

State of Idaho
Clean Water State Revolving Fund
State Fiscal Year 2019
Intended Use Plan

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IDAHO CLEAN WATER STATE REVOLVING FUND
INTENDED USE PLAN

I. Introduction

The State of Idaho, Department of Environmental Quality (DEQ) proposes to adopt the following Intended Use Plan (IUP) for state fiscal year (SFY) 2019 (July 1, 2018 through June 30, 2019) as required under the Clean Water Act, Section 606c.

The primary purpose of the IUP is to identify the intended use of the funds available in Idaho's Water Pollution Control Account. Projects on the IUP Priority List go through a review by the public in accordance with Idaho's Administrative Procedures Act (Idaho Code 67-52). DEQ is recommending that the State Board of Environmental Quality approve the SFY2019 IUP.

The IUP includes the following:

- ❖ Lists of assistance projects, including payment schedules for those most likely to qualify for assistance. Note: projects are technically funded via the purchase of debt but are referred to, for ease of reading, as "loan" "assistance" or "assistance agreement";
- ❖ Long-term and short-term goals;
- ❖ Assurances and specific proposals;
- ❖ Criteria and methods for distribution of funds; and
- ❖ Attachments relevant to the above.

Available funding for projects during the upcoming annual cycle is documented on the following page. The state will comply with the requirements of Title VI of the Clean Water Act. In carrying out the requirements of the Clean Water Act, Section 606(b)(8), the state will use accounting, audit, and fiscal procedures conforming to generally accepted governmental accounting standards.

Two assistance agreements are currently delinquent or in default (North Lake Recreational Sewer and Water District assistance agreements 1899-09/18). The district, with oversight from the state, has preserved its priority position in the bankruptcy court system. At this time, negotiations are under way with the major property owner and potential investors to arrange a comprehensive solution. Therefore, only a minority of these repayment dollars are anticipated to be available for the SFY 2019 IUP.

Resources:	
Cash on Hand (Idle Cash and Investments)	\$115,352,085
EPA Capitalization Grant FFY 2018 (est.)	7,610,760
State Match	1,585,575
EPA Capitalization Grant FFY 2019 (est.)	7,610,760
State Match	1,585,575
EPA Capitalization Grant FFY 2020 (est.)	7,610,760
State Match	1,585,575
Assistance Agreements Receivable:	
SFY 2018 – March - June	3,964,046
SFY 2019	12,726,200
SFY 2020	12,726,830
Income on Cash and Investments:	
SFY 2018 – March - June	795,333
SFY 2019	2,182,500
SFY 2020	1,835,000
Total Resources:	\$177,170,999
Current Remaining Assistance Agreement Obligations:	(\$73,154,248)
(Assistance agreements in design/construction less disbursements and de-obligations that have already occurred)	
Reserve for multi-phase projects	(\$12,000,000)
Add back: 5% project shrinkage (Some projects will de-obligate, or self-finance and reduce disbursement requests from the CWSRF)	3,657,712
Net Remaining Assistance Agreements Obligations:	(\$81,496,536)
NET RESOURCES AVAILABLE TO PROVIDE ASSISTANCE	<u>\$95,674,463</u>

Key Assumptions:

Projects take on average 30 months to construct and close from date of assistance agreement signing. DEQ will use the **Total Resources** amount for the next 27 months to facilitate a conservative cash flow analysis. New assistance agreement obligations cannot exceed **Net Resources Available to Provide Assistance**. Projections are made quarterly. The next projection is scheduled to be made on July 1, 2018. The July 1, 2018, projection

may be preempted if a future assistance agreement materially alters the amount available for assistance. The Green Project Reserve (GPR) goal will be \$761,076.

Green Project Reserve Assistance Agreement Activity During State Fiscal Year 2019

For SFY 2019, DEQ will draw upon previous experience in identifying and documenting goal setting for the GPR. A DEQ environmental engineer has been tasked to facilitate gathering and evaluating GPR information from assistance recipients and their consulting engineers. Business cases or categorical documentation will be required to justify GPR eligibility and costs. Once this documentation is reviewed by DEQ, it will be posted at: www.deq.idaho.gov/water-quality/grants-loans/green-project-reserve.aspx. For SFY 2018, DEQ exceeded its 10% GPR goal and expects to use the same approach to meet its GPR goal in 2019.

Assistance Agreement Fees

To support administrative costs associated with operating the Clean Water State Revolving Fund (CWSRF) program or to otherwise facilitate the operation of the CWSRF effort, a fee program has been instituted. The fee will be 1% of the unpaid balance of the assistance agreement (unless the grand total of the interest rate and fee is less than 1%, in which case the fee will be reduced), payable when the regular repayments are made. Herein the term *effective interest* will be the sum of the fee and the true interest. The interest rate will be reduced by the corresponding percentage of the fee, so there is no net effect on borrowers.

For SFY 2017, the fee revenues were \$1,121,285, and for SFY 2018 the expected fee revenue should be approximately the same as SFY 2017. The fee cash account balance, at the end of SFY 2017, was \$1,539,641. In SFY 2017, \$667,640 of fee revenues were used to fund CWSRF administrative and technical support costs incurred beyond the federal capitalization grant support level, wastewater planning grant support and operator training classes.

For SFY 2019, DEQ expects to expend approximately \$850,000 of fee revenues. Costs of approximately \$260,000 will be charged to support CWSRF administration. Costs of approximately \$90,000 will be charged to the direct support of operator training. Costs of approximately \$500,000 will be charged to support municipal wastewater planning grant efforts.

