DEPARTMENT OF
ECOLOGY
State of Washington

Clean Water State Revolving Fund Emergency Funding Program Guidelines

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Publication and Contact Information

This document is available on the Department of Ecology's website[1].

For more information contact:
Water Quality Program
P.O. Box 47600
Olympia, WA 98504-7600
Phone: 360-407-6502

Washington State Department of Ecology[2].

Headquarters, Olympia	360-407-6000
Northwest Regional Office, Bellevue	425-649-7000
Southwest Regional Office, Olympia	360-407-6300
Central Regional Office, Union Gap	509-575-2490
Eastern Regional Office, Spokane	509-329-3400

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[1] https://fortress.wa.gov/ecy/publications/summarypages2010005.html
[2] https://ecology.wa.gov/
[3] https://ecology.wa.gov/accessibility

Clean Water State Revolving Fund Emergency Funding Program Guidelines

Water Quality Program
Washington State Department of Ecology
Olympia, Washington

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Introduction

The Washington State Department of Ecology's (Ecology) Water Quality Program administers the Clean Water State Revolving Fund (CWSRF) Emergency Funding Program.

The purpose of the program is to provide relatively quick access to no interest loans for small communities that experience water quality-related "environmental emergencies" as defined in WAC 173-98-030(27)[4]. The definition states, "*Environmental emergency means a problem that a public body and the department agree poses a serious, immediate threat to the environment or to the health or safety of a community and requires immediate corrective action.*"

The program seeks to simplify and expedite the application, agreement development, and project implementation processes in order to disburse funds to eligible projects soon as possible.

Ecology collaborated on program development to be as consistent as possible with the Washington State Department of Health's (DOH) Drinking Water State Revolving Fund Emergency Loan Program.

Program Overview

Funding Source

The CWSRF Emergency Funding Program is funded from an annual set-aside from the CWSRF. The set-aside is described in the annual *Water Quality Final Funding Offer List and Intended Use Plan* submitted to the federal Environmental Protection Agency (EPA).

Funds awarded through the program are reported to EPA in Ecology's *Annual Report–Washington's Clean Water State Revolving Fund (CWSRF)*.

Funding Limits

The annual maximum total limit of awarded funding under the program is $5,000,000. The number of projects awarded funding per jurisdiction is unlimited, but the maximum annual funding limit per jurisdiction is $500,000.

Loan Terms and Interest Rates

All loans awarded through the CWSRF Emergency Funding Program are for a term of 10 years or the life of the funded project, whichever is shorter. The project life is evaluated based on the information available, including information provided by the applicant.

[4] https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-030

The interest rate for all loans awarded through the program is 0 percent (0.00%). In accordance with WAC 173-98-400(7)(c)[5], the standard CWSRF administration fee does not apply.

Forgivable loans and grants are not available.

Eligible Applicants

CWSRF Emergency Funding Program funding is only available to public bodies serving a population of 10,000 or less. Eligible public bodies include:

- Conservation districts.
- Counties, cities, and towns.
- Federally recognized tribes.
- Irrigation districts.
- Local health jurisdictions.
- Port districts.
- Quasi-municipal corporations.
- Washington State institutions of higher education if the project is not included in the institution's statutory responsibilities.
- Water and sewer districts.

Eligible Projects

Any water quality-related project considered to be an environmental emergency that meets the WAC 173-98-030(27)[6] definition and has received a Declaration of Emergency from the local government is eligible for funding.

Eligible projects may result from a natural disaster or an immediate and emergent threat to public health due to water quality issues resulting from unforeseen or unavoidable circumstances.

Table 1 provides a basic list of eligible and ineligible projects and project components, listed alphabetically.

[5] https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-400
[6] https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-030

