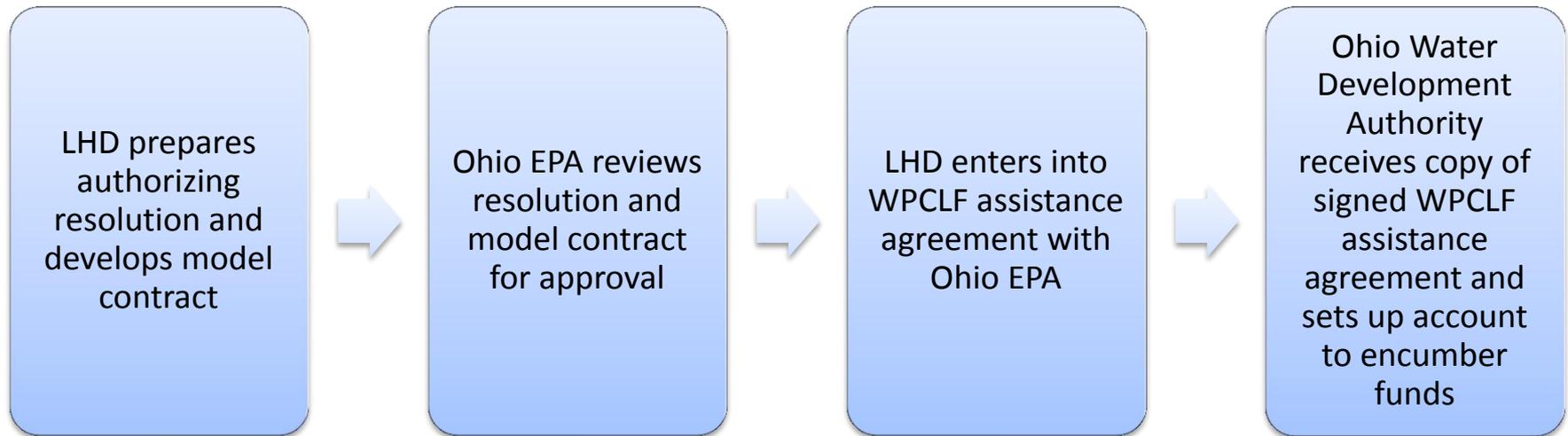


Division of Environmental and Financial Assistance (DEFA)

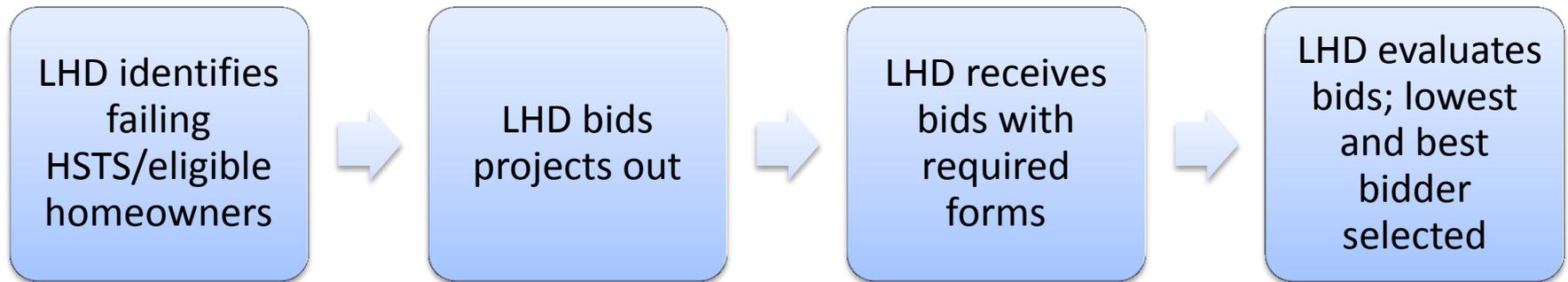
**Water Pollution Control Loan Fund (WPCLF)
Household Sewage Treatment System (HSTS)
2016 Program Year Funding
ODH Webinar/Conference Call
January 26, 2016**



