



DEPARTMENT OF
ECOLOGY
State of Washington

2013-15 Biennial Municipal Stormwater Capacity Grant Program

Guidelines

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This report is available on the Department of Ecology's website at <http://www.ecy.wa.gov/biblio/1310032.html>

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2013-15 Biennial Municipal Stormwater Capacity Grant Program

Funding Guidelines

Water Quality Program – Financial Management Section
Washington State Department of Ecology

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Summary

The 2013 Legislature provided funding through two separate appropriations.

- \$5.85M – 2013-15 Biennial Municipal Stormwater Capacity Grant funding
- \$15M - Project specific planning and design of retrofit/LID projects

This guidance document provides funding information and eligibility requirements for both of these appropriations.

How to use these guidelines

These guidelines describe the process the Department of Ecology (Ecology) will use to disburse the grant awards to eligible recipients. The guidelines also explain what Ecology will require of a local government once a grant is awarded. Ecology does not intend that the guidelines be a comprehensive listing and explanation of all rules and policies that may apply to funding. The guidelines provide initial information on the grant process and the steps of administering a funded project.

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Financial Assistance Provisions

Available funding amounts

Capacity Grant Funding for permit implementation

The *2013-15 Biennial Municipal Stormwater Capacity Grant Program* provides funding to eligible cities and counties covered by one of the following municipal stormwater National Pollutant Discharge Elimination System (NPDES) permits:

- Phase I Municipal Stormwater Permit
- Phase II Eastern Washington Municipal Stormwater Permit
- Phase II Western Washington Municipal Stormwater Permit

Each eligible city or county will receive a grant award of \$50,000 to be used for permit implementation activities.

Project specific planning and design

Additionally, each city or county covered by one of the municipal stormwater permits is eligible to receive up to \$120,000 for project specific planning and design (pre-construction) activities. If the eligible recipient chooses to accept the project specific planning and design funding offer, Ecology will add the amount to the *2013-15 Biennial Municipal Stormwater Capacity Grant Program* agreement as a separate task with specific deliverable dates. Criteria for the pre-construction activities are discussed below.

Project specific planning and design activities funding requirements

The 2013 State Legislature provided up to \$15M to cities and counties covered by one of the NPDES Phase I and II municipal stormwater permits to complete pre-construction activities. In accordance with language in the 2013-15 Capital Budget provision, the recipient's pre-construction activities must prepare projects for application to the competitive grant program scheduled for September 2014. As a condition for pre-construction activity funding, recipients must agree to conduct project-specific planning and design for retrofit projects which address stormwater pollution runoff from existing development.

The recipient may use up to the \$120,000 offer amount towards planning and design activities of one or more retrofit projects to address pollution from existing development. These projects must provide ecological or water quality benefits and address stormwater pollution runoff from existing development. At least one of the projects planned with these funds must implement low impact development techniques.

Eligible pre-construction activities may include planning, design, State Environmental Policy Act (SEPA) review, and Cultural Resources review for specific stormwater retrofit projects.

Schedule

- **October 1, 2013:** Recipients must provide an initial one to two page Project Summary as a Task deliverable in the funding agreement. The Project Summary will include a description of the proposed project identifying:
 1. The area where the proposed project is to be installed or constructed (including maps).
 2. The stormwater best management practice(s) to be designed.
 3. The name of the appropriate design manual planned for use in the final design.
 4. The water quality issue mitigated by the proposed project.

Ecology will provide comments to the recipient within 14 calendar days of receipt of the Project Summary. Ecology's Project Manager will work with the Department's stormwater engineer to review the Project Summary for consistency with the appropriate design criteria and grant requirements. **Detailed calculations and/or drawings are not required at this time.**

- **January 31, 2014:** Pre-design report submitted to Ecology for review and acceptance before further design work is completed (approximately 30 percent design).
- **August 1, 2014:** 90 percent design plans submitted to Ecology for review and acceptance.