Table 1: CWSRF Emergency Funding Program Projects and Components Eligibility

Description	Eligible?
Acquisition of land needed for project implementation, except if acquired through eminent domain	Yes
Agricultural best management practices (BMPs) implementation	Yes
Annual permit fees	No
Application preparation	No
Construction management services	Yes
Construction of facilities for the control, storage, treatment, conveyance, disposal, or recycling of: • domestic wastewater • a combination of domestic and industrial wastewater • municipal stormwater	Yes
Cost and effectiveness analyses	Yes
Cost-plus-a-percentage-of-cost 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	No
Cultural resources review	Yes
Design plans and specifications	Yes
Drinking water infrastructure	No
Engineering reports	Yes
Environmental review	Yes
Equipment and/or tools pre-approved by Ecology	Yes
Fiscal sustainability plans	Yes
Funding recognition signage	Yes
Indirect rate up to 30% of salaries and benefits	Yes
Interim refinancing	Yes
Investment grade efficiency audits	Yes
Legal expenses associated with developing a loan agreement	Yes
Lobbying or expenses associated with lobbying	No
Manure waste storage lagoons	Yes
Mitigation to comply with environmental review requirements directly related to the project	Yes
Operation and maintenance expenses	No
Penalties due to violations of or failures to comply with federal, state, or local requirements	No
Permits required for project implementation	Yes
Project Management Consultants	Yes
Projects solely for flood control	No
Publicly-owned industrial stormwater facilities	No
Publicly-owned industrial wastewater treatment facilities that reduce the treatment burden of a municipal wastewater treatment facility	Yes
Reclamation of abandoned mines	No
Riparian and wetlands habitat restoration	Yes

Description	Eligible?
Side-sewer laterals, pump stations, and other appurtenances on: • public property • private property if the project addresses documented infiltration and inflow issues or documented nonpoint pollution issues • private property where the facilities are owned and maintained by a public body or a public body has an easement for at least the length of the loan	Yes
Solid and hazardous waste cleanup	No

Application Process

Ecology Administration of Grants and Loans System (EAGL)

Applicants apply for funding through the Ecology Administration of Grants and Loans (EAGL)[7] system. All funding agreements are managed through EAGL as well.

The funding application is open year-round. Applicants request an application by contacting Daniel Thompson at 360-407-6510 or daniel.thompson@ecy.wa.gov. See Appendix D for an applicant prep tool that shows all the questions applicants will see and be required to answer on the application.

Declaration of Emergency

Applicants must declare a local emergency and upload a copy of the Declaration of Emergency during the application process. Declaration of a local emergency allows recipients to waive the competitive bidding requirement for public works projects. Waiving the competitive bidding requirement has the potential to shorten the amount of time for projects. See Appendix C for an example Declaration of Emergency.

Application Review

Ecology reviews all applications to ensure projects meet the CWSRF Emergency Funding Program eligibility requirements.

Applications are not rated or ranked.

Funding is on a first-come, first-served basis.

Key Funding Conditions

All applicable CWSRF conditions apply to funded projects, although some modifications are made to expedite the process for some approvals. This section lists several of the key conditions that apply.

[7] https://ecology.wa.gov/About-us/How-we-operate/Grants-loans

In addition to the items discussed in this section, additional information on key funding conditions can be can be found on Ecology's General Resources for Water Quality Grants and Loans webpage[8].

Before Signing a Funding Agreement

Authorizing Ordinance or Resolution

Recipients 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 governing board or council must sign the resolution.

Cost and Effectiveness Analysis

A Cost and Effectiveness Analysis (CEA) is required for all funded projects. The minimum requirements of a CEA are:

- A study and evaluation of the cost and effectiveness of the processes, materials, techniques, and technologies for carrying out 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. The selection must take into account:
  - The cost of constructing the project or activity.
  - The cost of operating and maintaining the project or activity over the life of the project or activity.
  - The cost of replacing the project or activity.

Recipients must complete the CEA and provide a certification of completion within EAGL prior to loan signing.

Financial Capability Assessment

Ecology is required to conduct a Financial Capability Assessment (FCA) for all projects funded with CWSRF loans. Ecology will conduct a FCA prior to signing a funding agreement. Ecology posts the completed FCAs in the project files in EAGL.

If the FCA identifies a need, the funding agreement may require a utility rate evaluation and increases to ensure loan repayment and sufficient funding for operations and maintenance.

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

Fiscal Sustainability Plan

Recipients of funding for wastewater and stormwater facility projects with a construction component must certify they have prepared a Fiscal Sustainability Plan (FSP) or another plan(s). The FSP or other plan(s) must contain at least:

- 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 within EAGL prior to loan signing. Ecology requires recipients who do not already have a FSP 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 FSP.