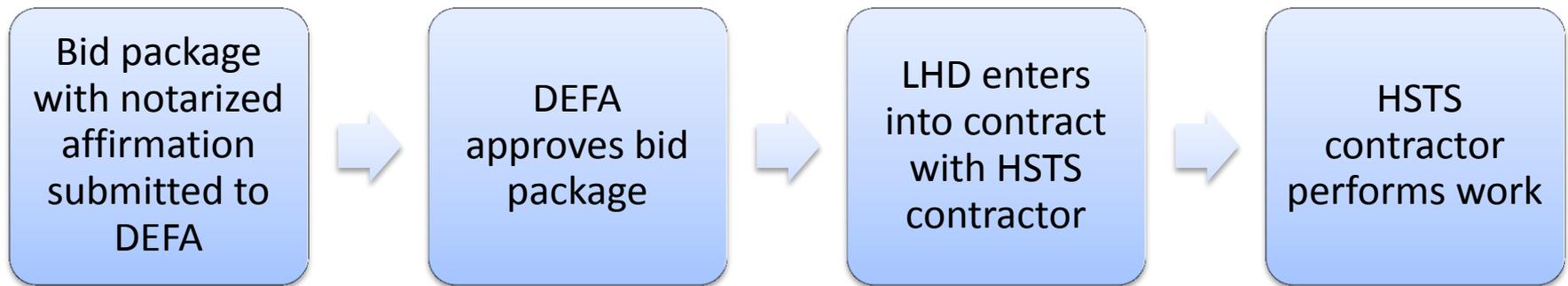
Flow Chart of Funding Process (1)



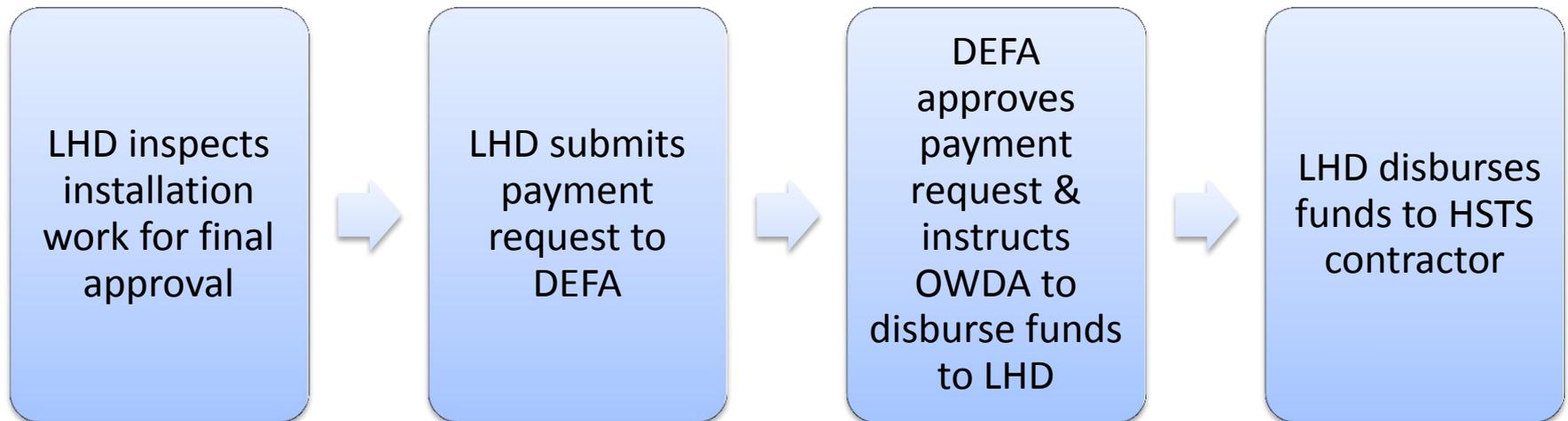
Flow Chart of Funding Process (2)



Flow Chart of Funding Process (3)



Flow Chart of Funding Process (4)



Authorizing Resolution

Resolution No. _____

A RESOLUTION AUTHORIZING _____ TO APPLY FOR, ACCEPT, AND ENTER INTO A WATER POLLUTION CONTROL LOAN FUND AGREEMENT ON BEHALF OF THE COUNTY/HEALTH DISTRICT OF _____ FOR THE REPAIR AND REPLACEMENT OF HOME SEWAGE TREATMENT SYSTEMS:

