Financial Assistance and State Revolving Fund Loan



Drinking Water State Revolving Fund Program 2023 Lead Service Line Loan Guidelines

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West Richland Water Main Replacement Project.

Office of Drinking Water Contacts

Drinking Water State Revolving Fund Loan Program

Department of Health, Office of Drinking Water PO Box 47822 Olympia, WA 98504-7822

Phone: 360-236-3100 or 800-521-0323

Fax: 360-236-2252

Email: dwsrf@doh.wa.gov
Website: doh.wa.gov/DWSRF

If you have questions about	Contact	Phone
Program Manager	Vacant	
Application and general questions	Sara J. Herrera	360-236-3089
Cultural/environmental review	Scott Kugel	509-329-2117
Scope of work or eligibility, and	Jocelyne Gray	564-669-4893
general program questions		
Underwriting	Mike Copeland	360-236-3083
Contracting	Eloise Rudolph	360-236-3124
Contracting	Dennis Hewitt	360-236-3017
Contracting	Brittany Cody-Pinkney	360-236-3047

If you have questions on regulatory requirements, project reports, construction documents, or planning requirements, please contact the appropriate Office of Drinking Water (ODW) regional office.

Northwest Regional Office	Southwest Regional Office	Eastern Regional Office
Post Office Box 47800	Post Office Box 47823	16201 E. Indiana Ave.
MS K17-12		Suite 1500
Olympia, WA 98504	Olympia, WA 98504-7823	Spokane Valley, WA 99216
253-395-6750	360-236-3030	509-329-2100

Technical Assistance Contacts for Small Water Systems

Evergreen Rural Water of Washington

360-462-9287 www.erwow.org

Rural Community Assistance Corporation (RCAC)

360-836-5424 www.rcac.org

To receive additional information about other grants and loans that may be available to you, visit the Infrastructure Assistance Coordination Council's webpage at infrafunding.wa.gov.

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To request this document in another format, call 1-800-525-0127. Deaf or hard of hearing customers, please call 711 (Washington Relay) or email civil.rights@doh.wa.gov.

Program Description and Goals

These guidelines define the application requirements and review process for the 2023 Drinking Water State Revolving Fund (DWSRF) Lead Service Line (LSL) Loan Program. The DWSRF LSL Loan Program provides low-interest loans to publicly owned (municipal) and privately owned drinking water systems in Washington State. Municipal water systems are "a city, town, or other public body created by or pursuant to state law," such as special purpose districts and public utility districts. The DWSRF LSL Loan Program goals are:

- Provide loans to water systems to develop LSL identification inventories to identify lead and galvanized service lines that need to be replaced.
- Provide loans to water systems to replace lead and galvanized service lines to increase public health protection and compliance with drinking water regulations.
- Protect the health of the people of Washington by ensuring safe and reliable drinking water.

Important Things to Note in the DWSRF 2023 Lead Service Line Loan Cycle

- Eligible applicants are publicly or privately owned Group A community water systems serving a full-time residential population. Homeowners' associations must submit copies of their articles of incorporation.
- Applications accepted April 1 to April 28, 2023, and are submitted through our online system (WALT). The application worksheet and EZ-1 Form are available on our DWSRF webpage.
- Mail one hard copy of your completed application, with attachments included, to Drinking Water State Revolving Fund Loan Program address listed above by May 10, 2023. EPA requires hard copies of each application be available for their review.
- Approximately \$126 million is available for award, with a minimum award of \$25,000 per jurisdiction. There is no maximum award limit.
- The Department of Health (DOH) Office of Drinking Water (ODW) will administer the DWSRF loan contracts.
- Congress passed a law November 15, 2021, that requires water systems to use U.S. iron, steel, manufactured products, and construction materials for projects funded in part or in full by a DWSRF loan. This is known as Build America, Buy America (BABA). The requirement applies to loan agreements signed on or after May 14, 2022. For more information, refer to Appendix D.

Before You Apply

Pre-contract Requirements

You must complete the following steps prior to receiving a DWSRF contract.

- Step 1: Unique Entity ID.
 - On April 4, 2022, the unique entity identifier used across the federal government changed from the Data Universal Number System (DUNS) Number to the Unique Entity ID (generated by SAM.gov).
 - The Unique Entity ID is a 12-character alphanumeric ID assigned to an entity by <u>SAM.gov</u>.
 - As part of this transition, the DUNS Number has been removed from <u>SAM.gov</u>.
 - Entity registration, searching, and data entry in SAM.gov now require use of the new Unique Entity ID.

- Existing registered entities can find their Unique Entity ID by following the steps here.
- New entities can get their Unique Entity ID at SAM.gov and, if required, complete an entity registration.

Step 2: Valid Registration with System for Awards Management (SAM).

Borrowers must have a valid entity registration with SAM. SAM is a federally owned and operated free website that consolidates the federal procurement systems and the Catalog of Federal Domestic Assistance (CFDA) into one system. SAM now includes the functionality of the Central Contractor Registry (CCR).

Entity registration must be updated or renewed at least once a year or it will expire. Visit sam.gov/SAM to see if you are already registered. You do not need a user account to search, just type your entity name.

If you are not registered, you must first create a user account and register at sam.gov/SAM. If you need help, the Federal Service Desk at fsd.gov can help you navigate the system and support your SAM registration.

Step 3: Statewide Vendor Number.

Borrowers must establish a Statewide Vendor (SWV) number through the Office of Financial Management (OFM) and submit it to DOH. The Statewide Payee Desk maintains a central file that all Washington State agencies use to process payments to individuals and businesses. Contact OFM at 360-407-8180, PayeeRegistration@ofm.wa.gov, or obtain the required forms on OFM's Vendor/Payee Services webpage.

Step 4: Check for Federal Exclusion.

Before DOH awards a contract to borrowers, we verify that borrowers are not in the Federal Excluded Parties List System (EPLS) for ineligible professionals and debarred contractors at sam.gov/SAM. We document that the borrower does not appear in the EPLS by keeping a printout in the borrower's loan file. Borrowers must verify contractor or subcontractor eligibility through SAM and document it in the file.

