

250-RICR-150-20-4

TITLE 250 - DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

CHAPTER 150 - WATER RESOURCES

SUBCHAPTER 20 - FINANCIAL ASSISTANCE

PART 4 - Rules and Regulations for the Grant Program for the Interceptor Bond Fund of the Rhode Island Clean Water Act Environmental Trust Fund

4.1 Purpose

The purpose of these regulations is to implement the finding in R.I. Gen. Laws § 46-12-24.2(a)(4) the Rhode Island Clean Water Act Environmental Trust Fund. The purpose of this section is to provide Grants and Revolving Loans to Governmental Entities in Rhode Island for Interceptors to extend to areas which should no longer be served solely by septic systems. This program will be administered by the Division of Water Resources of the Department of Environmental Management.

4.2 Authority

These regulations are adopted pursuant to R.I. Gen. Laws § 46-12-24.2 and R.I. Gen. Laws Chapter 42-17.1. These regulations are being promulgated in accordance with R.I. Gen. Laws Chapter 42-35.

4.3 Severability

If any of these regulations or the applications thereof to any local governmental unit or circumstances is held invalid by a court of competent jurisdiction, the remainder of the regulations shall not be affected thereby. The invalidity of any section or sections shall not affect the validity of the remainder of these regulations.

4.4 Applicability

The funds provided under these rules and regulations are applicable to any local governmental unit as defined in § 4.5(A)(12) of this Part.

4.5 Definitions

A. Unless the context specifically indicates otherwise, the meaning of the terms used in these rules and regulations shall be as follows:

1. "Chief executive officer" means the mayor in any city or town, the president of the town council in any town, or the executive director of any

authority or commission unless some other officer or body is designated to perform the functions of a chief executive officer under the provisions of a local charter or other law.

2. "Collector sewer" or "lateral sewer" means a sewer that collects waste water from building service lines and carries it by gravity to interceptor sewers.
3. "Construction" means any one or more of the following: engineering, architectural, surveys, designs, plans, working drawings, specifications, procedures, or other necessary actions, erection, building, or the administration, inspection, or supervision of any of the foregoing items.
4. "Costs" means any or all costs relating to the designing, constructing and carrying out and placing in operation a water pollution abatement project including, but not limited to, the following: design, construction, expansion, improvement and rehabilitation of facilities; demolitions and relocations; labor, materials, machinery and equipment; services of architects, engineers, and other consultants; borings, surveys, and other preliminary engineering costs; plans and specifications; administrative costs; and any and all other expenses necessary or incidental to the construction of a water pollution abatement project.
5. "Department" or "DEM" means the Department of Environmental Management of the State of Rhode Island.
6. "Director" means the Director of the Rhode Island Department of Environmental Management or any subordinate or subordinates to whom the Director has delegated the powers and duties vested in him or her by R.I. Gen. Laws Chapters 46-12 or 42-17.1.
7. "Division" means the Division of Water Resources, DEM.
8. "Facilities plan" or "FP" means a plan prepared and approved by DEM pursuant to Section 201 of the Clean Water Act.
9. "Fiscal year" means the State of Rhode Island fiscal year: July 1 to June 30.
10. "Individual sewage disposal system" or "ISDS" means any system of piping, tanks, disposal areas, alternative toilets or other facilities designed to function as a unit to convey, store, treat and/or dispose of sanitary sewage by means other than discharge into a public sanitary sewer system.
11. "Interceptor sewer" means gravity sewer which intercepts and conveys flows from collector (or lateral) sewers to another interceptor sewer, pump station/forcemain or directly to a waste water treatment facility (WWTF).

12. "Local governmental unit" means any city, town, district, commission, agency, authority, board or other political subdivision or instrumentality of the state or of any political subdivision.
12. "Project priority list" means an annual ranked listing based on relative priority ratings of all water pollution abatement projects in all categories for which federal or state assistance is requested from DEM's assistance programs.
13. "Sanitary sewer" means a sewer which conveys wastewater from residences, commercial buildings, industrial plants, and institutions.
14. "State guide plan" means goals, policies, or plan elements for the physical, economic, and social development of the state, adopted by the State Planning Council in accordance with R.I. Gen. Laws § 42-11-10.
15. "Wastewater treatment facility" or "WWTF" means any equipment, devices, and systems for preventing, abating, reducing, storing, conveying, treating, separating, recycling, reclaiming, or disposing of sanitary or combined sewage.

4.6 Goal

The goal of the fund is to provide grant funds to local governmental units to extend new interceptor sewers to areas that should no longer be served by Individual Sewage Disposal Systems (ISDS).