Whereas, the County/Health District of _____ seeks to repair and/or replace failing home sewage treatment systems; and

Whereas, the County/Health District of _____ intends to apply to the Water Pollution Control Loan Fund (WPCLF) for the repair and/or replacement of failing home sewage treatment systems; and

Whereas, the Ohio Water Pollution Control Loan Fund requires the government authority to pass legislation for application of a loan and the execution of a WPCLF assistance agreement; now therefore,

BE IT RESOLVED by the Council/Board of the County/Health District of _____, Ohio:

SECTION 1. That _____ be and is hereby authorized to apply for a WPCLF assistance agreement, sign all documents for and enter into a Water Pollution Control Loan Fund with the Ohio Environmental Protection Agency for the repair and/or replacement of failing home sewage treatment systems on behalf of the County/Health District of _____, Ohio.

SECTION 2. That is resolution shall take effect and be in force from and after the earliest period allowed by law.

Passed: _____ after _____ reading. Vote: Yeas ____ Nays ____

Approved: _____

Attest: _____
Clerk

President of Council or Board of Commissioners

Mayor

Offered by: _____

Seconded by: _____

NOTE: MODIFY THIS FORM AS NEEDED TO REFLECT YOUR COMMUNITY.
(Attach a copy of the meeting minutes hereto)



Authorizing Resolution

- Resolution needs to state a specific person, either by name or title—or both—who will be authorized to sign the WPCLF assistance agreement
- The board of health or the county commissioners would pass the resolution
- Can email the resolution to DEFA and we don't need the meeting minutes

Model Contract

- Refer to “HSTS Contract Requirements” dated January 2016 – was emailed on 1-20-2016
- WPCLF funding has certain document requirements:
 - EEO Certification Form
 - Certification regarding Debarment, Suspension, and Other Responsibility Matters Form
 - American Iron & Steel Acknowledgement Form
 - Violating Facilities Clause must be included in contract documents

Model Contract

New for 2016:

– Right of Access language

“The signatories agree to ensure that the Director or its duly authorized agents shall have the right at all reasonable times to enter upon the Project Site(s) and Project Facilities, and to examine and inspect the same and to exercise the Director’s rights pursuant to the WPCLF Assistance Agreement.”

Model Contract

New for 2016:

- Contract Conflicts language:

“In the event of a conflict between the contract and the WPCLF Assistance Agreement, the provisions of the WPCLF Agreement shall prevail.”

- Notarized Contract Cover Sheet for Homeowner Eligibility – Example on Next Slide

Model Contract

Signature

Date

Name of Signatory

Title

State of Ohio)

County of _____) ss:

Before me, a notary public, in and for said county and state, personally appeared _____, a duly authorized representative of _____ who acknowledged to me that he did execute the foregoing instrument on behalf of _____ and certifies that _____ determined that the Homeowner meets the eligibility criteria set forth in 2016 Program Management Plan, including Appendix G, and that all other information on this form is true and accurate.

IN TESTIMONY WHEREOF, I have subscribed my name and affixed my official seal this _____ day of _____, 20_____.

Notary Public



Model Contract

Insurance Provisions:

- Section 3.5 of WPCLF Agreement
- General Liability – but we no longer require Builder’s Risk insurance
- Worker’s Compensation, Contractor’s Motor Vehicle Bodily Injury and Property Damage Liability Insurance, Contractor’s Public Liability and Property Damage Liability Insurance, Contractor’s Protective Public Liability and Property Damage Liability Insurance, Owner’s Protective Public Liability and Property Damage Liability Insurance, Railroad Protective Liability Insurance (if needed)

Model Contract

Bid Guarantee is needed per ORC 153.54/ORC 307.88.