Funding Schedule

- March 23, 2023: Informational webinar for Lead Service Line loan funding program. Webinar information is available on our <u>DWSRF webpage</u>.
- **April 1, 2023:** The 2023 DWSRF Lead Service Line loan application cycle opens. Applications accepted using DWSRF on-line application, WALT.
- **April 4, 2023:** Question and Answer webinar for Lead Service Line loan funding program. Webinar information is available on our DWSRF webpage.
- ▲ April 28, 2023: Application deadline.
- May 2023: Review, score, and rank applications; draft funding list published.
- **September 2023:** Develop DWSRF scopes of work and funding contracts. Borrowers will have 60 days to sign and return contracts. If the borrower doesn't sign and return the contract in 60 days, we may withdraw the funding offer.

DWSRF Application Process

We will accept applications this year through our online Washington Loan and Grant Tracking (WALT) system. You can get an application worksheet, guidelines for WALT, and an EZ-1 Form on our DWSRF webpage. WALT accepts applications starting April 1, 2023, through 11:59 p.m. on the deadline date of April 28, 2023. You must attach the EZ-1 Project Review Form (Word) to your application. By May 10, 2023, mail a hard copy of your application to the Headquarters addressed listed above for our file for the United States Environmental Protection Agency (USEPA).

Your application is submitted if you receive a confirmation e-mail from WALT. If you do **not** receive a submittal confirmation e-mail from WALT, call Sara Herrera **before** April 28, 2023.

The DWSRF Funding Process

- We will only consider completed loan applications.
- Upon receipt, DWSRF staff will verify completeness. If we need additional information, we will email you. You will have 14 calendar days from the date of the email to provide any missing application materials. If you do not respond within the 14-day timeframe, we will consider your application incomplete.
- To qualify for a loan, the water system must be financially viable and able to repay the loan. This assessment is based on financial information the applicant provides as part of the application.
- DOH will execute all contracts.
- We will provide an overview of the DWSRF contract requirements.
- DOH will retain 10 percent of your contract amount until you officially close out the project. After your project closes out, we will release the retained 10 percent.
- You must complete your project within two years of signing a DWSRF contract.
- Annual loan repayments start in October of the first year of loan execution. Borrowers will make loan repayments once per year thereafter in October.

Eligibility Requirements

Eligible Applicants

- Eligible applicants are publicly or privately owned Group A community water systems, as well as not-for-profit non-community water systems. Homeowners' associations must submit copies of their articles of incorporation. Not-for-profit water systems must submit non-profit status documentation.
- Tribally-owned community not-for-profit water systems that are not receiving assistance from the national set-aside for Indian Tribes and Alaska Native Villages under SDWA Section 1452(i). The water system must meet all capacity requirements and the proposed project may not receive Safe Drinking Water Act (SDWA) national set-aside funds.

Ineligible Applicants

- For-profit noncommunity water systems.
- State or federally owned water systems.
- Systems lacking the technical, financial, and managerial capability to ensure compliance, financial health, and loan repayment.

The Lead Service Line Inventory Loan Requirements

- Lead Service Line (LSL) Inventory Loan funding will be in the form of a loan: 2.0 perecent non-refundable service fee, zero percent annual interest rate, and 10-year loan term. LSL Inventories are due to ODW by October 16, 2024, per the Lead and Copper Rule Revisions.
- Subsidy in the form of loan principal forgiveness may be awarded to disadvantaged communities (DAC) per the definition in Appendix F.
- Project must focus primarily on lead service line identification and inventory.
- Must be able to start project within 12 months of contract execution and complete the project within 24 months of contract execution.
- LSL Inventory applications will not be scored. Award is based on first come, first served day stamp in WALT. In the event of a tie, the project with the **lower** full time residential population as shown in DOH Sentry database will be selected for funding.
- Approved and current planning document.
 - Water systems without an approved or current planning document applying for the DWSRF LSL Inventory loans must include planning document preparation in the scope of work.
 - Planning documents are one measure used to assess the financial, managerial, and technical capacity of a water system.
 - Please contact your ODW regional office to determine the appropriate scope of your planning document and to obtain an understanding of the time it takes to go through the review and approval process.
- ▲ A LSL Inventory project will be closed out when we:
 - Receive the LSL Inventory.
 - Receive an approved planning document (if required), submit copy of the approval letter from your regional office.
- System owner must have control of the project site (signed easement or signed agreement) or an agreement that can be executed on receipt of funding for any planned potholing.
- Applicants with an outstanding technical, managerial, or financial audit finding will not be eligible for a loan.
- Potholing, or other ground disturbing activity, may not start until the following occur:
 - You sign your DWSRF contract and return it to us.
 - You follow the bid requirements detailed in publication <u>DWSRF Customer Handbook 331-586 (PDF)</u> for any contractor hired to assist with the inventory development.
 - You consult with DWSRF staff about your required environmental and cultural review, and you receive approval from the Cultural and Environmental Program Specialist to begin construction.
 - It is critical that you talk with DWSRF staff about your project's status and these conditions. Ask for help if you need it.

DWSRF Lead Service Line Inventory Loan Contract Requirements

DOH staff will monitor each DWSRF contract for compliance.

Borrowers must complete all funded projects within two years. EPA requires inventories be submitted to DOH by October 16, 2024.

To help ensure reasonable and timely project completion, accountability and the proper use of funds, applicants must:

- Promptly submit requested materials and documentation, according to any stated deadlines and schedules, during all phases of the application and contract process.
- Issue a Notice to Proceed for inventory contractor within 12 months of contract execution.
- Submit required inventory and planning documents to the ODW regional office.
- Use a competitive bid process for any contracted work (described in the DWSRF Contract Handbook).
- Comply with the federal Davis-Bacon Act (pay prevailing wages). If you receive funding, we will provide information on how to comply.
- Provide required quarterly project progress reports.

If required in your contract, have an independent audit conducted and send the audit report to DOH within 60 days of project completion.

If an unforeseeable event during your contract causes delay in your project, please contact us as soon as possible if you think there may be a delay.

If scope changes cause a significant delay, DOH will reassess and possibly bypass the project.

If you plan to use an alternative public works contract procedure, such as a General Contractor/Construction Manager, you must contact the DWSRF Program for approval.

Loan repayments will occur once per year, starting the first October after loan execution.

