https://apps.ecology.wa.gov/ezshare/wq/Permits/Flare/2019SWMMWW/2019SWMMWW.htm>

<sup>180</sup> <https://apps.ecology.wa.gov/ezshare/wq/Permits/Flare/2019SWMMEW/2019SWMMEW.htm>

Ecology will make this consideration when the permeable pavement is the only trigger for the Minimum Requirements.

### **2.2.5 Alternatives Considered**

Discuss alternatives considered and why you did or did not select them. Include a brief description of any environmental or cultural resource impacts necessary for the alternatives. This includes large tree removal, sensitive vegetation, wetlands, public recreation areas, etc. Large trees are those considered eligible for flow control credit as described by BMP T5.16 in the 2019 SWMMWW and BMP F6.62 in the 2019 SWMMEW.

### **2.2.6 Design Analysis**

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). The Design Analysis, at a minimum, should include:

- Tree species, sizes, and locations of the necessary tree removal, if appropriate.
- Drawings of the proposed site improvements.
- A schematic of flow through the facilities if needed to assist in describing the proposed work.
- Hydraulic profiles, if appropriate.
- A description and map of the area contributing runoff to each stormwater facility BMP. Consider and include offsite areas that contribute runoff to the BMP. Provide a table that includes each of the individual basins in the design as well as a summary table that includes all the information in the basin. See the GIS requirement for the contributing area in Section 2.2.7 below. The GIS data must be consistent with the summary table information.
- A description of the results from the site-specific characterization, soil analysis, and infiltration testing if the project proposes a BMP with an infiltration component, such as bioretention and permeable pavement. Typically, this will include the long-term hydraulic conductivity rate from the geotechnical report and the suitability of soil for treatment.
- Detailed design calculations, including:
  - Sizing calculations for the selected Runoff Treatment BMP(s). Identify the water quality design flow (on-line or off-line) or volume used 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 exceed the new/redevelopment thresholds.

- Sizing calculations for any 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).
- A summary of the calculation inputs and results for the Runoff Treatment and/or Flow Control improvements. If there is more than one basin in the analysis, provide a table that summarizes the information for all the basins in a single table.
- A summary of the model results and include the computer model printouts, if used. This may involve using “print screens” to include all the relevant information.

### **2.2.7 Design Report GIS**

GIS data for the contributing areas to each of the project's stormwater facility BMPs must be included with the Design Report submittal. For further clarification, see section 2.9.3 Data and Schema for stormwater facilities.

### **2.2.8 Quantify the Water Quality Benefit**

Discuss the amount of water quality benefit expected based on the current level of design. This information enables Ecology to provide useful reports to the state legislature to show that Ecology is using the funding provided for the intended purposes.

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).

Ecology has established Runoff Treatment and Flow Control design criteria for projects that exceed new and redevelopment thresholds as defined in Chapter 3 of Volume I of the 2019 SWMMWW and Chapter 2 of the 2019 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 must be installed if 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 that Ecology can use to calculate an “Equivalent New/Redevelopment Area” to demonstrate the retrofit water quality benefit:

- a) Flow Control Ratio.

## b) 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 Percent 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.

Ecology maintains a database of the equivalent areas for each grant project. We use this data to inform the state legislature on how funds are being spent.

There are likely to be a number of different methods available to perform this calculation. The important thing is to compare the BMP sizing (treatment and flow control) required in a new/redevelopment project to the size of the BMP(s) installed within this grant or loan.

The designer could do the comparison using the following methods:

### **Western 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.

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

### **Procedure for Comparison – Flow Control BMPs**

Procedure WFC-1: Analysis for Size of Detention/Retention Flow Control BMP

- 1) 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 pastureland cover).
- 2) 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. The exact depiction of the outflow control

device is not required. Determine the volume of the pond needed to meet new/redevelopment criteria at the overflow elevation.

- 3) Calculate the volume of the proposed retrofit Flow Control BMP at the overflow elevation.
- 4) Calculate the ratio of the proposed retrofit Flow Control BMP volume to the volume of the Flow Control BMP required to meet new/redevelopment.

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

*If  $\text{Ratio}_{\text{WFC-1}} > 1$ , then set  $\text{Ratio}_{\text{WFC-1}} = 1$*

Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

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

#### Procedure WFC-2: Analysis for Size of Bioretention/Permeable Pavement Flow Control BMP

- 1) Run the pre-developed condition for WWHM using the basin area contributing to the BMP using forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pastureland cover).
- 2) Size the Flow Control BMP to meet new/redevelopment criteria for the proposed land use of the basin contributing to the BMP.
- 3) Identify the surface area of the proposed retrofit bioretention or permeable pavement BMP.
- 4) Calculate the ratio of the proposed retrofit BMP surface area to the surface area of the BMP required to meet new/redevelopment.

**Note:** Bioretention by itself is not an efficient flow control BMP and needs to be quite large to meet the new/redevelopment criteria.

$$\text{Ratio}_{\text{WFC-2}} = \frac{\text{Surface Area of proposed Bioretention or Permeable Pavement}}{\text{Surface Area of Bioretention or Permeable Pavement to meet new/redevelopment criteria}}$$

*If  $\text{Ratio}_{\text{WFC-2}} > 1$ , then set  $\text{Ratio}_{\text{WFC-2}} = 1$*

Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

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

## Procedure for Comparison – Runoff Treatment BMPs

Procedure WRT-1: Analysis of Size of Traditional Flow Rate or Volume Based Runoff Treatment BMP

- 1) Run the pre-developed condition for WWHM using the basin area contributing to the BMP using forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pastureland cover).
- 2) 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.
- 3) 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  $\text{Ratio}_{\text{WRT-1}} > 1$ , then set  $\text{Ratio}_{\text{WRT-1}} = 1$*

Multiply the ratio developed above by the area of the basin contributing to the BMP to obtain the Equivalent New/Redevelopment Area.

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

Procedure WRT-2: Analysis of Size of Bioretention Runoff Treatment BMP

- 1) Run the pre-developed condition for WWHM using the basin area contributing to the BMP using forested land cover, except where historic information indicates the area was prairie prior to settlement (then use the pastureland cover).
- 2) 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.
- 3) Using the surface area of the proposed BMP, calculate the ratio between the surface area for the proposed BMP and the bioretention surface area for the full basin analysis.

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

*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.

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

## Example Calculations

We use the following sample values in these example calculations:

- Existing Basin Contributing to BMP: 7.0 acres landscaping, flat, 3.0 acres hard surface roads and buildings, Type C soil, 0.3 in/hr. native infiltration rate.
- Pre-Developed Scenario: 10.0 acres Type C soil, forested, flat, 0.3 in/hr. native infiltration rate.
- Proposed Retrofits:
  - Detention BMP: 1.569 ac-ft. at overflow.
  - Traditional treatment BMP: 0.035 cfs design treatment flow rate (on-line).
  - Wet Pond/Vault: 0.115 ac-ft. (5,000 cu ft.) design treatment volume.
  - Bioretention BMP 2,500 sq. ft. surface area, 18-inch media (3 in/hr.), 6-inch sand, 18-inch gravel.
  - Permeable Pavement 2-acres (out of 3 acres of hard surface), 0.3 in/hr. native infiltration rate. The 3 acres of hard surface is the full contributing area to the proposed permeable pavement.

### Procedure WFC-1: Detention/Retention BMP

- Existing Conditions WWHM pond volume at top of outlet (using Auto Pond function, and vertical side slopes) = 2.302 ac-ft.
- Proposed Retrofit Pond Volume at top of outlet = 1.569 ac-ft.
- Flow Control Ratio of Proposed Pond Volume to Required Pond Volume:

$$\text{Ratio}_{\text{WFC-1}} = \frac{1.569 \text{ ac ft}}{2.302 \text{ ac ft}} = 0.682$$

- Equivalent New/Redevelopment Area:

$$\text{Area}_{\text{WFC-1}} = 0.682 \times 10 \text{ ac} = 6.82 \text{ acres}$$

### Procedure WFC-2: Permeable Pavement

- Existing Conditions Surface Area required to meet redevelopment criteria (Flow Control duration curve) = < area provided in retrofit project sq. ft.
- Proposed Retrofit design Permeable Pavement surface area = 87,120 sq. ft. (2 acres).
- Treatment Ratio of Proposed Surface Area to required Surface Area is greater than 1.

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

- 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:

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

$$\text{Ratio}_{\text{WRT-1}} = \frac{0.035 \text{ cfs}}{0.080 \text{ cfs}} = 0.437$$

- Equivalent New/Redevelopment Area

$$\text{Area}_{\text{WRT-1}} = 0.437 \times 10 \text{ ac} = 4.37 \text{ acres}$$

Procedure WRT-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:

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

## 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.

### Procedure EFC-1 – Analysis for Size of Detention/Retention Flow Control BMP

- 1) 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.
- 2) Calculate the volume of the proposed retrofit Flow Control BMP at the overflow elevation.
- 3) 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.

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

### Procedure for Comparison – Runoff Treatment BMPs

Procedure ERT-1: Analysis of Size of traditional Flow Rate or volume-based Runoff Treatment BMP

- 1) 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.

- 2) 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.

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

## 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:

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

### 2.2.9 Engineer's Opinion of Probable Cost

Provide a breakdown showing the total project cost. Clearly identify what items you consider eligible for Ecology funding and which items are ineligible. Ecology typically funds the footprint of eligible BMP(s) and immediate connections to existing facilities/discharge points. Ecology will review the proposed cost breakdown to confirm funding eligibility.

### 2.2.10 Proposed Schedule

Provide the proposed project schedule. The schedule should include:

- All design and construction milestones.
  - For Step 2 Design projects, only include the schedule for the design of the project.
- Timing of necessary permits.
  - Include both the date of application and the date the permit is anticipated to be obtained. Be sure to schedule permit application early enough in the schedule so acquiring permits does not delay the rest of the project.
  - The Recipient is responsible for all permitting needs for the project.
- All Ecology deliverables and review times, including close out and expiration of the grant- and/or loan agreement.
- Example schedules are available through your Ecology Project Manager.

### 2.2.11 Attachments

Attachments commonly included in Design Reports include, but are not limited to:

- Basin Maps.
- Project Limits/TDA Maps.
- Preliminary Plans.
- Cost Estimate Details, including identification of eligible/ineligible items.
- Storm Simulation outputs and screenshots (e.g., WWHM2012 output).
- Geotechnical Reports, including:
  - Infiltration test results.
  - Soil Suitability Lab test results.
  - Physical soils test results.

### 2.3 90 Percent Design Package

Ecology expects the 90 Percent Design Package to detail the completed final design. Ecology has labeled the package as 90 Percent instead of 100 Percent to allow the Recipient to incorporate any comments received from Ecology or any other reviewing parties between the 90 Percent design and the Final Bid Package. Ecology expects only digital copies of this submittal. Upload the submittal to EAGL and email the Ecology Project Manager that you have completed this task. Allow for 45 calendar days for Ecology's initial review.

This is the final engineering deliverable for Step 2 Design projects. The Final Bid Package is a deliverable in Step 3 Construction projects.

The 90 Percent Design Package includes all documents used for bidding including, but not limited to:

- Final Plans (capable of legible viewing at 11x17 inches in size). See GIS Section 2.3.1 below for GIS requirements.
- Final Specifications, including, but not limited to:
  - Invitation to Bid, Instructions to bidders, Bid Proposal, and other administrative documents.
  - General Conditions.
  - Special Provisions.
  - Technical Specifications.
  - Construction SWPPP.

- Inadvertent Discovery Plan.
- Final Engineer’s Opinion of Probable Cost.
- Anticipated Project Schedule.

### 2.3.1 GIS Data for 90 Percent Design Package

GIS data for BMP facility footprints of each of the project’s stormwater facility BMPs must be included with the 90 Percent Design Package. If the contributing area has changed during 90 percent design, also include updated contributing area GIS data. For further clarification, see section 2.9.3 Data and Schema for stormwater facilities.

### 2.3.2 Funding Recognition and Signs

Projects must adhere to funding source recognition signage requirements and give credit to all funding sources (i.e. Ecology for SFAP, EPA for CWSRF). The plans and specifications must include one of the options for signage:

- Standard Signage.
- Posters or wall signage in a public building or location.
- Newspaper or periodical advertisement.
- Online signage placed on a community website or social media outlet.
- Press Release.

Please work with your Ecology Project Manager to obtain a logo.

See the EPA’s [Enhancing Public Awareness](#)<sup>181</sup> webpage for more information on signage requirements.

### 2.3.3 Contract Clauses and Specifications Inserts

Ecology specification inserts must be included in the plans and specifications. The specifications must include sections of the inserts in the Invitation to Bid, the Instruction to bidders, the Special Provisions, the contract, and on the construction drawings. Some inserts are included in their entirety in an appendix. Examples of the bid inserts for grant projects are listed below.

- [Stormwater Grant Program Bid Specification Clause](#)<sup>182</sup>.
- [Stormwater Grant Program Bid Insert](#)<sup>183</sup>.
- For CWSRF funded projects, the templates can be found on the [CWSRF Funding Requirements](#)<sup>184</sup> webpage.

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<sup>181</sup> <https://www.epa.gov/cwsrf/enhancing-public-awareness-srf-assistance-agreements>

<sup>182</sup> <https://ecology.wa.gov/stormwater-bid-specification-clauses>

<sup>183</sup> <https://ecology.wa.gov/Asset-Collections/Doc-Assets/Water-quality/Grants-and-Loans/Gen-Resources/Stormwater-Bid-Insert>

<sup>184</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/cwsrf-funding-requirements>

To expedite the review process, 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).

## **2.4 Final Bid Package**

Ecology expects the Final Bid Package to detail the completed final design, with all comments from the 90 Percent Design Package incorporated. Ecology expects digital copies only of this submittal. Upload the submittal to EAGL and email the Ecology Project Manager. Allow for 15 calendar days for Ecology's initial review.

Recipients do not produce a Final Bid Package for Design grants.

The Final Bid Package includes all documents used for bidding including, but not limited to:

- Final Plans (capable of legible viewing at 11x17 inches in size).
- Final Specifications, including, but not limited to:
  - Invitation to Bid, Instructions to bidders, Bid Proposal, and other administrative documents
  - General Conditions
  - Special Provisions
  - Technical Specifications
  - Construction SWPPP
  - Inadvertent Discovery Plan
- Geotechnical Report (if needed).
- Final Engineer's Opinion of Probable Cost.
- Anticipated Project Schedule.
- If there are any Addenda developed during the bidding process that has a material or financial impact on the grant or loan, Ecology expects to review and accept them.

## **2.5 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 the Recipient as to what is expected from CQAPs and to identify the criteria for these plans. 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 173-240-075](#)<sup>185</sup> lists the requirements for preparing a CQAP.

The CQAP submittal should include a cover page containing the grant and/or loan Recipient name, project name, agreement number, project engineer's name, job title, jurisdiction/company, and date CQAP was prepared/revised. The Recipient must upload the submittal to EAGL and notify the Ecology Project Manager. Allow for 15 calendar days for Ecology review.

