

American Recovery and Reinvestment Act of 2009 Implementation

Emergency Rule – Amendments to Chapter 173-98 WAC

The Washington Department of Ecology (Ecology) is adopting amendments to Chapter 173-98 WAC, Uses and Limitations of the Washington State Water Pollution Control Revolving Fund (State Revolving Fund) through an emergency rule process to implement the American Recovery & Reinvestment Act of 2009 (Recovery Act). The federal government enacted the Recovery Act on February 17, 2009.

The amendments relate to funding decisions associated with administering Recovery Act Funds through the federal State Revolving Fund for statewide water quality projects.

What is Chapter 173-98 WAC?

This chapter is used to provide Ecology and stakeholders the framework for administering its State Revolving Fund loan program as authorized by Chapter 90.50A RCW and the Clean Water Act. The chapter covers:

- Interest rates, hardship funding, and long-term health of the State Revolving Fund.
- Application process, technical requirements, and compliance with federal and state laws.
- Funding ceilings (limits), project timelines, accounting standards, appeals process, project eligibility, and other funding requirements.

Summary of the emergency rule

The emergency rule includes:

- Level of principal forgiveness and hardship criteria.
- New and existing technical and federal prerequisites.
- Wastewater, stormwater, and reclamation/reuse facilities, and Green Project Reserves.
- Project timelines and other program information.

MORE INFORMATION

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Special accommodations:

To ask about the availability of this document in a version for the visually impaired, call the Water Quality Program at 360-407-6502. Persons with hearing loss, call 711 for Washington Relay Service. Persons with speech disability, call 877-833-6341.

Effective Date

- April 15, 2009 – August 13, 2009.
- Ecology may adopt a subsequent emergency rule related to this topic or may conduct additional rulemaking through the standard rule process.

Who does this rule affect?

This rule amendment affects public bodies including towns, cities, conservation districts, municipalities, federally-recognized tribes, special purpose districts, and other state and federal agencies.

What projects are eligible for funding?

Eligible projects address water quality infrastructure related to wastewater and stormwater treatment and conveyance; reclamation and reuse facilities construction; and Green Project Reserves.

Green Project Reserves could include stormwater low-impact development, water and energy efficiencies, and environmentally innovative projects. Low-impact development includes, but is not limited to, the use of vegetation, porous pavement, rain gardens and vegetated roofs to reduce runoff.

More information

For more information about stimulus funding, please visit Ecology funding website at:

<http://www.ecy.wa.gov/programs/wq/funding/funding.html>

To get updates on Ecology's rule-making activities, sign up for the **WAC Track** email list, go to:

www.ecy.wa.gov/maillist.html.

Appeal procedures

This adoption can be appealed under procedures described in the Administrative Procedure Act (RCW 34.05.330). For additional information about appealing this adoption, please contact Jerry Thielen, Ecology's Regulatory Affairs Manager, at 360-407-7551 or by email jthi461@ecy.wa.gov.