Support for wastewater planning grants will include direct support to municipalities for their plan development and the DEQ staff time to administer the grant support. The DEQ personnel costs will be drawn from each regional office and the state office in Boise. In each regional office, the personnel charging against the fee account will be engineering staff to support wastewater planning grants. In the state office, the personnel time will consist of financial and environmental review staff. Support for CWSRF administration will include software development and contractual costs to enable community capacity development.

Surplus fee revenues will be transferred into the assistance agreement repayment account, to increase *available resources* for assistance agreements. Surplus fees will earn the same interest as regular repayment idle monies and will be periodically transferred to the

fund corpus. Should a cash flow deficiency arise in the fund corpus, surplus fees would be transferred ad hoc.

II. List of Projects

Attachments I and II are the SFY 2019 CWSRF Fundable List and Priority List. Upon completion of the public comment period, a final project listing will be considered by the Board of Environmental Quality on May 17, 2018.

III. Long- and Short-Term Goals

DEQ's long-term, basic SRF goals are as follows:

1. Protect public health and the waters of the state by offering financial assistance for the construction of wastewater treatment facilities. Financial assistance consists of below-market-rate interest on assistance agreements (e.g., 20-year repayments) and may include principal forgiveness for disadvantaged communities.
2. Assist local communities as they strive to achieve and maintain statewide compliance with federal and state water quality standards.
3. Monitor the disparity and evaluate the impact of transferring money between the CWSRF and DWSRF, and use transfers between the two funds to balance funding with relative need. Section V.K. and Attachment VII more fully discuss transfers.
4. Monitor EPA's evolving policy towards system sustainability. This evolution will likely continue, and at the least will require administrative changes. DEQ will monitor this evolution and make changes as needed. The policy may translate into specific capitalization grant requirements, such as user rate structures that incorporate capital replacement.
5. Administer Idaho's CWSRF account to ensure its financial integrity, viability, and revolving nature in perpetuity. DEQ will continue to strive to ensure the viability of the fund by: (1) generally applying a minimum interest rate above 0%; (2) applying a 0.25% higher interest rate for assistance agreements that are repaid in 30 years; and, conscientiously underwriting all loans.
6. Comply with all EPA grant conditions (e.g. Davis Bacon, Green Project Reserve, American Iron and Steel).
7. Establish a mechanism as a funder of last resort for failing septic systems. Develop a process through the Rural Community Assistance Corporation (RCAC), in which RCAC serves as the conduit lender. RCAC is a non-profit which serves the community of small drinking water and wastewater systems, in those systems' efforts to improve their technical, financial and managerial capacity.

DEQ's short-term, basic SRF goals are as follows:

1. Ensure that FFY 2018 capitalization funding is disbursed to projects in a timely manner. With the exception of assistance agreement disbursement requests for projects that require the use of repayment funds (e.g., *recycled* assistance dollars will be used to match Federal funds), whenever practicable initial capitalization

- dollars will be used prior to repayment funds being used. This practice will ensure that initial capitalization funds are used in a timely manner.
2. Ensure clear tracking of fee revenues and expenditures while developing clear rules, policies, and procedures related to a maturing fee structure.
 - Financial statement disclosure has continued to change to meet State Legislative Service Office and United States Environmental Protection Agency (EPA) concerns over disclosure adequacy. In the absence of generally accepted accounting principles for nonprimary government units, DEQ has chosen a limited, core financial statement disclosure approach.
 3. Update guidance checklists in the CWSRF Handbook to incorporate recent capitalization grant changes.
 4. Use of a *cradle-to-grave* assistance agreement checklist, implemented through a comprehensive SRF software program. The software is expected to achieve reporting efficiencies, better serve DEQ project managers in their day-to-day administration of assistance agreement projects, allow State Office staff to better manage the CWSRF fund with long-term forecasting and reduce duplicate data entry. The software is being purchased with an equal mix of DWSRF and CWSRF assistance fees.
 5. Commit \$3,768,000 of miscellaneous early repayment monies, in a timely manner to new projects.
 6. Continue to develop consistent, regular marketing of Green Project Reserve metrics through social media.
 7. Research the potential to allow the CWSRF to leverage through the Idaho State Bond Bank.

IV. Information on the Activities to be Supported

A. Allocation of Funds/Assistance Terms

The primary type of assistance to be provided by the CWSRF is expected to be low-interest assistance agreements for up to 100% of project costs. The rates are established to help offset the effects of inflation and to encourage communities to complete their projects in a timely manner. The effective rate of interest will vary from a ceiling of 2.75% and a floor of 1.50%, for 20-year assistance agreements awarded directly by DEQ (DEQ Policy Memorandum 14-01). If an assistance recipient prefers to repay their obligation over a 30-year period, the effective interest rate would be adjusted to a ceiling of 3.00% and a floor of 1.75%. All assistance agreements will need to be paid back over a period not to exceed 30 years. The average design life of the project must equal or exceed the repayment period. Principal and interest repayments must begin no later than 1 year after the initiation of operation.

