

WAC 173-80-050 Wastewater treatment works grants—Priority rating and other provisions. (1) In instances where applications for wastewater treatment works grant funds exceed the amount currently available to the department, the director will establish a project priority list using published priority rating criteria which consider, but are not limited to, the following:

- (a) Water quality impacts caused by existing circumstances.
- (b) Public health impacts caused by existing circumstances.
- (c) The prior local effort expended toward correcting the existing or similar wastewater problems.
- (d) The cost-benefit relationship of the proposed project.
- (e) Problem prevention aspects of the proposed project.

(2) In instances where a priority list is required, the director will ensure that:

- (a) A project priority list is developed on an annual basis.
- (b) The priority list be readily available to the public for review and comment thirty days prior to its approval by the director.
- (c) Comments received during any review period are considered and responded to before a final list is approved by the director.
- (d) An approved list is available on or about forty-five days after the close of the application period.

(3) The department may use funds authorized by chapter 43.99F RCW as fifteen percent grants to wastewater treatment projects for public entities who have received a federal grant under Title II of Public Law 97-117 prior to October 1, 1982, or a written guarantee from the department, prior to the effective date of this chapter, that such a grant will be available when a federal grant is received. New phases of those continuing construction wastewater treatment projects begun prior to October 1, 1982, are also eligible for a fifteen percent grant. Funds are to be awarded under this authority only if funds provided by chapter 43.83A RCW (Referendum Bill No. 26) are not available.

(4) Prior to December 31, 1982, the department may award a grant for seventy-five percent of the eligible costs for completion of any wastewater treatment facility that began construction under the federal wastewater treatment program prior to October 1, 1981, and is not scheduled to receive a federal grant prior to federal fiscal year 1983.

(5) Wastewater treatment program projects, except those allowed by WAC 173-80-050(4), shall not receive grants exceeding fifty percent of the eligible costs of the project.

(6) The director may enter into a single lump sum design and construction contract with a grantee whose project exceeds a total cost of \$100 million and requires more than three years to design and construct, providing that all the following conditions are met:

- (a) The project appears on the current project priority list within the range fundable with remaining, unobligated moneys authorized by chapter 43.99F RCW.

- (b) The contract contains provisions limiting the total amount of state funding to fifty percent of the eligible costs or an agreed upon figure (whichever is less), establishing cash flow agreements, and any other provisions the director deems necessary to protect the financial interests of the state.

- (c) The legislature appropriates the necessary funds.

(d) The grantee agrees to a one-time grant, including limited increases at time of bid, and will not thereafter seek any further funds under the provisions of chapter 43.99F RCW.

[Statutory Authority: RCW 43.21A.080. WSR 82-05-011 (Order DE 81-50), § 173-80-050, filed 2/5/82.]