If the Recipient is using the Washington State Department of Transportation (WSDOT) standard specs, [Division 1 of the WSDOT standard specs](#)<sup>186</sup> covers the general administrative requirements of a CQAP. The CQAP must also contain project and Recipient-specific information.

### **2.5.1 Introduction and Site Description**

Provide an overview of the 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.

### **2.5.2 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 there must always be a copy of the Cultural Resources Inadvertent Discovery Plan (IDP) and the Construction Stormwater Pollution Prevention Plan (SWPPP) on-site during the project construction.

### **2.5.3 Project Organization**

Submit an organizational chart with names, email addresses, and phone numbers of key personnel, including 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 summary of the construction management organization, management procedures, lines of communication, and responsibility. Include the Recipient and Ecology Project Manager in the organization chart.

### **2.5.4 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

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<sup>185</sup> <http://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-075>

<sup>186</sup> <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), reference this and the requirements of this section will be satisfied.

### **2.5.5 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. Submit a copy of the SWPPP to Ecology if the contractor is responsible for preparation of the document and Ecology has not yet reviewed it.

### **2.5.6 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 the type of tests, frequency, parameters, specifications, and who will perform the tests. Add brief explanations as appropriate.

### **2.5.7 Inspections**

Summarize the construction inspection program for the project. 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.

### **2.5.8 Technical Records Handling**

Briefly discuss who is responsible for keeping technical records and where the records are stored. Technical Records include, but are not limited to, project correspondence, plans and specifications, inspection reports and daily logs, meeting minutes, shop drawings, field orders, and change orders.

### **2.5.9 Field Testing Procedures**

Describe field testing procedures to verify that control measures are adequate to provide a product that conforms to the 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.

### **2.5.10 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.

### **2.5.11 Construction Documentation**

Describe the maintenance of project document records and submittals, to include the Inadvertent Discovery Plan (IDP), project correspondence, reimbursements, plans and specifications, addenda, progress reports, inspection reports, and daily logs.

### **2.5.12 Change Order Process Documentation**

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 for which costs have 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 or via phone and/or email as they arise. Include a change order template in the submittal.

## **2.6 Change Order 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 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.

## **2.7 Project Completion Documentation**

Upon project completion, the Recipient will submit the Declaration of Construction Completion form to Ecology in accordance with [WAC 173-240-090](https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-090)<sup>187</sup>. The form, when signed by a professional engineer, indicates that the contractor completed the project in accordance with the plans and specifications and major change orders approved by Ecology, and accurately shown on the record drawings. Include preparation and delivery of record drawings to the Recipient.

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<sup>187</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=173-240-090>

Submit a revised calculation of water quality benefits if there were changes during construction that affected the basin or BMP sizing that might have an impact on the calculations.

## 2.8 Operations and Maintenance Plan for Facilities

For TAPE GULD devices, the manufacturer's Operation and Maintenance (O&M) plan is required. For non-TAPE GULD devices, provide a specific BMP O&M plan. For Low Impact Development (LID) BMPs maintenance guidance, you may refer to Appendix G of the [Eastern Washington Low impact Development Guidance Manual](#)<sup>188</sup> or Appendix 4 of the [Low Impact Development Technical Guidance Manual for Puget Sound](#)<sup>189</sup>.

All O&M plans must include the following:

- Identify the person or party who is responsible for the operation and maintenance, such as the Public Works Department or third-party contractor.
- Describe how the maintenance operations fit into the Recipient's overall operations and maintenance plan.
- Describe post-construction plant maintenance for BMPs that rely on vegetation to maintain functionality.

## 2.9 GIS

This section intends to help stormwater grant and/or loan Recipients identify the necessary information to include in geographic information system (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 Outcome Summary during close out.

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<sup>188</sup> <https://apps.ecology.wa.gov/publications/documents/1310036.pdf>

<sup>189</sup> [https://www.ezview.wa.gov/Portals/\\_1965/Documents/Background/2012\\_LIDmanual\\_PSP.pdf](https://www.ezview.wa.gov/Portals/_1965/Documents/Background/2012_LIDmanual_PSP.pdf)

### 2.9.1 GIS for Planning Projects

The preferred format for GIS submittals for planning projects is a Uniform Resource Locator (URL) pointing to published feature services or a URL to a GIS map that utilizes published feature services. Ecology must be able to view and export the data.

The EAGL submittal will be a memo providing the appropriate URL and a short summary of the map (or a memo as dictated by the agreement).

### 2.9.2 EAGL Mapping

Although the Recipient has authorization to upload the project contributing area into the Mapping Information form in EAGL, Ecology prefers to have the Ecology regional Project Manager upload the file after Ecology has reviewed the data, as it is easy to accidentally repopulate EAGL with a default placeholder GIS file.

### 2.9.3 Data and Schema

The standard Ecology Projection is Washington State Plane, South Zone, NAD 83 HARN, US Feet. Ecology may accept other projections if the files are readily accommodated by ArcGIS Pro. ArcGIS Pro is the Agency standard, but ArcMap can still be accepted.

All files must be zipped (.zip) to upload to the EAGL Uploads form of the agreement. For stormwater facilities, an empty file geodatabase template with acceptable schema is available on the [Stormwater Funding Requirements](#)<sup>190</sup> webpage under GIS Guidance.

Funding Recipients may choose to submit a memo with a URL for a published feature service as an alternative to zipped files. Ecology must be able to view and export the data from the published feature service. Raster layers are generally not acceptable.

Stormwater facility GIS files should provide the following information:

- Contributing area(s) to each of the project's stormwater facility BMPs. Fields should include:
  - Project ID (i.e., agreement number).
  - Contributing area in acres.
  - Pollution Generating Impervious Surface (PGIS) in acres.
  - Runoff Treatment benefit in acres from the equivalent new/redevelopment area determination.
  - Flow Control benefit in acres from the equivalent new/redevelopment area determination.
  - Text comments for additional clarification if necessary.

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<sup>190</sup> <https://ecology.wa.gov/water-shorelines/water-quality/water-quality-grants-and-loans/stormwater-funding-resources>

- BMP footprint(s). 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:
  - Project ID (i.e., agreement number).
  - BMP name consistent with an Ecology-approved manual, or Ecology-approved TAPE device name.
  - Text comments for additional clarification if necessary.

Stormwater Decant Facilities should provide the following GIS files:

- Decant facility footprint. Fields should include:
  - Project ID (i.e., agreement number).
  - Text comment of a brief description of decant facility constructed.
  - 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:
    - Project ID (i.e., agreement number).
    - BMP name consistent with an Ecology-approved manual, or Ecology-approved TAPE device name.
    - Text comments for additional clarification if necessary.

## 2.10 Example Facility Scope of Work for Application

Step 2 Design applications should include the following Tasks in their application Scope of Work:

- Task 1 – Grant and Loan Administration.
- Task 2 - Cultural and Environmental Review, and Permitting.
- Task 3 - Design Plans and Specifications.
  - Only include Task Description A and B, and Deliverables 3.1-3.9.
- Task 6 – Close Out.
  - Only include Task Description B, C, and D, and Deliverables 6.2-6.3.

Step 3 Construction applications should include all Task language listed below in the application Scope of Work except for:

- Task 2 – Design Plans and Specifications.
  - Only include Task Description C and Deliverables 3.10 - 3.13.

Step 4 Design and Construction applications with a total eligible cost of \$300,000 or less should include all Task language listed below in their application Scope of Work.

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; and an EAGL (Ecology Administration of Grants and Loans) Recipient closeout 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.
- \* Properly maintained project documentation.

## Grant and Loan Administration Deliverables

Number	Description	Due Date
1.1	Progress Reports that include descriptions of work accomplished, project challenges, and changes in the project schedule. Submitted at least quarterly.	
1.2	Recipient Closeout Report (EAGL Form).	

Task Number: 2

Task Cost:

Task Title: Cultural and Environmental Reviews, and Permitting

Task Description:

The RECIPIENT must 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 submit the documents listed below to initiate ECOLOGY’s cultural resources review. Property acquisition and above and below ground activities proposed at any project site must be reviewed by ECOLOGY for potential affects to cultural resources.

The RECIPIENT must receive written notice from ECOLOGY prior to proceeding with work. Examples of work may include (but are not limited to) geotechnical work, acquisition, site prep work, and best management practice (BMP) installations. Work done prior to written notice to proceed shall not be eligible for reimbursement.

To initiate cultural resources review:

1. The RECIPIENT will submit the Cultural Resources Review Form to ECOLOGY, using the template on the ECOLOGY website. Any supporting materials must conform to the Department of Archeology and Historic Preservation’s (DAHP) Washington State Standards for Cultural Resource Reporting.
  2. The RECIPIENT will submit an Inadvertent Discovery Plan (IDP) to ECOLOGY, using the template on the ECOLOGY website. The RECIPIENT will ensure that all contractors and subcontractors have a copy of the completed IDP prior to and while working on-site.
- B. The RECIPIENT will submit the State Environmental Policy Act (SEPA) checklist for ECOLOGY project manager review and notify the ECOLOGY project manager when the official comment period begins. The RECIPIENT will also upload the final SEPA determination.

- 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.

**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	ECOLOGY Cultural Resources Review Form. Email the form and any supplemental cultural resources documentation to the ECOLOGY Project Manager. DO NOT upload the Cultural Resources Form or documentation to EAGL.	
2.2	Inadvertent Discovery Plan (IDP). Email the IDP to the ECOLOGY Project Manager for review. Upload to EAGL once review is complete.	
2.3	SEPA Checklist. Upload the checklist, or other documentation for projects considered exempt from SEPA review, to EAGL and notify ECOLOGY when official comment period begins.	
2.4	Final SEPA Determination. Upload to EAGL and notify ECOLOGY.	

**Task Number:** 3

**Task Cost:**

**Task Title:** Design Plans and Specifications

**Task Description:**

The RECIPIENT must 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.

The RECIPIENT will develop a project design. The design submittals must conform to the Deliverables for Stormwater Projects with Ecology Funding 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.

- A. The RECIPIENT will submit a Design Report to ECOLOGY for review and acceptance. Allow 45 calendar days for ECOLOGY review. At a minimum, the report must include an introduction, basin description, site description, minimum requirements/core element analysis, alternatives analysis, design analysis, quantification of the water quality benefit, engineer's opinion of cost, and project schedule. Refer to the Stormwater Deliverables Guidance for more information. The RECIPIENT will describe the water quality benefit by providing:
1. A preliminary equivalent new/re-development area calculation for the design using the methods outlined in the Stormwater Deliverables Document.
  2. Preliminary GIS polygon data for the contributing area(s) to each of the project's stormwater facility BMP(s). Acceptable formats include shapefiles, file geodatabase feature classes, shared feature service URLs, or ECOLOGY-accepted equivalent.

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.

- B. 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, an engineer's opinion of cost with eligible and ineligible costs broken out, and a project construction schedule. The current required bid inserts and specifications may be found on the ECOLOGY website. The RECIPIENT will also provide:
1. Preliminary GIS polygon data for the project's stormwater facility BMP footprint(s). Acceptable formats include shapefiles, file geodatabase feature classes, shared feature service URLs, or ECOLOGY-accepted equivalent. Refer to the Stormwater Deliverable Guidance for more information.
  2. Updated GIS polygon data for the contributing area(s) provided under A.2 to correspond with the 90 Percent Design Package.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology 90 Percent Design Acceptance Letter prior to proceeding to Final Bid Package.

- C. 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.

The RECIPIENT agrees to respond to ECOLOGY comments. The RECIPIENT must receive an Ecology Final Bid Package Acceptance Letter prior to advertising the project.

**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	Signed and dated consultant contract, if procuring services for design. The contract must include ECOLOGY’s standard contract clauses insert. Upload to EAGL and notify ECOLOGY.	
3.2	ECOLOGY Design Report. Upload to EAGL and notify ECOLOGY.	
3.3	Contributing area(s) preliminary GIS polygon data. Upload to EAGL and notify ECOLOGY.	
3.4	Responses to ECOLOGY Design Report comments. Upload to EAGL and notify ECOLOGY.	
3.5	ECOLOGY Design Report Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.6	ECOLOGY 90 Percent Design Package. Upload to EAGL and notify ECOLOGY.	
3.7	BMP footprint(s) and updated contributing area(s) GIS polygon data. Upload to EAGL and notify ECOLOGY.	
3.8	Responses to ECOLOGY 90 Percent Design Package comments. Upload to EAGL and notify ECOLOGY.	
3.9	ECOLOGY 90 Percent Design Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.10	ECOLOGY Final Bid Package. Upload to EAGL and notify ECOLOGY.	

Number	Description	Due Date
3.11	Responses to ECOLOGY Final Bid Package comments. Upload to EAGL and notify ECOLOGY.	
3.12	ECOLOGY Final Bid Package Acceptance Letter. Upload to EAGL and notify ECOLOGY.	
3.13	Bid documents (e.g. bid announcement, bid tabulations, and bid award). Upload to EAGL and notify ECOLOGY.	

Task Number: 4

Task Cost:

Task Title: Construction Management

Task Description:

The RECIPIENT must 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 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 a project schedule 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. Upload ECOLOGY acceptance documentation.	
4.2	Pre-Construction Conference Meeting Minutes. Upload to EAGL and notify ECOLOGY.	
4.3	Project Schedule. Submit prior to construction and when changes occur. Upload to EAGL and notify ECOLOGY.	
4.4	Change Order(s). Upload to EAGL and notify ECOLOGY. Upload ECOLOGY acceptance documentation.	

Task Number: 5

Task Cost:

Task Title: Construction

Task Description:

The RECIPIENT must 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 project will install (NAME OF BMPs FROM PROJECT SHORT DESCRIPTION) to mitigate runoff from approximately (ACRES) of pollution-generating impervious surfaces.
- B. The RECIPIENT will submit a 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 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.	
5.2	Stormwater Construction Completion Form. Upload to EAGL and notify ECOLOGY.	

Task Number: 6

Task Cost:

Task Title: Project Close Out

Task Description:

The RECIPIENT must 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 in the Deliverables Document available on the ECOLOGY website. Allow 15 calendar days for ECOLOGY review.
- B. The RECIPIENT will submit GIS polygon data that is consistent with the final project for the contributing area(s) and BMP footprint(s). Acceptable formats include shapefiles, file geodatabase feature classes, public-facing feature service URLs, or ECOLOGY-accepted equivalent. Refer to the Stormwater Deliverable Guidance for more information.
- C. The RECIPIENT will submit the Recipient Close Out Report (RCOR) in EAGL in accordance with Task 1.
- D. The RECIPIENT will submit an Outcomes Summary using the ECOLOGY template.
- E. 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 Stormwater Deliverables Document. Include a table showing the final equivalent new/re-development area

compared to the area provided in the ECOLOGY-accepted Design Report. If unchanged, provide written documentation.