To qualify for the interest rate floor, the system needs to be considered disadvantaged. CWSRF-specific disadvantaged assistance agreements will be directed to those communities that are ready to proceed and meet disadvantaged community criteria established in IDAPA 58.01.12.021. To automatically be considered for principal

forgiveness, the system's annual user rates will need to exceed 2.00% of the community's median household income. To be considered for principal forgiveness, if user rates fall between 1.50% and 2.00% of median household income, DEQ will verify that:

- the most recent census reports a decline in population for the community during the recent five year reporting period:
<http://factfinder.census.gov/faces/nav/jsf/pages/searchresults.xhtml?refresh=t>
- unemployment exceeds the statewide average as posted on the Idaho Department of Labor's website, as of January 9, 2018:
<http://labor.idaho.gov/dnn/Default.aspx?alias=labor.idaho.gov/dnn/idl>

In some instances, which will be determined on a case-by-case basis, interest rates can be lowered below the floor. For example, if user rates exceed 2.00% of the median household income then loan terms - including interest rate reduction, repayment term extension to 30 years, and principal forgiveness - can be amended to bring the user rates to 1.50% of the median household income. Additionally, the interest rate floor can be lowered for both twenty-year assistance and thirty-year assistance agreements, if the loan applicants sponsor a nonpoint source project.

Some 30-year disadvantaged assistance agreements could be available with effective interest rate lower than 1.75%. This determination will be made on a case-by-case basis. CWSRF-specific disadvantaged assistance agreements will be directed to those communities that are ready to proceed and that meet disadvantaged community criteria established in IDAPA 58.01.12.021. Principal and interest repayments must begin no later than 1 year after the initiation of operation date.

To the extent that entities on the Fundable List qualify for principal forgiveness, they will share equally (based upon user rates...see below), on an estimated final loan amount pro-rata basis, in the monies that are available for principal forgiveness. DEQ will continue to target its subsidy resources to disadvantaged communities. The FFY 2018 CWSRF capitalization grant requires that DEQ shall provide additional subsidy between the maximum amount of \$3,183,600 and a minimum amount of \$0 (i.e. principal forgiveness is allowed up to 40% of the capitalization grant amount but is not required). DEQ will provide principal forgiveness equal to 33% of the capitalization grant or \$2,626,530. Principal forgiveness is capped at the amount necessary to keep user rates at 1.50% of the community's median household income. To the extent that growth is funded with subsidized loans or extended term financing, it will only be for reasonable, average growth. DEQ's CWSRF can continue to fund projects that are primarily aimed at growth but without principal forgiveness or extended terms.

Should entities that are slated for principal forgiveness on the Fundable List opt out of the SRF loan or extended term financing process, or if the final costs are less than the initial estimates, their remaining subsidies shall be set aside in a pool. When the federal capitalization grant is ready to be closed out (that is associated with the principal forgiveness allocated for SFY 2019), the pool balance will be allocated to those disadvantaged communities that meet both of the following requirements:

- Entered into loans with DEQ during the course of the year; and,
- Will pay user rates that exceed either 1.50% or 2.00% of the community's median household income (as discussed above), after taking into account the initial allocation of principal forgiveness.

1. Principal Forgiveness

The proposed funding terms, on Attachment I, will reflect a principal forgiveness provision of 33% of the FFY 2018 capitalization grant. The capitalization grant equaled \$7,959,000 (for the entire state) and 33% of that figure is \$2,626,470. With \$200,000 being set aside for emergencies and \$150,000 for septic tank funding, there will be \$2,276,470 of principal forgiveness for regular loan projects to share. Principal forgiveness is primarily aimed at assisting economically disadvantaged communities afford their infrastructure improvements; in addition, principal forgiveness may be used to rebuild a wastewater system after a disaster.

a. User Rates that Exceed \$100 per Month

To the extent those entities on the Fundable List are:

- comprised of primary residences (i.e. not communities of vacation or second homes); and,
- comprised of houses whose median housing tax assessed value is no greater than 50% above the county median (per Census Bureau available on City-Data.com); and,
- projected to have wastewater system user rates in excess of \$100 per month. They will qualify for up to one half of the principal forgiveness for the year (\$1,138,235) or until their rates are driven down to \$100 per month.

b. User Rates that do not Exceed \$100 per Month

After the allocation or exhaustion of 50% of the initial principal forgiveness allocation for those communities that are faced with rates above \$100 per month, **all** disadvantaged systems will share equally, on a project cost pro-rata basis, in the remaining \$1,138,235 that is available for principal forgiveness. If no communities are facing rates in excess of \$100 per month, then \$2,276,470 will be available, in principal forgiveness, for those communities that are disadvantaged and are facing rates of less than \$100 per month.

The proposed funding terms first adjust the length of the loan term and second adjust the interest rate to reduce the monthly user rate to 1.50% of median household income. After these steps are taken, the remaining projects in disadvantaged communities will be provided principal forgiveness based on a percentage of the overall remaining project costs. Principal forgiveness is capped (on an individual loan basis) at the amount necessary to get to 1.50% of median household income.

2. Emergencies

DEQ's SRF program will provide funding for emergency situations up to \$200,000. Wastewater systems seeking emergency funding shall call the Loan Program Manager in the DEQ State Office at (208) 373-0439 to discuss their needs and application process.

Should there be any principal forgiveness monies that were not utilized by economically disadvantaged communities they will be considered for use on a case-by-case basis for emergency funding.

Criteria for emergency funding:

- An emergency must be declared by a local, state or national governmental entity;
- Public health must be at imminent risk;
- Intended for like-kind replacement, unless the damaged infrastructure would not meet current standards. Infrastructure repairs or replacements will only be made to fix the proximate cause of the emergency;
- Replacement work should all be done in existing footprint of damaged infrastructure, unless such an approach would not allow the facility to meet current standards;
- Costs incurred for replacement prior to a loan being signed will be considered for inclusion in the loan; and,
- Legal debt authority must be obtained if DEQ is unable to entirely meet replacement needs with principal forgiveness.