Growth Management Act

Jurisdictions required or choosing to fully plan under RCW 36.70A.040[9] of the Growth Management Act (GMA) proposing a facility project must be in compliance with the applicable GMA requirements at the time a loan agreement is signed unless exceptional situations exist. Ecology may make exceptions in situations involving a public health need or a significant environmental degradation; see WAC 173-98-710[10].

Initial Data Reporting

Recipients must complete the "CWSRF Federal Reporting Information" form in EAGL. The form will be available for completing in EAGL during the agreement development process.

Opinion of Recipient's Legal Counsel

Recipients must provide a statement from their legal counsel regarding the final draft of the loan agreement. The statement will be included in the loan agreement. A statement template is located on Ecology's Facility Project Resources webpage[11].

[9] http://app.leg.wa.gov/RCW/default.aspx?cite=36.70A.040
[10] https://apps.leg.wa.gov/wac/default.aspx?cite=173-98&full=true#173-98-710
[11] https://ecology.wa.gov/About-us/How-we-operate/Grants-loans/Find-a-grant-or-loan/Water-Quality-grants-and-loans/Facility-project-resources

During Project Implementation

Accounting Standards

Recipients must maintain accurate records and accounts for the project 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 state standards in Chapter 43.09.200 RCW[12].

American Iron and Steel

Funded projects for the construction, alteration, maintenance, or repair of a facilities must meet the American Iron and Steel (AIS) requirements, only using specific iron and steel products produced in the United States.

- AIS documentation should include:
- Name of the manufacturer.
- What product(s) they are certifying.
- What manufacturing processes they were responsible for.
- Location of the manufacturing facility.
- A signature of a manufacturer's responsible party.

For guidance on the AIS requirements see EPA's AIS webpage[13].

Davis-Bacon Act Wages

Recipients of funding for treatment works projects involving construction must comply with the federal Davis-Bacon Act[14] wage requirements.

Disadvantaged Business Enterprise

Recipients must comply with the federal Disadvantaged Business Enterprise (DBE) standards. Ecology requires all recipients to report on meeting the DBE standards, and Ecology reports the results to EPA annually.

Investment Grade Efficiency Audit (IGEA)

Recipients 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

[12] http://app.leg.wa.gov/rcw/default.aspx?cite=43.09.200
[13] https://www.epa.gov/cwsrf/state-revolving-fund-american-iron-and-steel-ais-requirement
[14] https://www.dol.gov/whd/govcontracts/dbra.htm

conducted for the entire system was within the past 5 years, recipients need only upload a copy of the previously completed IGEA to EAGL—no additional work is required.

Reporting

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. Reports submitted within EAGL are due within 30 days of the end of the quarter.

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

Suspension and Debarment

All funded projects must comply with the federal suspension and debarment requirements. Ecology's Project Management Team confirms compliance before processing payment requests.

The process requires recipients confirm their contractors and subcontractors are not on the federal suspension and debarment list by checking the list via the federal System for Award Management (SAM)[15] website.

At the End of the Project

Environmental and Cultural Resources Review

Local, state and federal emergencies are often exempt from a number of regulations. This is because incident responders must focus their time on responding immediately to the disaster at hand.

Fulfilling Executive Order 05-05 Cultural Resource Obligations

Ecology worked with the Department of Archaeology and Historic Preservation (DAHP) on an emergency expedited process for informing DAHP and area-affected tribes of a local emergency or larger disaster. Any information received back from DAHP or the tribes on sensitive locations will be coordinated back to the applicant. Ecology, DAHP, and the tribal governments will work with the local community as partners in times of an emergency.

Environmental Assessment Options and the State Environmental Review Process (SERP)

Ecology will request from recipients one of the following items:

[15] https://sam.gov/SAM/

- A State Environmental Policy Act (SEPA) threshold determination covering the emergency action funded by the CWSRF loan.
- A National Environmental Policy Act (NEPA) environmental review developed by a federal agency working on the emergency – for example, the Federal Emergency Management Agency (FEMA).

In addition to the above, Ecology also will require a copy of a post-incident report and/or natural resource damage assessment. The documentation should completely address the following:

- Damage to the infrastructure.
- Any impacts to surrounding environmental/natural resources.
- Public outreach.

By providing these documents, Ecology will consider the loan recipient in compliance with SERP obligations.

See Appendix B for additional information about expedited cultural resources and environmental review processes.

Project Completion

All projects awarded funding must be complete within 2 years of signing a funding agreement.

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.