**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 Outcomes Summary.
- \* 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. Upload ECOLOGY acceptance documentation.	
6.2	Final BMP footprint(s) and contributing area(s) GIS polygon data. Upload to EAGL and notify ECOLOGY. Upload ECOLOGY acceptance documentation.	
6.3	Outcomes Summary. Upload to EAGL and notify ECOLOGY.	
6.4	Final, as constructed, equivalent new/redevelopment area determination. Upload to EAGL and notify ECOLOGY.	

## 3.0 Stormwater Activity Projects

### 3.1 Enhanced Maintenance and Source Control Planning

An Enhanced Maintenance Plan (EMP) is a tool to help local jurisdictions prioritize and implement asset management and maintenance practices to meet defined water quality goals and ensure that stormwater infrastructure continues to perform as designed. Through review and acceptance of the EMP, Ecology will provide technical assistance on the metrics and method used to establish the link between the proposed maintenance actions and progress toward achieving the specified water quality goal.

If the EMP identifies a need for specific maintenance facilities or equipment, local jurisdictions may apply for funding that can pay for the equipment needed for the enhancement of the program. See Funding Guidelines Section 2.4.1 for additional information about eligibility.

The following information will assist in developing a scope of work for projects that propose to evaluate and enhance their maintenance. The EMP should include all listed elements, as well as a cover page containing the title, jurisdiction, and date the plan was prepared/revised.

### 3.1.1 Introduction

This section should:

- Introduce readers to the water bodies that receive water from the MS4, including water quality concerns and the relative influence of stormwater on natural waterbodies.
- Provide an overview of the plan and the context within your larger stormwater quality program. Explain why you are choosing to explore enhanced maintenance as a strategy for pollutant reduction, as opposed to other means of improving water quality.
- Describe the increase in benefits you expect to achieve and water quality goals you hope to meet by implementing this plan.

If your community is completing a Stormwater Management Action Plan, the information you provide in this section should align with your receiving water conditions assessment. For more information about assessing your receiving waters, please refer to Ecology's [Stormwater Management Action Planning Guidance](#)<sup>191</sup>.

### 3.1.2 Current Program

Begin by documenting current maintenance practices and evaluating their effectiveness in improving water quality. This helps identify strengths, gaps, and opportunities for improvement, providing a baseline to guide enhancements and ensure future efforts are targeted and effective.

#### Current Program Priorities and Implementation

Describe the goals of your current program and the method your jurisdiction is currently using to prioritize maintenance. In the description, please discuss the following:

- Geographic areas, urban catchments, and outfalls, including:
  - Infrastructure location.
  - Drainage areas for existing BMPs.
  - Connection to receiving waters.
  - Level of risk to water quality for each drainage area.
  - Level of treatment and flow control provided existing activities or facilities.
- Frequency for each maintenance activity and how maintenance is prioritized.

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<sup>191</sup> <https://apps.ecology.wa.gov/publications/documents/1910010.pdf>

- Special events (e.g. community, weather) or spill response capability.
- Methods and tools used for tracking maintenance activities, such as:
  - Inspection frequency by asset type.
  - Sediment loading per basin area.
  - Deficiencies and failing areas.
  - Curb miles and roads/routes.
  - Loading and overflow complaints.
  - Emergency response.
- How and where solid and liquid materials are disposed.
- Information on load testing for hazardous substances, including frequency, sampling methods, and testing protocols. Consult with the local health jurisdiction to determine if current protocols meet the testing criteria for proper disposal or reuse of solid waste.
- The facilities and equipment used to implement the current program.
- Who currently implements each program element including any existing agreements or partnerships with other local governments or contractors.

### **Program Costs**

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

### **Evaluation and Adaptive Management**

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

### **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, and other materials, and the benefits provided by the current program. If you do not have an existing methodology, develop an estimate using the best available data.

Ecology does not currently have an approved state-wide method for calculating water quality benefits for source control activities. An online database of source contribution tools and methodologies for BMPs including source control BMPs has been compiled by the [California Stormwater Quality Association](https://www.casqa.org/resources/effectiveness-assessment/source-contribution-tools-methodologies/online-database)<sup>192</sup>. This database is not exhaustive and should not be construed

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<sup>192</sup> <https://www.casqa.org/resources/effectiveness-assessment/source-contribution-tools-methodologies/online-database>

as a specific recommendation for specific cases. For additional assistance in developing a method appropriate for your program contact your Ecology regional project manager.

### **3.1.3 Proposed or Post Project Program**

#### **Alternative Development, Evaluation, and Selection**

This section of the EMP should describe the maintenance alternatives considered and a description of the final selected alternative. The development and analysis of feasible alternatives is a critical component of your plan. The proposed alternatives should be designed to address the critical water quality concerns for your community's receiving waters and should include cost and water quality benefits for each alternative.

If you intend on applying for Ecology funding to fund the start-up costs for implementing your enhanced maintenance program, this section will provide the answers to many of the questions on the Ecology Combined Water Quality Funding Program Application (see Appendix C).

The [City of Edina, MN, Street Sweeping Management Plan](#)<sup>193</sup> is a good example of how a mid-size community evaluated sweeping alternatives to maximize the value of their sweeping program.

#### **Enhanced Program Priorities and Implementation**

Describe the specific changes that will be made to the baseline program. If any additional equipment or facilities will be required to implement the program, describe how you determined the size/type and number needed. Ecology will use this information to determine funding program eligibility.

#### **Program Costs**

Calculate the short and long-term costs of operating the enhanced program. Include costs such as labor, training, disposal, equipment storage, maintenance, replacement, etc. Provide a cost comparison for the cost to purchase equipment vs. the cost to rent if planning to purchase equipment. Costs can be included in a use allowance.

Provide details on how the program will maintain this level of service and fund additional costs associated with the proposed program, including long-term costs such as equipment replacement.

#### **Evaluation and Adaptive Management**

Describe any revised goals or performance measures that relate to water quality. Determine the metrics and data that will be used to assess the enhanced program, as well as how frequently the program will be assessed. This section should include items such as:

- The specific location and frequency of the enhanced maintenance efforts.
- What data will be collected.

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<sup>193</sup> <https://www.edinamn.gov/DocumentCenter/View/3887/Edina-Street-Sweeping-Plan-Final-PDF?bidId=>

- How/when the data will be collected.
- How the data will be compiled, analyzed, and tracked.

The enhanced program should be adaptively managed over time to ensure the water quality goals are achieved. Describe what components of the program can/will be modified in the future based on assessment of program effectiveness.

### **Estimate of the Water Quality Benefits**

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

Include any proposed revisions to the methodology.

### **Sample Enhanced Maintenance Task**

Task Number: 2

Task Cost:

Task Title: Enhanced Maintenance Plan

Task Description: The RECIPIENT must 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 and submit a draft and final Enhanced Maintenance Plan (EMP) including an alternatives analysis for ECOLOGY review and comment. Allow 45 calendar days for ECOLOGY review. At a minimum, this plan shall include the following elements:
  1. Introduction/Overview
    - a. Assessment of waterbodies that receive water from the RECIPIENT's MS4. Include information such as pollutants of concern, TMDLs, beneficial uses, etc. Estimate the amount of pollutants contributed to the system by the RECIPIENT's MS4 and water quality improvement goals for each waterbody.
    - b. Explain why the RECIPIENT is choosing to explore enhanced maintenance as a strategy for pollutant reduction, as opposed to other means of improving water quality.
    - c. Summarize the differences between the current program and the RECIPIENT's enhanced program.
  2. Current Program Description
    - a. Current program priorities, goals, and how the RECIPIENT determines where to employ existing maintenance resources.

- b. Estimate of the total cost to implement the existing program. Include labor, training, disposal, equipment maintenance and replacement costs. Note if any costs are currently unfunded.
  - c. Any formal/informal method used to determine if the program is meeting the goals described above. If the program is routinely assessed by the RECIPIENT, describe how changes are made to the program.
  - d. Current program implementation. Include location and frequency of current pollutant removal and source control efforts, staff training, equipment maintenance, material disposal process, data collection and tracking methods. Quantify the equipment needed to implement the current program.
  - e. Estimate of the water quality benefits the program provides. Show the method used to arrive at this estimate. If insufficient data exists to provide an estimate, identify and describe these gaps.
3. Future Program Description
- a. Describe the priorities/goals of the enhanced maintenance program.
  - b. Perform an alternatives analysis to identify the preferred enhancement alternative(s) and justify selection. At a minimum, the analysis should include:
    - i. A brief description of the alternatives being considered.
    - ii. The criteria used to evaluate alternatives including cost and water quality benefit.
    - iii. An estimate of the water quality benefits and the method used to arrive at this estimate.
    - iv. Cost estimates that include labor, training, disposal, equipment acquisition, maintenance and replacement costs, and facility improvements. If the program proposes to purchase equipment, analyze rent or lease versus purchase alternatives to determine the most economical approach.
  - c. Describe the program's implementation, including:
    - i. Equipment and facilities needed to implement the program.
    - ii. Location and frequency of enhanced maintenance efforts.
    - iii. Data collection and analysis methods needed to enhance the current program and assess program effectiveness.
  - d. Explain how frequently the program will be assessed and the process for adaptive management of the program to ensure the goals are achieved. Describe what components of the program can/will be modified in the future based on assessment of program effectiveness.

- B. The RECIPIENT will respond to ECOLOGY comments on the draft EMP. The RECIPIENT must receive an EMP Acceptance and Eligibility letter prior to proceeding with any purchase of equipment or facility designing.

**Task Goal Statement:**

The RECIPIENT will complete the Enhanced Maintenance Plan and respond to ECOLOGY comments in a timely manner.

**Task Expected Outcome:**

Identification of the best alternative for optimizing [goals/priorities as described in the long description] and reducing [specific pollutants as described in the long description] from roadways.

**Enhanced Maintenance Plan Deliverables**

Number	Description	Due Date
2.1	Signed and dated consultant contract, if procuring services for Enhanced Maintenance Plan development. The contract must include ECOLOGY’s standard contract clauses. Upload to EAGL and notify ECOLOGY.	
2.2	Draft Enhanced Maintenance Plan. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.3	Responses to ECOLOGY Enhanced Maintenance Plan comments. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.4	ECOLOGY Enhanced Maintenance Plan Acceptance Letter. Upload to EAGL and notify ECOLOGY when upload is complete.	
2.5	Final Enhanced Maintenance Plan. Upload to EAGL and notify Ecology when upload is complete.	
2.6	Waste disposal agreements. If applicable, upload copies of waste disposal contracts or agreements to EAGL.	

## 3.2 Enhanced Maintenance Plan Implementation

### 3.2.1 Decant Facilities

#### Minimum Requirements for a Decant Facility

If an Ecology-accepted EMP shows the Recipient needs to construct a decant facility to accomplish water quality goals, design and construction of the facility is eligible for funding. The decant facility design and/or construction scope of work should include the tasks and deliverables from the facilities scope of work template (Appendix L, Section 2.8). In addition, the following requirements will also apply:

- Include at least two bays. Covered bays are recommended but not required for Eastern Washington.
- Meet new/redevelopment criteria according to the Ecology Stormwater Management Manuals for Eastern or Western Washington, or accepted equivalent manual.
- Be authorized to discharge to either a sanitary sewer or other accepted treatment facility.
- Treatment methods other than sanitary sewer discharge can be discussed on a case-by-case basis.
- Include an oil/water separator downstream of the decant water collection area.
- Include safety lighting.
- Include shutoff valve to control hot load in the event of emergency spill.
- Provide adequate room for turning vehicles.
- Provide facilities for washing out the interior of vector tanks and sweeper storage bay.
- Follow local health jurisdiction guidelines for disposal testing criteria to ensure proper disposal or reuse of solid waste.
- Stockpile permit from your local health jurisdiction, if required.
- Include facilities for testing water and soils for hazardous materials.

#### Decant Facility Operations and Maintenance Plan Requirements

Before the decant facility becomes operational, Ecology must review and accept an Operations and Maintenance Plan (O&M). The plan must:

- Describe how the flow line is clear and properly maintained.
- Describe how all on-site stormwater BMPs are maintained and repaired.
- Have discharge authorization or other permission to discharge to the sanitary sewer issued by the municipality's sewage treatment agency.

Treatment of street waste liquids is required. There are other options to discharging to the sanitary sewer, such as on-site treatment and infiltration into ground. Refer to Appendix IV-B of SWMMWW for more information.

If it is necessary to dispose of decant water to a location other than the sanitary sewer, please work with the Ecology Municipal Permit Planner to determine the feasibility of discharging in another location.

For an O&M plan template example, you can refer to Appendix E of Regional Siting Study for the counties of Snohomish, King, Pierce, and Thurston.

### **3.2.2 Maintenance Equipment**

Pre-approval from Ecology is required before the purchase of equipment necessary to carry out the activities described in the EMP. Ecology authorization requires, at a minimum, that the purchase be consistent with equipment identified as the best alternative.

#### **Sweeper Trucks**

Sweepers are required to be high efficiency, such as those manufactured by Elgin, Tennant, Peterbilt, International, or Schwarze, or an approved equivalent.

The sweeper should contain the ability to track sweeping activities with GPS tracking. This capability may be built in the sweeper or an after-market purchase.

#### **Vector Trucks**

Vector trucks must contain the standard equipment for catch basin and pipe cleaning, such as those manufactured by Peterbilt, International, Freightliner, Kenworth, or an approved equivalent.

#### **Maintenance Equipment Operations and Maintenance**

All O&M plans for large equipment purchases should include the following elements:

- Training:
  - How staff will be trained to operate equipment.
- Operating procedures:
  - Start-up.
  - Load dumping.
  - Wash out.
- Equipment inspection:
  - Inspection schedule.
  - Inspection tasks.
  - Parties responsible for inspection.

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

### **Equipment Purchase, Rental, or Use Allowance Reimbursement**

If the Ecology-accepted EMP shows the need for additional equipment, the purchase, rental, or contracted use of the equipment may be eligible. When purchasing equipment, the Recipient must:

- Have an Ecology-accepted Enhanced Maintenance Plan.
- Have an Ecology-accepted equipment Operations and Maintenance Plan.
- Have a current contract for proper disposal of sweeping/cleaning waste.
- Purchase equipment according to the agreement and funding program guidelines. When cost effective and feasible, the Recipient should consider renting versus purchasing.
- Submit documentation to verify they possess the equipment before requesting reimbursement.
- Include a breakdown of the use allowance if the Recipient will rent or contract for services or seek reimbursement for sweeping costs. The use allowance may 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.
- Report lane miles swept and tons of debris collected quarterly and cumulatively for the remainder of the agreement, if applicable.

# Appendix M: Hardship Eligibility, Median Household Income, Population

## Hardship Eligibility Determinations

The [U.S. Census Bureau](https://data.census.gov/cedsci/)<sup>194</sup> provides population and median household income (MHI) data for states, cities, towns and census designated places (CDP). MHI are obtained through the most recent available American Community Survey (Tables S1903 and DP05, 5-year estimates data profiles).