Please refer to <u>DWSRF Customer Handbook 331-586 (PDF)</u> for more details.

Eligible Activities and Project Costs for Lead Service Line Inventory Loan

The following activities are eligible for reimbursement if they relate directly to an eligible, funded DWSRF project.

- Preconstruction activities (engineering, design, asset management, planning, legal, financial, environmental and cultural reviews, permitting, and surveying) directly related to the lead service line replacement project.
- Water System Plan or Small Water System Management Program development, updating, or amendments in conjunction with the Lead Service Line Inventory
- Competitive Bidding Costs
- Contracted ground disturbing costs
- Labor costs including salaries and wages at actual or average rates. Administrative and project management labor costs are not eligible unless they apply to the following activities and are no more than 3 percent of the funding amount.
 - Predesign Engineering.
 - Design engineering.
 - Acquiring construction easements for private property construction.
 - Line locating.
 - Labor.
 - Excavation.
- DWSRF Loan Fees.
- Replacement of service meters with lead components, pre-1986 lead ban.

Ineligible Projects

- Projects other than lead service line inventory projects.
- Systems cannot use LSL loan inventory funding to pay for service meters installed after the 1986 lead ban or that do not have lead components.
- If funded for a lead service line inventory only, no funding may go to service line replacement.

Ineligible Activities and Project Costs

- Laboratory fees for monitoring.
- Operation and maintenance expenses.
- Portable generators, tools, vehicles, and other "rolling stock."
- Indirect salaries, wages, and benefits for water system employees whose work falls outside of the scope of project construction.
- Liability insurance.
- Force account labor.

The Lead Service Line Replacement Loan

- LSL Replacement funding will be in the form of a loan: no service fee, 2.25 percent annual interest rate, twp-year time of performance, and 20-year loan term.
- Subsidy in the form of loan principal forgiveness and lower annual interest rate may be awarded to disadvantaged communities (DAC) per the definition in Appendix F.
- All applicants must have an approved Water System Plan (WSP), a Small Water System
 Management Program (SWSMP), or plan amendment by April 28, 2023. The planning document
 demonstrates your financial, technical, and managerial capacity to:
 - Successfully run the water system.
 - Replacement project is ready to proceed.
 - Complete the proposed project.
 - Repay the loan.
 - Attach a copy of the WSP or SWSMP approval letter as part of the application.
- Demonstrating financial health and ability to repay the loan.
- Providing all information as requested in the application.
- Applicants must not have any outstanding audit findings related to technical, managerial, or financial capacity.
- LSL Replacement application scoring is provided in Appendix A. In the event of a tie, the project with the **lower** full time residential population as shown in DOH Sentry database will be selected for funding.
- Must be able to start construction within 12 months of contract execution and complete the project within 24 months of contract execution. If you don't complete your construction competitive bid process within 12 months of contract execution, your funding may be withdrawn.
- Applicants with an outstanding technical, managerial, or financial audit finding will not be eligible for a loan.
- The borrower must receive DOH approval of the related construction documents for LSL replacements. Exemptions for having approved standard plans and specifications are not allowed. The project cannot start construction until the borrower receives DOH approval based

on its review of the 100 percent design plans and specifications to be used for bidding purposes. Acceptable construction documents include:

- Standard specifications
- Standard construction details
- Map of the service lines to be replaced
- Potholing or construction work cannot start until the water system successfully completes both the environmental and cultural reviews.
 - You sign your DWSRF contract and return it to us.
 - You submit any required project report and construction documents to DOH and the regional engineer approves those documents.
 - You follow the bid requirements detailed in publication <u>DWSRF Customer Handbook 331-586 (PDF)</u>.
 - You consult with DWSRF staff about your required environmental and cultural review, and you receive approval from the Cultural and Environmental Program Specialist to begin construction.
 - It is critical that you talk with DWSRF staff about your project's status and these conditions. Ask for help if you need it.
- Projects should focus on residential connections including multi-family, residential care facilities, child daycares, pre-K through 12 schools, and buildings with mix use residential and nonresidential.
- Non-residential properties along water mains where residential service lines are being replaced.
- System owner must have control of the project site during construction (signed easement or signed agreement) or an agreement that can be executed on receipt of funding.
- Project must focus primarily on construction.
- Complete service line replacement is required. No partial replacements. Complete service line replacement (minus low-lead or no-lead service meter) is from the water main connection to the premise piping connection (inside or outside the building).
- An LSL Replacement project will be closed out when we:
 - Determine cultural and environmental deliverables are met.
 - Receive the final approval letter from your regional office which requires they receive
 - A signed affidavit from the contractor that all work was completed as approved.
 - Receive any required as-built drawings.
 - Receive the financial audit report (if required).

DWSRF Lead Service Line Replacement Loan Contract Requirements

DOH staff will monitor each DWSRF contract for compliance.

Borrowers must complete all funded projects within two years.

To help ensure reasonable and timely project completion, accountability and the proper use of funds, applicants must:

- Promptly submit requested materials and documentation, according to any stated deadlines and schedules, during all phases of the application and contract process.
- Issue a Notice to Proceed for construction **within 12 months** of contract execution, provided the environmental and cultural reviews are completed.

- Submit required project reports and construction documents to the ODW regional office.
- Secure a DOH project report and construction document approval before you begin construction. Do not issue a Notice to Proceed to your contractor until we issue the approval to proceed with construction.
- Use a competitive bid process (described in the DWSRF Contract Handbook).
- Comply with the federal Davis-Bacon Act (pay prevailing wages). If you receive funding, we will provide information on how to comply.
- Comply with American Iron and Steel requirements. Refer to Appendix D for more information.
- Provide required quarterly project progress reports.

If required in your contract, have an independent audit conducted and send the audit report to DOH within 60 days of project completion.

Within 60 days of completing your project, have your project engineer fill out <u>Construction</u> Completion Report Form 331-121-F (Word) and send it to DOH.

If an unforeseeable event during your contract causes delay in the construction of your project, we may offer to move your contract from the construction program into our preconstruction program, as funds allow. Please contact us as soon as possible if you think there may be a construction delay.

If scope changes cause a significant delay, DOH will reassess and possibly bypass the project.

If you plan to use an alternative public works contract procedure, such as a General Contractor/Construction Manager, you must contact the DWSRF Program for approval.