4.7 Available Funds

Up to five million dollars (\$5,000,000.00) is to be allocated to the Rhode Island Department of Environmental Management to be available for grants to local governmental units of Rhode Island. The State share of the Interceptor Bond Fund for an intercepted sewer project will not exceed fifty percent (50%) of the total eligible program costs. The maximum total eligible cost of a project shall be limited to one million dollars (\$1,000,000.00), five hundred thousand dollars (\$500,000.00), State grant and five hundred thousand dollars (\$500,000.00) local match. Other State grant programs may not be used to provide the local match.

4.8 Eligibility Requirements

- A. In order to be eligible, all interceptor projects must be identified within or consistent with a DEM approved Wastewater Facilities Plan (WWFP) for the local governmental unit.
- B. All Interceptor projects must have Plans and Specifications approved, and an Order of Approval issued, by DEM.

- C. The wastewater treatment facility (WWTF) that will receive the additional flow from the sewer extension must have adequate capacity to treat the additional flow without adverse impacts on the degree of treatment (i.e. RIPDES Permit compliance) or the water quality standards for receiving water. All existing sewers systems that will transport the flow generated by the proposed interceptor to the wastewater treatment facility must also have adequate capacity for the additional flows.
- D. Eligible interceptor sewers must have a minimum diameter of ten (10) inches. Systems other than gravity sewers (such as pump stations/forcemains) may be considered eligible, where such systems are proposed as an integral part-of an interceptor system, based on good engineering judgement. The applicant must demonstrate the appropriateness of any alternative design and, in general, such a system should provide a minimum flow capacity equivalent to a ten (10) inch diameter interceptor sewer.
- E. The applicant must provide documentation that they have the financial capability to provide the required local match, the funds for the ineligible costs and the funds for the operation and maintenance of the proposed system.
- F. Any interceptor project must include concurrent construction and connection of the collector (or lateral) sewers to provide adequate initial flows for the new interceptor. The minimum required initial flow is fifteen percent (15%) of the average daily design year flow. In addition, the grantee shall require that all abutting property owner within the proposed service area connect into the interceptor or collector sewers within one (1) year of the availability of the sewer. The grantee may request a waiver from the above requirement for those property owners that have recently replaced their ISDS's and are not experiencing any difficulties with their systems. These requirements will be reflected as conditions to the award of the grant.
- G. The project must be on the approved Project Priority List developed annually by the Rhode Island Department of Environmental Management in conformance with the Priority Determination System. The Interceptor Bond Fund List will be a subset of interceptor projects taken from the current Project Priority List which meet the eligibility requirements of these regulations.
- H. The Director may remove any project from the Interceptor Bond Fund list anytime during the fiscal year, if he/she finds the project is unable to proceed within the fiscal year or does not meet the requirements of the program. The Director shall notify by certified mail the applicant whose project has been removed from the project list. The applicant shall have ten (10) days from receipt of the letter to submit evidence to the Director showing that the project should not be removed from the list. The Director shall review the removal decision based on information submitted by the applicant and make a final decision.

- I. The applicant must provide detailed documentation to DEM that the proposed project area should no longer be served solely by individual sewage disposal systems, e.g.: State "208 Plan", a sanitary survey, soils maps or any federal, state or local documents showing that the proposed service area is not suitable for individual sewage disposal systems.
- J. Procurement for the grant project must provide for a minimum of open and competitive bidding and be in general conformance with the State Procurement Process.
- K. All contractors including A/E Services (if applicable), will be in compliance with the State of Rhode Island Minority Business Enterprise Regulations (MBE/WBE) implementing, in part, Section 1 of the Public Laws of 1986, Chapter 493 (R.I. Gen. Laws Chapter 37-14.1). This requirement must be reflected in the Plans & Specification documents for the construction project to receive an Order of Approval. Applicants and prospective bidders should contact the Department of Administration to determine specific requirements.
- L. All other required State and Federal Permits must be obtained.
- M. A certification by the Division of Planning of the Department of Administration that the proposed project is consistent with the State Guide Plan and a City or Town Comprehensive Plan if approved, as required by R.I. Gen. Laws Chapter 45-22.2.

4.9 Payments

Payments under this grant are on a reimbursement basis. The local governmental unit must provide invoice-level source documents to prove incurred costs. DEM will review and certify payment for fifty percent (50%) of the eligible approved costs.

4.10 Non-Compliance

- A. Failure to comply with the all terms and conditions of the grant agreement may result in any of the following sanctions:
 - 1. Withholding of payments;
 - 2. Suspension or termination of the grant for cause;
 - 3. Annulment of the grant;
 - 4. Other appropriate administrative proceedings;
 - 5. Institution of judicial proceedings, and/or
 - 6. Repayment by the Community of the grant funds received.

4.11 Termination of the Fund

Upon the finding of the Director that all monies have been expended, the fund shall be terminated.