

# FY 2011 Stormwater Grant Programs

## Frequently Asked Questions

### Municipal Stormwater Capacity Grants

**Q: As the designated signatory for the NPDES Annual Report, am I authorized to sign the Grant Acceptance Intent Notice (GAIN)? Or, does the GAIN need to be signed by the Public Works Director or the Mayor?**

*A: The GAIN should be signed by the designated or delegated person at the local government that has authority to accept a grant from the Department of Ecology (Ecology). This authority will vary between jurisdictions and is best decided by your internal policies and procedures.*

**Q: With respect to filling out the GAIN, can I estimate the percentages of my jurisdiction's area that are in the Legislative and Congressional Districts?**

*A: Actually, Ecology is requesting how much of the entity's total jurisdiction is covered by each Legislative and Congressional District. Please use your best estimate on the percentage of coverage by the Legislative and Congressional Districts in your area. Some of the local governments may have only one Congressional or Legislative District; this would be listed as 100% in each of the required boxes. Other cities or counties may have more than one district for the area. The Primary is the district that covers the largest area in the local government. All other districts will be your best estimate on percentage of coverage. Each of the boxes must add up to 100% (covered area).*

**Q: Why does Ecology ask for the Legislative and Congressional District information?**

*A: Ecology tracks on the WRIA, Congressional, and Legislative District information in order provide valuable feedback to Ecology's Management team, State Legislators, and the Governor's office. Also, when grant or loan funding is disbursed to local governments, Ecology provides informational letters to the jurisdiction's legislative representatives regarding the funding sources and uses of the funds. If federal funding is included with any grant offer, Ecology provides this information to the congressional representatives.*

**Q: If we check any of the elements listed on page 2 of the GAIN, how does that affect our grant agreement requirements and deliverables? If we do not check any item on the GAIN, does that give us more flexibility?**

*A: The list of project elements on the GAIN is non-binding and used by Ecology to develop your grant agreement. You may check all or none of the items from Page 2 of the GAIN. When the contracts are negotiated, the jurisdiction will indicate the project focus and Scope of Work.*

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**Q: Can Capacity Grants be used for larger planning efforts like Capital Improvement Planning, Basin Planning, or Stormwater Comprehensive Plan updates?**

*A: The Capacity Grant funding may be used for larger **stormwater-focused** planning efforts.*

**Q: Can we use the Capacity grant money for staffing?**

*A: Yes. All projects must support compliance with municipal stormwater permit requirements. The grant award may be used for staff that support the implementation of the Phase I and II permit requirements.*

**Q: Can we use capacity grant monies to pay for some of the cost of our vector truck, which was purchased under the last stormwater pass-through grant? Our jurisdiction is not finished paying for this piece of equipment.**

*A: No. The purchase date of the truck was prior to the effective date of the FY 2011 Capacity Grant agreements (7/1/2010). The legislative intent of the new FY 2011 Capacity Grant program is to **expand** on the permittees current NPDES permit implementation program.*

**Q: Can an eligible applicant collaborate with non-permitted jurisdictions? Some of the non-permitted jurisdictions are in UGA's but too small to be included in the Phase II permit.**

*A: Yes, as long as the runoff being treated helps the permitted jurisdiction meet permit requirements.*

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### FY2011 Stormwater Retrofit and LID Competitive Grants

**Q: With respect to the pre-design report, what should we do if the proposed site does not meet criteria for soil and depth to ground water?**

*A: Proposed projects should generally comply with design criteria, including site limitations, in approved storm water manuals and the LID Technical Guidance Manual. The first step is to be sure about the soil and depth to ground water requirements for the type of project proposed. You may contact Ecology ahead of making an application to confirm those requirements as applied to a proposed project.*

*Here are a couple tips:*

*Ecology has allowed deviations from the 2.4 inches per hour infiltration rate maximum for projects relying on the soil column for treatment. See the 2009 King County manual, page 1-66, "Groundwater Protection Criteria. Also refer to the design criteria for bioretention/rain garden soils published by the "WSU Cooperative Extension. A link to the document is at this website:  
<http://www.ecy.wa.gov/programs/wq/stormwater/manual.html>*

*The depth to seasonal high groundwater for bioretention/rain gardens is reduced to 1 foot where the drainage area meets all of the following: less than 5,000 sq. ft. pollution-generating impervious surface, less than 10,000 sq. ft. total impervious surface, less than ¼ acres of lawn/landscape. Where the drainage area exceeds any of those thresholds, three feet or more clearance is needed.*

**Q: Can a municipality submit more than one application (up to \$5M)? We have a small project that we think may score well (pond retrofit, good permitting). We have a separate larger project we would like to submit but think it may not score as well and we don't want to limit the chances of the smaller project being funded. Can we submit the projects separately without hurting our ranking?**

*A: Yes, the maximum grant award for individual projects from eligible permittees is \$1M of total eligible costs. Multiple departments from one permittee may apply for funding. Any eligible permittee may not receive more than \$5M cumulative for all projects that are awarded funding. There is no maximum limit on the number of applications submitted by one permitted entity; the cap of \$5M is on the total grant amounts (for all projects) awarded per permittee.*

**Q: If we need additional match, beyond our staffing commitments, can we use Ecology's Stormwater Capacity grants as matching funds?**