Loan repayments will occur once per year, starting the first October after loan execution.

Please refer to DWSRF Customer Handbook 331-586 (PDF) for more details.

Eligible Activities and Project Costs for Lead Service Line Replacement Loan

The following activities are eligible for reimbursement if they relate directly to an eligible, funded DWSRF project.

- Preconstruction activities (engineering, design, legal, financial, environmental and cultural reviews, permitting, and surveying) directly related to the lead service line replacement project.
- Competitive Bidding Costs
- Contracted Construction Costs
- Labor costs including salaries and wages at actual or average rates. Administrative and project management labor costs are not eligible unless they apply to the following activities and are no more than 3 percent of the funding amount.
 - Predesign Engineering.
 - Design engineering.
 - Construction engineering.
 - Acquiring land or rights of way.
 - Acquiring construction easements for private property construction.
 - Line locating.
 - Labor.

- Excavation.
- Disinfection and flushing of connections.
- DWSRF Loan Fees
- Cleaning, sterilizing, or testing water system components to remove contamination before public use. Other direct costs associated with an eligible construction project, including costs for:
 - Materials and supplies.
 - Telephone.
 - Copying, printing, and advertising.
 - Using photography for surveying or mapmaking.
 - Video and photography for project documentation.
 - Computer usage.
 - Vehicle and equipment rental costs.
 - Competitive bidding.
 - Audit costs.
 - Construction insurance costs (not liability insurance).
- Restoration of private property shall not exceed thirty percent of the total project funding.
- Projects must include a 10 percent contingency of the construction costs. Contingency costs cannot exceed twenty percent of the construction costs.

Ineligible Projects

- Projects other than lead service line replacement projects, including new connections or water main extensions.
- Systems may not pay for post 1986 lead ban service meter replacements or installations with LSL loan funding. Service meters predating the 1986 lead ban may be replaced if they have lead components.
- If funded for a lead service line inventory only, no funding may go to service line replacement.

Ineligible Activities and Project Costs

- Laboratory fees for monitoring.
- Operation and maintenance expenses.
- Portable generators, tools, vehicles, and other "rolling stock."
- Indirect salaries, wages, and benefits for water system employees whose work falls outside of the scope of project construction.
- Liability insurance.
- Force account labor.

Project Scoring

All eligible LSL Replacement projects will be scored using the criteria in Appendix A. Points will be awarded based on readiness-to-proceed. Readiness-to-proceed points include:

- Project report or plans and specifications approved by regional office.
- Securing project permits.
- Completing the SEPA and cultural review process.

Having all funding secured for the project.

In the event of a tie, the project with the lower full time residential population as shown in DOH Sentry database will be selected for funding.

Application Evaluation Process for All Applicants

After we receive applications by April 28, 2023, we conduct an initial eligibility review that includes:

- Checking completeness of application, including requested documentation.
- Determining eligibility of applicant.
- Determining eligibility of proposed project.

If we determine applicants or projects are ineligible, we remove the applications from funding consideration and send a letter explaining the reason for the ineligibility determination. You may appeal an ineligibility decision using the appeal process described below.

Appeal Process

When your proposed project does not meet all of the eligibility criteria and system capacity requirements, we disqualify the project from DWSRF funding program consideration. You have ten working days from the date on the disqualification notification letter to send an appeal letter to the Director of the Office of Drinking Water.

The appeal letter should:

- Explain how the applicant's proposed project meets the DWSRF eligibility criteria and requirements.
- Include any supporting documentation.
- Request reconsideration of the application.

The director of the Office of Drinking Water will review the appeal letter and documentation and reevaluate the project in light of any new information. When the director makes a decision about the appeal, we will notify the applicant in writing. The director's decision is final.

Technical Evaluation (Scoring and Ranking)

After the eligibility screening, we will forward eligible applications to our regional staff. They will score and rank the LSL Replacement applications using the scoring criteria system described in Appendix A. LSL Inventory applications will be ranked first come, first served with a focus on small communities and disadvantaged communities.

After we score applications, we rank them from highest to lowest. If projects receive identical scores, we use the smaller full-time residential population (as shown in the DOH Sentry database) served by the proposed projects as a tiebreaker.

Next, we prepare a draft ranked funding list. We distribute available funding to projects receiving the highest scores and move down the list until we exhaust the funding. If funded projects are withdrawn or eliminated, lower scoring projects may move up into funding range. We don't guarantee you will receive funding. We encourage applicants who don't receive funding to reapply in the future or talk with us about other funding sources. All unfunded eligible projects will be considered for funding in the DWSRF 2024 Lead Service Line funding cycle (applications accepted April 1 to April 30, 2024).

Financial and Capacity Review

DWSRF staff does a financial review of each applicant/project within the funding range. If we ask you to provide additional information, you must respond within 14 calendar days. Otherwise, we may withdraw your project from funding consideration.

DWSRF staff will require nonmunicipal applicants to provide:

- Copies of the borrower's tax returns for the past three years.
- Balance sheet statement for the past three years.
- Three professional or business references.

All applicants must provide the following information to be considered for funding:

- All technical, managerial, and financial information requested in the application.
- Copy of the meeting minutes where the board or council approved the water system to apply for a DWSRF loan.
- Documentation, such as meeting minutes, for existing water rates and information on proposed water rates with the DWSRF loan.

Bypass Process

If we request additional information to process your application or contract, you must respond within 14 calendar days or we will bypass your project.

If a DOH review demonstrates an applicant cannot repay a loan, or the project is not ready to proceed, we may bypass or remove the applicant or project from funding consideration. We will notify you if we bypass your project. If you don't agree with the bypass determination, you may request a DOH review by the Office of Drinking Water Director. If we bypass you, we will offer you technical assistance so you can reapply for funding in the future or identify other funding opportunities.

Project Implementation

After DOH approves the final recommended funding list, our staff will work with you to execute a contract. Contracts will be executed after we finalize your scope of work in May 2023.

To finalize your contract, we will mail the contract to you; and you must sign the contract and return it to us within 60 days of the postmark date. You will receive training from DWSRF staff on how to comply with the contract requirements.

You must have the following before beginning ground disturbing work.