B. Administrative Costs of the Clean Water State Revolving Fund

DEQ plans to reserve \$400,000 of the regular capitalization grant for administrative expenses plus the amount of any fees collected for such purpose.

C. Assistance Agreement Eligible Activities

CWSRF assistance agreements will provide for planning, design, and construction of secondary and advanced secondary wastewater treatment units, interceptors and appurtenances for infiltration/inflow correction, collector sewers and appurtenances, new interceptor sewers and appurtenances, combined sewer overflow correction, stormwater management programs, water conservation, nonpoint source best management practices, and recycled water distribution. CWSRF assistance will be provided to local communities, counties, sewer districts, and nonprofit sewer associations for the construction of publicly owned wastewater treatment facilities. NPS projects must be consistent with the State Water Quality Management Plan. Additionally, funding will be provided for green project reserve (GPR) activities to meet the Federal requirement for SFY 2019 of 10%.

D. Sponsorship Agreements

Some of the traditional CWSRF assistance agreements may be leveraged to provide NPS project funding. At the time the IUP was written there were NPS projects actively seeking CWSRF project sponsorship. It is possible that sponsorship projects will be entered into, and these projects will be detailed in the SFY 2018 Annual Report. The effective interest rate charged on wastewater treatment/collection facility assistance agreements may be adjusted to accommodate NPS projects that have a nexus with the CWSRF assistance recipient community; however, even with a nexus, the NPS projects will not be required by the sponsor's National Pollutant Discharge Elimination System (NPDES) permit. The NPS projects will be administered jointly by the Clean Water Act, Section 319 grant staff within DEQ and the CWSRF staff. The NPS project will have the same administrative conditions as any Section 319 grant; however, CWSRF cost eligibility criteria will apply. Additionally, sponsorship projects will be strongly encouraged to complete their projects within the same timeframe as their point source counterparts. Since NPS sponsorship projects are not using point source solutions (i.e., Clean Water Act, Section 212), they will not need environmental reviews. See DEQ's website for details (right-hand side of page under "DEQ Resources" and "Important Information for FY2019 Loan Applicants": <http://www.deq.idaho.gov/water-quality/grants-loans/wastewater-system-construction-loans/>)

When a sponsorship agreement is signed, the signatories will be the point source assistance agreement recipient, the DEQ Director and the NPS project manager. The amount of the point source assistance agreement will increase, but the interest rate will be reduced so that the point source assistance agreement recipient's rates will not be impacted by the NPS project.

Should any NPS project help to meet a municipality's NPDES permit requirements, the NPS project will be treated as if it were an integral part of the point source project, with the reporting requirements that go along with a point source project.

Unless the NPS project uses point source solutions (i.e. Clean Water Act, Section 212) it will not need environmental reviews. DEQ will also not apply Federal cross-cutters to the NPS sponsorship projects. NPS projects, in order to be selected, will have a completed, technically correct 319 grant application (and are therefore in compliance with 40 CFR 35.3115 et seq.), be located in the same (6 digit HUC) basin as their sponsor, and have their sponsor's support in the NPS effort.

V. Assurances and Specific Proposals

A. Environmental Reviews—Clean Water Act, Section 602(a) and Cross-Cutter Compliance, 40 CFR 35.3145

DEQ certifies that it will conduct environmental reviews of each Clean Water Act Section 212 project receiving assistance from the CWSRF. DEQ will follow its EPA-approved State Environmental Review Process (SERP) for conducting environmental reviews.

These procedures are outlined in the “Rules for Administration of Water Pollution Control Loans” (IDAPA 58.01.12.042). More detailed procedures are included in the *Clean Water State Revolving Fund Loan Handbook* (Chapter 5, Forms B through E). The Chapter 5 checklists may be found at www.deq.idaho.gov/media/1117872/ww-loan-handbook.pdf.

DEQ agrees to comply with and to require recipients of assistance agreements from the CWSRF to comply with applicable federal cross-cutting requirements. DEQ will notify EPA when consultation or coordination by EPA is necessary to resolve issues regarding these requirements.

B. Binding Commitments—Clean Water Act, Section 602(b)(3)

DEQ will enter into binding commitments for 120% of each quarterly payment within 1 year of receipt of that payment. Binding commitment dates are listed in Attachment I of this IUP.

C. Expeditious and Timely Expenditures—Clean Water Act, Section 602(b)(4)

DEQ will expend all funds in the CWSRF in a timely and expeditious manner.

D. First-Use Enforceable Requirements—Clean Water Act, Section 602(b)(5)

DEQ certifies that all major and minor wastewater treatment facilities that the state has previously identified as part of the National Municipal Policy (NMP) meet one of the following:

- Are in compliance
- Are on an enforceable schedule
- Have an enforcement action filed
- Have a funding commitment during or prior to the first year covered by an IUP.

E. State Matching Funds—Clean Water Act, Section 602(b)(2)

DEQ agrees to deposit into the CWSRF from state monies an amount equal to 20% of the capitalization grant on or before the date on which the state receives each grant payment from EPA. These funds will be transferred from Idaho’s Water Pollution Control Account, from ARRA period over-match and/or the fee account. DEQ draws administrative funding from 100% federal funds.

F. State Laws and Procedures—Clean Water Act, Section 602(b)(7)

DEQ agrees to expend all grant payments in accordance with state laws and procedures.