Ecology uses the MHI data when making hardship determinations. If a community does not have an MHI or a population listed in Table 23, Ecology uses the MHI or population for the county where the community is located or another applicable location such as a census tract.

Communities are eligible for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship if the population is less than 25,000 and has a MHI no greater than 80% of the state MHI (defined as \$94,952.00). Information about CWSRF wastewater construction hardship can be found in Section 3.1.4 Funding Provisions, and for SFAP in Section 3.2.4 Funding Provisions.

If an applicant disputes the MHI estimate used by Ecology, the applicant may conduct a 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) [Income Survey Guide](https://iaccwa.wpengine.com/downloads/IACC-Income-Survey-Guide.pdf)<sup>195</sup>, and the results must be submitted to and approved by Ecology.

**Table 23: Median Household Incomes, Population, and Hardship Eligibility for SFAP and CWSRF/Centennial Preconstruction**

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
<b>Washington</b>	\$94,952.00	7,740,984	n/a	\$158.25
Aberdeen city	\$52,181	17,040	Eligible	\$86.97
Aberdeen Gardens CDP	\$143,125	406	Ineligible	\$238.54
<b>Adams County</b>	\$65,042	20,690	Eligible	\$108.40
Addy CDP	\$50,694	122	Eligible	\$84.49
Ahtanum CDP	\$82,188	3,570	Ineligible	\$136.98

<sup>194</sup> <https://data.census.gov/cedsci/>

<sup>195</sup> <https://iaccwa.wpengine.com/downloads/IACC-Income-Survey-Guide.pdf>

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Airway Heights city	\$64,659	10,766	Eligible	\$107.77
Albion town	\$55,750	448	Eligible	\$92.92
Alderton CDP	\$95,802	2,857	Ineligible	\$159.67
Alderwood Manor CDP	\$118,077	10,168	Ineligible	\$196.80
Alger CDP	\$106,318	655	Ineligible	\$177.20
Algona city	\$84,583	3,239	Ineligible	\$140.97
Allyn CDP	\$107,823	2,656	Ineligible	\$179.71
Almira town	\$61,548	365	Eligible	\$102.58
Altoona CDP	\$95,000	46	Ineligible	\$158.33
Amanda Park CDP	\$43,929	78	Eligible	\$73.22
Amboy CDP	\$127,639	1,545	Ineligible	\$212.73
Ames Lake CDP	\$157,500	1,138	Ineligible	\$262.50
Anacortes city	\$89,788	17,837	Ineligible	\$149.65
Anderson Island CDP	\$72,074	1,341	Eligible	\$120.12
Arlington city	\$84,919	20,599	Ineligible	\$141.53
Arlington Heights CDP	\$118,529	2,990	Ineligible	\$197.55
Artondale CDP	\$156,908	14,051	Ineligible	\$261.51
Ashford CDP	\$110,785	570	Ineligible	\$184.64
Asotin city	\$88,750	1,039	Ineligible	\$147.92
<b>Asotin County</b>	\$69,107	22,424	Eligible	\$115.18
Auburn city	\$95,367	85,455	Ineligible	\$158.95
Bainbridge Island city	\$159,882	24,607	Ineligible	\$266.47
Bangor Base CDP	\$84,485	5,931	Ineligible	\$140.81
Banks Lake South CDP	\$42,917	216	Eligible	\$71.53
Barberton CDP	\$121,524	8,213	Ineligible	\$202.54
Baring CDP	\$86,250	190	Ineligible	\$143.75
Barstow CDP	\$62,232	76	Eligible	\$103.72

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Basin City CDP	\$72,024	1,527	Eligible	\$120.04
Battle Ground city	\$100,185	21,293	Ineligible	\$166.98
Bay Center CDP	\$68,819	218	Eligible	\$114.70
Bay View CDP	\$98,571	626	Ineligible	\$164.29
Beacon Hill CDP	\$82,639	1,978	Ineligible	\$137.73
Beaux Arts Village town	250,000+	294	Ineligible	\$416.67+
Belfair CDP	\$74,477	4,601	Eligible	\$124.13
Bell Hill CDP	\$75,765	951	Eligible	\$126.28
Bellevue city	\$161,300	151,199	Ineligible	\$268.83
Bellingham city	\$65,821	92,367	Ineligible	\$109.70
Benton City city	\$52,581	3,559	Eligible	\$87.64
<b>Benton County</b>	\$87,316	210,224	Ineligible	\$145.53
Bethel CDP	\$84,214	4,276	Ineligible	\$140.36
Bickleton CDP	\$76,667	97	Ineligible	\$127.78
Big Lake CDP	\$119,000	2,648	Ineligible	\$198.33
Bingen city	\$82,000	865	Ineligible	\$136.67
Birch Bay CDP	\$77,120	11,103	Ineligible	\$128.53
Black Diamond city	\$144,728	5,678	Ineligible	\$241.21
Blaine city	\$81,559	5,982	Ineligible	\$135.93
Bonney Lake city	\$131,524	22,776	Ineligible	\$219.21
Bothell city	\$132,232	48,610	Ineligible	\$220.39
Bothell East CDP	\$189,519	14,487	Ineligible	\$315.87
Bothell West CDP	\$144,941	21,014	Ineligible	\$241.57
Boulevard Park CDP	\$75,646	4,334	Eligible	\$126.08
Bow CDP	\$67,017	584	Eligible	\$111.70
Brady CDP	\$110,417	789	Ineligible	\$184.03
Bremerton city	\$74,399	44,531	Ineligible	\$124.00

<b>Place</b>	<b>MHI</b>	<b>Population</b>	<b>Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship</b>	<b>2% of Monthly MHI</b>
Brewster city	\$52,885	1,737	Eligible	\$88.14
Bridgeport city	\$52,917	2,307	Eligible	\$88.20
Brier city	\$138,256	6,507	Ineligible	\$230.43
Brinnon CDP	\$57,708	774	Eligible	\$96.18
Browns Point CDP	\$95,104	998	Ineligible	\$158.51
Brush Prairie CDP	\$115,511	2,563	Ineligible	\$192.52
Bryant CDP	\$119,371	2,375	Ineligible	\$198.95
Bryn Mawr-Skyway CDP	\$90,258	17,577	Ineligible	\$150.43
Buckley city	\$121,719	5,306	Ineligible	\$202.87
Bucoda town	\$63,750	511	Eligible	\$106.25
Bunk Foss CDP	\$152,208	3,718	Ineligible	\$253.68
Burbank CDP	\$86,221	3,645	Ineligible	\$143.70
Burien city	\$90,597	51,331	Ineligible	\$151.00
Burley CDP	\$96,897	2,516	Ineligible	\$161.50
Burlington city	\$74,028	9,637	Eligible	\$123.38
Camano CDP	\$100,124	17,535	Ineligible	\$166.87
Camas city	\$140,053	26,779	Ineligible	\$233.42
Canterwood CDP	\$128,676	2,964	Ineligible	\$214.46
Canyon Creek CDP	\$67,295	3,556	Eligible	\$112.16
Carbonado town	\$105,469	631	Ineligible	\$175.78
Carlsborg CDP	\$39,239	1,135	Eligible	\$65.40
Carnation city	\$141,097	2,476	Ineligible	\$235.16
Carson CDP	\$70,347	2,553	Eligible	\$117.25
Cascade Valley CDP	\$48,862	3,824	Eligible	\$81.44
Cashmere city	\$63,825	3,263	Eligible	\$106.38
Castle Rock city	\$65,272	2,298	Eligible	\$108.79
Cathcart CDP	\$106,000	1,878	Ineligible	\$176.67

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Cathlamet town	\$57,750	569	Eligible	\$96.25
Cavalero CDP	\$144,076	1,850	Ineligible	\$240.13
Centerville CDP	\$122,917	107	Ineligible	\$204.86
Central Park CDP	\$97,273	3,203	Ineligible	\$162.12
Centralia city	\$52,387	18,457	Eligible	\$87.31
Chain Lake CDP	\$148,932	4,989	Ineligible	\$248.22
Chehalis city	\$68,021	7,536	Eligible	\$113.37
Chelan city	\$71,996	4,314	Eligible	\$119.99
<b>Chelan County</b>	\$78,306	79,518	Ineligible	\$130.51
Chelan Falls CDP	\$32,143	141	Eligible	\$53.57
Cheney city	\$47,039	12,830	Eligible	\$78.40
Chewelah city	\$55,516	2,552	Eligible	\$92.53
Chico CDP	\$124,700	3,016	Ineligible	\$207.83
Chinook CDP	\$132,792	557	Ineligible	\$221.32
Clallam Bay CDP	\$40,000	709	Eligible	\$66.67
<b>Clallam County</b>	\$67,999	77,593	Ineligible	\$113.33
<b>Clark County</b>	\$94,948	510,516	Ineligible	\$158.25
Clarkston city	\$53,092	7,240	Eligible	\$88.49
Clarkston Heights-Vineland CDP	\$89,628	7,144	Ineligible	\$149.38
Clayton CDP	\$49,886	220	Eligible	\$83.14
Cle Elum city	\$56,912	2,078	Eligible	\$94.85
Clear Lake CDP (Pierce County)	\$98,098	1,266	Ineligible	\$163.50
Clear Lake CDP (Skagit County)	\$64,313	1,176	Eligible	\$107.19
Clearview CDP	\$180,208	3,508	Ineligible	\$300.35
Cliffdell CDP	\$79,688	29	Ineligible	\$132.81
Clinton CDP	\$72,135	1,367	Eligible	\$120.23
Clover Creek CDP	\$97,581	7,128	Ineligible	\$162.64

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Clyde Hill city	250,000+	3,104	Ineligible	\$416.67+
Cohasset Beach CDP	\$84,621	404	Ineligible	\$141.04
Colfax city	\$56,929	2,785	Eligible	\$94.88
College Place city	\$59,768	9,828	Eligible	\$99.61
Colton town	\$97,188	291	Ineligible	\$161.98
<b>Columbia County</b>	\$71,528	3,996	Eligible	\$119.21
Colville city	\$49,375	4,979	Eligible	\$82.29
Concrete town	\$85,208	838	Ineligible	\$142.01
Connell city	\$63,810	5,080	Eligible	\$106.35
Copalis Beach CDP	\$62,813	442	Eligible	\$104.69
Cosmopolis city	\$80,132	2,301	Ineligible	\$133.55
Cottage Lake CDP	\$197,331	23,170	Ineligible	\$328.89
Coulee City town	\$49,135	507	Eligible	\$81.89
Coulee Dam town	\$67,868	1,457	Eligible	\$113.11
Country Homes CDP	\$78,841	5,979	Ineligible	\$131.40
Coupeville town	\$66,696	1,934	Eligible	\$111.16
Covington city	\$126,730	20,957	Ineligible	\$211.22
<b>Cowlitz County</b>	\$72,932	111,539	Ineligible	\$121.55
Crescent Bar CDP	\$98,182	212	Ineligible	\$163.64
Creston town	\$53,516	196	Eligible	\$89.19
Crocker CDP	\$104,049	1,173	Ineligible	\$173.42
Curlew CDP	\$99,167	135	Ineligible	\$165.28
Curlew Lake CDP	\$55,592	605	Eligible	\$92.65
Cusick town	\$60,417	170	Eligible	\$100.70
Custer CDP	\$130,179	266	Ineligible	\$216.97
Dallesport CDP	\$67,500	1,434	Eligible	\$112.50
Darrington town	\$64,438	1,397	Eligible	\$107.40

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Dash Point CDP	\$137,721	984	Ineligible	\$229.54
Davenport city	\$74,764	1,819	Eligible	\$124.61
Dayton city	\$71,687	2,695	Eligible	\$119.48
Deep River CDP	\$41,827	197	Eligible	\$69.71
Deer Park city	\$57,294	4,605	Eligible	\$95.49
Deming CDP	\$84,315	594	Ineligible	\$140.53
Des Moines city	\$89,787	32,545	Ineligible	\$149.65
Desert Aire CDP	\$83,482	2,953	Ineligible	\$139.14
Dollars Corner CDP	\$84,118	510	Ineligible	\$140.20
<b>Douglas County</b>	\$80,374	43,733	Ineligible	\$133.96
Duluth CDP	\$165,071	2,040	Ineligible	\$275.12
DuPont city	\$114,423	9,952	Ineligible	\$190.71
Duvall city	\$178,821	\$8,279	Ineligible	\$298.04
East Port Orchard CDP	\$72,639	5,581	Eligible	\$121.07
East Renton Highlands CDP	\$140,048	12,241	Ineligible	\$233.41
East Wenatchee city	\$81,050	14,114	Ineligible	\$135.08
Eastmont CDP	\$139,346	23,486	Ineligible	\$232.24
Easton CDP	\$115,836	1,046	Ineligible	\$193.06
Eatonville town	\$93,603	2,843	Ineligible	\$156.01
Edgewood city	\$114,342	12,683	Ineligible	\$190.57
Edmonds city	\$116,095	42,783	Ineligible	\$193.49
Electric City city	\$71,875	800	Eligible	\$119.79
Elk Plain CDP	\$101,250	13,863	Ineligible	\$168.75
Ellensburg city	\$49,888	18,913	Eligible	\$83.15
Elma city	\$66,194	3,452	Eligible	\$110.32
Elmer City town	\$60,250	297	Eligible	\$100.42
Endicott town	\$51,429	415	Eligible	\$85.72

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Enetai CDP	\$71,492	2,135	Eligible	\$119.15
Entiat city	\$76,250	1,151	Ineligible	\$127.08
Enumclaw city	\$116,563	12,663	Ineligible	\$194.27
Ephrata city	\$70,321	8,493	Eligible	\$117.20
Erlands Point CDP	\$106,313	874	Ineligible	\$177.19
Eschbach CDP	\$56,500	235	Eligible	\$94.17
Esperance CDP	\$134,866	3,988	Ineligible	\$224.78
Everett city	\$81,502	111,083	Ineligible	\$135.84
Everson city	\$82,750	2,989	Ineligible	\$137.92
Fairchild AFB CDP	\$69,825	3,016	Eligible	\$116.38
Fairfield town	\$75,000	607	Eligible	\$125.00
Fairwood CDP (King County)	\$119,013	18,437	Ineligible	\$198.36
Fairwood CDP (Spokane County)	\$84,911	10,439	Ineligible	\$141.52
Fall City CDP	\$144,625	1,743	Ineligible	\$241.04
Farmington town	\$55,750	136	Eligible	\$92.92
Federal Way city	\$82,144	99,232	Ineligible	\$136.91
Felida CDP	\$150,430	10,695	Ineligible	\$250.72
Fern Prairie CDP	\$110,476	2,132	Ineligible	\$184.13
Ferndale city	\$83,839	15,447	Ineligible	\$139.73
<b>Ferry County</b>	\$54,650	7,326	Eligible	\$91.08
Fife city	\$90,515	10,902	Ineligible	\$150.86
Fife Heights CDP	\$135,156	1,508	Ineligible	\$225.26
Finley CDP	\$87,824	5,734	Ineligible	\$146.37
Fircrest city	\$107,781	7,082	Ineligible	\$179.64
Five Corners CDP	\$102,423	21,444	Ineligible	\$170.71
Fobes Hill CDP	\$132,250	2,683	Ineligible	\$220.42
Fords Prairie CDP	\$55,556	1,762	Eligible	\$92.59