- Completion of the required environmental and cultural review (see below).
- Written approval from your ODW regional engineer for any required project report and 100 percent design plans and specifications to be used for bidding purposes.
- Bid package reviewed by DWSRF staff.

Environmental and Cultural Reviews

DOH is the primacy agency for the DWSRF Program. As such, we ensure projects comply with the State Environmental Review Process (SERP) and the National Historic Preservation Act (NHPA) requirements.

Although environmental and cultural reviews are two distinct processes, we coordinate both reviews as much as possible.

Please note: Projects cannot move forward with **any** construction activities until both processes (environmental and cultural reviews) are complete and DOH issues a final completion letter. This includes any ground disturbing activities including geotechnical work, test wells, and potholing. The DOH Cultural and Environmental Program Specialist must approve any exceptions.

Environmental Review

The SERP is the EPA-approved environmental review process implemented in lieu of the federal National Environmental Policy Act (NEPA). The SERP review includes completing the Washington State Environmental Policy Act (SEPA) process. Following is the environmental review process for DWSRF projects.

- The lead agency must make a SEPA determination and post it for public review and comment for no less than 14 days. Public comment may be posted to the SEPA register and the local newspaper serving the project area.
- The SEPA determination, supporting documentation, and proof of publication must be sent to the DOH Cultural and Environmental Program Specialist.
- Environmental impact statements, prepared by the lead agency must be posted pursuant to WAC 197-11.
- If the lead agency has determined the project is SEPA-exempt, the exempt determination must complete a 30-day public comment period. The publication can run concurrent with the cultural review public comment period.
- Any comments received during a public comment period and subsequent responses the lead agency provides are to be provided to the DWSRF Program.

SERP identifies and analyzes potential impacts a project might have on the environment when the project will affect or is located near:

- Known habitat of endangered species.
- Contaminated soils.
- A body of water.
- Environmental sensitive area (e.g., wetlands, shorelines).
- Historic or culturally significant properties.

We encourage you to start on the project permit process, including the SEPA checklist, as soon as possible. NEPA may be substituted for SEPA. Contact the DOH Cultural and Environmental Program Specialist for information on requirements and/or substitutions.

Nonmunicipalities should contact their county planning agency to review and approve SEPA documentation.

Municipalities receiving DWSRF funding that are considered **a SEPA lead agency** are required to submit all documentation (EIS, DNS, SEPA Exemption Notice, etc.) to DOH for approval. Water systems must complete a public comment period for all projects to be Categorically Exempted.

Environmental Review Timetable			
Activity	Responsibility	Timeframe	
Submit copies of determination, documentation, and proof of publication	Borrower	As soon as possible	

Review determination, documentation, and proof of publication	DOH	Generally 15 days after receipt
Issue completion notification concurrent with completion of cultural review.	DOH	15 days

Cultural Review

All projects must complete the National Historic Preservation Act (NHPA) requirements. The cultural review must consider the effects of the project's undertaking and potential impact on cultural resources. All construction projects must also have a DOH-approved inadvertent discovery plan in effect for all construction activities. Effects may occur when:

- 1. Ground disturbing activities occur in or near sensitive areas.
- 2. The undertaking will affect, or is located near:
 - Native American lands.
 - Historic structures.
 - Cultural resources.

A government-to-government relationship is an important part of the Section 106 cultural review process (36 CFR 800). Therefore, DOH:

- Is the lead for the cultural review to meet Section 106 of the NHPA and determines which consultation requirements apply to your project's undertaking.
- Initiates the cultural review after the DWSRF project scope of work is finalized.
- Contacts the tribes, Washington State Department of Archaeology and Historic Preservation (DAHP), and other interested parties to begin consultation.

As part of the process, we may request supplementary information, such as construction drawings, plans, publications, or other previously approved compliance documentation. Active participation is essential for the processes to continue efficiently. Requested information not forwarded in a timely manner will delay the process.

If a Cultural Resources Survey is necessary, we will notify you as soon as possible. You are responsible for hiring a professional that meets the Secretary of Interior professional standards (36 CFR Part 61) to conduct the survey. Submit a draft survey to us for final approval. Surveys must meet the Department of Archaeology and Historic Preservation cultural resources reporting standards. After the survey is approved, we will distribute the survey to consulting parties for comment. The archeological information is confidential and not for general distribution. Archaeological records are exempt from public disclosure requests (RCW 42.56.300).

For projects receiving additional state or federal funding, a more stringent cultural review process may be followed. You must notify us of any additional funding the project received, along with the necessary compliance documentation. We will coordinate with other identified funding agencies. Documentation more than five years old may not be valid.

For projects that are unsure of the location of potential LSLs and are using funding to pothole for verification, a phased cultural review may be implemented. The phased cultural review will separate the locating of LSL and the replacement of LSL into two separate phases that both will undergo consultation.

To ensure your cultural review is not delayed:

- ◆ The EZ-1 Form is available on our website.
- The EZ-1 Form must include a United States Geological Survey (USGS) quadrangle map (7.5-minute series) with your project clearly identified on the map (see below).
- Make sure your project location is clearly identified.
- Make sure your project description is detailed enough.
- Make sure the Township, Range, and Section information is correct.

Submitting the Project Review Sheet (EZ-1 Form) **only initiates** the cultural review. There are additional steps required. (See Appendix C.) The quad map required on the EZ-1 Form must clearly identify the project area. You must outline and label the entire project area. The table below is an example.

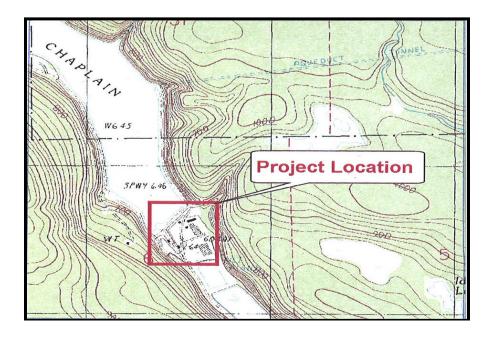
Cultural Review Timetable			
Activity	Responsibility	Timeframe	
Receive notice of DWSRF loan award and finalize scope of work	DOH	Starting Point	
 Evaluate project Research project area Identify Area of Potential Effect (APE) 	DOH	Ongoing	
Make determination ■ "No Historic Properties Affected" -OR-	DOH	Ongoing (1)	
 "Area of Potential Effect" 1. Complete survey and/or monitoring plan 2. Additional consultation with DAHP and tribes 	Borrower DOH	3 to 6 months 6 to 18 months (2)	
Consultation and agreement	DOH	30+ days	
 Public comment period Publish final NHPA determination and Notice of Intent to Release Funds 	Borrower	30 days	
Issue completion notification concurrent with completion of environmental review	DOH	15 days	

Note: A revised project scope or other relative information may result in another review. The timeframe depends on the significance of cultural or historic resources in vicinity of the project area, potential effects to the resources, and time to reach agreement with consulting parties.