Any funding awarded but not used for the project will be de-obligated at loan closeout without any cost to the recipient.

Contacts

For questions about the CWSRF Emergency Funding Program, please contact:

- Daniel Thompson at (360) 407-6510 or daniel.thompson@ecy.wa.gov.

For questions about environmental and cultural resources review please contact:

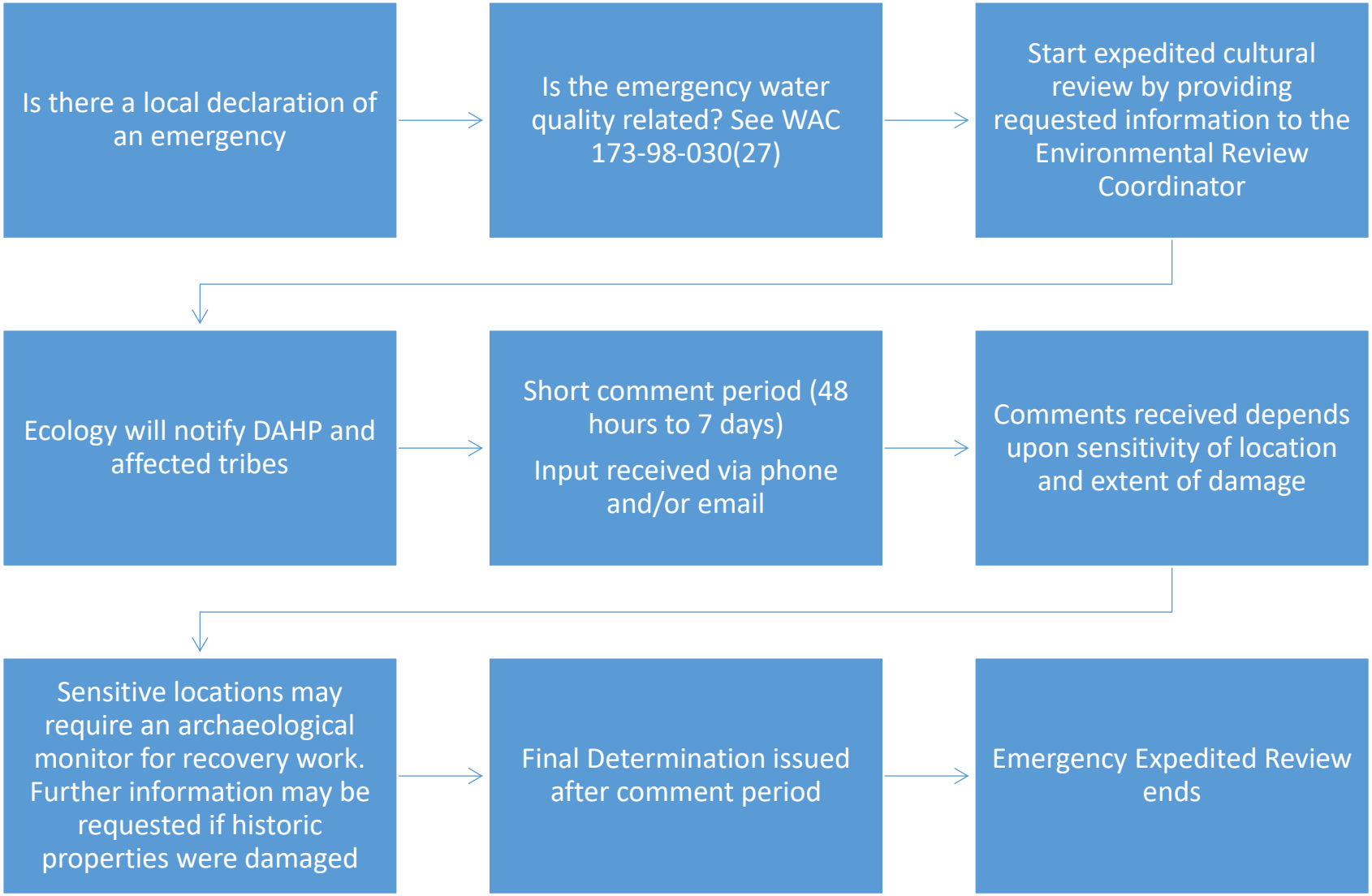
- Liz Ellis at (360) 407-6429 or liz.ellis@ecy.wa.gov.