G. Consistency with Planning

DEQ agrees that it will not provide assistance to any wastewater treatment project unless that project is consistent with plans developed under the Clean Water Act, Section 205(j), 208, 303(e), 319, or 320.

H. Reporting

DEQ agrees to provide data or information to EPA as may be required for national reports, public inquiries, or Congressional inquiries. Capitalization grant-funded recipients will be monitored for Single Audit Act compliance and annual reports will be sent to assistance agreement recipients telling them the amount of federal monies they received during the past year.

DEQ will comply with reporting requirements of the EPA Order on Environmental Benefits, National Information Management System and the Federal Funding Accountability and Transparency Act. Project information will be updated at least quarterly in the Clean Water Benefits Reporting System. An environmental benefits summary report for all funded projects will also be completed. A hard copy of the summary report will be provided to the EPA with the Annual Report.

I. Qualifications Based Standards for Selection of Professional Service Providers

DEQ is in compliance with the Clean Water Act's (Section 602(b)(14)) Federal procurement standard by its adherence to Idaho Code 68-2320.

J. Transfers Between State Revolving Funds

Should transfers become needed, DEQ reserves the right to transfer surplus funds originating back to FFY 1997 capitalization grant awards. See Attachment IV for listings of capitalization grants and related narrative. Per 40 CFR 35.3550 a state may reserve the authority to transfer funds in future years. Funds may be transferred on a net basis, provided that the 33% transfer allowance associated with the DWSRF program capitalization grants received is not exceeded. Only repayments will be used for transfers. Through SFY 2018 \$40 million in transfers will have been made from the DWSRF to the CWSRF over the last 5 years.

VI. Criteria and Method for Distribution of Funds

The following principles and procedures will be the basis for the administration, funding, allocation, and distribution of the CWSRF monies. The principles and procedures are designed to provide maximum flexibility for assistance and ensure long-term viability of the revolving program.

A. Program Administration

The \$400,000 allowed in the capitalization grants provided by EPA will be set aside to be used for program administration. Program administration costs will be met by capitalization grant allocations and by fee revenues (to the extent that the annual capitalization grant is insufficient to meet our needs).

B. CWSRF Priority List

Letters of interest were sent to all cities, counties, and water and sewer districts in the state. Completed letters of interest and priority list rating forms were sent to project engineers in DEQ regional offices to complete a rating of projects in each region. The result of the rating and ranking was the preliminary Priority List that is presented during

the public review and comment period. Separate letters of interest were sent to potential NPS applicants. Projects are rated using the following criteria:

1. Public health emergency certified by the DEQ Board or a Health District Board up to 150 Points
2. Regulatory Compliance Status up to 100 Points
3. Watershed Restoration up to 100 Points
4. Watershed Protection up to 100 Points
5. Preventing Impacts to Uses up to 100 Points
6. Sustainability up to 50 Points
7. Affordability up to 10 Points

C. Fundable Projects

The highest rated projects on the adopted Priority List that are ready to proceed are selected for funding and listed in Attachment I. DEQ staff starts at the top of the Priority List and continues to select projects ready to proceed until all of the available funds are used. In cases where a lower ranked project is selected, it is because higher ranked projects have not indicated a readiness to proceed, do not meet the eligibility requirements for available funds, or additional funding has become available. A project that is *ready to proceed* will have shown evidence of legal authority to enter into debt, have a completed facility plan, be able to meet applicable capitalization grant requirements and have expressed a willingness to proceed with the CWSRF process.

In some cases, the project amount on the Fundable List may be less than the project amount on the Priority List. The Priority List amount is the estimate of the total project cost, while the costs on the Fundable List are the amount that project applicants expect to borrow from the CWSRF. In each case, the difference will be provided from some other source, such as cash on hand or a grant from the Community Development Block Grant program administered by the Idaho Department of Commerce.

D. Disbursements

The estimated timing and amount of disbursements for the projects on the new IUP are added to the latest cash disbursement request projections for prior year funded and projected projects. The projections are normally provided to EPA in September each year. The projections are based upon estimated disbursement schedules submitted by assistance agreement recipients and projected timing of assistance agreements, adjusted for corrections by regional project engineers and state office staff. These disbursements are tracked on an ongoing basis to project needed cash from all capitalization grants and state match. All funds will be expended in an expeditious and timely manner.

E. Federal Payments

The Idaho CWSRF has cumulative binding commitments in excess of the amount required for the current capitalization grant. This allows for the entire Federal payment to be made in a timely manner. Attachment III provides more detail.

F. State Match

Idaho's match for all capitalization grants is provided from funds that are drawn from the state Water Pollution Control Account, ARRA era grant over-match and from the fee account. The Water Pollution Control Account derives its funding from a set amount of \$4.8 million from the state sales tax and is perpetually appropriated to DEQ under Idaho Code Title 63 Chapter 36.

VII. Additional Information Requirements

A. Public Review and Comment

See Attachment IV.

B. Bypass Procedures

A project may be bypassed if any of the following occur:

- The project does not support meeting GPR goals (if so designated on the Fundable List);
- The owner of the project is not ready to proceed;
- The owner of the project voluntarily opts out of the SRF process;
- The project does not meet eligibility requirements; or,
- The project schedule does not allow for timely use of funds.