Phased Cultural Review Timetable		
Activity	Responsibility	Timeframe
Receive notice of DWSRF loan award and finalize scope of work	DOH	Starting Point
 Evaluate project Research project area Identify Area of Potential Effect (APE) 	DOH	Ongoing
Make Phase 1 determination • "No Historic Properties Affected" -OR-	DOH	Ongoing (1)
"Area of Potential Effect"	Borrower	3 to 6 months
3. Complete survey and/or monitoring plan4. Additional consultation with DAHP and tribes	DOH	6 to 18 months (2)
Consultation and agreement	DOH	30+ days
Begin LSL location investigation	Borrower	Ongoing
Submit updated project location and scope	Borrower	Ongoing
Evaluate projectUpdate Area of Potential Effect (APE)	DOH	14 days
Make Phase 2 determination • "No Historic Properties Affected" -OR-	DOH	Ongoing (1)
Area of Potential Effect"5. Complete survey and/or monitoring plan	Borrower	3 to 6 months
6. Additional consultation with DAHP and tribes	DOH	6 to 18 months (2)
Consultation and agreement	DOH	30+ days
 Public comment period Publish final NHPA determination and Notice of Intent to Release Funds 	Borrower	30 days
Issue completion notification concurrent with completion of environmental review	DOH	16 days

You are required to confirm or update the EZ1 form after the project is approved for funding. Additional drawings and maps may be required to accurately reflect the project pictorially. We will identify the Area of Potential Effect (APE) based on the project's undertaking.

We require additional information if any structures will be demolished or historic structures modified as a result of the project's undertaking. We will evaluate these structures for eligibility for inclusion in the National Register based on the NHPA criteria identified in the Secretary of Interior's standards for historic properties. We will inventory and evaluate all properties using the DAHP Historic Property Inventory procedures.



Changes in the Scope of Work: Potential Second Reviews

If a scope of work change includes any of the following, an additional environmental review and/or cultural review may be required.

- Increasing or changing the APE.
- Excavating at a deeper depth.
- Adding new elements to the project activities.
- Increasing the pipe size.

The borrower must contact and forward a revised EZ-1 Form to the DOH Cultural and Environmental Program Specialist to initiate a re-evaluation of the environmental and cultural requirements. Construction activities for the revised scope of work are not allowed until we determine whether all elements of the environmental and cultural requirements for the proposed change are completed and a contract amendment has been fully executed.

APPENDIX A: Project Scoring Procedures

We score all eligible LSL Replacement applications on readiness to proceed.

Readiness to Proceed

Readiness to proceed is a critical part of the construction process. You are truly shovel ready when everything required is in hand. This helps keep our revolving fund program a success. You will provide this information in the application.

Note: Applicants who indicate the items below are "underway or completed" must provide documentation as part of the application process in order to receive points.

Readiness to Proceed	Points
Construction and/or bid documents complete	2
ODW regional office staff must approve your completed construction and/or bid documents.	_
Permit status	2
You must have appropriate permits in place to begin construction.	۷
Private property access	
You must have agreements from each property owner that has agreed to have the service line	4
replaced.	
Status of SEPA/NEPA	
Completion of SEPA/NEPA includes issuing a final determination and publishing the	4
determination for the proposed project. Full completion receives full allowable points. In-	4
process status will receive partial points.	
Status of cultural review	
Completion of the Cultural Review includes a final determination made and published based	
on the National Historic Preservation Act (NHPA) requirements. Full completion receives full	4
allowable points. Determinations made under Washington State Executive Order 05-05 and	
projects part way through the NHPA process will receive partial points.	

In the event of a tie, the project with the lower full time residential population as shown in DOH Sentry database will be selected for funding.

APPENDIX B: Federal Crosscutters, State Laws, and Related Publications

Related Publications

<u>Small Water System Management Program Guide 331-134 (PDF)</u> <u>Water System Planning Handbook 331-068 (PDF)</u>

Environmental Authorities

Archaeological & Historic Preservation Act of 1974, Pub. L. 86-523, as amended

Clean Air Act, Pub. L. 84-159, as amended

Coastal Barrier Resources Act, Pub. L. 92-583, as amended

Endangered Species Act, Pub. L. 93-205, as amended

Environmental Justice, Executive Order 12898

Native American Graves Protection and Repatriation Act, Pub. L. 101-601, as amended

Floodplain Management Executive Order 11934, as amended by Executive Order 12148

Protection of Wetland, Executive Order 11990

Farmland Protection Policy Act, Pub. L. 97-98

Fish & Wildlife Coordination Act, Pub. L. 85-624, as amended

National Historic Preservation Act of 1966, Pub L. 89-665, as amended

National Environmental Policy Act (NEPA), Pub. L. 91-190, as amended

Safe Drinking Water Act, Pub. L. 93-523, as amended

Wild & Scenic Rivers Act, Pub. L. 90-542, as amended

Social Policy Authorities

Age Discrimination Act of 1975, Pub. L. 94-135

Title VI of Civil Rights Act of 1964, Pub. L. 88-135

Section 13 of the Federal Water Pollution Control Act Amendments of 1972, Pub. L. 92-500 (Clean Water Act)

Section 504 of the Rehabilitation Act of 1973, Pub. L. 93-112 (including Executive Orders 11914 and 11250)

Equal Employment Opportunity, Executive Order 11246

Women's and Minority Business Enterprise, Executive Orders 11625, 12138, and 12432

Section 129 of the Small Business Administration Reauthorization and Amendment Act of 1988, Pub. L. 100-590