Appendix A: Abbreviations and Acronyms

Abbreviations and Acronyms	
AIS	American Iron and Steel
CEA	Cost and Effectiveness Analysis
CWSRF	Clean Water State Revolving Fund
DAHP	Department of Archaeology and Historic Preservation
DBE	Disadvantaged Business Enterprises
DOH	Washington State Department of Health
EAGL	Ecology Administration of Grants and Loans
Ecology	Washington State Department of Ecology
EPA	Environmental Protection Agency
FCA	Financial Capability Assessment
FEMA	Federal Emergency Management Agency
FSP	Fiscal Sustainability Plan
GAAP	Generally Accepted Accounting Principles
GASB	Governmental Accounting Standards Board
GMA	Washington State's Growth Management Act
IGEA	Investment Grade Efficiency Audit
NEPA	National Environmental Policy Act
RCW	Revised Code of Washington
SAM	System for Award Management
SEPA	State Environmental Policy Act
SERP	State Environmental Review Process
WAC	Washington State Administrative Code

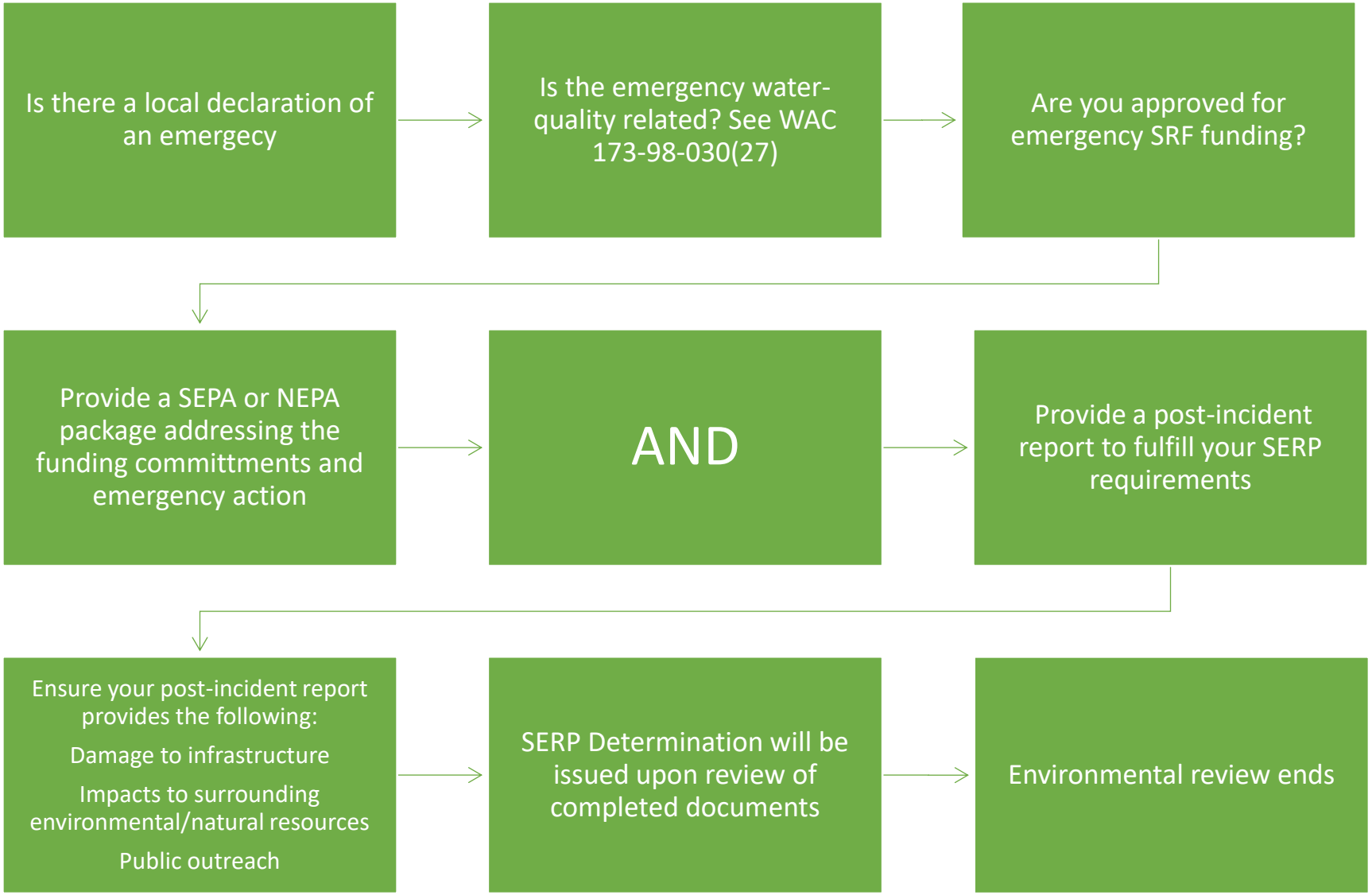
Appendix B: Expedited Cultural Resources and Environmental Review Processes

