Chapter 173-255 WAC

LIMITATIONS ON USE OF REFERENDUM 26 GRANT FUNDS FOR WATER POLLUTION ABATEMENT

WAC

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WAC 173-255-010 Purpose and scope. The purpose of this chapter is to set forth the limitations on uses of moneys administered by the department of ecology pursuant to chapter 43.83A RCW (Referendum Bill No. 26). The limitations are necessary to insure that these funds will be used to their optimum extent to protect the resources and environment of the state of Washington and the health and safety of its people by providing adequate publicly owned facilities and systems for the collection, treatment and disposal of solid and liquid waste materials.

[Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-010, filed 8/24/78.]

WAC 173-255-020 Effective date. All projects, or phases of projects, which have not received a federal or state grant award for design, before the effective date of this chapter will be subject to provisions contained herein.

[Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-020, filed 8/24/78.]

WAC 173-255-030 Definitions. For the purpose of this chapter:

(1) "Department" means the Washington state department of ecology.

(2) "Agricultural pollution grants program" means the program of grants administered by the department for the planning, design and construction of publicly owned or operated agricultural pollution abatement facilities.

(3) "Lake restoration grants program" means the program of state grants administered by the department for the planning, design and implementation of lake restoration projects.

(4) "Marina pumpout grants program" means the program of state grants administered by the department for the design and construction of sewage pumpout facilities and dump stations at publicly owned or operated marinas.

(5) "Municipal wastewater treatment works construction grants program" (hereinafter referred to as the construction grants program) means the federal/state matching program of grants under Title II of Public Law 95-217 to municipal entities for the purpose of upgrading their treatment works to meet the effluent requirements of state and federal law.

(6) "Water supply residual waste treatment works grants program" means the program of state grants administered by the department for the design and construction of pollution abatement facilities for publicly owned or operated water supply plants in existence on February 3, 1976, that discharge residual wastes to the waters of the state.

(7) "Individual systems" means privately owned treatment works serving one or more principal residences or small commercial establishments constructed prior to and inhabited on or before December 27, 1977, to abate an existing water pollution or public health problem.

(8) "Industrial cost recovery program" means the program established under Title II section 204(b) of the Federal Water Pollution Control Act Amendments (Public Law 92-217) to recover the cost of municipal treatment systems attributed to industrial users, when a municipal treatment system has been funded with federal funds under Title II.

(9) Industrial user:

(a) Any nongovernmental user of publicly owned treatment works which discharges more than twenty-five thousand gallons per day of sanitary waste, or a volume of process waste or combined process and sanitary waste, equivalent to twenty-five thousand gallons per day of sanitary waste.

(b) Any nongovernmental user of a publicly owned treatment works which discharges wastewater to the treatment works which contains toxic pollutants or poisonous solids, liquids, or gases in sufficient quantity either singly or by interaction with other wastes, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in or have an adverse effect on the waters receiving any discharge from the treatment works.

(c) All commercial users of an individual system constructed with grant assistance under section 201(h) of the Clean Water Act of 1977 (P.L. 95-217).

(10) "Innovative and alternative technology projects" means those projects employing innovative and alternative wastewater treatment processes and techniques as defined by EPA guidelines in 40 C.F.R. 35, Appendix E, and which are eligible for federal grants under 40 C.F.R. 35.908 promulgated on April 25, 1978, or hereafter modified.

[Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-030, filed 8/24/78.]

WAC 173-255-040 Limitation of programs eligible for funding under Referendum Bill No. 26. (1) The following programs shall be eligible for state matching grants in an amount not to exceed fifty percent of the total eligible cost of a project as determined by the department: The marina pumpout grants program, the water supply plant residual waste treatment works grants program, the lake restoration grants program, the state construction grants program and the agricultural pollution grants program. The department may authorize a matching grant less than fifty percent of the total

eligible cost of a project in those cases where it would be in the public interest, or where federal matching funds are available and it would be in the public interest to secure a local matching portion.

(2) The federal construction grants program may be eligible for state matching grants in an amount not to exceed fifteen percent of the total eligible cost of a project as determined by the department except as provided in WAC 173-255-050(1).

[Statutory Authority: RCW 43.21A.080. 80-08-050 (Order DE 80-24), § 173-255-040, filed 6/30/80; 78-09-066 (Order DE 78-12), § 173-255-040, filed 8/24/78.]

WAC 173-255-050 Limitation on grant awards within the municipal grants program. (1) The state matching grants for innovative and alternative technology projects shall be limited to nine percent which is the same portion of the nonfederal share as other types of projects funded under the construction grants program.

(2) Expenditure of funds under the provisions of chapter 43.83A RCW is limited to public bodies which are defined in the statute to mean any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington. This provision and definition prohibits the expenditure of state funds for matching grants for, among others:

(a) Individual systems; and

(b) That portion of the construction of a municipal treatment works attributable to industrial users. Such portion is to be determined through the environmental protection agency's industrial cost recovery program.

[Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-050, filed 8/24/78.]

WAC 173-255-060 Provision of guidelines. The department will publish guidelines which establish procedures, under each of the Referendum 26 grant programs, for the grant application and award process.

[Statutory Authority: RCW 43.21A.080. 78-09-066 (Order DE 78-12), § 173-255-060, filed 8/24/78.]