Anti-Lobbying Provision (40 CFR Part 30) applies only to capitalization grant recipients

Economic and Miscellaneous Authorities

Davis-Bacon Act (federal prevailing wage requirements) U.S. Code title 40, subtitle II, part A, chapter 31, subchapter IV; and 29 CFR 5.5 (U.S. Dept. of Labor regulations)

Demonstration Cities & Metropolitan Development Act of 1966, Pub. L. 89-754, as amended, Executive Order 12372

Procurement Prohibitions under Section 306 of the Clean Air Act and Section 508 of the Clean Water Act, including Executive Order 11738, Administration of the Clean Air Act and the Federal Water Pollution Control Act with Respect to Federal Contracts, Grants, or Loans

Uniform Relocation & Real Property Acquisition Policies Act, Pub. L. 91-646, as amended Debarment & Suspension, Executive Order 12549

State Laws

Governor's Executive Order 05-05, Archaeological and Cultural Resources

Chapter 25.48 WAC, Archaeological Excavation and Removal Permit

Chapter 27.44 RCW, Indian Graves and Records

Chapter 27.53 RCW, Archaeological Sites and Resources

Chapter 36.70A RCW, Growth Management Act (GMA)

Chapter 39.80 RCW, Contracts for Architectural & Engineering Services

Chapter 42.56.300 RCW, Public Records Act, Archaeological Sites

Chapter 43.20 RCW, State Board of Health

Chapter 43.70 RCW, Department of Health

Chapter 70.116 RCW, Public Water Systems Coordination Act of 1977

Chapter 70.119 RCW, Public Water Supply Systems Certification & Regulation of Operations

Chapter 70-119A RCW, Public Water Systems, Penalties & Compliance

Chapter 173-160 WAC, Minimum Standards for Construction & Maintenance of Wells

Chapter 197-11 WAC and Chapter 43.21C RCW, State Environmental Policy Act (SEPA)

Chapter 246-290 WAC, Group A Public Water Systems

Federal CFR Title 40 Part 131, [Federal National Primary Drinking Water Regulations]-Section Adopted by Reference

Chapter 246-291 WAC, Group B Public Water Systems

Chapter 246-292 WAC, Waterworks Operator Certification Regulations

Chapter 246-293 WAC, Water System Coordination Act

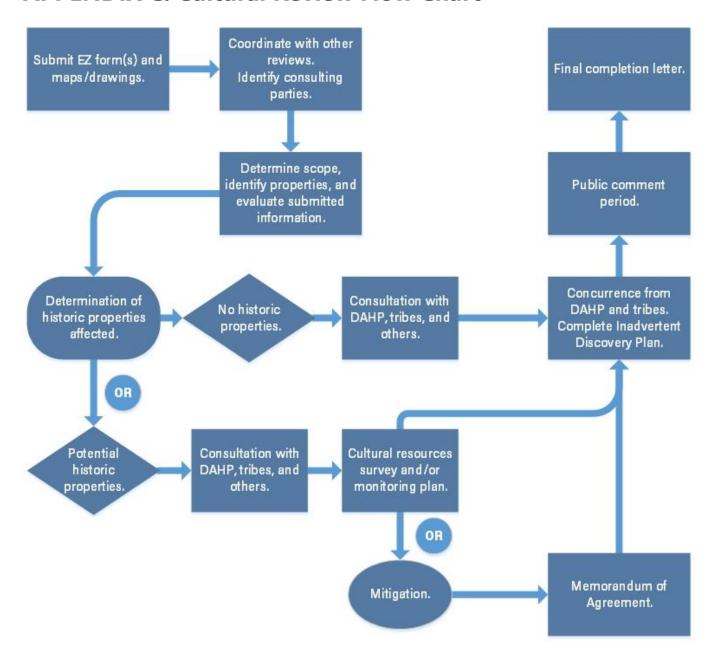
Chapter 246-294 WAC, Drinking Water Operating Permits

Chapter 246-295 WAC, Satellite System Management Agencies

Chapter 246-296 WAC, Drinking Water State Revolving Fund (and amended WSR 23-05-069 Emergency Rule for DWSRF)

Title 173, Department of Ecology Rules

APPENDIX C: Cultural Review Flow Chart



APPENDIX D: Build America, Buy America

DWSRF construction projects must comply with the Build America, Buy America (BABA) provisions. Projects designed prior to May 14, 2022, may be exempt. All projects must comply with the American Iron and Steel provisions. Visit the EPA website for more information on the BABA requirements and the waiver process.

If you have additional questions on these requirements, please email <u>Mike Copeland</u> or call 360-236-3083.

APPENDIX E: Lead Service Line Inventory

An acceptable LSL Inventory example is the **EPA inventory template**.

Required elements of the Lead Service Line Inventory are below, if the template is not used.

Public Water System Information

- Water System Name and ID Number
- Population served
- Number of service connections
- Water System Type Community, Non-community Non-transient (NTNC), or Transient Noncommunity (TNC)
- If a community water system, do multi-family residences comprise at least 20 percent of the structures you serve? □ Yes □ No
- Mailing Address
- Water System Contact name of person, title, phone number, and e-mail address
- Person who prepared the inventory, if different from Water System Contact name of person, title or affiliation, phone number, and e-mail address.

Inventory Methodology

- Identify the type of record used to develop the inventory, describe the records reviewed, indicate the level of confidence (low, medium, or high) you have in the record.
- Record Types
 - Previous materials evaluation
 - o Construction records and plumbing codes at the time of construction or replacement
 - Water system records capital improvement plans, standard specifications, standard operating procedures.
 - Distribution system inspections and records distribution maps, service meter installation records, service line repair/replacement records.
 - Additional records required by the state of Washington.
 - Other records.
- Identify the normal operating activities during which you collect service line material information:
 - Water meter reading
 - Water meter repair or replacement
 - Service line repair or replacement
 - Water main repair or replacement
 - Backflow prevention assembly inspection
 - Other, explain
- Identify any new or revised standard operating procedures to collect service line material information during normal operations.
- Identify the service line investigation methods used to develop the inventory.
 - Visual inspection at the meter
 - Customer serlf-identification
 - CCTV inspection at the curb box external or internal
 - Water quality sampling
 - Targeted
 - Flushed

- Sequential
- Other
- Mechanical excavation (potholing)
- Vacuum excavation (potholing with vacuum truck)
- o Predictive modeling describe the model and inputs used
- Other, explain and must be approved by ODW
- Explain how you prioritized locations for service line materials. Did you consider environmental justice or sensitive populations? Did you use predictive modeling? Did you target areas with high number of unknown material?