Design requirements

Planning and design of stormwater retrofit projects, and projects which include low impact development techniques must be in accordance with one of the following manuals:

- *2005 or 2012 Stormwater Management Manual for Western Washington (SWMMWW)*, (the appropriate manual depends on the requirements of the jurisdiction)
- *2004 Stormwater Management Manual for Eastern Washington (SWMMEW)*, both can be found at: www.ecy.wa.gov/programs/wq/stormwater/tech.html
- *Low Impact Development Technical Guidance Manual for Puget Sound* found at: www.psp.wa.gov/downloads/LID/20121221_LIDmanual_FINAL_secure.pdf
- *Eastern Washington Low Impact Development Manual* found at: www.wastormwatercenter.org/ew-lid-guidance-manual
- Equivalent manual as developed by the local jurisdiction and approved by the DEPARTMENT.

Eligible planning and design projects

Eligible projects or project components for planning and design funds may include, but are not limited to:

- Low impact development best management practices
 - Bioretention cells

- Vegetated roofs
- Rain water collection systems
- Permeable pavement
- Retrofit of existing stormwater facility.
- Stormwater treatment or flow control where flooding occurs.
- Installation of pre-treatment/oil control facilities upstream of existing drywells.
- Stormwater quality treatment and flow control to reduce stormwater flows to combined sewers.
- Installation of TAPE (Technology Approved Protocol – Ecology) approved General Use Level Designation treatment technologies to mitigate existing stormwater issues.

Ineligible planning and design project components

Ineligible projects or project components for planning and design funds may include, but not be limited to:

- Stormwater management plans or Capital Improvement Plans.
- Monitoring activities.
- Education and Outreach activities.
- Projects without water quality or hydrologic benefits.
- Planning and design of construction for new development or redevelopment.
- Planning and design of construction projects for potential growth.
- Planning and design of construction projects solely on industrial, commercial, or private properties.
- Planning and design of flood control projects without stormwater treatment or flow control for water quality benefit.
- Planning and design of stream restoration projects.
- Planning and design of decant facilities as a primary project. Recipient must submit design a stormwater retrofit project, which includes low impact development as a primary use of funds, prior to submitting plans/designs for a decant facility project.
- Land acquisition.
- Non-stormwater related portions of large projects that have a stormwater component.
- Vehicle wash down areas.
- Contaminated soil or sediment removal.
- Equipment purchase.
- Treatment of process water (e.g. projects where process water and stormwater are combined).
- Installation of new technologies that are going through the TAPE for Pilot Level Use Designation (PULD) or Conditional Use Level Designation (CULD).
- Monitoring of emerging technologies in TAPE or going through the TAPE process.
- Projects required by court or administrative order or for mitigation purposes.

Match requirement

There is no match requirement.

Grant acceptance process

In order to get agreements in place as quickly as possible, Ecology will email a Grant Acceptance Intent Notice (GAIN) to the current staff contact for each eligible recipient. The GAIN requires the recipient to fill out pertinent information to establish a new funding agreement with Ecology for the *2013-15 Biennial Municipal Stormwater Capacity Grant*. Additionally, the GAIN will notify Ecology of the recipient's intent to accept or decline the \$120,000 funding offer for project specific planning and design task.

Ecology emailed GAINs to each recipient staff contact on July 31, 2013. **Recipients must fill out and return GAINs to Ecology no later than August 30, 2013.** Email or FAX copies are acceptable.

Email a PDF version of the completed and signed GAIN form to:
mindy.ballinger@ecy.wa.gov

OR

FAX a copy of the completed and signed GAIN form to:
Mindy Ballinger
Water Quality Program – FMS
360-407-7151

Ecology's Project Management Team

The funding agreement is the formal written contractual arrangement signed by authorized representatives of the recipient and Ecology. The agreement includes at a minimum: an approved scope of work, total project costs, a budget, and performance schedule. Ecology assigns a Project Management Team to each funded project. The team consists of:

- A **project manager/financial manager** from the Lacey headquarters office will be assigned to your project (primary contact for technical assistance and day-to-day questions).
- A **project engineer** from the Lacey headquarters office will be assigned to provide engineering technical assistance, conduct engineering review and approvals, and determine eligibility of project components.