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Forks city	\$46,389	3,413	Eligible	\$77.32
Fort Lewis CDP	\$54,902	13,983	Eligible	\$91.50
Four Lakes CDP	\$79,913	489	Ineligible	\$133.19
Fox Island CDP	\$172,917	3,365	Ineligible	\$288.20
<b>Franklin County</b>	\$82,755	97,676	Ineligible	\$137.93
Frederickson CDP	\$107,241	24,219	Ineligible	\$178.74
Freeland CDP	\$90,945	1,966	Ineligible	\$151.58
Friday Harbor town	\$69,954	2,685	Eligible	\$116.59
<b>Garfield County</b>	\$62,411	2,326	Eligible	\$104.02
Garfield town	\$60,536	586	Eligible	\$100.89
Garrett CDP	\$114,194	1,824	Ineligible	\$190.32
Geneva CDP	\$142,612	2,200	Ineligible	\$237.69
George city	\$55,781	1,136	Eligible	\$92.97
Gig Harbor city	\$106,042	12,202	Ineligible	\$176.74
Gleed CDP	\$76,125	3,130	Ineligible	\$126.88
Glenwood CDP	\$85,833	246	Ineligible	\$143.06
Gold Bar city	\$95,296	2,396	Ineligible	\$158.83
Goldendale city	\$41,621	3,458	Eligible	\$69.37
Gorst CDP	\$117,813	405	Ineligible	\$196.36
Graham CDP	\$115,501	35,090	Ineligible	\$192.50
Grand Coulee city	\$42,083	977	Eligible	\$70.14
Grand Mound CDP	\$77,000	3,711	Ineligible	\$128.33
Grandview city	\$59,875	11,042	Eligible	\$99.79
Granger city	\$53,287	3,658	Eligible	\$88.81
Granite Falls city	\$100,720	4,658	Ineligible	\$167.87
<b>Grant County</b>	\$71,115	100,428	Ineligible	\$118.53
Grayland CDP	\$37,328	685	Eligible	\$62.21

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
<b>Grays Harbor County</b>	\$63,539	76,397	Ineligible	\$105.90
Grays River CDP	\$70,417	190	Eligible	\$117.36
Green Bluff CDP	\$106,058	238	Ineligible	\$176.76
Greenwater CDP	\$112,917	138	Ineligible	\$188.20
Hamilton town	\$37,188	249	Eligible	\$61.98
Hansville CDP	\$85,800	3,533	Ineligible	\$143.00
Harrah town	\$71,094	663	Eligible	\$118.49
Harrington city	\$38,258	446	Eligible	\$63.76
Hartline town	\$88,036	217	Ineligible	\$146.73
Hatton town	\$88,450	453	Ineligible	\$147.42
Hazel Dell CDP	\$78,958	23,086	Ineligible	\$131.60
Herron Island CDP	\$83,641	106	Ineligible	\$139.40
High Bridge CDP	\$160,938	3,147	Ineligible	\$268.23
Hobart CDP	\$149,635	6,841	Ineligible	\$249.39
Hockinson CDP	\$132,083	5,993	Ineligible	\$220.14
Home CDP	\$87,679	1,718	Ineligible	\$146.13
Hoquiam city	\$51,754	8,792	Eligible	\$86.26
Hunts Point town	250,000+	321	Ineligible	\$416.67+
Ilwaco city	\$97,541	1,418	Ineligible	\$162.57
Inchelium CDP	\$69,583	397	Eligible	\$115.97
Indianola CDP	\$95,469	\$3,517	Ineligible	\$159.12
lone town	\$49,750	382	Eligible	\$82.92
<b>Island County</b>	\$88,358	86,747	Ineligible	\$147.26
Issaquah city	\$153,786	39,472	Ineligible	\$256.31
Jamestown CDP	\$111,111	409	Ineligible	\$185.19
<b>Jefferson County</b>	\$71,143	33,313	Ineligible	\$118.57
Kahlotus city	\$91,042	171	Ineligible	\$151.74

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Kalama city	\$103,438	2,996	Ineligible	\$172.40
Kapowsin CDP	\$111,295	449	Ineligible	\$185.49
Kayak Point CDP	\$113,611	1,660	Ineligible	\$189.35
Keller CDP	\$61,667	195	Eligible	\$102.78
Kelso city	\$59,462	12,697	Eligible	\$99.10
Kendall CDP	\$60,291	810	Eligible	\$100.49
Kenmore city	\$137,926	23,594	Ineligible	\$229.88
Kennewick city	\$72,867	84,389	Ineligible	\$121.45
Kent city	\$90,416	135,015	Ineligible	\$150.69
Kettle Falls city	\$49,750	1,703	Eligible	\$82.92
Key Center CDP	\$100,405	3,619	Ineligible	\$167.34
Keyport CDP	\$133,086	272	Ineligible	\$221.81
<b>King County</b>	\$122,148	2,262,713	Ineligible	\$203.58
Kingston CDP	\$99,345	2,585	Ineligible	\$165.58
Kirkland city	\$143,533	91,614	Ineligible	\$239.22
<b>Kitsap County</b>	\$98,546	276,581	Ineligible	\$164.24
Kitsap Lake CDP	\$90,156	1,879	Ineligible	\$150.26
Kittitas city	\$66,150	1,186	Eligible	\$110.25
<b>Kittitas County</b>	\$69,928	44,736	Ineligible	\$116.55
Klickitat CDP	\$63,182	456	Eligible	\$105.30
<b>Klickitat County</b>	\$70,400	23,082	Eligible	\$117.33
La Center city	\$118,629	3,885	Ineligible	\$197.72
La Conner town	\$75,804	\$986	Eligible	\$126.34
La Grande CDP	\$245,884	262	Ineligible	\$409.81
Lacey city	\$87,277	57,088	Ineligible	\$145.46
LaCrosse town	\$31,250	362	Eligible	\$52.08
Lake Bosworth CDP	\$109,375	980	Ineligible	\$182.29

<b>Place</b>	<b>MHI</b>	<b>Population</b>	<b>Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship</b>	<b>2% of Monthly MHI</b>
Lake Cassidy CDP	\$115,417	3,337	Ineligible	\$192.36
Lake Cavanaugh CDP	\$106,875	305	Ineligible	\$178.13
Lake Forest Park city	\$158,868	13,356	Ineligible	\$264.78
Lake Goodwin CDP	\$104,028	5,682	Ineligible	\$173.38
Lake Holm CDP	\$119,608	3,664	Ineligible	\$199.35
Lake Ketchum CDP	\$132,716	1,088	Ineligible	\$221.19
Lake Marcel-Stillwater CDP	\$195,063	1,463	Ineligible	\$325.11
Lake Morton-Berrydale CDP	\$127,074	10,591	Ineligible	\$211.79
Lake Roesiger CDP	\$117,126	981	Ineligible	\$195.21
Lake Shore CDP	\$132,102	6,601	Ineligible	\$220.17
Lake Stevens city	\$118,290	39,500	Ineligible	\$197.15
Lake Stickney CDP	\$85,762	15,514	Ineligible	\$142.94
Lake Tapps CDP	\$145,250	12,360	Ineligible	\$242.08
Lakeland North CDP	\$111,681	14,664	Ineligible	\$186.14
Lakeland South CDP	\$105,273	12,869	Ineligible	\$175.46
Lakeview CDP	\$49,167	1,601	Eligible	\$81.95
Lakewood city	\$70,524	63,034	Ineligible	\$117.54
Langley city	\$74,067	1,090	Eligible	\$123.45
Larch Way CDP	\$141,429	4,046	Ineligible	\$235.72
Latah town	\$52,250	222	Eligible	\$87.08
Leavenworth city	\$74,653	2,676	Eligible	\$124.42
Lebam CDP	\$42,917	343	Eligible	\$71.53
<b>Lewis County</b>	\$69,690	83,925	Ineligible	\$116.15
Lewisville CDP	\$125,179	2,372	Ineligible	\$208.63
Lexington CDP	\$101,417	4,495	Ineligible	\$169.03
Liberty Lake city	\$105,599	12,435	Ineligible	\$176.00
<b>Lincoln County</b>	\$71,227	11,271	Eligible	\$118.71

<b>Place</b>	<b>MHI</b>	<b>Population</b>	<b>Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship</b>	<b>2% of Monthly MHI</b>
Lind town	\$71,250	491	Eligible	\$118.75
Lochsloy CDP	\$106,328	3,088	Ineligible	\$177.21
Lofall CDP	\$110,951	2,018	Ineligible	\$184.92
Long Beach city	\$51,125	1,844	Eligible	\$85.21
Longbranch CDP	\$92,109	4,715	Ineligible	\$153.52
Longview city	\$60,844	37,836	Ineligible	\$101.41
Longview Heights CDP	\$90,592	4,403	Ineligible	\$150.99
Loomis CDP	\$37,281	102	Eligible	\$62.14
Loon Lake CDP	\$71,285	927	Eligible	\$118.81
Lyman town	\$85,625	437	Ineligible	\$142.71
Lynden city	\$94,869	16,025	Ineligible	\$158.12
Lynnwood city	\$76,439	40,953	Ineligible	\$127.40
Mabton city	\$54,722	2,481	Eligible	\$91.20
Machias CDP	\$127,043	1,112	Ineligible	\$211.74
Malden town	\$27,321	102	Eligible	\$45.54
Malone CDP	\$104,792	338	Ineligible	\$174.65
Malott CDP	\$51,658	708	Eligible	\$86.10
Maltby CDP	\$179,276	10,859	Ineligible	\$298.79
Manchester CDP	\$108,242	6,018	Ineligible	\$180.40
Mansfield town	\$57,143	344	Eligible	\$95.24
Manson CDP	\$74,750	1,595	Eligible	\$124.58
Maple Falls CDP	\$32,324	247	Eligible	\$53.87
Maple Heights-Lake Desire CDP	\$131,042	3,694	Ineligible	\$218.40
Maple Valley city	\$147,546	28,121	Ineligible	\$245.91
Maplewood CDP	\$129,659	5,766	Ineligible	\$216.10
Marblemount CDP	\$99,006	318	Ineligible	\$165.01
Marcus town	\$46,250	206	Eligible	\$77.08

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Marietta-Alderwood CDP	\$62,243	3,569	Eligible	\$103.74
Marine View CDP	\$57,750	413	Eligible	\$96.25
Markham CDP	\$88,487	173	Ineligible	\$147.48
Marrowstone CDP	\$93,125	982	Ineligible	\$155.21
Martha Lake CDP	\$132,130	22,740	Ineligible	\$220.22
Marysville city	\$100,362	71,570	Ineligible	\$167.27
<b>Mason County</b>	\$78,359	66,968	Ineligible	\$130.60
Mattawa city	\$41,250	3,553	Eligible	\$68.75
May Creek CDP	\$75,380	801	Eligible	\$125.63
McChord AFB CDP	\$55,662	2,895	Eligible	\$92.77
McCleary city	\$75,652	2,262	Eligible	\$126.09
McKenna CDP	\$91,733	638	Ineligible	\$152.89
McMillin CDP	\$107,305	1,298	Ineligible	\$178.84
Mead CDP	\$76,010	7,184	Ineligible	\$126.68
Meadow Glade CDP	\$129,167	2,534	Ineligible	\$215.28
Meadowdale CDP	\$147,813	2,948	Ineligible	\$246.36
Medical Lake city	\$74,426	4,927	Eligible	\$124.04
Medina city	\$249,688	2,889	Ineligible	\$416.15
Mercer Island city	\$202,359	25,282	Ineligible	\$337.27
Mesa city	\$71,875	631	Eligible	\$119.79
Metaline Falls town	\$40,179	288	Eligible	\$66.97
Metaline town	\$60,625	133	Eligible	\$101.04
Methow CDP	\$39,219	91	Eligible	\$65.37
Midland CDP	\$77,619	8,676	Ineligible	\$129.37
Mill Creek city	\$121,578	20,846	Ineligible	\$202.63
Mill Creek East CDP	\$183,466	25,461	Ineligible	\$305.78
Millwood city	\$71,875	1,880	Eligible	\$119.79

<b>Place</b>	<b>MHI</b>	<b>Population</b>	<b>Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship</b>	<b>2% of Monthly MHI</b>
Milton city	\$89,804	8,747	Ineligible	\$149.67
Minnehaha CDP	\$108,203	12,080	Ineligible	\$180.34
Mirrmont CDP	\$182,283	4,217	Ineligible	\$303.81
Monroe city	\$107,556	19,696	Ineligible	\$179.26
Monroe North CDP	\$173,203	2,069	Ineligible	\$288.67
Montesano city	\$65,938	4,157	Eligible	\$109.90
Morton city	\$48,684	1,142	Eligible	\$81.14
Moses Lake city	\$71,854	25,594	Ineligible	\$119.76
Moses Lake North CDP	\$59,825	4,693	Eligible	\$99.71
Mossyrock city	\$43,281	980	Eligible	\$72.14
Mount Vernon city	\$73,277	35,312	Ineligible	\$122.13
Mount Vista CDP	\$101,189	10,635	Ineligible	\$168.65
Mountlake Terrace city	\$101,404	21,419	Ineligible	\$169.01
Moxee city	\$97,194	4,545	Ineligible	\$161.99
Mukilteo city	\$122,612	21,312	Ineligible	\$204.35
Naches town	\$53,015	895	Eligible	\$88.36
Napavine city	\$89,063	1,705	Ineligible	\$148.44
Naselle CDP	\$58,642	519	Eligible	\$97.74
Navy Yard City CDP	\$67,546	2,542	Eligible	\$112.58
Neah Bay CDP	\$56,974	1,056	Eligible	\$94.96
Neilton CDP	\$55,250	281	Eligible	\$92.08
Nespelem Community CDP	\$97,143	322	Ineligible	\$161.91
Nespelem town	\$50,938	155	Eligible	\$84.90
Newcastle city	\$162,646	12,945	Ineligible	\$271.08
Newport city	\$41,733	2,269	Eligible	\$69.56
Nisqually Indian Community CDP	\$71,875	513	Eligible	\$119.79
Nooksack city	\$85,781	1,547	Ineligible	\$142.97