Inventory Summary

- Identify who typically owns service lines in your water system
 - Water system owns entire service line
 - Customer or property owner owns entire service line
 - o Ownership is split between the water system and the customer or property owner
 - Other, explain
- Describe any documentation that defines service line ownership such as policies and local ordinance. Describe where ownership is split.
- Describe when lead service lines were generally installed in your water system.
- When were lead service lines banned in your water system? Reference state and local ordinance that banned the use of lead in your system.
- ♦ Do you have lead goosenecks, pigtails, or connections in your system yes, no, don't know
- Identify the overall confidence in the inventory low, medium, or high
- Describe the inventory format detailed worksheet, customized spreadsheet, GIS map, specific program. If available online, provide the web address.
- Provide a summary table of your service lines that includes
 - Number of lead service lines or service lines with lead connectors
 - Number of galvanized service lines requiring replacement (GRR) galvanized service line that may have been downstream of lead service line or lead connectors
 - Number of service lines that are known to NOT be lead or GRR
 - Number of service lines with unknown lead or GRR status
 - Total number of service lines

Service Line Inventory

- Unique Service Line ID
- Location identifier street address or other location identifier
- ♦ Identified as a sensitive population yes or no
- Identified as a disadvantaged neighborhood under the state Disadvantaged Community definition in the WAC or Lead Service Line Loan Program Guidelines – yes or no
- System-owned portion of service line
 - Material classification of system-owned portion
 - Confirmation if service line was ever previously lead
 - Service line installation date
 - Service line diameter
 - Basis of material classification
 - Confirmation of any field verification verification method and date
- Customer-owned portion of service line
 - Material classification of customer owned portion

- Service line installation date
- Service line diameter
- Basis of material classification
- Confirmation of any field verification verification method and date
- Material classification of the entire service line
- Confirmation of any lead connector
- Confirmation of any lead solder
- Description of any fittings or equipment that contain lead
- Building type
 - Single family residence
 - Multifamily residence
 - Commercial building
 - Other
- Point-of-Entry or Point-of-Use treatment present yes, no, or unknown
- Copper pipes with lead solder installed inside the building installed before the lead ban in Washington State yes, no, unknown
- Current Lead and Copper Rule compliance sampling site yes or no
- Date of service line replacement
 - System-owned
 - Customer-owned

Public Accessibility Documentation

- The location identifiers used for the service line inventory
 - Address
 - Street
 - Block
 - Intersection
 - Landmark
 - GPS coordination
 - Other, explain
- Does every service line have a location identifier? If no, explain.
- Identify how the inventory is publicly accessible. Water systems serving more than 50,000 people **MUST** provide the inventory online.
 - Interactive online map
 - Static online map
 - Online spreadsheet
 - Printed service line map
 - Printed tabular data
 - Information on water utility mailings or newsletter
 - Hard copy information available at the water system office
 - Other, explain

APPENDIX F: Disadvantaged Community Definition

EMERGENCY RULE WAC 246-296-020(9):

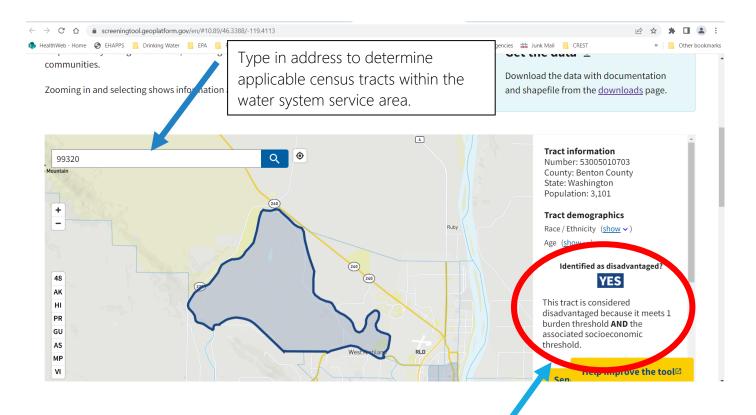
- (9) "**Disadvantaged community**" means the service area of a proposed project within a public water system and the water system:
 - (a) Serves less than 3,300 people, and
 - (i) Is identified as a disadvantaged community on The United States Environmental Protection Agency Environmental Climate and Economic Justice Screening Tool; or
 - (ii) Is in a geographic area where a combined Household burden indicator and poverty prevalence indicator that results in a moderate-high burden or above; OR
 - (b) The service area is located in a rural county defined by the Office of Financial Management, and
 - (i) Is identified as a disadvantaged community on The United States Environmental Protection Agency Environmental Climate and Economic Justice Screening Tool; or
 - (ii) Is in a geographic area where a combined Household burden indicator and poverty prevalence indicator that results in a moderate-high burden or above.
- (20) "**Household burden indicator**" means the total combined annual basic drinking water, wastewater, and storm water cost as a percent of the upper limit of the lowest 20th percentile household income.
- (31) "**Poverty prevalence indicator**" is the result of the service area population below 200 percent of the federal poverty limit divided by the population for whom poverty status is determined.

USEPA CLIMATE AND ECONOMIC JUSTICE SCREENING TOOL

The United States Environmental Protection Agency Environmental <u>Climate and Economic Justice</u> <u>Screening Tool</u> (CEJST) uses 2010 census tracts. If a community is located in a census tract that meets the threshold for at least one of the tool's categories of burden, or if they are on land within the boundaries of of Federally Recognized Tribes, the community will be considered disadvantaged. Census tracts that are surrounded by tracts identified as disadvantaged and meet an adjusted low income threshold are considered disadvantaged.

Water systems can determine if their service area may include disadvantaged communities (DAC) by typing in an address into the CEJST.

ODW will determine if a water system is disadvantaged as part of the underwriting process so status as a DAC may change.



Census Tract will be identified as disadvantaged or not disadvantaged.