In place of the bypassed project, the next highest-ranking project(s) that is ready to proceed will be used (IDAPA 58.01.12.020.04.c). DEQ will use Priority List ranking as much as possible when preparing the IUP. However, the lack of adequate funding; changes in project scope; failure to pass a bond election; or other unforeseen circumstances may require that a highly ranked project on the IUP be bypassed. If a project is bypassed, DEQ will offer assistance funds to owners of the next highest ranked, ready-to-proceed project from the most current approved Priority List. To date, in SFY 2018, the Elk City Water and Sewer Association has been bypassed (the Association decided to **not** form a District, which precluded them from receiving enough funding to make their project viable). Should any projects be bypassed by June 30, 2018 (end of SFY 2018), those projects and reasons for being bypassed will be included in the SFY 2018 Annual Report. Projects are normally bypassed because the project plans have changed; the owners will delay their project; or, the owners are receiving funding from another source.

ATTACHMENT I. Fundable List

State of Idaho Clean Water State Revolving Fund for the Period of July 1, 2018 through June 30, 2019 LIST OF FUNDABLE CLEAN WATER PROJECTS

Rank	Project	Rating Points	Regional Office	Ancillary Requirements	Estimated Cost of Green Infrastructure	Needs Category (for EPA use)	NPDES or Land Application Permit #	Estimated Assistance Commitment Date and Est. Funding Terms	Estimated Project Cost	Project Description
1	Snake River School District	275	Pocatello	Davis Bacon Wage Provisions and American Iron & Steel	\$0	IV-B	None	July 2018 20 years at 2.75%	\$1,456,248	Move from dependence on septic to consolidation with city of Blackfoot
2	City of Council	220	Boise	Davis Bacon Wage Provisions and American Iron & Steel	\$2,309,300	I, II, III-A	ID-002008-7	April 2019 30 years at 1.75% with \$1,006,944 of principal forgiveness	\$5,529,000	Address leakage in collection lines and improve treatment
3	City of Nampa *	218	Boise	Davis Bacon Wage Provisions, Cross-cutting Requirements, American Iron and Steel, FFATA Reporting, Single Audit Act and Disadvantaged Business Enterprise Compliance Reporting	\$37,000,000	I, II	ID-00220-63	July 2018 30 years at 1.68%	\$37,000,000	Improve treatment in order to meet phosphorus and temperature permit limits
4	Hayden Area Regional Sewer Board	210	Coeur d'Alene	Davis Bacon Wage Provisions and American Iron & Steel	\$4,000,000	II	ID-00265-9	April 2019 20 years at 2.75%	\$19,000,000	Improve treatment to ;mitigate the effects of ammonia, phosphorous and biological oxygen demand , by the installation of chemical addition, flocculation, clarification and membrane filtration
5	Star Sewer and Water District +	200	Boise	Davis Bacon Wage Provisions, Cross-cutting Requirements, American Iron and Steel, FFATA Reporting, Single Audit Act and Disadvantaged Business Enterprise Compliance Reporting	\$29,000,000	II	ID-002359-01	December 2018 30 years at 0.25%	\$19,333,333	Construct new lagoon/s and establish infrastructure for land application; initial year of funding to include final planning and design costs
6	City of Malad +	200	Pocatello	Davis Bacon Wage Provisions and American Iron & Steel	\$3,140,000	I, II	LA-000159-02	July 2019 30 years at 1.75% with \$1,269,526 of principal forgiveness	\$7,100,000	Add new lagoon and land apply, replace collection lines, with new disinfection methods and update the collection system
16	Rural Community Assistance Corp.	42	Any	Davis Bacon Wage Provisions and American Iron and Steel	\$150,000	XII	None	July 2018 \$150,000 of principal forgiveness	\$150,000	Replacement of failing septic systems
18	Emergencies	TBD	Any	Davis Bacon Wage Provisions and American Iron & Steel	TBD	TBD	TBD	Date TBD \$200,000 of principal forgiveness	\$200,000	Emergency situations: repair of proximate cause of emergency and investigation costs to determine proximate cause
Totals →					<u>\$75,599,300</u>			<u>\$2,626,470</u>	<u>\$89,768,581</u>	

+ Note: Cities of Malad and Star may be joint-funded with USDA's Rural Development
 • Note: City of Nampa's loan terms on based upon Nampa passing their bond for \$165 million

ATTACHMENT II. Priority List
State of Idaho Clean Water State Revolving Fund
for the Period of July 1, 2018 through June 30, 2019
COMPREHENSIVE LISTING OF CLEAN WATER PROJECTS