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Normandy Park city	\$144,821	6,659	Ineligible	\$241.37
North Bend city	\$180,663	7,745	Ineligible	\$301.11
North Bonneville city	\$81,809	1,151	Ineligible	\$136.35
North Fort Lewis CDP	\$72,778	5,990	Eligible	\$121.30
North Lynnwood CDP	\$102,888	23,653	Ineligible	\$171.48
North Omak CDP	\$89,276	368	Ineligible	\$148.79
North Puyallup CDP	\$81,063	1,363	Ineligible	\$135.11
North Yelm CDP	\$77,691	2,503	Ineligible	\$129.49
Northport town	\$42,917	207	Eligible	\$71.53
Oak Harbor city	\$72,041	24,396	Eligible	\$120.07
Oakesdale town	\$75,625	414	Eligible	\$126.04
Oakville city	\$71,375	739	Eligible	\$118.96
Ocean Park CDP	\$53,889	1,777	Eligible	\$89.82
Ocean Shores city	\$62,750	7,076	Eligible	\$104.58
Ocosta CDP	\$39,688	167	Eligible	\$66.15
Odessa town	\$51,083	745	Eligible	\$85.14
Okanogan city	\$73,273	2,477	Eligible	\$122.12
<b>Okanogan County</b>	\$60,293	42,811	Ineligible	\$100.49
Olympia city	\$76,930	55,583	Ineligible	\$128.22
Omak city	\$75,911	4,931	Eligible	\$126.52
Orchards CDP	\$96,893	29,716	Ineligible	\$161.49
Oroville city	\$35,560	1,686	Eligible	\$59.27
Orting city	\$120,994	8,957	Ineligible	\$201.66
Oso CDP	\$136,735	400	Ineligible	\$227.89
Othello city	\$65,757	8,699	Eligible	\$109.60
Otis Orchards-East Farms CDP	\$90,750	5,486	Ineligible	\$151.25
Outlook CDP	\$46,949	504	Eligible	\$78.25

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Pacific city	\$102,976	7,064	Ineligible	\$171.63
<b>Pacific County</b>	\$62,350	23,750	Eligible	\$103.92
Palouse city	\$92,875	1,131	Ineligible	\$154.79
Parker CDP	\$31,094	90	Eligible	\$51.82
Parkland CDP	\$71,829	39,174	Ineligible	\$119.72
Parkwood CDP	\$92,188	6,976	Ineligible	\$153.65
Pasco city	\$81,130	78,446	Ineligible	\$135.22
Pateros city	\$66,333	648	Eligible	\$110.56
Pe Ell town	\$59,625	520	Eligible	\$99.38
Peaceful Valley CDP	\$60,271	2,661	Eligible	\$100.45
<b>Pend Oreille County</b>	\$63,750	13,811	Eligible	\$106.25
Picnic Point CDP	\$128,295	9,833	Ineligible	\$213.83
<b>Pierce County</b>	\$96,632	924,106	Ineligible	\$161.05
Point Roberts CDP	\$80,197	1,275	Ineligible	\$133.66
Pomeroy city	\$50,197	1,423	Eligible	\$83.66
Port Angeles city	\$61,640	\$20,087	Eligible	\$102.73
Port Angeles East CDP	\$66,563	3,035	Eligible	\$110.94
Port Gamble Tribal Community CDP	\$65,000	614	Eligible	\$108.33
Port Hadlock-Irondale CDP	\$73,558	3,695	Eligible	\$122.60
Port Ludlow CDP	\$92,245	2,979	Ineligible	\$153.74
Port Orchard city	\$81,472	16,398	Ineligible	\$135.79
Port Townsend city	\$60,015	10,290	Eligible	\$100.03
Porter CDP	\$105,859	130	Ineligible	\$176.43
Poulsbo city	\$95,774	11,962	Ineligible	\$159.62
Prairie Heights CDP	\$129,438	4,817	Ineligible	\$215.73
Prairie Ridge CDP	\$110,795	12,054	Ineligible	\$184.66
Prescott city	\$62,083	336	Eligible	\$103.47

<b>Place</b>	<b>MHI</b>	<b>Population</b>	<b>Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship</b>	<b>2% of Monthly MHI</b>
Prosser city	\$66,406	6,213	Eligible	\$110.68
Puget Island CDP	\$65,395	1,136	Eligible	\$108.99
Pullman city	\$45,097	31,939	Ineligible	\$75.16
Purdy CDP	\$83,902	1,222	Ineligible	\$139.84
Puyallup city	\$95,639	42,642	Ineligible	\$159.40
Quilcene CDP	\$48,938	490	Eligible	\$81.56
Quincy city	\$79,973	7,922	Ineligible	\$133.29
Raft Island CDP	\$161,389	363	Ineligible	\$268.98
Rainier city	\$101,644	2,499	Ineligible	\$169.41
Ravensdale CDP	\$144,615	308	Ineligible	\$241.03
Raymond city	\$52,500	3,160	Eligible	\$87.50
Reardan town	\$71,429	707	Eligible	\$119.05
Redmond city	\$162,099	75,721	Ineligible	\$270.17
Renton city	\$96,626	105,279	Ineligible	\$161.04
Republic city	\$53,295	1,043	Eligible	\$88.83
Richland city	\$92,550	61,912	Ineligible	\$154.25
Ridgefield city	\$117,550	12,576	Ineligible	\$195.92
Ritzville city	\$63,277	1,942	Eligible	\$105.46
River Road CDP	\$116,087	952	Ineligible	\$193.48
Riverbend CDP	\$153,489	2,150	Ineligible	\$255.82
Riverpoint CDP	\$163,173	982	Ineligible	\$271.96
Riverside town	\$34,271	452	Eligible	\$57.12
Roche Harbor CDP	\$91,625	700	Ineligible	\$152.71
Rochester CDP	\$94,754	6,025	Ineligible	\$157.92
Rock Island city	\$55,114	1,142	Eligible	\$91.86
Rockford town	\$70,625	407	Eligible	\$117.71
Rocky Point CDP	\$83,456	1,648	Ineligible	\$139.09

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Roosevelt CDP	\$44,583	164	Eligible	\$74.31
Rosalia town	\$75,417	628	Eligible	\$125.70
Rosburg CDP	\$56,596	468	Eligible	\$94.33
Rosedale CDP	\$149,632	4,267	Ineligible	\$249.39
Roslyn city	\$82,386	884	Ineligible	\$137.31
Roy city	\$88,500	798	Ineligible	\$147.50
Royal City city	\$49,417	1,615	Eligible	\$82.36
Ruston city	\$113,971	1,293	Ineligible	\$189.95
Ryderwood CDP	\$36,579	367	Eligible	\$60.97
Salmon Creek CDP	\$100,534	19,594	Ineligible	\$167.56
Sammamish city	\$227,273	66,375	Ineligible	\$378.79
<b>San Juan County</b>	\$83,682	18,266	Ineligible	\$139.47
Santiago CDP	\$72,917	78	Eligible	\$121.53
Satsop CDP	\$60,643	717	Eligible	\$101.07
Schwana CDP	\$90,592	352	Ineligible	\$150.99
Seabeck CDP	\$126,442	773	Ineligible	\$210.74
SeaTac city	\$76,517	31,143	Ineligible	\$127.53
Seattle city	\$121,984	741,440	Ineligible	\$203.31
Sedro-Woolley city	\$72,140	12,633	Eligible	\$120.23
Selah city	\$74,757	8,301	Eligible	\$124.60
Sequim city	\$52,977	8,130	Eligible	\$88.30
Shadow Lake CDP	\$137,407	2,221	Ineligible	\$229.01
Shelton city	\$60,589	10,619	Eligible	\$100.98
Shoreline city	\$113,336	59,280	Ineligible	\$188.89
Silver Firs CDP	\$153,026	21,796	Ineligible	\$255.04
Silverdale CDP	\$101,445	21,046	Ineligible	\$169.08
Sisco Heights CDP	\$119,871	2,942	Ineligible	\$199.79

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
<b>Skagit County</b>	\$85,474	130,407	Ineligible	\$142.46
<b>Skamania County</b>	\$90,085	12,276	Ineligible	\$150.14
Skokomish CDP	\$56,250	558	Eligible	\$93.75
Skykomish town	\$75,536	112	Eligible	\$125.89
Snohomish city	\$84,688	10,177	Ineligible	\$141.15
<b>Snohomish County</b>	\$107,982	834,648	Ineligible	\$179.97
Snoqualmie city	\$197,531	13,750	Ineligible	\$329.22
South Bend city	\$43,333	1,856	Eligible	\$72.22
South Cle Elum town	\$60,268	707	Eligible	\$100.45
South Creek CDP	\$81,826	1,885	Ineligible	\$136.38
South Hill CDP	\$109,235	68,161	Ineligible	\$182.06
South Prairie town	\$112,917	371	Ineligible	\$188.20
South Wenatchee CDP	\$61,959	1,083	Eligible	\$103.27
Southworth CDP	\$123,842	2,109	Ineligible	\$206.40
Spanaway CDP	\$94,028	34,322	Ineligible	\$156.71
Spangle city	\$70,486	280	Eligible	\$117.48
Spokane city	\$65,745	229,228	Ineligible	\$109.58
<b>Spokane County</b>	\$73,513	544,323	Ineligible	\$122.52
Spokane Valley city	\$70,722	105,460	Ineligible	\$117.87
Sprague city	\$66,500	619	Eligible	\$110.83
Springdale town	\$49,722	467	Eligible	\$82.87
St. John town	\$61,000	685	Eligible	\$101.67
Stansberry Lake CDP	\$95,250	1,574	Ineligible	\$158.75
Stanwood city	\$87,477	8,351	Ineligible	\$145.80
Starbuck town	\$51,250	105	Eligible	\$85.42
Startup CDP	\$66,940	746	Eligible	\$111.57
Steilacoom town	\$97,634	6,683	Ineligible	\$162.72

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Steptoe CDP	\$48,929	152	Eligible	\$81.55
<b>Stevens County</b>	\$67,405	47,470	Ineligible	\$112.34
Stevenson city	\$77,841	1,676	Ineligible	\$129.74
Sudden Valley CDP	\$98,865	6,963	Ineligible	\$164.78
Sultan city	\$85,278	5,770	Ineligible	\$142.13
Sumas city	\$86,500	1,384	Ineligible	\$144.17
Summit CDP	\$107,977	8,885	Ineligible	\$179.96
Summit View CDP	\$103,910	9,014	Ineligible	\$173.18
Summitview CDP	\$102,830	2,031	Ineligible	\$171.38
Sumner city	\$98,376	10,674	Ineligible	\$163.96
Suncrest CDP	\$101,964	5,590	Ineligible	\$169.94
Sunday Lake CDP	\$110,491	1,209	Ineligible	\$184.15
Sunland Estates CDP	\$79,583	85	Ineligible	\$132.64
Sunnyside city	\$53,350	16,329	Eligible	\$88.92
Sunnyslope CDP	\$131,250	3,674	Ineligible	\$218.75
Suquamish CDP	\$83,856	4,515	Ineligible	\$139.76
Swede Heaven CDP	\$111,302	1,163	Ineligible	\$185.50
Tacoma city	\$83,857	220,482	Ineligible	\$139.76
Taholah CDP	\$44,286	778	Eligible	\$73.81
Tampico CDP	\$102,404	514	Ineligible	\$170.67
Tanglewilde CDP	\$99,766	6,822	Ineligible	\$166.28
Tehaleh CDP	\$136,454	6,769	Ineligible	\$227.42
Tekoa city	\$47,083	714	Eligible	\$78.47
Tenino city	\$75,438	1,965	Eligible	\$125.73
Terrace Heights CDP	\$79,525	9,480	Ineligible	\$132.54
Thorp CDP	\$89,625	129	Ineligible	\$149.38
Three Lakes CDP	\$148,625	3,466	Ineligible	\$247.71

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
<b>Thurston County</b>	\$93,985	296,640	Ineligible	\$156.64
Tieton city	\$54,286	1,911	Eligible	\$90.48
Tokeland CDP	\$54,844	99	Eligible	\$91.41
Toledo city	\$55,139	529	Eligible	\$91.90
Tonasket city	\$38,273	976	Eligible	\$63.79
Toppenish city	\$67,766	8,746	Eligible	\$112.94
Torboy CDP	\$54,044	260	Eligible	\$90.07
Touchet CDP	\$83,036	345	Ineligible	\$138.39
Town and Country CDP	\$87,561	5,398	Ineligible	\$145.94
Tracyton CDP	\$87,064	5,658	Ineligible	\$145.11
Trout Lake CDP	\$85,341	888	Ineligible	\$142.24
Tukwila city	\$80,534	21,479	Ineligible	\$134.22
Tumwater city	\$93,635	26,519	Ineligible	\$156.06
Twin Lakes CDP	\$48,750	101	Eligible	\$81.25
Twisp town	\$44,607	997	Eligible	\$74.35
Union CDP	\$72,019	281	Eligible	\$120.03
Union Gap city	\$58,958	6,511	Eligible	\$98.26
Union Hill-Novelty Hill CDP	\$181,820	23,272	Ineligible	\$303.03
Uniontown town	\$59,643	355	Eligible	\$99.41
University Place city	\$94,952	34,850	Ineligible	\$158.25
Upper Elochoman CDP	\$90,455	94	Ineligible	\$150.76
Vader city	\$50,598	813	Eligible	\$84.33
Valley CDP	\$34,194	93	Eligible	\$56.99
Vancouver city	\$78,156	192,696	Ineligible	\$130.26
Vashon CDP	\$115,750	10,424	Ineligible	\$192.92
Venersborg CDP	\$126,667	4,827	Ineligible	\$211.11
Verlot CDP	\$70,958	387	Eligible	\$118.26

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
<b>Wahkiakum County</b>	\$57,091	4,573	Eligible	\$95.15
Waitsburg city	\$72,917	940	Eligible	\$121.53
Walla Walla city	\$65,493	33,766	Ineligible	\$109.16
<b>Walla Walla County</b>	\$72,212	62,102	Ineligible	\$120.35
Walla Walla East CDP	\$87,723	2,264	Ineligible	\$146.21
Waller CDP	\$118,077	7,857	Ineligible	\$196.80
Wallula CDP	\$62,857	127	Eligible	\$104.76
Wapato city	\$51,341	4,577	Eligible	\$85.57
Warden city	\$52,344	2,531	Eligible	\$87.24
Warm Beach CDP	\$96,413	3,333	Ineligible	\$160.69
Washougal city	\$100,916	16,945	Ineligible	\$168.19
Washtucna town	\$75,833	217	Eligible	\$126.39
Waterville town	\$75,854	1,353	Eligible	\$126.42
Wauna CDP	\$108,000	4,831	Ineligible	\$180.00
Waverly town	\$65,703	163	Eligible	\$109.51
Wenatchee city	\$70,000	35,502	Ineligible	\$116.67
West Clarkston-Highland CDP	\$52,406	5,678	Eligible	\$87.34
West Pasco CDP	\$129,224	1,157	Ineligible	\$215.37
West Richland city	\$118,056	17,126	Ineligible	\$196.76
Westport city	\$52,407	\$2,164	Eligible	\$87.35
<b>Whatcom County</b>	\$80,989	228,432	Ineligible	\$134.98
Whidbey Island Station CDP	\$42,143	2,284	Eligible	\$70.24
White Center CDP	\$82,500	15,017	Ineligible	\$137.50
White Salmon city	\$73,406	2,533	Eligible	\$122.34
White Swan CDP	\$56,458	598	Eligible	\$94.10
<b>Whitman County</b>	\$52,893	47,042	Ineligible	\$88.16
Wilbur town	\$54,821	922	Eligible	\$91.37

Place	MHI	Population	Eligibility for SFAP Hardship and CWSRF/Centennial Preconstruction Hardship	2% of Monthly MHI
Wilderness Rim CDP	\$115,625	1,770	Ineligible	\$192.71
Wilkeson town	\$106,042	555	Ineligible	\$176.74
Wilson Creek town	\$55,000	183	Eligible	\$91.67
Winlock city	\$68,750	1,951	Eligible	\$114.58
Winthrop town	\$63,750	404	Eligible	\$106.25
Wishram CDP	\$41,154	418	Eligible	\$68.59
Wollochet CDP	\$148,716	6,905	Ineligible	\$247.86
Woodinville city	\$158,723	13,440	Ineligible	\$264.54
Woodland city	\$83,193	6,513	Ineligible	\$138.66
Woods Creek CDP	\$145,773	7,027	Ineligible	\$242.96
Woodway city	\$196,500	1,174	Ineligible	\$327.50
Yacolt town	\$90,625	1,628	Ineligible	\$151.04
Yakima city	\$59,228	96,810	Ineligible	\$98.71
<b>Yakima County</b>	\$68,015	256,605	Ineligible	\$113.36
Yarrow Point town	250,000+	1,192	Ineligible	\$416.67+
Yelm city	\$88,279	10,618	Ineligible	\$147.13
Zillah city	\$72,461	3,163	Eligible	\$120.77

# Appendix N: Environmental and Cultural Resources Review Guidance

## 1.0 Introduction

This section provides guidance on internal and external environmental and cultural requirements for the following:

- Stormwater Financial Assistance Program (SFAP)
- Centennial Clean Water Program
- Clean Water Act Section 319 grants

Guidance for Clean Water State Revolving Loan Fund (CWSRF) loans and OSG is provided in a separate document: [State Environmental Review Process \(SERP\) Environmental Information Document](#)<sup>196</sup> (EID Guidance).