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**A:** *No. The Capacity Grant funds can **NOT** be used as match for Ecology's FY 2011 Stormwater Retrofit and LID Competitive Grants program. Use of Federal or other state funds that connect to the proposed project are eligible for match (e.g. State Revolving Fund, EPA Puget Sound Funding).*

**Q:** **How long do we have to negotiate contracts?**

**A:** *Ecology is committed to having the contracts negotiated and signed within 6 months of the Final Offer and Applicant List date. Prior authorization (i.e., authorization to charge against the grant before the agreement is fully signed) may be allowed, dating back to the date of the Final Offer and Applicant List.*

**Q:** **Can our prior authorization date be before the FINAL Offer and Applicant List but after DRAFT Offer and Applicant List date?**

**A:** *No. Prior authorization is from the Final Offer and Applicant List date.*

**Q:** **Are applicants that propose to implement simple LID projects, such as community-wide rain gardens, required to complete a Cultural Resources review?**

**A:** *Yes. All applicants that receive state funding for projects that propose to disturb soil must complete a Cultural Resources review for the affected area of the project. This requirement is in accordance with the Governor's Executive Order 05-05.*

**Q:** **How far along should the Cultural Resources review be when we submit the application?**

**A:** *The Cultural Resources Review (Executive Order 05-05) through the Department of Historical and Archeological Preservation (DAHP) must be complete prior to any construction and payment for construction. Ecology encourages applicants, which are aware of ground disturbance with the implementation of the proposed project, to initiate the Cultural Resources Review as soon as possible*

**Q:** **We are planning on submitting an application for a Design/Construct project. Will Ecology pay for the SEPA and Cultural Resources review as part of the project?**

**A:** *Yes. However, a project that does not have SEPA or Cultural Resources review started or complete at the time of application will be limited in points in the Readiness to Proceed question on the application.*

**Q:** **If the SEPA and Cultural Resources review are not complete, how will this affect our points in the application?**

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**A:** *In Part 2-Question 6 (Readiness to Proceed) of the application, points are awarded to those applicants that have initiated and/or completed SEPA and Cultural Resources review. For example, when two similar Design/Construct projects are rated, more points are available to the applicant that has provided information and documentation on the stage of completeness for the project SEPA and Cultural Resources reviews.*

**Q:** **Define Project completion timeline of June 30, 2014.**

**A:** *All deliverables for the Scope of Work in the Agreement and any reporting requirements must be complete on or before June 30, 2014.*

**Q:** **Define Project completion if Ecology is providing funding for one phase of the total project.**

**A:** *Ecology considers the Agreement as “the Project”. If the Scope of Work defined in the Agreement is part (or one phase) of a larger project, Ecology is aware the complete project life may extend beyond the phased portion (of the Project) for which funding is received. All deliverables for the Scope of Work in the Agreement and any reporting requirements must be complete on or before June 30, 2014.*

**Q:** **Can the grant funding be used to pay for on-going operation and maintenance of constructed facilities?**

**A:** *No, the Stormwater Retrofit and LID Competitive Grants are for implementing construction of stormwater facilities.*

**Q:** **Is the purchase of easements or land acquisition eligible for reimbursement under Stormwater Retrofit and LID (SWRLID) funding program?**

**A:** *Land acquisition and purchase of easements are generally eligible as cash match only. For projects where land acquisition and purchase of easements are critical for water quality treatment, Ecology will consider, on a case-by-case basis, land acquisition as an eligible cost.*

**Q:** **Can an eligible applicant partner with non-permitted jurisdictions? Some of the non-permitted jurisdictions are in UGA’s but too small to be included in the Phase II permit.**

**A:** *Yes, as long as the runoff being treated helps the permitted jurisdiction meet permit requirements. No construction can be paid for in non-permitted jurisdictions, but collaboration of these entities in permitted areas is encouraged.*

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**Q: Does Ecology support “packaging” several smaller LID project sites or construction retrofits into one application?**

*A: Yes, if they are all connected to improving water quality in the same watershed or water body.*

**Q: When applying for funding, is there a minimum grant request requirement?**

*A: No, there is no minimum grant request requirement.*

**Q: Is the construction of a municipal or regional decant facility eligible for the competitive stormwater grant money?**

*A: Yes.*

**Q: Can two jurisdictions submit separate grant applications to apply toward one large, shared facility?**

*A: Two eligible applicants may submit one application for a regional, shared project. In order to receive the maximum grant award available per community, the applicants must have a clear Memorandum of Agreement (MOA) in place that outlines and describes each applicant’s specific costs and responsibilities. For example: Two eligible permitted communities may apply for a \$2M [regional] facility project. If scored well, the project may receive the total maximum grant award available for each community (up to \$1M/community or a total of \$2M).*

**Q: What happens if an applicant is proposed for funding on the Offer and Applicant List for an amount less than requested in the application (e.g. applicant is at the cutoff point for available funding)?**

*A: Ecology will ask the applicant, during the public comment period, to determine whether or not the proposed project (as rated and ranked) can be completed with less available state funding. If the applicant determines the project cannot move forward with less funding, the applicant may decline the offer. Any available funds will be offered to the applicant with the next eligible project on the Final Offer and Applicant List.*

**Q: Is the retrofit of drywells an eligible project cost for SWRLID funding?**

*A: Yes. However, drywell retrofits for stormwater management must be in accordance with established guidance and the Underground Injection Control (UIC) Program. Guidance for UIC wells that manage stormwater may be found at: <http://www.ecy.wa.gov/programs/wq/grndwtr/uic/index.html>.*