

**WAC 173-98-100 Eligible.** Certain projects or project elements may be eligible for loan assistance including, but not limited to, the following:

(1) **Alternative public works contracting** for water pollution control facilities allowed under state statute including, but not limited to, design-build, design-build-operate, and general contractor/construction manager;

(2) **Aquatic plant control** when the water quality degradation is due to the presence of aquatic plants, and the source(s) of pollution is addressed sufficiently to ensure that the pollution is eliminated;

(3) **BMP implementation** on private property:

(a) Best management practices that consist of new, innovative, or alternative technology not yet demonstrated in the department's region in which it is proposed;

(b) Best management practices in the riparian buffer or zone, such as revegetation or fence construction and where a conservation easement or landowner agreement is granted by the landowner; and

(c) Other water quality best management practices that are evaluated and approved by the department on a case-by-case basis, and where a conservation easement or landowner agreement is granted by the landowner.

(4) **BMP implementation** on public property;

(5) **Capacity for growth.** Loans for up to twenty years capacity for water pollution control facilities. Capacity in excess of the twenty year design capacity are not eligible;

(6) **Computer equipment and software** specific to the funded project and preapproved by the department;

(7) **Confined animal feeding operations** (CAFO) water pollution control projects located in federally designated national estuaries;

(8) **Conservation planning;**

(9) **Diagnostic studies** to assess current water quality;

(10) **Education and outreach** efforts for the public;

(11) **Environmental checklists,** assessments, and impact statements necessary to satisfy requirements for the SEPA, the NEPA, and the SERP;

(12) **Environmental emergencies** as defined in WAC 173-98-030 and applied for in accordance with the provisions described in the published funding guidelines for the funding cycle in which the emergency occurs;

(13) **Equipment and tools** as identified in a loan agreement;

(14) **Facilities** for the control, storage, treatment, conveyance, disposal, or recycling of domestic wastewater and stormwater for residential, and/or a combination of residential, commercial, institutional and industrial:

(a) **Planning:**

(i) **Comprehensive sewer planning,** including wastewater elements of capital facilities planning under the Growth Management Act;

(ii) **Stormwater planning;**

(iii) **Facilities planning** for water pollution control facilities.

(b) **Design** preparation of plans and specifications for water pollution control facilities;

(c) **Construction** of:

(i) Facilities for the control, storage, treatment, conveyance, disposal, or recycling of domestic wastewater and stormwater;

(ii) Combined sewer overflow abatement;

(iii) Side sewers, pump stations, or other appurtenances on public property or private property if solving a nonpoint source pollution problem, such as failing on-site sewage systems; and

(iv) Side sewers, pump stations, or other appurtenances on public property or private property to correct infiltration and inflow.

(d) **Value engineering** for water pollution control facilities.

(15) **Green project reserve** projects such as water efficiency, energy efficiency, green infrastructure, and environmentally innovative projects or project elements as defined by EPA guidance;

(16) **Groundwater protection activities** such as wellhead protection and critical aquifer recharge area protection;

(17) **Hardship assistance** for preconstruction projects, wastewater treatment facilities construction, and on-site sewage system repair and replacement;

(18) **Indirect costs** as defined in the most recently updated edition of *Administrative Requirements for Recipients of Ecology Grants and Loans* (publication #91-18) or *Administrative Requirements for Recipients of Ecology Grants and Loans Managed in EAGL* (publication #14-01-002);

(19) **Lake implementation and associated planning activities** on lakes with public access;

(20) **Land acquisition:**

(a) As an integral part of the treatment process (e.g., land application);

(b) For siting of water pollution control facilities;

(c) For wetland habitat preservation and protection;

(d) For riparian area and watershed preservation and protection;

or

(e) For drinking water source protection.

(21) **Landscaping for erosion control** directly related to a project, or site-specific landscaping to mitigate site conditions and comply with requirements in the SERP;

(22) **Legal expenses** will be determined on a case-by-case basis, such as development of local ordinances, use of a bond counsel, review of technical documents;

(23) **Light refreshments** for meetings when preapproved by the department;

(24) **Mitigation**, determined on a case-by-case basis, that addresses water quality impacts directly related to the project;

(25) **Monitoring BMP effectiveness;**

(26) **Monitoring equipment** used for water quality assessment;

(27) **Monitoring water quality;**

(28) **Model ordinances** development and dissemination of model ordinances to prevent or reduce pollution from nonpoint sources;

(29) **On-site sewage systems:**

(a) **On-site sewage system repair and replacement** for residential and small commercial systems;

(b) **On-site sewage system** surveys;

(c) **Local loan fund** program development and implementation.

(30) **Planning**, including comprehensive basin plans, watershed plans, and area-wide water quality plans;

(31) **Refinancing** of water pollution control facility debt;

(32) **Riparian and wetlands habitat restoration** and enhancement, including revegetation;

(33) **Sales tax;**

(34) **Spare parts**, an initial set of spare parts for equipment that is critical for a facility to operate in compliance with discharge permit requirements;

(35) **Stream restoration projects**;

(36) **Total maximum daily load study** development and implementation;

(37) **Training** to develop specific skills that are necessary to directly satisfy the funding agreement scope of work. Training, conference registration or annual meeting fees must be preapproved by the department;

(38) **Transferring ownership** of a small wastewater system to a public body;

(39) **Wastewater or stormwater utility development**;

(40) **Wastewater or stormwater utility rate** or development impact fee studies;

(41) **Water quality education** and stewardship programs.

[Statutory Authority: Chapters 90.50A and 70.146 RCW. WSR 17-17-040 (Order 16-04), § 173-98-100, filed 8/9/17, effective 9/9/17. Statutory Authority: Chapter 90.50A RCW, RCW 90.48.035, and 43.21A.080. WSR 11-20-036 (Order 10-14), § 173-98-100, filed 9/27/11, effective 10/28/11. Statutory Authority: RCW 90.48.035. WSR 07-14-096 (Order 05-16), § 173-98-100, filed 6/29/07, effective 7/30/07. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. WSR 98-24-036 (Order 98-10), § 173-98-100, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. WSR 89-18-019 (Order 89-34), § 173-98-100, filed 8/29/89, effective 9/29/89.]