Grant Recipients must complete certain internal and external environmental and cultural resources compliance requirements before disbursement of expenditures. It is important to coordinate with your Project Manager and Cultural Resources Contact (CRC) to ensure you fully understand these requirements.

When selecting a project site, Recipients should consider sensitive features that may alter a design or require site-specific mitigation early in the planning or design phases. A pre-con meeting with the CRC will help address potential site issues and restrictions, saving time and money on project implementation.

## 2.0 State Funded Projects

The Water Quality Combined Funding Program funds projects with state financial resources through the Stormwater Financial Assistance Program (SFAP) and Centennial Clean Water Program. 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 CWSRF or Section 319 grant funding, additional requirements will apply. To learn more, check with your Ecology project management contacts to ensure you know what is required for your specific project.

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<sup>196</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/1610003.html>

## 2.1 Important Regulations that Apply to State Funded Projects

### 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, including certain nonpoint source activities. 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). See the [EID Guidance for CWSRF guidance on exemptions](#). Please note that completion of the SEPA process does not take the place of a formal cultural resource review and consultation by Ecology.

#### 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 when applying Phased Review to multiple agreements. Phased Review assists with project planning, permits, and discussions with regulatory agencies.

## Environmental Checklist

SEPA requires an environmental checklist. Ecology Project Managers use the checklist to learn about the proposal and its probable environmental impacts. Ensure your Ecology Project Manager is included in the SEPA distribution list. The environmental checklist form is in the SEPA Rules under WAC 197-11-960. If you need assistance, please go to the [Ecology SEPA Website](#)<sup>197</sup>.

## Mitigation

The consideration of environmental impacts and possible mitigation measures during agency decision-making is a cornerstone of SEPA. SEPA substantive authority gives all levels of local and state government the ability to condition or deny a proposal based on environmental impacts.

Mitigation means the avoidance, minimization, rectification, compensation, reduction, or elimination of adverse impacts to the built and natural elements of the environment. Mitigation may also involve monitoring and a contingency plan for correcting problems if they occur.

In determining mitigation, the lead agency reviews the environmental checklist and other information available on the proposal, including consultations with other agencies, such as Ecology. Mitigation required under existing local, state, and federal rules may be sufficient to eliminate any adverse impacts—or even to deny the proposal.

If additional mitigation is warranted, the lead agency's SEPA procedures identifies ways to address potential adverse impacts. Agencies with jurisdiction or expertise, such as Ecology, Tribes, and the public may assist the lead agency in determining appropriate mitigation for a proposal. Mitigation conditions must be reasonable and capable of being accomplished. Mitigation measures and stipulations are outlined prior to the threshold determination. Discuss mitigation with your Ecology Project Manager.

## Threshold Determination

After evaluating the proposal and identifying any mitigation measures, the lead agency will determine if the SEPA action will still have any likely significant adverse environmental impacts. The SEPA Rules state that significant “means a reasonable likelihood of more than a moderate adverse impact on environmental quality.”

If the lead agency has enough information and concludes that the proposal is unlikely to have a significant adverse environmental impact, the agency issues a determination of non-significance (DNS). If the applicant mitigates adverse impacts, the agency issues a mitigated determination of non-significance (MDNS). If the information indicates the proposal is likely to have a significant adverse environmental impact, the lead agency issues a determination of 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

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<sup>197</sup> <https://ecology.wa.gov/regulations-permits/SEPA-environmental-review>

the agency selects measures intended to eliminate or reduce the likely environmental impacts of the preferred alternative.

### Information on SEPA

- [General Information on Washington’s State Environmental Policy Act](#)
  - A [basic overview of SEPA](#)<sup>198</sup> is available online for your convenience.
  - The [SEPA Guide](#)<sup>199</sup> for project applicants provides detailed guidance on the process.
- [Electronic versions of SEPA forms](#)<sup>200</sup>.
- [SEPA Register](#)<sup>201</sup>.
- [SEPA rule](#)<sup>202</sup>, WAC 197-11.
- [SEPA statute](#)<sup>203</sup>, RCW 43.21C.

### Questions on This Topic

- For SEPA-related questions: [sepahelp@ecy.wa.gov](mailto:sepahelp@ecy.wa.gov) or 360-407-6922.
- For SERP-related questions: Liz Ellis, Environmental Review Coordinator: (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov).
- [State Environmental Review Process Environmental Information Document: Guidance for Clean Water State Revolving Fund Agreements](#)

## 3.0 Water Quality Program Grant and Loan Cultural Resources Review Process

This section describes the review process used by Ecology Water Quality Program (WQP) Financial Management Section (FMS) grant and loan staff. It includes information to help you prepare for review and consultation. For more information, see the [Cultural Resources Review Focus Sheet](#).<sup>204</sup> Ecology provides a CRC as a public service. Ensure you coordinate with your CRC and make sure they receive the information and support necessary to coordinate an effective and efficient review for your project.

The first step is to ensure Ecology is the lead agency. Understanding the lead agency helps direct the pathway for cultural resources review. Ecology is the presumptive lead agency unless other arrangements have been made with Ecology first.

<sup>198</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Basic-overview>

<sup>199</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-guidance/Guide-for-project-applicants>

<sup>200</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-document-templates>

<sup>201</sup> <https://ecology.wa.gov/Regulations-Permits/SEPA/Environmental-review/SEPA-Register>

<sup>202</sup> <https://apps.leg.wa.gov/WAC/default.aspx?cite=197-11>

<sup>203</sup> <https://apps.leg.wa.gov/RCW/default.aspx?cite=43.21C>

<sup>204</sup> <https://apps.ecology.wa.gov/publications/documents/2410028.pdf>

### 3.1 Executive Order 21-02: Archaeological and Cultural Resources

All state funded projects must follow [Executive Order 21-02](#)<sup>205</sup> 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. Cultural resources are defined in the Order as “archaeological or historic archaeological site, historic building/structure and cultural or sacred place.”

The goal of consultation is to:

- 1) Identify cultural resources potentially affected by the proposed action.
- 2) Assess the effects.
- 3) Seek ways to avoid, minimize, or mitigate any adverse effects on historic properties and cultural resources.

Governor’s Executive Order 21-02 (GEO 21-02) requires state agencies to review all state funded projects, including land acquisition, to determine potential impacts to cultural resources. This review is completed with DAHP and Tribes, as early as possible in the planning process. Examples of potential impacts may include (but are not limited to) geotechnical work, acquisition, site preparation, and construction.

If the identification of direct or indirect adverse effects to a cultural resource (defined above) occurs, the state agency shall take all reasonable action to avoid, mitigate, and minimize such adverse effects. The state agency shall work with consulting parties on avoidance strategies to minimize harm. Avoid first, before considering other mitigation options. If you avoid the potential impact, there is nothing to mitigate.

In addition, WQC grant and loan Recipients are responsible for following all local, state, and federal laws, Ecology’s terms and conditions, and this guidance. A number of local, state, and federal laws protect pre-contact, historic resources, cemeteries, or human remains. The following laws apply statewide, on public or private land, and apply whether Ecology funds a project or not. DAHP is the lead on the following:

- Libraries, Museums and Historic Activities, Title 27 RCW
  - RCW 27.44 Indian Graves and Records
  - RCW 27.53 Archaeological Sites and Resources
- DAHP, Title 25 WAC
  - Chapter 25-48 Archaeological Excavation and Removal permit (references 27.53)
- Cemeteries, Morgues and Human Remains, Title 68 RCW

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<sup>205</sup> [https://governor.wa.gov/sites/default/files/exe\\_order/eo\\_21-02.pdf](https://governor.wa.gov/sites/default/files/exe_order/eo_21-02.pdf)

- 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 Ecology Inadvertent Discovery Plan (IDP) is required onsite, at all times (see Section 4.0 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

Please reach out to one of the individuals below applicable to your Program:

- Tamara Cowles, Cultural Resource Contact, OSS/Centennial Nonpoint: (564) 669-3005 or [taco461@ecy.wa.gov](mailto:taco461@ecy.wa.gov)
- Melissa Conger, Cultural Resources Contact, Stormwater Financial Assistance Program: (360) 706-4202 or [meco461@ecy.wa.gov](mailto:meco461@ecy.wa.gov)

## 3.2 Assess the Location During Planning

During the planning or early design stage, include a review of the project area for possible historical and cultural resources by using DAHP's [Washington Information System for Architectural & Archaeological Records Data](#)<sup>206</sup> (WISAARD) database and any other documentation. Integrate this information into your planning decisions.

The first step is to determine whether Ecology is the lead agency, or if another state or federal agency (Section 106) is the lead. Federal agency involvement is triggered by a federal nexus, which may include funding, permitting, approval, or land ownership. For projects where Ecology FMS is the lead, the FMS CRC will coordinate cultural resources review with DAHP, consulting parties, and affected Tribes. Please note that while Ecology will coordinate with other funding or permitting agencies, we do not delegate cultural resource review and consultation responsibilities to funding Recipients.

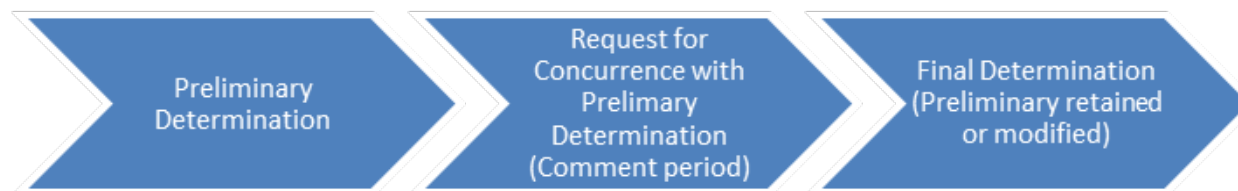
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<sup>206</sup> <https://wisaard.dahp.wa.gov/>

If another agency is the lead, it may be possible to (1) Defer to the other agency if they are a federal agency and/or (2) Adopt their review for state agencies or other situations, provided all of Ecology’s consultation requirements are met. For further details, contact your CRC.

### 3.3 Cultural Review Process

The Recipient will complete and submit an Ecology [Cultural Resources Review form](#)<sup>207</sup> and [Inadvertent Discovery Plan](#)<sup>208</sup> to the Ecology Project Manager. Once received, the Project Manager reviews the form for completeness and forwards to the CRC. The CRC will also review and will return incomplete forms. The basic process of review and consultation follows these steps:



**Figure 4: General Sequence for Cultural Resources Review**<sup>209</sup>

- 1) Preliminary Determination:** An Ecology CRC will use the Ecology Cultural Resources Review form, the [WISAARD](#) database, and any other documentation to identify the potential for any archaeological and historic archaeological sites, historic buildings/structures, traditional cultural places, sacred sites, or burial sites within or directly adjacent to the Area of Potential Effect (APE). In some cases, a consultant archaeologist may assist with this preliminary determination. This preliminary determination is open for comment by all consulting parties. The format may be an electronic letter, paper, or digital correspondence.
- 2) Request for Concurrence with Preliminary Determination:** The CRC initiates cultural resource review by requesting comments and concurrence on the preliminary determination. The CRC includes DAHP, consulting parties, Tribes, and any other identified parties. This correspondence includes a detailed project description, map, and Ecology’s Cultural Resources Review form with a cover letter or email. The comment period is typically 35 days, but Ecology may extend it.
- 3) Final Determination:** The Final Determination is based upon any comments or concurrence received.

Conditions may be required on a case-by-case basis, including coordinating virtual meetings with DAHP, Tribes, and the Recipient, to discuss potential mitigation.

<sup>207</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070537.pdf>

<sup>208</sup> <https://apps.ecology.wa.gov/publications/SummaryPages/ECY070560.html>

<sup>209</sup> May be subject to change dependent upon the project.

**Survey:** To address the risk of encountering cultural resources, an archaeological survey may be required. A survey often consists of both a pedestrian and subsurface investigation. A survey may be required for a number of reasons including, but not limited to, the following:

- A consulting party identifies the potential for cultural resources and requests a survey to identify any cultural resources within the APE.
- Cultural resources exist, and the boundary must be clearly identified.
- Cultural resources exist, the boundary is known, and this project will adversely impact them. A survey/investigation is required to determine the amount of modification to develop a Memorandum of Agreement before mitigation is discussed.

**Monitoring:** Another tool is monitoring. Having a professional monitor present while ground disturbing work commences helps ensure the professional management of any discoveries. If a survey is not feasible, consider a monitor for sensitive locations. Monitoring requires **a plan**, explaining the strategy for monitoring, and **a report**, explaining the results of the monitoring. Both documents can help to inform future work in the area.

This was a simplistic description of the Ecology FMS cultural review process. If you need further detail, please contact your CRC or the Project Manager. Ecology has an internal policy on cultural resource protection for projects funded by capital dollars (Policy 22-07).

