

**WAC 173-98-110 Ineligible.** Certain projects or project elements are not eligible for loan assistance including, but not limited to, the following:

(1) **Abandonment** or demolition of existing structures not interfering with proposed construction of a wastewater or stormwater treatment facility;

(2) **Aquatic plant control** for aesthetic reasons, navigational improvements, or other purposes unrelated to water quality;

(3) **Bond costs** for debt issuance;

(4) **Bonus or acceleration payments** to contractors to meet contractual completion dates for construction;

(5) **Commercial, institutional or industrial** wastewater pollution control facilities or portions of those facilities that are solely intended to control, transport, treat, dispose, or otherwise manage commercial, institutional, or industrial wastewater;

(6) **Commercial, institutional or industrial** monitoring equipment for sampling and analysis of discharges from municipal water pollution control facilities;

(7) **Commercial, institutional or industrial** wastewater pretreatment;

(8) **Compensation** or damages for any claim or injury of any kind arising out of the project, including any personal injury, damage to any kind of real or personal property, or any kind of contractual damages, whether direct, indirect, or consequential;

(9) **Cost-plus-a-percentage-of-cost contracts** (also known as multiplier contracts), time and materials contracts, and percent-of-construction contracts in facilities projects (a negotiated fee in general contractor/construction manager contracts is not a cost-plus-a-percentage-of-cost contract);

(10) **Fines and penalties** due to violations of or failure to comply with federal, state, or local laws;

(11) **Flood control** projects or project elements intended solely for flood control;

(12) **Funding application preparation** for loans or grants;

(13) **Interest** on bonds, interim financing, and associated costs to finance projects;

(14) **Landscaping** for aesthetic reasons;

(15) **Legal expenses** associated with claims and litigation;

(16) **Lobbying** or expenses associated with lobbying;

(17) **Mitigation** is not eligible unless it addresses water quality impacts directly related to the project, and will be determined on a case-by-case basis;

(18) **Office furniture** not included in the recipient's indirect rate;

(19) **Operating expenses** of local government, such as the salaries and expenses of a mayor, city councilmember, and city attorney;

(20) **Operation and maintenance** costs for work not performed by contract and that is performed on a regularly scheduled basis (e.g., daily, weekly, monthly, seasonally, semiannually, but not less frequently than once per year), to service, check, or replace items that are not broken; or work not performed by contract that is not regularly scheduled but is required to maintain the asset so that repair does not become necessary;

(21) **Overtime** differential paid to employees of public body to complete administrative or force account work;

(22) **Permit fees** not directly required for the completion of a project;

- (23) **Personal injury compensation** or damages arising out of the project, whether determined by adjudication, arbitration, negotiation, or other means;
- (24) **Professional dues**;
- (25) **Reclamation** of abandoned mines;
- (26) **Refinancing** of existing debt not related to a water pollution control facility;
- (27) **Solid or hazardous waste cleanup**;
- (28) **Utility local improvement district** (ULID) formation;
- (29) **Vehicle purchase**, except for vehicles intended for the transportation of liquid, dewatered sludge, septage, or special purpose vehicles as approved by the department; and
- (30) **Water quantity** or other water resource projects that solely address water quantity issues such as reservoirs and dams.

[Statutory Authority: Chapters 90.50A and 70.146 RCW. WSR 17-17-040 (Order 16-04), § 173-98-110, 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), § 173-98-110, filed 9/27/11, effective 10/28/11. Statutory Authority: RCW 90.48.035. WSR 07-14-096 (Order 05-16), § 173-98-110, filed 6/29/07, effective 7/30/07. Statutory Authority: Chapter 90.50A RCW. WSR 01-01-043 (Order 00-11), § 173-98-110, filed 12/8/00, effective 1/8/01. Statutory Authority: RCW 43.21.080 and chapters 34.05 and 90.50A RCW. WSR 98-24-036 (Order 98-10), § 173-98-110, filed 11/24/98, effective 12/25/98. Statutory Authority: Chapter 90.50A RCW. WSR 89-18-019 (Order 89-34), § 173-98-110, filed 8/29/89, effective 9/29/89.]