Agreement Development

The Ecology Project Management Team will use information contained in the GAIN as the basis for developing the funding agreement

To speed development and processing, Ecology standardizes much of the funding agreement content with boilerplate language that includes general and special terms and conditions and

other requirements that are necessary because of state and federal laws. Ecology incorporates these requirements as attachments to the agreement.

After the agreement is developed, Ecology's Project Management Team will complete a quick funding program review. The financial manager will then send the funding agreement to the applicant for signature. The applicant will send the funding agreement back to Ecology for the final signature by the Water Quality Program Manager or the authorized designee. The agreement becomes effective once signed by Ecology's program manager. A fully signed original will be returned to the recipient. Note that the applicant becomes the recipient once the agreement is signed. The effective date of the agreement is July 1, 2013, eligible costs can be incurred as of the effective date.

Disbursement of Funds

Ecology will disburse funds on a cost-incurred basis.

Amendment Process

Modifications and changes to the funding agreement may become necessary. The recipient and Ecology's project team must negotiate changes and execute a formal amendment to the funding agreement to reflect those changes.

Extensions

Ecology will not approve any time extensions beyond the stated completion dates in the funding agreement for the *2013-15 Biennial Municipal Stormwater Capacity Grant Program* or preconstruction activities task.

Progress Reports

Ecology requires recipients to submit progress reports on a regular basis. When submitting a progress reports that includes a disbursement request, the recipient must describe the Scope of Work item for which disbursement is requested. Unless specified in the funding agreement, recipients submit progress reports quarterly for the following periods:

- January 1 through March 31
- April 1 through June 30
- July 1 through September 30
- October 1 through December 31

Quarterly progress reports are due 15 days following the end of the quarter being reported.

General Terms and Conditions

General Terms and Conditions are general requirements contained in all Ecology grant agreements and are not negotiable. The General Terms and Conditions are found in the *Administrative Requirements for Grants and Loans*, Publication No. 91-18, available at www.ecy.wa.gov/biblio/9118.html.

Special Terms and Conditions

Special Terms and Conditions are written into an agreement to modify or clarify project elements that are specific to the project or the program guidelines. Special Terms and Conditions are consistent with the General Terms and Conditions but may be more specific or restrictive.

Equipment Purchase/Equipment Fees

For the implementation of the NPDES Phase I or II permit requirements, Ecology will consider equipment purchases on a case-by-case basis; the recipient must obtain approval from the Ecology Project/Financial Manager for all equipment purchases. If equipment is owned by the recipient, the recipient may charge an appropriate use fee.

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

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

Incurring Eligible Costs

The recipient can begin incurring costs as of July 1, 2013.

Payment Processing

Payment holds or termination

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

Submitting a payment request

The recipient must submit a payment request at least quarterly, but no more frequently than monthly. The recipient must include a progress report with each payment request. The recipient must submit a completed A19 Invoice Voucher and all required forms to Ecology's financial manager. . If the costs are eligible and project progress is acceptable, Ecology's financial manager will approve the request. If not, the financial manager and project manager will work with the recipient to resolve the issue.

Payment requests forms

Payment requests must include the following forms:

- A State of Washington Invoice Voucher Form A19-1A
- Running Budget Summary Form B2 (ECY 060-7)
- Voucher Support Form C2 (ECY 060-9)

Where applicable, payment requests should also include the following:

- Monthly Time Sheet Form E (ECY 060-12)
- Conversion to a Composite Hourly Billing Rate for an Employee Form H (F-21)
- Contractor Participation Report Form D (ECY 060-11)

Ecology's financial manager may request additional documentation to support the costs reflected in a payment request at any time. Recipients must keep supportive documentation available in project files for the duration of the project and for five years following project completion.