Payment and Performance Bond is needed per ORC 153.54/ORC 307.89

WPCLF Change Order Form

- Can be submitted to DEFA via email as a PDF file
- Email address is: EPAWPCLFCO@epa.ohio.gov



Model Contract

State Prevailing Wage Requirements

- Discuss with your county solicitor/prosecutor
- May depend on contract dollar amounts and whether it's an “independent contractor” situation
- See Ohio Department of Commerce web site for more info or contact them directly: <http://www.com.ohio.gov/>

Can email model contract documents to DEFA – don't need to mail hard copies

Eligible & Non-eligible Expenses

**TABLE G-1
WPCLF HSTS Principal Forgiveness
Eligible and Non-eligible Expenses**

	Eligible for Funding	Not Eligible for Funding
Abandonment of drinking water well		X
Administrative costs		X
Annual Contractor permit fees		X
Connecting a home with a failing HSTS to sewers		X
Connections and reconnections outside a home	X	
Correction of indoor plumbing issues ¹	X	
Demolition and abandonment of failing HSTS	X	
Design costs	X	
Health District plan review/permit fee	X	
Installation of an HSTS at a new home		X
Installation of an HSTS at an existing home that never had a system installed	X	
Insurance costs		X
NPDES permit fees ²	X	
Operation and Maintenance permit fee		X
Performance or payment bonds costs		X
Site and soil survey	X	
Tax		X

¹ Costs associated with correction of indoor plumbing issues are eligible in particular instances. Eligible indoor plumbing corrections must be necessary in order for an on-site system to receive health district approval and must be itemized on the health district's inspection report. Contractors must submit an itemized bid to the local government agency for these specific items. The local government agency must include the itemized bid with all other contract documents submitted to Ohio EPA for review and approval following bid opening and prior to contract execution. The itemized invoice from the contractor listing the indoor plumbing work must be included with a payment request.

² NPDES permit fees are eligible for reimbursement only for the first occurrence after the disbursement of these funds.

Contract Bidding

- Informal bidding acceptable if single contract is under \$50,000 but check with your county solicitor/prosecutor
 - LHDs (not homeowners) to obtain at least three bids & recommend using your county's list of registered installers
 - Submit bid tally and successful bidder's package to DEFA for approval prior to executing contract
 - Prefer that you bundle properties together under one contract when possible (e.g., 2 or 3 homeowners)
 - If single contract is over \$50,000 have to follow ORC 307.86 for competitive bidding

Deadlines and Project Completion

- LHDs must sign and enter into WPCLF assistance agreements by no later than **May 31, 2016** to receive funding
- Resolution and approvable model contract must be submitted before DEFA can prepare the WPCLF agreement for signature
- LHDs will have **18 months** from date of signing WPCLF agreement to expend funds

Payment Request Process

- Use WPCLF HSTS Payment Request Form - can submit by email
- Include contractor invoices and final inspection certification from LHD for installation work payment requests
- DEFA can pay for soil evaluation and system design work prior to actual installation work being completed – need invoices
- OWDA disburses funds to LHDs and then LHDs will render payment to the contractors
- Usually takes about 10 to 15 days for payments to be disbursed to LHDs if receive payment request by Thursday of a given week
- Be sure to complete LGA Payment Instruction Form and submit it to OWDA before making first payment request

Homeowner Eligibility Requirements

- Property must be occupied by the homeowner
- Rental properties, new-build homes, and homes advertised for sale are not eligible for the funding
- Homes being purchased via Land Installment Contracts per ORC Chapter 5313 are eligible for the funding
- Homeowners need to qualify for one of the three funding tiers as listed in Appendix G, Tables G-2 thru G-4 of the 2016 WPCLF Program Management Plan
- LHDs/counties need to conduct a documented verification of the homeowner's household size and income using established processes for similar grant programs

Other Program Items

- NPDES permits for discharging systems – factor in time for obtaining permit, especially if non-MOU county
- ODH fact sheet “Responsibilities of a Household Sewage Treatment System Authorized Under a General NPDES Permit”
- Recordkeeping requirements – documentation related to the HSTS funding must be retained by LHD for **minimum of five years** and in accordance with Ohio public records law
- Quarterly reports must be submitted to DEFA on status of completed projects

Where Can I Get Help?

Funding & Eligibility Questions:

Mike Ebner, Ohio EPA/DEFA

(614) 644-3642

michael.ebner@epa.ohio.gov

Adam Pierce, Ohio EPA/DEFA

(614) 644-3673

adam.pierce@epa.ohio.gov

HSTS Technical Questions:

ODH – Residential Water & Sewage Program