Rank	Project	Rating Points	Regional Office	Est. Project Cost	Needs Category (for EPA use)	NPDES, Reuse or Land Application Permit #	Est. Cost of Green Infrastructure	Project Description
1	Snake River School District	275	Pocatello	\$1,456,248	IV-B	None	\$0	Move from dependence on septic to consolidation with city of Blackfoot
2	City of Council	220	Boise	\$5,529,000	I, II, III-A	ID-002008-7	\$2,309,300	Address leakage in collection lines and improve treatment
3	City of Nampa	218	Boise	\$37,000,000	I, II	ID-00220-63	\$37,000,000	Improve treatment in order to meet phosphorus and temperature permit limits
4	Hayden Area Regional Sewer Board	210	Coeur d'Alene	\$19,000,000	II	ID-00265-9	\$4,000,000	Improve treatment to ;mitigate the effects of ammonia, phosphorous and biological oxygen demand , by the installation of chemical addition, flocculation, clarification and membrane filtration
5	Star Sewer and Water District	200	Boise	\$29,000,000	II	ID-002359-01	\$29,000,000	Construct new lagoon/s and establish infrastructure for land application; initial year of funding to include final planning and design costs
6	City of Malad	200	Pocatello	\$14,100,000	I, II	LA-000159-02	\$3,140,000	Add new lagoon and land apply, replace collection lines, also add mechanical treatment
7	City of Kendrick	193	Lewiston	\$872,000	I, II, III-A	ID-002455-4	\$150,000	Replace segments of the collection system and treat for ammonia and temperature
8	Mud Lake and Terreton Water and Sewer District	178	Pocatello	\$3,000,000	II, III-B	None	\$100,000	Refurbish lagoon, replace collection lines, replace a lift station and install land application
9	City of Idaho City	168	Boise	\$3,130,000	I, III-A	M-108-03	\$25,000	Improve collection system to reduce leakage and build an activated sludge treatment facility
10	City of Parma	164	Boise	\$4,720,000	II	ID-002177-6	\$0	Create a new rapid infiltration discharge point
11	City of Culdesac	144	Lewiston	\$1,540,000	I	ID-00244-9	\$120,000	Replacement of failing lagoon liners
12	Ellisport Bay Sewer District	132	Coeur d'Alene	\$10,700,000	XII	M-152-04	\$20,000	Replace numerous septic systems with a point source discharge
13	City of Fairfield	117	Twin Falls	\$2,500,000	I, II	ID-002438-4	\$0	Improve treatment to address biochemical oxygen demand, E. coli, total suspended solids, phosphorus, ammonia and temperature
14	City of Aberdeen	97	Pocatello	\$800,000	X	ID-002017-6	\$0	Improvement of sludge handling
15	City of Fruitland	57	Boise	\$1,500,000	I	ID-002119-9	\$0	Extend sewer services to previously unserved area
16	Rural Community Assistance Corp.	42	Any	\$150,000	XII	None	\$150,000	Replacement of failing septic systems
17	City of St. Maries	20	Coeur d'Alene	\$1,910,000	III-A	ID-002279-9	\$0	Correct for leakage in the collection lines and via the manholes
18	Emergencies	TBD	TBD	\$200,000	TBD	TBD	\$200,000	Emergency situations: repair of proximate cause of emergency and investigation costs to determine proximate cause
	Totals =====>			<u>\$137,107,248</u>			<u>\$76,214,300</u>	

ATTACHMENT III. EPA Payment Schedule

SFY 2018

<u>Quarter Ending</u>	<u>Payments</u>	<u>Total</u>	<u>Source</u>
09/30/2018	\$7,610,760	\$7,610,760	FFY18 Cap Grant
12/31/2018	\$317,115	\$7,927,875	FFY18 Cap Grant

Payments are defined as increases to the amount of funds available from the Automated Clearinghouse (ACH). The EPA payment schedule assumes that the FFY 2018 award will occur after July 1, 2018. Capitalization grant money will be exclusively disbursed to projects at a ratio of 83.33% Federal to 16.67% State Match until the full amount of state match required by the capitalization grant has been disbursed. The remaining grant draws will be at 100% Federal.

ATTACHMENT IV. Public Notification and Involvement Strategy

FOR STATE FISCAL YEAR 2019 CLEAN WATER AND DRINKING WATER PRIORITY LISTS

The public will be involved in the SFY 2019 Priority List development at several points in the process. Involvement for the drinking water and clean water lists was solicited directly from the systems through a survey of system interest that was mailed out by DEQ early in the Priority List process. Information on the completed letter of interest forms was used by state and regional office staff in preparing the Priority lists. A copy of the letter of interest form will be included as attachments in the final IUP. The DEQ SRF staff has found that combining information obtained directly from eligible entities with that provided by DEQ engineering staff results in the most accurate listing of infrastructure needs.

Notification that all four SFY 2019 Priority Lists are available for public review will be given in Idaho's six major (regional) newspapers for 30 days. Notices will be published three times in each of the newspapers. Copies of proofs of publication will be included as attachments to the final IUP.

Notification of availability of the lists was also placed on DEQ's website from March 16 to April 16, 2018.

Approval packages related to the four lists will be sent to the Board of Environmental Quality prior to their meeting on May 17, 2018. Copies of the issue analyses for the CWSRF lists and the Board agenda will be included as attachments upon Board action. DEQ staff will make presentations at the Board meeting and answer questions about the lists.

The Board consider all lists on May 17, 2018.

ATTACHMENT V. Description of Disadvantaged Assistance

To qualify for a disadvantaged assistance, an applicant must have an annual cost of wastewater service for residential customers that exceeds 1.50% of the local median household income. The annual cost includes all operating, maintenance, replacement, and debt service costs, both for the existing system and upgrades being financed with debt. If the applicant's service area is not within the boundaries of a municipality, the applicant may use the census data for the county in which it is located, or may use a DEQ-approved income survey (which details the community's median household income).

First, the assistance agreement interest rate will be reduced from the rate established by the Director for standard assistance agreements to a rate that results in an annual charge equal to 1.50% of median household income. The interest rate reduction may result in an assistance agreement interest rate of as low as 1.50% (in some instances the rate may be set at 0.00%).

Second, if a 1.50% interest rate and 20-year repayment assistance agreement terms and conditions result in the annual user charge exceeding 1.50% of median household income, then the length of the assistance agreement repayment will be extended in increments of 1 year up to a maximum of 30 years until the annual user charges equals 1.50% of median household income. Thirty-year assistance agreements will be charged a 0.25% higher interest rate than otherwise comparable 20-year assistance agreements.