### 3.4 Tribal Consultation Best Practices

If, during a comment period, a Tribal representative asks for a meeting, Ecology does our best to accommodate. Virtual or in-person meetings are both options. Ecology always attends these meetings to ensure representation during any decisions that affect agency interest or the project.

### 3.5 Helpful Information

#### Multi-phased Projects or Acquisitions

Large multi-phased projects with multiple partners and permitting agencies can be complex, particularly if they include acquiring land. The completion of local environmental permits, approvals, and cultural resource review is required prior to expenditures for acquisition, demolition, or construction, for either state or federally funded projects. We encourage you to have a site stewardship plan or similar management plan ready prior to requesting cultural resource review, even if in draft form. If a stewardship plan has not yet been created, a written description of potential next phases and how and when cultural resource review will be included should be submitted. Understand all the phases of your project, who you will partner with, their role, and whether they may be a lead agency or a co-lead agency on a permit, approval or consultation. By grasping the big picture before you approach Ecology, you can save yourself and everyone else a lot of time. Suggested approaches include an agreement between all partners to guide everyone through the project phases or ensuring the tasks and

deliverables stipulations of your funding agreements and title documents. Whatever route you take, communication and coordination are key to ensuring a streamlined approach.

### **Adoption of Another Review**

Ecology’s Cultural Resources Review form has a section that asks about previous reviews covering the project area. If you know of one, provide the information. If there is evidence of a cultural investigation/review less than 10 years old, Ecology FMS will review the documentation for applicability to the current agreement. Your CRC must examine the documentation and approve it first.

### **Continuing a Previous Consultation**

Did you complete a cultural resource review during your geo-tech phase and now you are ready for construction? Are you wondering if you must go through the entire process again? Good news – with phased reviews, you can continue your consultation without starting over. Just inform your CRC of any new details, such as changes to your project area.

### **Did you forget to complete cultural resource review?**

Ecology FMS no longer coordinates “After Action” or post project consultation. Any expenses related to project work completed prior to cultural resource review are not eligible for reimbursement.

### **Useful References**

- Ecology’s [Cultural Resources Review form](#)
- [Executive Order 21-02: Archaeological and Cultural Resources](#)<sup>210</sup>
- [National Historic Preservation Act](#)<sup>211</sup>, 16 USC 470 (see page 47)
- [Protection of Historic Properties](#)<sup>212</sup>, 36 CFR 800
- [Archaeological and Historic Preservation Act](#)<sup>213</sup>, 16 USC 469a-1, as amended in 2014 (U.S. Code Title 54) – see page 40
- [Advisory Council for Historic Preservation](#)<sup>214</sup>
- [National Register of Historic Places](#)<sup>215</sup>
- [WISAARD](#)
- [Tribal cultural resources contact information](#)<sup>216</sup>.

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<sup>210</sup> <https://dahp.wa.gov/sites/default/files/21-02%20-%20Archaeological%20and%20Cultural%20Resources.pdf>

<sup>211</sup> <https://www.achp.gov/sites/default/files/2018-06/nhpa.pdf>

<sup>212</sup> [https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800\\_main\\_02.tpl](https://www.ecfr.gov/cgi-bin/text-idx?tpl=/ecfrbrowse/Title36/36cfr800_main_02.tpl)

<sup>213</sup> <https://www.law.cornell.edu/uscode/text/16/469a-1>

<sup>214</sup> <https://www.achp.gov/>

<sup>215</sup> <https://www.nps.gov/subjects/nationalregister/index.htm>

<sup>216</sup> <https://goia.wa.gov/tribal-directory/tribal-chair-contact-information>

Contact the [DAHP](#)<sup>217</sup> and the [Governor’s Office of Indian Affairs](#)<sup>218</sup> (GOIA) for further information on areas of Tribal interest and for specific questions on Executive Order 21-02.

### Questions on This Topic

- Tamara Cowles, Cultural Resource Contact, OSS/Centennial Nonpoint: (564) 669-3005 or [taco461@ecy.wa.gov](mailto:taco461@ecy.wa.gov)
- Melissa Conger, Cultural Resources Contact, Stormwater Financial Assistance Program: (360) 706-4202 or [meco461@ecy.wa.gov](mailto:meco461@ecy.wa.gov)

## 4.0 Inadvertent Discovery Plan

Ecology Water Quality Program uses the agency’s standard inadvertent discovery protocol for addressing the potential risk associated with any inadvertent, unanticipated discovery of human remains, archaeological sites, artifacts, or historic structures during excavations.

Recipients of any funded agreement that involves ground disturbance must have an approved inadvertent discovery plan (IDP) onsite prior to starting the activity.

In the event of an unanticipated discovery of an archaeological and historic archaeological site, historic buildings/structures, traditional cultural places, sacred sites, or other cultural resources, and/or human remains during construction on public or private lands, the protocol outlined in the IDP must be followed.

The IDP is separate from cultural resource review, and is required whether the project underwent cultural resource review or not. An IDP is associated with activities that have the potential to encounter an unanticipated discovery. The IDP describes:

- Who to call first and who not to call.
- What steps to take and what not to do.
- How to obtain technical assistance and determine whether you have a significant find.
- What special measures to take if we find potential human remains.
- How to define the site and protect the area.

If potential human remains are discovered on private or public lands, RCW 27.44 procedures shall be followed. If a potential archaeological resource is discovered, RCW 27.53 applies.

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<sup>217</sup> <https://dahp.wa.gov/project-review/wisaard-washington-information-system-for-architectural-and-archeological-records-data>

<sup>218</sup> <https://goia.wa.gov/>

## 4.1 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 state or federal funding, follow the protocol outlined in this DAHP approved document paying special attention to Section 5:

- [Ecology Inadvertent Discovery Plan](#)<sup>219</sup>.

For federally funded projects, any post construction discoveries must also follow the procedures as outlined under 36 CFR 800.13 and the Archaeological and Historic Preservation Act (AHPA), Pub. L. No. 93-291 (1974).

Every person working on the project site must be familiar with the IDP procedures in case any cultural resources are discovered; training is encouraged.

Ecology created a short, informative video on discovery protocol now posted on [DAHP's website](#)<sup>220</sup>. Please review as a training tool on discovery protocol and the importance of using an IDP.

## 4.2 Questions on This Topic

- Liz Ellis, Environmental Review Coordinator: (360) 628-4410 (cell), or [liz.ellis@ecy.wa.gov](mailto:liz.ellis@ecy.wa.gov)
- Tamara Cowles, Cultural Resource Contact, OSS/Centennial Nonpoint: (564) 669-3005 or [tamara.cowles@ecy.wa.gov](mailto:tamara.cowles@ecy.wa.gov)
- Melissa Conger, Cultural Resources Contact, Stormwater Financial Assistance Program: (360) 706-4202 or [melissa.conger@ecy.wa.gov](mailto:melissa.conger@ecy.wa.gov)

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<sup>219</sup> <https://apps.ecology.wa.gov/publications/documents/ecy070560.pdf>

<sup>220</sup> <https://dahp.wa.gov/archaeology/human-remains/recommended-inadvertent-human-remains-discovery-language>

## Appendix O: 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 24.
- **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 24 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 24.
- **Close Out Reports.** At project close-out Recipients must submit an outcome summary report. Outcome summary report templates are available from the Ecology Project Manager. The report must include specific information on all the applicable wastewater metrics listed in Table 24. Ecology will use the metrics

information in the report to help assess the effectiveness of our funding programs for wastewater projects.

**Table 24: Metrics to Report for Wastewater Projects at Project Close-out**

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

## Onsite Sewage System Projects

Onsite sewage system (OSS) project applications should include detailed information about what the project will accomplish, including the work and the environmental benefits. Projects that receive funding will be expected to report on metrics throughout the project.

## When and How to Propose/Report OSS Metrics

- **Funding Application, Scope of Work - FOR APPLICATION Form, Task Descriptions.** Your description of the work that will be billed to each task on this form should include specific information on any of the OSS metrics listed in Table 25.
- **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 25 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 25.
- **Close Out Reports.** At project close-out Recipients must submit an outcome summary report. Outcome summary report templates are available from the Ecology Project Manager. The report must include specific information on all the applicable onsite sewage system metrics listed in Table 25. 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 25: Metrics to Report for Onsite Sewage Systems Projects at Project Close-out**

<b>Did the funded project repair or replace onsite sewage systems, or connect homes to sewer?</b>
<ul style="list-style-type: none"> <li>• Report the number of OSS repaired or replaced             <ul style="list-style-type: none"> <li>○ List the address or latitude/longitude of the repair or replacements</li> <li>○ Indicate whether the homeowner meets hardship criteria</li> <li>○ List the number of gallons of wastewater properly treated by the repair/replacement</li> </ul> </li> </ul>
<b>Did the funded project include education or outreach activities?</b>
<ul style="list-style-type: none"> <li>• Report the number of education/outreach events held             <ul style="list-style-type: none"> <li>○ Indicate the number of attendees for each event or meeting</li> </ul> </li> <li>• Report the approximate number of outreach publications disseminated as part of the project</li> </ul>

## Stormwater Projects

See Appendix L for guidance on stormwater project metrics.

## 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:

- [PLET: Pollution Load Estimation Tool](#)<sup>221</sup> for nitrogen, phosphorus, sediment, biological oxygen demand (BOD). This is a free tool provided by EPA as an option for 319 reporting.
- 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 26 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:

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<sup>221</sup> <https://www.epa.gov/nps/plet>

- 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 26 shows the metrics to report for nonpoint implementation projects. **Note:** Some activities should report more than one metric. See Section 2.5 and associated appendices for eligibility criteria and limitations for specific BMPs.

**Table 26: Metrics to Report for Nonpoint Implementation Projects**

BMP/Activity	Implementation Unit to Report	Metric Description
<b>Agricultural BMPs</b>		
Conservation Tillage Residue Management (Direct seed, reduced-till)	acres	Area seeded through cost-share, equipment rental program, or equipment loan program. Report all cost share acres, and specify the rotation number. In cases of multiple rotations on the same acreage, report each rotation as a separate line, and specify the rotation number in the comment field. Task Outcomes and Close Out Reports should identify both total acres seeded (including multiple rotations for cost share), and total unique acres.
Cover Crop	acres	Area seeded through cost-share, equipment rental program, or equipment loan program. Seeds include grasses, legumes, and forbs planted for seasonal vegetative cover.
Fence	feet	Length of stream protected by the fence.
Fence	individual units	Number of head of livestock excluded from the stream.
Filter Strip	square feet	Area of herbaceous vegetation that removes contaminants from overland flow.
Grassed Waterway	feet	Length of a shaped or graded channel that is established with suitable vegetation to convey surface water at a non-erosive velocity using a broad and shallow cross section to a stable outlet.
Heavy Use Area Protection	acres	Area of grazing/pasture area served by the area. This should be reported with Water Facility as appropriate.
Heavy Use Area Protection	individual units	Number of head of livestock served by the area. This should be reported with Water Facility as appropriate.
Heavy Use Area Protection	square feet	Area of a stable, non-eroding surface for livestock use. This should be reported with Water Facility as appropriate.
Irrigation Water Management	acres	Area where the volume, frequency, and application rate of irrigation water is controlled.
Livestock Stream Crossing	acres	Area of grazing/pasture area served by the crossing.
Livestock Stream Crossing	individual units	Head of livestock served by the crossing.
Livestock Stream Crossing	square feet	Area of a stabilized area or structure constructed across a stream to provide a travel way for livestock. Bridges for livestock crossing may be up to 6 feet wide.
Roof Runoff Management	square feet	Area of facility roof/cover.

<b>BMP/Activity</b>	<b>Implementation Unit to Report</b>	<b>Metric Description</b>
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.
Waste Storage Facility	individual units	Number of head of livestock served by the facility.
Waste Storage Facility*	square feet	Area to temporarily store wastes such as manure.
Water Well	individual units	Number of wells. Report with Water Facility or Irrigation Water Management as appropriate.
Watering Facility	individual units	Number of head of livestock served by the facility.
Well Decommissioning	gallons per day	Volume of well water used.
Well Decommissioning	individual units	Number of wells decommissioned
Windbreak/Shelterbelt Establishment	feet	Length of windbreak to discourage livestock from congregating near surface waters.
Windbreak/Shelterbelt Establishment	individual units	Number of head of livestock excluded from the stream.
<b>Land Acquisition</b>		
Conservation Easements	acres	Area of easement for wetland habitat preservation and protection; riparian area and watershed preservation; drinking water source protection.
Property Acquisition	acres	Area of property acquired.
Wetland Acquisition-protection	acres	Area of wetland acquired.
<b>Outreach and Education</b>		
Community Event	individual units	Number of attendees, specify type of event in comments.
Community Meeting	individual units	Number of attendees.
Distributed Materials	individual units	Number of media materials distributed.
Media Materials	individual units	Number of media materials produced.
Pet Waste Management [Disposal System]	individual units	Number of disposal systems.
Pet Waste Management [Education Program]	individual units	Number of signs installed.

<b>BMP/Activity</b>	<b>Implementation Unit to Report</b>	<b>Metric Description</b>
Student Education - Classroom Visit	individual units	Number students, include school name in comments and latitude/longitude of school. Other property related information is N/A.
Student Education - Field Trip	individual units	Number of students, include school name in comments and GPS coordinates of school. Other property related information is N/A.
Technical Assistance - Conservation Plans	individual units	Number of conservation plans
Technical Assistance - Other	individual units	Number of phone calls, door visits, etc. Specify in comments what type.
Technical Assistance - Site Visits	individual units	Number of site visits.
Technical Assistance - Tours	individual units	Number of tours.
Work Party	individual units	Number of attendees.
Workshop	individual units	Number of attendees.
<b>Restoration</b>		
Bank Stabilization (armoring/planting)	feet	Length of streambank stabilized.
Floodplain Restoration	acres	Area returned to a floodplain and its functions to a close approximation of its original condition as it existed prior to disturbance. Also report Tree/Shrub Establishment.
Invasive Species/Noxious Weed Control	acres	Area of invasive species/noxious weed control.
Lake Stabilization - Natural	feet	Length of shoreline of the lake restored. The lake must be publicly accessible.
Riparian Forest Buffer	feet	Length of stream protected by the fence.
Riparian Forest Buffer*	acres	Area of buffer implemented. Scope of work description should specify minimum buffer width required for the specific waterbody(s). Also report Tree/Shrub Establishment.
Stream Restoration	acres	Area of improved stream.
Stream Restoration*	feet	Length of improved stream.
Tree/Shrub Establishment	individual units	Number of trees/shrubs planted. Typically reported with Riparian Forest Buffer, Wetland Restoration, Floodplain Restoration (same latitude, longitude). Can also be used for supplemental planting during maintenance activities.
Water Quality Monitoring	individual units	Number of samples collected or monitoring stations established. Specify in comments. Scope of work and

BMP/Activity	Implementation Unit to Report	Metric Description
		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.
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 P: Project Monitoring and Oversight for Water Quality Program Grants and Loans

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 regarding 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 period.
- G. Underwriting, formerly 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 underwriting 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.