Expedited Cultural Resources[16] Review Process for Local Emergencies



[16] All funded projects must have an Inadvertent Discovery Plan (IDP) onsite and on file with Ecology.

Expedited Environmental Review Process for Local Emergencies



Appendix C: Example Declaration of Emergency

RESOLUTION NO. _____

CITY NAME, WASHINGTON

A RESOLUTION OF THE CITY COUNCIL OF THE CITY NAME, COUNTY NAME, WASHINGTON DECLARING AN EMERGENCY AND WAIVING THE COMPETITIVE BIDDING REQUIREMENTS FOR A PUBLIC WORKS PROJECT.

WHEREAS, RCW 39.04.280(1)(e) provides that the governing body of a municipality may waive the competitive bidding requirement for a public works project in the event of an emergency; and

WHEREAS, RCW 39.04.280(3) defines "emergency" as unforeseen circumstances beyond the control of the municipality that either: (a) Present a real, immediate threat to the proper performance of essential functions; or (b) will likely result in material loss or damage to property, bodily injury, or loss of life if immediate action is not taken; and

WHEREAS, in MONTH, 20XX the CITY NAME discovered that STATE THE PROBLEM,

WHEREAS, STATE EMERGENCY; and

WHEREAS, the City Council has determined that due to the timing, location, critical function, and need for immediate repair or construction of IDENTIFY INFRASTRUCTURE THAT IS DAMAGED, insufficient time may not exist to complete the construction project through the standard competitive bidding process and must therefore declare the situation as an emergency; and

WHEREAS, the City Council has therefore determined that an emergency situation exists and desires to perform the necessary construction of IDENTIFY INFRASTRUCTURE THAT IS DAMAGED by directing the Mayor and City Administrator to waive the competitive bidding process and award all necessary contracts on behalf of the municipality to address the emergency situation;

NOW THEREFORE BE IT RESOLVED that the City Council of the City of CITY NAME hereby declares that an emergency situation exists with the damage to IDENTIFY INFRASTRUCTURE THAT IS DAMAGED and authorizes the Mayor and City Administrator to waive the competitive bidding process and award all necessary contracts on behalf of the municipality to undertake construction.

Introduced, passed and approved this ____ day of MONTH, 20XX.

_____

MAYOR NAME, Mayor

ATTEST:

_____

CITY CLERK NAME, City Clerk

APPROVED AS TO FORM:

_____

ATTORNEY NAME, City Attorney **POSTED:**

Appendix D: Applicant Prep Tool

The purpose of this document is to help applicants organize their answers to the questions for the funding application for use in preparing an application for submittal through the Ecology Administration of Grants and Loans (EAGL) system. Items marked with an * require a response.

General Tips:

1) When pasting text into EAGL, it will strip any formatting. It is best to prepare plain text without bullets.
2) After you have prepared your text, Save as "Plain Text" and review before cutting and pasting into EAGL.
3) Character limits are noted below. You can highlight your draft text and select "Review" and "Word Count" to see the number of characters to ensure you are meeting EAGL size restrictions.

General Information

* Project Title (char 75)

* Project Short Description (char 500)

* Project Long Description (char 4,000)

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

* Total Eligible Cost (funding desired from Ecology; cannot exceed $500,000)

* Effective Date (earliest date on which eligible costs can be incurred)

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

* Project Category (select only one)

- ☐ Nonpoint Source Activity
- ☐ Onsite Sewage System
- ☐ Stormwater Activity
- ☐ Stormwater Facility
- ☐ Wastewater Facility

Will Environmental Monitoring Data be collected? (check yes or no)

* Overall Goal (char 1,000)

Project Characterization

* Primary Theme (dropdown list)

* Secondary Theme(s) (autofilled)

Project Website (provide Title/Name and Address)

Mapping Information

* Follow instructions on form. You are required to provide a location for the project, draw a boundary, or upload a Shapefile.