Third, if at 1.75% interest and a 30-year repayment, the annual user charge still exceeds 1.50% of median household income, the principal may be reduced. The amount of principal reduction for all projects will be capped at \$2,626,470. The principal reduction will be based on the pool of qualifying disadvantaged communities (projects) receiving an equal share in the amount available for principal reduction. Principal forgiveness is for disadvantaged communities and may not be provided to lower a community status to below 1.50% of the median household income.

- At the end of the state fiscal year any unallocated principal forgiveness (identified in the Fundable List – Attachment I), will be allocated to those disadvantaged entities that signed loans with DEQ during the state fiscal year and still qualify as disadvantaged. If a project's budget increases after the Fundable List is established, any year-end reallocation of unused principal forgiveness will take into account the project's new cost.
- If a disadvantaged community accepts principal forgiveness and their project is completed under budget, their remaining principal forgiveness will be allocated to those disadvantaged entities that signed loans with DEQ during the state fiscal year and still qualify as disadvantaged.
- If a project that has a claim to disadvantaged assistance (on the Fundable List) opts out of the loan process and the funding thereby goes to a lower rated project, that lower rated project (if the community is disadvantaged) can lay claim to the disadvantaged assistance (however, the ratio of principal forgiveness to dollars loaned will remain consistent).

If a disadvantaged community's user rates exceed 2.00% of median household income there will be no more qualification requirements for that community in order to receive principal forgiveness. If the user rates fall in between 1.50% - 2.00% of median household income see requirements in Section IV.A (page 8).

**ATTACHMENT VI. Decision-Making Strategy for Fundable Versus Non-fundable
Portions of the Priority List**

FOR STATE FISCAL YEAR 2019
CLEAN WATER AND DRINKING WATER PRIORITY LISTS

To develop the Fundable List, several factors were taken into account. These included, but were not limited to:

- the project's timeliness in completing the facility plan/engineering report,
- completing the Environmental Information Document,
- having the legal authority to incur debt; and,
- overall readiness to proceed.

The draft terms to be offered are given on the Fundable List; however, at the time of the offer these may be adjusted. The Idaho Department of Environmental Quality's Policy Memorandum 14-01 gives the Department's Director the ability to set effective interest rates for the CWSRF program. As noted in the memorandum, "there could be some 'disadvantaged loans' where the effective interest rate will be below 1.50%..." This determination will be made on a case-by-case basis.

ATTACHMENT VII. Listing of Capitalization Grants—Reference for Potential Transfers Between Funds

Drinking Water SRF

Federal Fiscal Year	Capitalization Grant Amount
1997	\$14,157,800
1998	7,121,300
1999	7,463,800
2000	7,757,000
2001	7,789,100
2002	8,052,500
2003	8,004,100
2004	8,303,100
2005	8,285,500
2006	8,229,300
2007	8,229,000
2008	8,146,000
ARRA	19,500,000
2009	8,146,000
2010	13,573,000
2011	9,418,000
2012	8,975,000
2013	8,421,000
2014	8,845,000
2015	8,845,000
2016	8,312,000
2017	8,241,000
2018	8,241,000
Total	\$212,055,500

Note: The Drinking Water SRF fund is used to measure how much in transfers may be made, between the two funds, because the Drinking Water fund has received the lesser of capitalization grants and is therefore the limiting factor.

Only one transfer may be made each year. Per 40 CFR 35.3550 a state may reserve the authority to transfer funds in future years. Funds may be transferred on a net basis, provided that the 33% transfer allowance associated with the DWSRF program capitalization grants received is not exceeded. Only repayments will be used for transfers.

The recent past has highlighted an imbalance in demand between the two funds, with the CWSRF having a much higher demand than the DWSRF:

- Demand in SFY 2012 for DWSRF \$68m vs. CWSRF \$117m

- Demand in SFY 2013 for DWSRF \$27m vs. CWSRF \$149m
- Demand in SFY 2014 for DWSRF \$37m vs. CWSRF \$162m
- Demand in SFY 2015 for DWSRF \$45m vs. CWSRF \$69m
- Demand in SFY 2016 for DWSRF \$48m vs. CWSRF \$69m
- Demand in SFY 2017 for DWSRF \$24m vs. CWSRF \$92m
- Demand in SFY 2018 for DWSRF \$35m vs. CWSRF \$264m
- Demand in SFY 2019 for DWSRF \$39m vs. CWSRF \$137m

The two types of projects (DW vs. CW) have the same funding sources to apply to and so there is no offsetting relief for the CW entities to seek additional funds. Typically, CW projects are more expensive than DW projects (this year the ratio is \$8.7m:\$2.3m per project). The current expectation is that the transferred funds into the CWSRF will reside there for some period of years; however, the transfer may be reversed in the future if the relative needs change.

The total amount of authority being reserved is 33% of \$212,055,500 or \$70,685,160. With the actual transfers of \$10,000,000 in SFYs 2015, 2016, 2017, and 2018 there will remain \$30,685,160 of reserve that could be transferred from the Drinking Water SRF to the Clean Water SRF, until the reserve is increased by new Federal grants. For SFY 2019 \$10 million may be transferred from the Drinking Water SRF to the Clean Water SRF, dependent upon whether or not systems on the DWSRF 2019 Fundable List opt out of the loan process, thereby freeing up funds to be used by CWSRF borrowers. Any transfer will be taken from repayments and will not affect set-asides. The potential for long-term diminution of DWSRF fund resources will be known as future, relative needs become known. DEQ will continue to monitor and conduct financial assessment/modeling to determine potential long-term impacts to the DWSRF fund.