Recipient Contacts

* Project Manager (dropdown list)

* Authorized Signatory (dropdown list)

* Billing Contact (dropdown list)

Other recipient signatures required on printed agreement (provide Name and Title)

Emergency Project Information

* Describe the emergency that this project will address. Include the name(s) of the specific water body(ies) affected. (char 5000)

* What event created this emergency? (char 200)

* Upload a copy of the Declaration of Emergency from the local government.

Funding Request

Total Eligible Cost (autofilled)

Requested Loan (autofilled)

Loan Term (Years) (autofilled)

* Do you have any secured funds committed to this project? (if yes, must complete at least 1 row and all cells in the row in the table)

Source	Type	Amount Committed
State/Federal agency (char 75)	(dropdown list)	
Interlocal contributions (char 75)	(dropdown list)	
Local agency (char 75)	(dropdown list)	
In-kind contributions (char 75)	(dropdown list)	
Other (char 75)	(dropdown list)	

* Do you have a dedicated fund to repay the loan for this project? (check yes or no)

If "Yes", list the name of the fund or describe the fund type. (char 100)

If "No", describe how you will raise and maintain sufficient funds to repay the loan and operate, maintain, and repair the project. (char 500)

If applicable, what is the total number of equivalent residential units (ERUs) for your facility/system?

* Do you have a discharge permit associated with this project? (check yes or no)

If yes, what is the Permit Number? (char 50)

Scope of Work – Task 1 Project Administration

Task Number (autofilled)

Task Title (autofilled)

* Task Cost

Task Description (autofilled)

Task Goal Statement (autofilled)

Task Expected Outcomes (autofilled)

Recipient Task Coordinator

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

Scope of Work – Additional Tasks – FOR APPLICATION

(Include all tasks in sequential order that will be part of the Scope of Work for the project. Start at Task 2. You can include up to eight additional tasks.)

* Task #:

* Task Title: (char 50)

* Task Cost:

* Expected Start Date:

* Expected Finish Date:

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

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

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

Budget and Schedule

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

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

Environmental and Cultural Review

If you have a wastewater or stormwater facility project, and you are applying for or have received a loan from the CWSRF, when applicable upload the following documents.

- ☐ SEPA Checklist
- ☐ SEPA Threshold Determination
- ☐ Affidavit of Publication of SEPA Threshold Determination
- ☐ Public Meeting Document
- ☐ SERP Coversheet
- ☐ SERP Checklist
- ☐ SERP Determination
- ☐ Other SERP/SEPA Documentation
- ☐ Cultural Review Final Determination
- ☐ DAHP Letter of Concurrence
- ☐ Completed activity/location specific Inadvertent Discovery Plan (IDP) (An IDP is not associated with consultation and is required in the event of a discovery during ground disturbance)

In addition to the above documents, if you are required to prepare a federal cross cutter report, when applicable upload the following documents.

- ☐ Cross Cutter Report
- ☐ Cross Cutter Checklist

- ☐ Cross Cutter Final Determination

If you have a stormwater facility project, and you are applying for or have received funding via SFAP but not CWSRF, when applicable upload the following documents.

- ☐ SEPA Checklist
- ☐ SEPA Threshold Determination
- ☐ Affidavit of Publication of SEPA Threshold Determination
- ☐ Cultural Review Final Determination (No sensitive information allowed)
- ☐ DAHP Letter of Concurrence
- ☐ Completed activity/location specific Inadvertent Discovery Plan (IDP) (An IDP is not associated with consultation and is required in the event of a discovery during ground disturbance)

If you have a nonpoint activity, an onsite sewage system, or a stormwater activity project, regardless of the funding source, when applicable upload the following documents.

- ☐ Cultural Review Final Determination (No sensitive information allowed)
- ☐ DAHP Letter of Concurrence
- ☐ Completed activity/location specific Inadvertent Discovery Plan (IDP) (An IDP is not associated with consultation and is required in the event of a discovery during ground disturbance.